

# == NOTICE OF MEETING ==

## BOARD OF ALDERMEN

*Regular Meeting – Tuesday, August 11, 2020 – 6:00 p.m.*  
Council Chambers – Branson City Hall – 110 W. Maddux

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### AGENDA

#### CALL TO ORDER

#### PLEDGE OF ALLEGIANCE

#### INVOCATION:

- Ted Martin

#### ROLL CALL

#### PUBLIC COMMENT:

To speak during public comment, please sign the speaker sign-up sheet located at the front door of the council chambers prior to the start of the meeting.

#### CONSENT AGENDA:

- 1) **Approval of Board of Aldermen Minutes:**
  - a) July 16, 2020 Special Meeting
  - b) July 28, 2020 Special Meeting
  - c) July 28, 2020 Regular Meeting
- 2) **Acknowledge Receipt of Minutes:**
  - a) Budget & Finance and Capital Improvement Committee joint meeting of June 25, 2020
  - b) Budget & Finance and Capital Improvement Committee joint meeting of July 10, 2020
- 3) **Final Reading of Bill No. 5838 approving the Intergovernmental Cooperative Agreement between the City of Branson Police Department and the Pulaski County, Missouri Sheriff's Office pertaining to the donation of Digital Ally in-car camera equipment and authorizing the Mayor to execute the contract.**
- 4) **Final Reading of Bill No. 5839 amending Chapter 94 of the Branson Municipal Code pertaining to Zoning.**
- 5) **Final Reading of Bill No. 5840 approving Medium Density Residential (MDR) and Neighborhood Commercial (NC) Zoning for the properties located at 3855 Fall Creek Road.**
- 6) **Final Reading of Bill No. 5841 approving High Density Residential (HDR) Zoning for the property located at 135 Lake Front Drive.**

- 7) **Final Reading of Bill No. 5842 approving High Density Residential (HDR) Zoning for the property located at 150 Gunner Hill Lane.**

**REGULAR:**

- 8) **Public Hearing and First Reading Bill No. 5843 establishing the Annual Levy of a property tax for General Revenue in the City of Branson, Missouri, a City of the Fourth Class.**
- 9) **First Reading Bill No. 5844 approving the renewal of the contract with ResourceX for access to Online Fiscal Health and Priority-Based Budgeting Computer Applications.**
- 10) **First Reading Bill No. 5845 amending Section 2-354 and 2-355 of the Branson Municipal Code pertaining to Notice inviting bids and Bid opening procedure.**
- 11) **First Reading Bill No. 5846 approving the contract for the expenditure from the City's Tourism Tax Contingency Fund to the Branson Chamber of Commerce and Convention & Visitors Bureau and authorizing the Mayor to execute the contract.**
- 12) **First Reading Bill No. 5847 accepting the terms of an agreement with current member cities of the Tri-Lakes Regional Biosolids Coalition to form the Tri-Lakes Biosolids Joint Municipal Utility Commission and authorizing the Mayor to execute the contract.**
- 13) **First Reading Bill No. 5848 approving the Employee Wellness Plan for City of Branson Employees to complete in 2021 for tier determination for discounted medical insurance in 2022.**
- 14) **First Reading Bill No. 5849 amending Chapter 86 Section 123 of the Branson Municipal Code pertaining to Helmet requirement while operating a motorized bicycle.**
- 15) **First Reading Bill No. 5850 amending Chapter 58 Section 125 of the Branson Municipal Code pertaining to Prescriptions for methamphetamine precursor drugs.**
- 16) **First Reading Bill No. 5851 amending Chapter 78 Section 219 of the Branson Municipal Code pertaining to Sunset clause of small wireless facilities.**

**DISBURSEMENTS:**

- 17) **Disbursements.**

**REPORTS**

**ADJOURN**

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Lisa Westfall, City Clerk, 417-337-8522

# MINUTES

SPECIAL MEETING OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI  
July 16, 2020

## INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri met for a special meeting in the Council Chambers of the Branson City Hall on July 16, 2020, at 2:00 p.m.

## ROLL CALL

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

## REGULAR AGENDA

**BILL NO. 5837**  
**POSTPONED**

**Amending Chapter 58 of the Branson Municipal Code pertaining to face coverings, public spaces and the spread of communicable diseases.**

First Reading of Bill No. 5837, an ordinance amending Chapter 58 of the Branson Municipal Code pertaining to face coverings, public spaces and the spread of communicable diseases was read by title by City Clerk Lisa Westfall and a staff report was presented by City Attorney Chris Lebeck, Police Chief Jeff Matthews, Dr. Shawn Usery and William Mahoney, President of Cox Medical Center Branson. Discussion. Mayor Akers asked for a motion approving Bill No. 5837. Alderman Skains so moved, seconded by Alderman Seay. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter.

**Alderman Skains left the meeting at 3:26 p.m. and returned at 3:27 p.m.**

Warren Hunter, introduced himself as a pastor of a church in Hollister, Missouri, who lives in Branson. He's originally from South Africa and came to America in 1982, attended Oral Roberts University, has a Master's Degree in Biochemistry and worked with virology in Oklahoma City. He mentioned he used to take the foreskins of babies and inject them to stimulate T cells to basically stimulate immunotherapy. Mr. Hunter wrote a 200 page paper in 1988 on interferon and immunotherapy and worked with a professor who was the head of the American Chemical Society. He explained he's trying to give the Board some of his qualifications and mentioned having also worked for the Occupational Safety and Health Administration (OSHA) and visited contaminated facilities where he had to wear a space suit with a huge mask and cartridges that were changed every day. He referred to the mask he's currently wearing and said it's impossible for it or something like it to stop a virus or a person from breathing it in. Mr. Hunter explained one of his friends, Dr. Steven Katsis, Chairman of the Board of Directors for St. Francis Hospital, had cut out the world's biggest cancer tumor about 10 years ago and is in the Guinness Book of World Records for doing so and his sister is the head of a virology lab in New York and has worked with coronavirus for over 20 years. He'd like to address a couple of things as it seems people are swimming in a cesspool of ignorance and he mentioned he's traveled around the world for 35 years as a minister and has been to 50 countries. In South Africa, most people understand medical technology as South Africa has invented about 80% of the medical equipment there is today and its been the leading nation when it comes to medical technology and South Africa is already working on nanotechnology and robots going through the heart. When he came to America, he had to be put in advanced classes since America was so far behind on

education. Mr. Hunter reported the first thing South Africa did with coronavirus was doctors stopped the sale of cigarettes and alcohol. He feels it's interesting the first thing a nation so high in technology did was stop smoking and he doesn't know why this isn't discussed in America. When speaking with his friend Dr. Katsis three weeks ago, he reported in one of the wings of St. Francis Hospital there were 20 coronavirus patients all on breathing machines and respirators and the common factor was all of the 20 patients were long-term smokers. He discussed this with his sister who's the head of a virology lab in New York and she wouldn't go live with him over fears of getting fired. She told him the CDC came out with regulations pertaining to looking at the virus under a microscope in which they increased the number of zeros from 001 to 00001, so when the virus is found it's sometimes unrecognizable. He added, the coronavirus has been around for 20 years and she's convinced this has biologically been adapted. Another thing she told him that he found very interesting is after the tests are done the swabs are taken to the lab to do virology testing and about 85% of tests show they've possibly have had the virus. With the CDC guideline it can't be identified and is put down as presumptively positive when the person could have had it five years ago. He reported New York is showing most of the people tested must have had it and she told him people in America have had it almost six months ago. He questioned why the medical field is saying something now when it's taken them six months to consider the past and the journey of the coronavirus and talk to virologists. He asked where the educated people making correct decisions are and reiterated the CDC guidelines have made it harder when looking at it under a microscope. His sister believes if everyone in America were to get tested today, half of America would show they've already had the coronavirus and the scale would go up millions in a day. He mentioned the other thing being talked about is immunity and he said he has six kids and two grandchildren. All of his kids and grandkids were delivered at home and have never had vaccinations or shots, with the exception of one of his children who had a shot once. He recalled after receiving the shot his child was very sick for two weeks and he wondered how this could happen. His personal conviction is to not even allow it, and scripturally speaking there's something called the laying on of hands and baptism and a minister is supposed to pray for the sick. He respects social distancing and puts his mask on because he doesn't want someone elderly to get it, but he doesn't think this should be forced in certain places which the Board has to consider very carefully because everybody's in a different place. His real challenge is with the medical people getting up here, trying to convince everyone it's an emergency right now, while his sister says half of America has had this last year and some who have tested it's been in their blood stream for 20 years. He thinks the knowledge, statistics, Centers for Disease Control (CDC) and even Dr. Anthony Fauci are still on a learning curve and he knows this from doing virology himself. People are making judgements not really knowing all the information and he asked the Board to consider all the factors before making these decisions. He mentioned seeing Dr. Munshi, a local respiratory therapist, two years ago when he was flying back and forth from to South Africa. He recalled it was about six weeks of going back and forth from here to Africa around Christmas time, between 110 degree temperatures to freezing temperatures and he was struggling to breath. Dr. Munshi looked at his lungs and told him his lungs weren't used to going back and forth from the cold and hot and were having trouble adjusting, so he gave him an inhaler. Mr. Hunter explained the other day he had his face covering on and was really struggling to breathe and his doctor told him there's nothing he could really do about it except go home and practice breathing through it. After a while his lungs would get used to it kind of like working out in a gym they would adapt, but that's not the case with every person. He mentioned while doing his Masters Degree in biochemistry, one of the things he studied was synthesis and the affect contact lenses had on the eyes. He reported if kids experience fear or a traumatic experience, they would go to the doctor because they couldn't see clearly and were given glasses. Eventually they'd be wearing glasses all the time, so an experiment was done on about 100 kids who had their glasses taken off for the summer and by the end of the summer most of the kids never wore glasses again. He made the comparison if people start walking around with a respirator all the time, how will their lungs adjust after several months and how would their lungs recover. He referred to the glasses example and said if glasses are put on a kid, they're going to have glasses the rest of their lives, but if the glasses are taken off, their eyes are able to recover. He doesn't know if the medical community thinks about some of these things or ask why South Africa would say no smoking. He reported South Africa has some of the best recoveries right now and just yesterday the news reported people are in rehab getting free from smoking, their lungs are improving and they're recovering quicker.

Brian Seitz, 1805 Miller Drive, Branson, Missouri, introduced himself as a candidate for state representative and he's here today because he and thousands of citizens think the Board is about to make a grievous mistake if it passes a mask ordinance. He expressed concerns it will cripple the economy, restrict individual liberties and freedoms and would be an unjust government mandate making criminals out of individuals and businesses who refuse to comply. He believes this cannot happen and said he's not anti-mask, though the science behind the effectiveness of wearing a mask is widely debated and the act could be detrimental to the wearer. He supports the freedom to choose and does not support a government mandate requiring masks to be worn as it's an overreach of City power and an infringement on the freedoms of individual citizens. He feels Branson businesses and individuals have done a great job protecting both locals and visitors through various health and safety precautions instituted in their businesses and he applauds their ability to confront this threat head-on. What he and a multitude of others cannot accept is a government-mandated overreach that threatens fines for individuals and businesses and restricts liberty. Mr. Seitz commented, if a person wants to wear a mask they have that freedom and if a business wants to require masks while on their property, they have that freedom. If an individual or business does not want to wear or require masks, it's not the Board's or anyone else's business. The government exists to secure and safeguard freedom, not repress it through fear mongering or coercion. He's here to speak on behalf of the mask-less, those who feel marginalized and threatened by what is being proposed and those who want the Board to know that enough is enough. Currently, many are being made to wear masks at work by their employers and it's the employers' right to set that policy. However, when people get off of work to go shop, relax, visit friends or just enjoy some downtime, they do not want government bosses telling them to wear a mask and they want the freedom to make their own decisions. Visitors have also been speaking out against mask mandates and a Marine Veteran who reached out to him told him he was denied entry into multiple local stores due to not wearing a mask. This individual has severe PTSD and could not wear a mask, but that was not taken into account. Mr. Seitz said as a veteran himself, he finds this appalling. One business owner told him they stood to lose another \$100,000 after having previously lost income due to the shut-down. Customers have stated that they will not come back to Branson if they are not free to decide for themselves whether or not to wear a mask. Mandating mask-wearing in the City today sacrifices the success of tomorrow, because once some of these businesses shut down, it will be for good. He asked the Board not to make that decision for these individuals by passing this mandate because he believes they should continue setting their own policies and be in control of their own success or failure. The lifeblood of Branson comes from attracting people, not repelling them and he reported the City of Springfield passed a comparable mandate earlier this week and has already seen sizable backlash from people refusing to visit the City. Locals even vowed to do their grocery shopping in the surrounding communities without masks and he feels Branson will see the same, only once tourists go elsewhere and shows are forced to close due to lack of vital income, that's it and things will never be the same. He feels this mask mandate is practically unenforceable and is being driven by fear, plain and simple. He mentioned hearing City Attorney Chris Lebeck speaking about forced vaccinations, a police state, people showing their papers and putting up signage. He asked if people would have to wear a yellow star and feels this is absolutely ridiculous since this is America. Nationwide the liberal news media hammers home the narrative of the unmasked being the enemy, unless of course they're protesting. He recalled prior to the election many members of this Board used buzz words such as constitution, liberty and self-determination while voting down mask wearing and he asked the Board to remember those words again today. He reported only 0.21% of the citizens of Taney County have contracted this virus and he referenced the staff report given by the Emergency Management Director that mentions a 946% increase in positive cases. Mr. Seitz explained big numbers are scary and fear is the ultimate sales tactic. He speaks for the people when he says no to mandated mask-wearing and government overreach and he reminded the Board they're not masters, but public servants elected to secure people's freedom, not deny it. He urged them not to make the mistake many other local governments have by taking away the right of self-determination from free people, but rather remember that Branson stands for God, family, country and freedom.

Charles Kirkman, 126 Siena Boulevard, Branson, Missouri, said he can't add much to what's already been said, but he will say a few things. It's been mentioned what Arkansas and St. Louis have done and St. Louis has said there will be no mask police; it will be left up to the individuals whether or not they wear a mask. He commented St. Louis has quite a few attorneys and doctors and have come to that decision which he thinks should be good enough for Branson. He explained St. Louis isn't the most constitutionally-friendly government either, yet they came to that decision. He appreciates what's already

been said and mentioned he's a recently retired full-time pastor of 45 years who's preached around the country. He also taught at university and college level for over 30 years and specifically studied communism and its takeover of countries. More importantly, he has five children, 17 grandchildren and two great grandchildren and he doesn't like the template he's seen historically, being laid over this country. Mr. Kirkman explained, right now the United States is going towards the latter stages of what's happened in many other countries that are now under communism. There's no denying that and he feels it will be interesting to see when Black Lives Matter (BLM) shows up again at stores and venues, how much of this masking will be enforced. He expressed appreciation for the demeanor and tone of the Aldermen and for everything that's been said here today and he really appreciates the last two speakers. Historically speaking, he believes there have been two epical periods in this nation's history. One was when America's revolutionary ancestors fought and won its independence, framed a government that gave it the most prosperity, freedom and safety so it could become the greatest nation on the planet. The first epical period in America's history was when its founders got this freedom. He's not forgetting about the Civil War, but he doesn't think the Civil War was the second most epical period, but believes right now is the second most epical period, as it will determine whether or not America keeps its freedom. He explained that's what this meeting is all about today as there are a lot of things currently going on in the country right now that are not about racism, inequality or any of that. Most people are smart enough to have figured out by now that it's about liberty and the complete transformation of America which is being played out nationally, and now locally. Mr. Kirkman urged everyone to be very careful and realize what's happening. He believes a lot can be said with numbers as the doctor and pastor brought up, but people didn't hear the numbers of the populations involved. He mentioned hearing 1,000 lives were saved, which translates to 1,000 people who got well. The figures have been played with over and over and the CDC has been discredited again and again. He's not impressed with that or with what these big corporations are doing, because those same corporations are funding BLM and everything they stand for and they're not going to impress or influence him one bit. He explained the issue today is not gun rights, abortion or a number of other things, it's liberty and we will either keep it or give it away. For decades in this country freedoms have been eroded a little bit day-by-day, week-by-week, month-by-month and year-by-year. They've been slipped away from us, but as of late they've been arrested away from us and that's got to come to a stop. There's not going to be government, national, state or local, that helps us secure our freedom, but it's going to be the people who do it or it's not going to be done.

**The meeting recessed at 3:53 p.m. and reconvened at 4:02 p.m.**

Sarah Rein, 673 Rosewood Drive, Branson, Missouri, stated she's the owner of Branson Party Rentals and Rosewood Floral and she believes many do not realize how large of a wedding destination Branson is. Her business does hundreds of weddings a year and since the mandatory mask ordinance was put into effect in Springfield, her company's had 15 cancellations in just a couple of days. The cancellation numbers are rising for couples proceeding with their weddings and the wedding industry is very unique in how it functions and it differs from all others. On average, a couple spends \$33,900 on a wedding and reception and what people aren't factoring in is how much their guests spend when they come to the Branson area. If a wedding guest stays at a hotel and eats out one meal, that's approximately \$100 per person who attends and an average of 150 guests attend a wedding in this area. She calculated 150 guests at \$100 a person per day, multiplied by 500 weddings she personally does in a year, equates to \$7,500,000 of lost income in a year from cancellations. She pointed out when government mandates these laws it instills fear in couples planning their weddings and results in cancellations of events. This calculates into loss of income not just for her, but for the entire Branson area, and even if this mandate is lifted in 30 days, the damage will have already been done. She expressed her concerns this multimillion-dollar industry for the area cannot recuperate and she thanked the Board for its time and knows it will do the right thing.

Sheri Holloway, owner of Sherry Holloway photography, feels the Board has an important and extremely hard call to make, knowing there are people who support or are against this mandate. Those who are against it feel they have the right to choose whether or not to wear a mask. She explained there's evidence and opinions to prove both points, but what she personally would like to see is that the Board let individual businesses like hers decide whether or not masks are mandatory for their business. She added, because of the vastness of businesses, the vagueness of this is very hard, but the fact remains the Board can decide to have the mask mandated. She implored the Board that those who have once in a lifetime

circumstances such as getting married, graduating or going to a funeral be exempt. She asked the Board to reflect on these causes today, because there are exceptions to every rule. She noticed there were some exceptions the City Attorney spoke about, but a wedding party, bride and groom or photographer wasn't on that list. She asked for these to be included because she thinks they are very important. She pointed out most people get to decide their attire when they get married and she asked the Board to consider if they were told to wear a mask during their weddings. She explained she naturally social distances when photographing weddings and has long lenses she uses. She referred to Mr. Hunter's comments pertaining to smoking and mentioned she works on her health by walking every day to get her lungs and body in pristine shape which she believes is common sense to not get colds or the flu. She thanked the Board for thinking about her proposal and read a text message from Tate Womack who had to leave the meeting. His text message included a quote from Jerry Henry who said people who don't support masks are willing to travel and those who are in support of masks won't travel. Branson is home of the veterans and he asked if one could imagine welcoming them home with a mask on. Ms. Holloway thanked the Board for its time and hopes it will make the right decision.

Joshua Heston, 275 Brianna Drive, Hollister, Missouri, introduced himself as Editor In Chief of the State of the Ozarks and Co-Manager of the Hollister Farmers Market. He explained since March 15th people have lived through a time of mass social re-engineering. For weeks, the community has responded with respect and concern, especially in the early days when everyone was told there simply wasn't enough information to expect anything less than millions of deaths nationwide. However, over the last four months people have seen a constant list of contradictions and errors on the part of healthcare, government and media, and are now seeing a death rate a tiny fraction of what was first proposed. On a national level, it has been proven that the information presented by government, media and health care is not trustworthy and his company has experienced this firsthand. On Friday, June 12<sup>th</sup>, he was notified by the Taney County Health Department that a positive COVID-19 case had been at the Hollister Farmers Market from noon until 7:00 p.m. on Tuesday, June 9<sup>th</sup>. As part of public safety and contact tracing, KOLR 10, Branson Tri-Lakes News, KY3 and Springfield National Public Radio and others were also notified and he and his team spent the weekend fielding calls, texts and instant messages from the public. Many of those people demanded to know the identity of the vendor and consequently, the identity of the person. The following Monday, June 15<sup>th</sup> he learned from his vendor that the person in question had not been at the Hollister Farmers Market since May 26<sup>th</sup>. This was a full two weeks prior to the date told to the public by the Taney County Health Department. It was an error of location that also missed the mark by 14 days and as everyone knows the incubation period of this is said to be 14 days. Furthermore, the person in question who had been at the market, showed no signs of illness 14 days prior to the time they were said to have been at the market. The person was hospitalized, placed on a ventilator and died later that week, not from COVID-19, but from the malpractice of having their lung punctured by the ventilator itself. As a society, businesses and the most basic human-to-human interactions, people have been told this based on information they've been told not to question. This information is filled with errors and in place of community, there are hotlines to report violations, the erosion of public, medical privacy laws and the systemic destruction of lives and businesses in the name of public safety. Mr. Heston commented, until government, healthcare and mainstream media can make themselves transparent to trusted third-party audits, it's dangerous and inappropriate to enact these kinds of social changes, including but not limited to, mask mandates. He thanked the Board for its time.

Christina Smith, 368 Santa Fe Avenue, Branson, Missouri, introduced herself as part of the Hughes Family that owns the Hughes Brothers Theater. She recalled Yuri Bezmenov, former KGB agent that defected from Russia in the 1960s, gave an interview where he referred to something called ideological subversion. She explained as part of ideological subversion, people are given certain cues and there are responses they are supposed to have, similar to the Pavlov's dog experiment. What's seen a lot with COVID-19 is that a lot of people's responses on both sides when they hear certain terms, they either get afraid or get angry and she believes this has caused a huge disruption in people's ability to have civil discourse about what's going on right now. Through doing her research, she's tried to really listen to responses and research from both sides and not just have emotional responses. She believes there are economic, individual health and safety reasons why a mask mandate would not be in the best interest of Branson. There's a spectrum of people who are worried about COVID-19 as mentioned before, but the people coming to Branson are in the lower half of that, including a group of people who are coming because

they are not required to wear masks. Even if some people completely disagree or are angry with those people, it would be ignorant to assume that the businesses here can afford to turn away those paying customers, especially after the shutdowns. As Branson opens, cases will go up and she doesn't believe a spike in cases is a reason for a mask mandate. Everyone already knew as soon as it opened that would be the case and in fact, people were told to shut down to flatten the curve to give people time to prepare for people catching the disease. She expressed it's unfortunate if the medical professionals are saying they're not prepared, because they were given time to prepare. From a business standpoint, it's extremely disheartening to not have an end date or a timeline. No one is controlling this disease, but the fact that it isn't something that can be controlled is the exact reason choices negatively impacting the businesses in the area cannot be made since no one knows how long it will last. The eyes of all outstanding business owners and employees in the City are on the Board now to see if after they've complied with State-wide shut downs, they'll be disregarded and their livelihoods and welfare be put at risk by turning away a good percentage of paying customers over an inevitable increase of cases. If mask wearing does slow the spread of the virus, which she has reasons to believe they don't, she asked how can people take that as a comfort when they know it will surely mean mandates like this will be extended. If the numbers were rising in an extreme and abnormal way in this area, then a discussion about something like this would be more reasonable and understandable from a business owner's perspective. Looking at the evidence, she cannot say that if the Board goes forward with this that she has confidence in its representation of people's welfare. Beyond the negative economic consequences of this bill, this mandate is hurtful to the health of individuals and she doesn't want to disregard the importance of Branson's economic health. There are already people and businesses really struggling and suffering and their livelihoods and mental and physical health are dependent upon their ability to work and have income. Many people assume wearing a mask is easy for everyone which is a lie as many people with different conditions cannot wear masks for hours of their jobs without major health problems. She reported the Occupational Safety and Health Administration (OSHA) has a respirator standard for people in professions wearing masks. If an employer requires their employees to wear a mask, they have to have a medical evaluation first to make sure it's safe. She explained before OSHA had this respirator standard and medical evaluations, there were businesses that killed people, because they were having heart attacks due to lower oxygen. Known as hypoxia in the in the medical industry, it leads to several of the things already being seen in people, such as passing out, getting headaches and nausea. These are two of the first indicators the body is turning toxic in the blood. When people have these kinds of symptoms, there are not only physical effects, but mental health effects as well. It causes stress and she feels for the medical professionals required to wear masks all the time because she's heard they cannot keep doing this. Due to mask mandates in their workplace, they have lower oxygen and an increase of CO2 in the blood called hypercapnia which causes suppression of the immune system and could further lead to other cardiopulmonary considerations. She explained if people have any kind of heart problems or respiratory problems it can lead to brain damage, heart attacks, strokes and calcification of the arteries. Even just the suppression of the immune system alone when talking about COVID-19 and people being able to recover from it, she feels a mask mandate is the worst thing that could possibly be done for people supporting their own immune systems. She added, since it's a respiratory illness having oxygen in their lungs might be a good thing. She reported OSHA not only does a medical evaluation, but also requires a fit test for masks and require documentation and annual evaluations. Some businesses have a hard time keeping up with these regulations, but they do because they want their employees to wear masks and want to make sure they don't die or have serious health issues. She inquired why the City is casually considering making it a requirement for all working citizens of Branson to wear a mask as it's something that could get their workplaces in serious trouble without a medical evaluation and could lead to serious health problems and death. She mentioned hearing about hospital workers who go throughout a day without masks and they're just fine, but many workers are struggling due to having to wear masks in situations where they wouldn't normally. In normal hospital situations for surgeons performing surgeries, hospitals have to work closely with OSHA on their HVAC systems. Surgery rooms have more oxygen being supplied to it to so surgeons and nurses get enough oxygen to have normal O2 levels. She explained this is not being told to the public and she reported this was verified by someone who works for OSHA and has certification for hospitals. When people are told medical professionals do this all the time, they're not being given all the facts that they also have other things in their workplaces to make sure they're maintaining their health. Ms. Smith commented there are risks not only to the economy, but also to people's health and she addressed the effectiveness of masks. She knows there's a lot of information out there, but even an N95 mask which is one of the best and blocks some of smallest particulate matter can only block .3 micron. She

explained a coronavirus particulate is .125 microns which means it will not block the coronavirus particulate from getting through the mask. She explained that's an N95 mask, not a surgical mask or a cloth face covering, and in an effort to try to take down COVID-19 people are being put in masks which aren't completely effective. Ms. Smith believes in logical reasoning and believes the Board does too as they've had to make very important and difficult decisions, but sometimes emotions can make it hard to listen to what's logical. Just like in the Pavlov's dog experiment, people have a fearful response to COVID-19 which makes no sense. She reported 647,000 Americans die from heart disease each year which is one in four deaths and if cardiopulmonary considerations are a huge part of mask-wearing, people are being put at greater risk by wearing masks than not wearing masks. Currently the reported numbers of coronavirus worldwide is 585,000 and there are multiple opinions as to whether they're even accurate. This is less than the number of Americans who die from heart disease in one year. No one knows for sure what will come of coronavirus and in that regard it's difficult to make decisions, but choices must be based on evidence and data. Unfortunately there are people with vested financial monetary interests who are putting out information that's not in the interest of Americans. She expressed her gratitude for those who have put out information to be studied so people can tell whether they're telling the truth. Until the data shows Branson is in a true state of pandemic and can be seen, not just saying that it is, and until it's proven that masks are effective at stopping the spread, it's an ignorant choice and disservice to the community to mandate wearing masks. She commented the Board is here to decide whether this mandate is in the best of interest of Branson and she has presented clear information as to why this mandate would be harmful to the City's economy and health. If it still chooses to go forward with this mask mandate, knowing that it will be harmful, it calls into question whether there are motives other than the health of Branson's citizens and economy. After hearing the Board talk about what's going on with this bill, she has confidence that it will make the decision that's best for the economy and the individuals who live here.

Amber Thompson, commented she's known Mayor Akers since she was a little girl and Alderman Simmons is her neighbor, so if the Board can't listen to her for a few seconds there's a problem. She's been told she doesn't wear a mask because of a lack of compassion and she had a conversation with Mayor Akers not very long ago about some issues and he cut her short, so she feels this is her chance to speak. Ms. Thompson explained she was trying to get defense for herself, but didn't and she believes if the elected Board votes for people wearing masks all the time or they'll get arrested by the police, then they're not working for the people. She added, they're working for themselves and will be removed from office. She works with the Civil Defense Coalition as a volunteer and explained if someone is disabled and can't breathe, they can't be told that they're wearing their mask improperly. She asked for an apology to everyone in the room who was put in fear that they'd be arrested or possibly put in a mental institution. She mentioned the Civil Defense Coalition is her voluntary organization and people can meet with her to discuss this issue further and vote out masks and she reiterated the Board works for the people and the people are supposed to be in charge here. She recalled the City Attorney talked about 79.380 RSMo which she feels is why people are pushing heavily for people like Brian Seitz, Camille Lombardi-Olive and Steve Chentnik to get into office. People are not voting for socialism here and if the Board mandates an order, it's voting for the Chinese trying to condition everyone and it's humiliating to say people have to show up with a mask on. She asked if anybody in the room was clairvoyant and could tell she has a really bad headache, a breathing problem and a kidney problem. She feels it's a problem those in elected positions are not speaking about constitutional defense of personal rights and liberties to breathe in this country. Ms. Thompson asked how many people in the room were tired of wearing a mask all day and explained it's giving them calcified arteries and breathing problems. She inquired how many people were tired of the government not standing up for their rights and mentioned standing outside protesting for four hours holding some signs she made that might be offensive to some. She said she offends to defend and read her sign which says Mayor Akers can kill senior citizens with mask asphyxiation orders. She mentioned working in physical therapy as an assistant and if she were to put a mask on a senior citizen while doing their exercises it would have killed them and she would be a murderer. This is something she doesn't approve of and as all the preachers and devout constitutional liberty defenders have said, they're not going to defend anyone that pushes to kill or steal. She's tried to get the preachers in the community to not only speak about pro-life, but also pro-keep, meaning keep children in their biological family. She feels when the government gets to the point that they allow children to be taken from one family and given to another, its morals are so low it can't be trusted. Ms. Thompson commented everything goes one step at a time and mentioned going through Culver's drive thru which lies to people by saying they have to pay with credit cards because there's a shortage of U.S.

currency. Ms. Thompson explained people are being conditioned one step at a time to be made fools and is also why there's a push to defund the police. She asked the Board to stop mask order oppression and quit suffocating people's rights and feels they are paranoid schizophrenics. Ms. Thompson asked if the hospital director was still here because she wanted to ask a really important question about some rumors going around. She asked if the rumor was true that if someone has COVID-19 in the hospital, gets put on a ventilator and dies if the hospital gets \$30,000. She asked if anyone worked for the hospital and could verify that and feels this is the kind of stuff people need to be discussing with the Aldermen. She mentioned people have accused her of being crazy in order to steal away her children to strangers and she feels personal protective equipment (PPE) is product profit abuse because people are trying to get everyone to buy all these products for their abuse reasons. She urged everyone to vote out all incumbents because there is congressional stagnancy and they are not sticking up for people's rights. She expressed concerns for this ordinance violating the American Disabilities Act (ADA), because the City's allowing private businesses to tell people they have to wear a mask and people should have the right to sue them. The only thing they could possibly do is have people wear a sticker on their shirt that says they're exempt. She expressed concerns this issue will lead to predatorily entrapping calls made to the police to have those people arrested. She feels the Mayor doesn't respect her as much as other people since he knew her as a child, but she's not a child and she feels until this community treats adult women like herself with respect, people are not going to respect it. When interviewing for a job with Spinnaker Resorts, she was told with the hostility of the Mayor and the Police that she couldn't even interview for a job because she had dropped her mask to breathe as an asthmatic. She explained she was almost not allowed to speak at this meeting because she can't wear a mask and can't breathe well. She believes this is a constitutional violation and she asked the Mayor to have compassion and requested there be no mask order.

Doug Clark, 121 A Saint Andrews Street, Branson, Missouri, addressed the mask issue and fallacy behind the methodology for coming up with the numbers that are being used for the excuse to regress into face masks. He explained there are two tests being used, one is the RPCR test which the guy who invented it, Kary Mullis, said this test is not to be used for diagnosing a disease. There's a lot of reasons he felt this way and he had an ongoing debate with Dr. Anthony Fauci back in the late 1980s and early 1990s about it. Mr. Clark mentioned it had to do with the HIV virus as they were trying to say it caused AIDS. There were doctors who didn't believe that tract including Kary Mullis and he ended up getting a Nobel Peace Prize for that invention. Mr. Clark explained Dr. Anthony Fauci, the Centers for Disease Control (CDC), National Institutes of Health (NIH) and the World Health Organization (WHO) are all in cahoots to market a vaccine or protocol for treating a virus. He added, it has nothing to do with anything else and Mr. Mullis basically called those people a bunch of morons for trying to utilize that test for deciding whether someone had a viral disease. As this went along, he basically invented the disease, the company he was working for sold it to Raushe and they started using it just to test and see if they could figure out what the disease was going to be. He reiterated it doesn't test for a virus, but tests for a particle of DNA and has nothing to do with COVID-19 or any other virus. It has a lot of complications and if someone is trying to manipulate a disease to prove someone has an active case of something, it's wrong 80% of the time and is documented and can be found if anyone does a marginal amount of research. The test gives false negatives 80% of the time and false positives 30% of the time. The second test is a serology test which is almost as bad as the first test as there's not any logical testing to prove there's anything really going on other than the symptoms people are having. He reported half of the people who tested positive don't have any symptoms at all and it can't be proven they're asymptomatic or not. The problem he has is with the tests and the revised way of counting cases. He mentioned stumbling upon a City Council meeting online from Collin, Texas, in which a lady from its health department was explaining new changes in how it was going to record these diseases. He referred to their PowerPoint presentation and pointed out their Department of State Health Services distributed a new definition for COVID-19 issued May 11th. Mr. Clark explained during their May 18th meeting they discussed the confirmed case definition and the positive PR lab test, which doesn't really test anything. He encouraged anyone interested to pull up the May 18th County Commission meeting in Collin, Texas, which he believes the ignorant discussion they'll hear about implementation and counting will blow their minds. He explained when they have a person test positive, they do contact tracing and counters will make a list of anyone else who was around them. He added, they did not test or count them, they only counted the person who tested positive. Now, if the same person tested positive, they do the same thing except they're not requiring a test for any of the other people, but they're counted as cases. He asked the Board if they understood why cases were exploding and suggested they watch this video. Mr. Clark recalled one of the

Collin County Commission asked the lady what she thought this was going to do and she said it will cause more cases. He reiterated this is the reason behind the explosion of the cases, because there are not any more people testing positive as they cannot accurately test any of these things. When all of this started there wasn't any testing equipment and people were just guessing, and is basically what is being done now, but the problem is there's an enormous amount of money wrapped up in this from a variety of places. There's all kinds of corruption when it's a money-driven, marketed tool for the purpose of selling a vaccine to people and those like Dr. Anthony Fauci, Francis Collins and the CDC Director are not only in the government, but also have the ability to decide who gets the contracts. They have patents on all of these diseases and he asked why the government has a patent on a disease and explained it's because they artificially created it. He explained this one has a patent and so does SARS, Ebola, MERS and everything clear back to HIV as they're genetically altered viruses. HIV has been around since the mid-1980s and people have never been able to make a vaccine for that because as viruses mutate and by the time they go through four people, it's mutated any advantage of creating a vaccine is lost. There will never be a good vaccine that does anything to a virus, but there are other doctors around the country using other protocols and having success. Mr. Clark mentioned the doctor from Cox Health said he doesn't have anything else to offer, but there are other things to offer and reported a doctor in Boston was using hydroxychloroquine and had 100 cases at the time he brought this up publicly. He had not lost one patient and his protocol was hydroxychloroquine along with zinc and vitamin C intravenously. Mr. Clark explained the medical hierarchy directed by Dr. Fauci is trying to push a vaccine which has already had a lot of problems and about 400,000 people got maimed or died over it. Dr. Fauci wants to sell it because he has a piece of the action and Mr. Clark warned everyone not to take the vaccine if they wanted to maintain their existence. He reported another doctor named Dr. Richard Bartlett in Texas, appeared on a show a few weeks ago and shared how he's using a nebulizer with a certain steroid and he hasn't lost one COVID-19 patient since using this protocol. He added, but what happens to him or anyone else like this is they get their research grants yanked and never get reestablished in the research committee because they go against the grain of the protocols set by those who want to rip people off. He reported vacitamere is about \$1,500 on the low end and \$5,000 on the high end, but hydroxychloroquine is only \$9.00 a pill. That's the game being played here; it's about making money and has nothing to do with health, but has to do with power. He explained there are several aspects to the legal part of this and referred to the Nuremberg trials in which there were medical experiments conducted on humans without their consent. He mentioned the City Attorney put up a chart showing this can be done without any legal repercussions, but there are legal repercussions from here, clear on up to Dr. Fauci. Mr. Clark explained the reason he's giving the Board this information is to show if there's fraud in what they're doing on the top tier by using manipulations, marketing something that doesn't work or gaining financial benefits from it, it's violating the Constitution and the Sherman and Clayton Anti-Trust Acts. He added, there's another thing in the Constitution where people can't intermingle directorships of different companies to collude and put a product out they know is not going to work, because that's fraud. The exclusion is if there's fraudulent intent, that's the only thing people can get exempted from, but until that time they do get exempted from things. He explained if a vaccine was created right now and killed a lot of people, they've got indemnity against it and people can't sue them. This vaccine isn't tested and isn't even being tested on animals; it's went straight to human testing and half of the first batch has had all kinds of serious problems which is the one they're wanting to give people for COVID-19. He expressed his suspicions of government in general because of what he's figured out since he was a kid, reading about Vietnam and all that happened there. He doesn't trust anyone who tells him he needs to do certain things and mentioned our own people are doing this to us. He offered to share his information with anybody who wanted to see it and he reported the COVID-19 virus was created in a lab in North Carolina and is a genetically altered virus and its certification was transferred to the lab in Wuhan, China. He added, that's how it got over there, but no one hears anyone talking about that.

Camille Lombardi-Olive, 789 Everest Road, Galena, Missouri, commented she's running for congress and she shouldn't have to wear a mask because it violates the American Disabilities Act (ADA) and her right to privacy. She referred to a list of questions she has and invited the Board to look at them because she thought they were pertinent. She read a portion of the United States Constitution that's important and speaks to everything people are being denied and oppressed by. She read, "We hold these truths to be self-evident, that all men are created equal. That they are endowed by their creator with certain inalienable rights that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." She

pointed out therein is the problem, they don't have the people's consent and they just keep adding rules and regulations. She referenced a poster board of data and explained it's specifically geared towards Missouri. She asked everyone to recall back in May, President Trump had said the curve was going down and the cases were declining, then protests, looting and thousands of people ran wild through the streets and then up went the numbers. She pointed out CNN, MSNBC, NBC, CBS, the New York Times, the Wall Street Journal and the Washington Post all said this had no effect on COVID-19, the spread or transmission of it. Either they're lying or something else is going on and she explained her data and graphs come from Worldometers which is a website that lists coronavirus by country and compiles all the information from hospitals. Ms. Lombardi-Olive commented now people are talking about how bad it is here, things need to be shut down and people have to mask. She showed everyone the curve is going down and Missouri has about 13,000 deaths which looks like the last four years just with the flu. She reported the deaths from 2017 to 2018, was 2,081 and 2016 to 2017 was 2,093. In 2014 to 2015 there were 2,937 deaths just from pneumonia-based flu and currently there's only 1,000 deaths from COVID-19, but yet it's a disaster. People are saying things have to shut down and have to mask themselves. She did a comparative analysis of South Dakota which never shut down, yet its curve is going down. She mentioned Italy, which was ground zero because everybody was dying, it locked down for two and a half months and they're back to living already. She pointed out Afghanistan and Pakistan are two countries bordering China and mentioned she was actually in Pakistan when this started and was in Afghanistan last year. Afghanistan only locked down for four weeks after Ramadan and they don't even wear masks anymore. She asked the Board why both of these countries' curves are going down because they don't have medical, 24-hour electricity, or access to clean water like the United States has. Yet this third world country that doesn't have access to all the privileges and advances, its curve and cases are going down. In Sweden which didn't lock down, it's the same thing, and she asked why the Board wants to lock Branson down, because a mask mandate is a continuation of the lock down. Ms. Lombardi-Olive commented this failure is not her failure or the President's failure; it's the failure of somebody who wanted to cause trouble and decided it's okay for thousands of people to run rampant in the streets and destroy things without worrying about being masked. There's no other way to explain this and she feels the United States is turning into Nazi Germany. Springfield has a number people can call and they can even call 911 to report a severe violation of the mask ordinance in a business. People are going to utilize the police that they want to defund, who put their lives on the line every single day. They are the front line of this disease, but yet one side of the country wants to defund them and replace them with social workers. Yet we're telling them they're going to have to ticket and arrest people. She told everyone to get their priorities straight, because they either support police, protect the law and make the law righteous. If it's not righteous, it doesn't exist and cannot stand which is what's happening in this country. She feels people's rights and freedoms have been taken away and people are dictated what they're supposed to do. She mentioned living in Afghanistan for 10 weeks last year and explained the only people with rights there are those holding the guns. The people holding the guns tell others what their rights are, and they really don't have any rights. If the police or military want to disappear a person over there, they disappear because as a human they don't have rights. She added, or if they think someone broke a rule they came up with. She feels the mask mandate is a kind of fascist rule to deny people their right to freedom and it's preventing her from breathing free. She invited the Board to read and consider her list of 20 questions that she thought were pertinent.

Joshua Pope, Neihardt Street, Branson, Missouri, mentioned the Board heard him speak last month in support of Black Lives Matter (BLM) which he still supports. He never thought he'd have to come here and protest both racism and common sense in his lifetime as he thought this was going to be done during his parents and grandparents age, but here he is. He lives with his grandparents and his grandfather turns 73 and grandmother turns 77 this year. His grandmother has a cancerous nodule on her lungs, she's often on oxygen and she feels like the air is being choked out of her. He imagines the 3 million people who've had COVID-19 would tell people the same thing, but instead there's anti-mask rhetoric going around. People are relying on false science, not listening to the experts and people will never be able to change their minds. He knows the economic harm of this pandemic as he worked at Rib Crib as a manager. He recalled finishing his management training the day it closed down and now it's closed in Branson. He made a lot of friends there who were like family to him and he enjoyed what he did at Rib Crib. He supported the lockdown, still supports it and he thinks it was the right call. He never once regretted the decision because he felt what he was giving up temporarily was worth saving the lives of many others. He can't believe he's the first one to say this besides doctors who work at Cox. Pandemics in this country have been throughout

history and all throughout the world. He mentioned he's a history student and reported with measles and smallpox people had no resistance to it, just as there's no resistance to COVID-19. It killed millions and they were conquered afterwards. He referenced the bubonic plague for which people didn't have the technology to understand what was causing it at a time and about one third of Europe died and it was centuries before it returned back to what it used to be. The Spanish flu which would be in his great-grandparents memory, killed 675,000 Americans, 50 million people across the world and it had a lot of similarities to this disease. He reported St. Louis and Philadelphia contrasted in how people handled the Spanish flu which spread in similar ways to COVID-19. St. Louis enacted strict measures for social distancing, masks and so forth and had 358 deaths per 100,000 people. Philadelphia disregarded science, held events, rallies, protests, parades, lived their lives like normal and had 748 deaths per 100,000 people. He believes this shows how many people can be saved by just following some simple measures. He doesn't believe that infringes on people's freedoms because by not following those measures, people are infringing on the freedoms of every other citizen the right to live. They are infringing on people like his grandmother who COVID-19 would be a death sentence for or his sister who has severe asthma and is hospitalized over it constantly. Mr. Pope shared neither of them are against this mandate and he's legally disabled and is not against this mandate and doesn't feel like it is discriminating against him or his family. He commented, in order to say wearing a simple face covering is infringing on freedoms as American citizen completely neglects and disregards the fact that by people not wearing a mask, are potentially infringing on the right to live by other people. He reported 20% of all cases according to the World Health Organization (WHO) lead to hospitalization. Taney County has a population of 56,000 people and in March, the Governor of New York estimated that 40% to 80% of its citizens would get COVID-19. California estimated 56% and the Imperial College of London said that 81% of the United States would get COVID-19 without proper measures put in place. Following that math he estimates if 40% of Taney County gets COVID-19, 22,400 people would have the virus and if 20% get hospitalized that's 4,480 people. Following the standard death rate that most models follow of 5%, 1,120 people will be in the morgues in Taney County. He told everyone to ask any medical professional, doctor or funeral home in the area and the Taney County Health Department if they can handle such an influx of patients at one time or dead bodies. If people think tourism was hurting because of the virus, the Ride The Ducks incident, Black Lives Matter protests and the KKK, he asked them to imagine it if the news says Branson infects thousands of tourists before returning home where they infect thousands more. Branson would have a catastrophic public image and tourism would be hurt far more than by having mandatory masks. He believes it's important to mention a significant number of victims hospitalized have organ damage since the virus is avascular and causes heart failure, strokes and kidney failure in young patients. Tissues of the lungs, heart, kidneys and other organs have been collected and studied and those studies have found that many victims will have irreversible organ damage for the rest of their lives, likely shortening their lifespan by decades. The mortality rate, permanent damage and hospital rates of victims drastically increase with age and Branson has a large senior population and hosts many elderly visitors every year. He explained Branson has a unique situation that Springfield, St. Louis, California or any other place doesn't have to deal with due to its industry and small size. He addressed misinformation he believes anti-masking rhetoric spreads such as people comparing it to the flu, claiming masks don't help, it's their body and their choice and if others wear masks why should they. Mr. Pope explained the reason why surgical mask boxes claim they don't protect against COVID-19 is because they don't protect against COVID, they protect other people. If a person enters a contaminated environment and breathes in COVID-19 with a mask on, it would protect some but not much. If a person breathes out moisture and what is projected is blocked and shielded by these masks, it helps save people who aren't wearing masks. If both people have masks on, according to some studies it would only be a 1.5% transmission rate, but it's 70% if one person is wearing a mask and the person who's a COVID-19 carrier is not. He compared it to a cold weather day when moisture droplets in people's breath are visible due to the cold. If a person was a COVID-19 carrier, those would all be infectious. He gave another analogy of if everyone were naked and someone pees on someone else they would get wet, but if both people wear pants and one pees, only the person peeing gets themselves wet. He feels the argument that it's their choice and their body is invalid because the decision not to wear a mask puts others in danger. Coke, cigarettes and alcohol aren't banned for killing people in the end, because only the person who is doing it to themselves is at fault and will have those consequences. This mandate is different because by not wearing a mask, people are not just putting themselves at risk but putting others at risk and jeopardizing their lives. It's infringing on their freedoms to be forced to stay home and mentioned his grandmother would love to be able to go shopping at Kohl's, but it's too dangerous for her at the current moment. He's not

disregarding the economic impact of this since he's lived through it, lost his job, lost his friends and lost where he worked, but feels the inconvenience to save lives should not even be up for debate. If people use the argument that they're pro-choice, that it's their body and right, they can no longer say they are pro-life. He added, because that same argument is one that every woman makes when saying she's pro-choice. It's the same argument being used to go against the mask mandate when people say a woman is murdering a fetus, but they will potentially murder countless other people by not wearing a mask. From October 2019 to April 2020, the flu killed up to 62,000 people, but this pandemic hasn't been around for nearly as long and has doubled that. COVID-19 has a lot of similarities to the flu and people don't take the same measures as the flu because there are vaccines and resistance to the flu. People know what to expect, how to handle it and have the medication to do so. People still die, but people are in a much better position with the flu than with COVID-19 because there's nothing to help with that except the measures to help protect and save lives, even if it's at the inconvenience of other people. Mr. Pope stated there's been a wide-sweeping measure across the country to enact mask mandates and he named the 22 states that currently have mandates. He believes these states have chosen to lead and protect their people, following the studies of science and the effectiveness of masks. The University of California said if everybody wore a mask, or even 80% of the people wore a mask, it would have a much stronger effect on COVID-19 than a lockdown ever would. This would save a lot more money for Branson and tourism and would keep everyone safer. He mentioned this doesn't include all the cities that have done it and feels if Branson denies this mandate it's claiming to know better or not care enough to follow what these places believe is a credible threat. He feels it's easy to look at each death, case and statistic as just that, but each case is someone dealing with a potentially life-threatening battle, suffering and a lifetime of complications. Each death is a person with relatives and while they may be just a number to everybody here, they are the world to someone else and they are people. He asked everyone not to trust his word or studies of research, but to research for themselves with an attempt at unbiased and look at the countless sources of experts who agree with him. He added, ask doctors, health experts, hospital staff and those who have contracted COVID-19 and lived to tell the tale. He supports the mask mandate and believes people have an incredible advantage their ancestors didn't as they have the lessons of history, access to information they ever dreamed possible and the opportunity to be an example to other communities by protecting people and tourists. He mentioned the numbers he gave earlier are just for Taney County and he questioned what Branson would do when tourists come here, get sick and are not well enough to go home. They will be in Branson's hospitals and health care facilities and if they're stressed enough dealing with Branson's own people, he asked how it's going to take in all the people from around the country and the world. He feels it's selfless and would show everyone will suffer this together to accept the inconvenience and discomfort of wearing a mask and do everything possible to help everybody live. Mr. Pope knows he'd want everyone to do that for his grandmother and is why he wears his mask to protect others.

Audrey Richards, 265 Buzz Street, Branson, Missouri, introduced herself as an independent Congressional candidate to represent the Missouri 7th District. She grew up in the Branson area and while attending college in Washington D.C., she told everybody she was from Branson because she loves its values and is proud to be from here. She voiced her support for the amendment the Board is discussing and while she has the utmost respect for City Administrator Stan Dobbins, she thinks having elected officials make that decision is the more prudent way to go. Branson is known for two things, faith and freedom and her church was a big part of her personal development. This belief system forms her actions and she's willing to bet it formed a lot of others' here who were showed compassion to her whenever she had to sit down because she didn't bring extra shoes. She explained that same compassion forms her decision to wear a mask and people claim deciding not to wear a mask is an individual risk and the fatality rate is low, but there have already been three deaths in the County. She mentioned Candidate Brian Seitz said enough is enough, but she asked how many lives people are willing to risk when enough is enough. She reported the number of cases was 130 when she came to this meeting, but now the medical professionals are saying 142 and it keeps going up every day. All throughout the Bible it says to value individuals as children of God and every life has value, so she feels the preventable loss of even one life is not reflective of Christian values. People are in the middle of a pandemic that's getting worse and this ordinance is a safeguard against it getting worse. She doesn't know what constitutes a true pandemic, as someone said earlier, or what the difference really is and if someone coughs on her she's not going to be very happy about it. She feels masking is a minor inconvenience, with about eight different exceptions the City Attorney listed out. It's a minor inconvenience that can save dozens or even hundreds of lives in the City and County and it's

inexpensive and incredibly effective. She referenced John's first letter in the Bible where he questions how God's love abides in anyone who has the world's goods, but sees a brother or sister in need and refuses to help. She believes people don't need the world's goods, they just need masks and if this measure can save even one life people have the responsibility to abide by it. Everyone likes to believe they would be the Good Samaritan that puts their well-being above that of someone else and this is their chance to prove it. Ms. Richards stated every argument against this mask requirement begins and ends with freedom and it is true America is a free society where people are able to make choices for themselves. However, in this country no one gets to make choices that put the well-being of others in danger. The CDC released a statement on Tuesday which said the main protection individuals gain from masking occurs when others in their communities also wear face coverings. With this in mind, she argued masking is not in contradiction to people's freedoms as Americans, but is a core part of who they are as Branson citizens. They are people who care about others and are willing to go to any lengths to make sure this town can remain open without risking the health of residents and tourists. She added, that's what makes Branson look good on the national stage; compassion, willingness to listen, taking risks that may not exactly be comfortable and caring about the people who come to town. In order to keep Branson open and prevent it from bouncing all the way back to Phase I, once this becomes a true pandemic people must limit the spread of this virus. If everyone wears a mask, businesses are free to operate because everyone is at a lower-risk and if everyone wears a mask, tourists are free to go see Clay Cooper and other shows because the audience and staff are at a lower risk. If everyone wears a mask it frees up hospital beds, lifting the burden on local hospitals and healthcare workers and that is the sort of freedom people should be celebrating. She believes everyone who comes up here to speak is really just saying their personal choices are more important than the well-being of everyone around them. She urged the Board to pass this measure because the lives of others are not theirs to risk and if one life doesn't matter, none do.

**Alderman Skains left the meeting at 5:21 p.m. and returned at 5:23 p.m.**

Pearl Haining, said she lives in Branson, Missouri and apologized for cutting in line and explained she's becoming extremely fatigued and would like to speak before she cannot. She began with a quote and said, "She's an immunocompromised and not wearing a mask, shame on her." She explained that was not directed at the Board, but was directed at her after she spoke at the May 4th Council Meeting which addressed whether or not to mandate masks. Ms. Haining explained her answer is a resounding yes because she did not and will not wear a mask as a responsibility for her health and the health of those around her. She knows that with an easily compromised immune system, if she wears a mask it will quickly compromise her health, causing her to become ill, putting those around her at risk. Since the May 4th meeting, she has not experienced any illness or caused any illness amongst her friends. Instead of asking why she won't wear a mask, a better question is why would she wear a mask. She explained the COVID-19 virus is significantly smaller than anything a cloth mask will filter and while people say the virus spreads through droplets and a cloth mask can prevent a person from spreading droplets, this is wrong. Droplet precaution is a legitimate medical protocol requiring doctors and staff tending symptomatic patients to wear a sterile mask, gloves and gown while with one patient. Then those items should be immediately discarded upon exiting that patient's room to prevent the healthy individuals from physically carrying any droplets expelled by the sick patient on their clothes or skin. She added, it's all or nothing, they don't just put on a mask and call it good. She addressed the doctor's statement from earlier and said it was correct; the space around the ear loops do allow air to circulate, but it also allows viruses and bacteria to escape. Although that mask provides little protection by itself to begin with, if people touch the mask at all and then touch other surfaces, they completely nullified the point of wearing a mask. Ms. Haining reported proper personal protective equipment (PPE) has become extremely rare and overpriced due to the extremely high current demand, making it very hard for healthcare providers to acquire. Cox health may be sufficiently provided for at this time, but there are thousands of other independent healthcare providers that are having an extremely difficult time trying to procure it and several in Branson are struggling with that. By mandating masks or face coverings to be worn by the general public, she guarantees it will result in further depleting those resources for all healthcare providers and further stressing the already burdened, understaffed and now under-financed healthcare systems. Ms. Haining explained the universal masking of seemingly healthy individuals is not a droplet precaution protocol and is ill proven to stop any transmission from asymptomatics. She addressed the example of Great Clips Hair Salon, but feels a better question is what about China. Universal mask-wearing has been extremely common in China since 2002, yet that is where

this outbreak sprang from and stroke, heart disease, COPD and lung cancer are consistently their top four causes of death. She added, so don't tell her if somebody contracts COVID-19 it's going to result in long-term damage to them and so everyone should wear masks to prevent those individuals from contracting it. By mandating everyone wear masks, it will coincidentally cause long-term damage to everyone because in an attempt to filter the air coming in or out, the only result is bacteria, virus and pollution gets held against the face to fester, grow and be repeatedly inhaled. Mandatory masking does little to protect others and puts the wearer at a greater risk of infection, stroke, cancer and even death. This bill is not a reasonable proposal as the City Attorney presented it, because the Board is considering requiring all employers mandate their staff and customers to wear masks without any knowledge of their medical needs. Any employee whose health is damaged after being forced to wear a mask, without medical conditions being considered and reasonably accommodated, has extreme grounds to sue their employer and those employers would then have extreme grounds to sue the City. The bill being considered poses multiple affronts to legal business procedures and Branson's businesses cannot legally be forced to put their employees' safety at risk or refuse service to a customer who is physically unable to comply with this proposal. No business can force an individual to present legal documentation of medical history on the spot; that is a gross violation of HIPAA and terminating an employee because they cannot wear a face covering is clear violation of the ADA which is punishable by a \$75,000 fine for the first offense. She believes this proposal is unlawful, unenforceable and will create division and turmoil like the City has never seen. It will hurt citizens, repel visitors and severely hinder the Police at a time when they need support more than ever. It's not about freedom, although freedoms as Americans are very important, they are important because that's what gives people the right to make the decisions for their own health. She knows firsthand that if she takes care of her health she's way more likely to be taking care of the health of those around her. If the Board forces the Branson population and visitors to be consistently wearing face masks, their immune systems will quickly go down and will put the community at a much greater risk. The proposed signage tells visitors they must wear face coverings, but there's no mention of the exceptions and she asked how it's welcoming to any visitor and explained it's not and is an immediate turnoff. She suggested asking any of the shows in town that are consistently getting calls at their box office from people asking if they are requiring masks. When told no, they say good, because if they were they wouldn't come. She asked is it not ironically impractical for a City whose Mayor just last month issued a proclamation of how Branson is committed to providing a welcoming an inclusive environment for all citizens and visitors, to institute such a divisive, discriminatory and often times hostile policy. She's here today in spite of the City Administrator's attempt to refuse entrance to people without a mask which is a direct violation of state law that mandates this meeting be open to the public, with no mention of wearing a face covering. She recommended it be addressed immediately following this meeting and strongly urged the Board and Mayor never enact a policy like the one being proposed today. This proposal does not reflect the Branson she knows and loves and it does not reflect a desire to protect the health and well-being of citizens or visitors. This proposal also doesn't reflect the Branson she and thousands of residents and visitors will choose not to patronize if this ordinance passes.

Michael Cooper, 350 Mark Twain Drive, Branson West, Missouri, thanked Pearl Haining for the great talk she gave and mentioned he owns perfect signs in Hollister and has made his living off of the businesses here in Branson. He also teaches economics and business at Ozarks Technical Community College (OTC) and prior to that he taught economics and business at Crowder College. He explained he's going to talk about unintended and economic consequences and he mentioned there are a lot of medical professionals who will line up all day long and tell everyone about how masks save lives and how they'll benefit public safety. There's not a lot of economists out there telling people how these measures destroy businesses, steal livelihoods and kill people and he explained these measures kill people by taking livelihoods and shutting down businesses. For the last 50 years, economists have been doing studies on how economic recessions and downturns cost health and lives. One of the most important studies showed 54,000 people die in this country every year with a 1% increase in unemployment, because a 1% increase in unemployment causes heart attacks, suicides, homicides, depression and death by despair which is a real thing. He knows the Aldermen and Mayor are good men with good hearts and mean to do the right thing for their constituents and the City, but he believes there are unintended consequences sometimes. In May when the City was shut down, it was a real blow to the businesses of this town and it hurt. He mentioned working on the bucket truck the day after that, installing a billboard for Encore Theater and a police car drove up and told him he couldn't do that because his business is non-essential. His business was shut down during that time and it would have been shut down anyway because all of his customers were shut

down. There are huge, unintended consequences for measures like that such as health and economic impacts that really cause tremendous damage and hardship. The number of personal and business bankruptcies have already begun to sky rocket as well as the number of businesses that shut down, moved out of town or will never reopen. When the City layers on additional draconian measures like this, it will just cause more businesses to go bankrupt. Visitors don't come to Branson if they have to wear a mask, they come here to be free and to have a good time and enjoy the shows. His friend runs a hotel in town and says every time someone comes in they ask if they have to wear mask and if they're told yes, they turn around and walk out. People won't come here and the City will have so many theaters, shows, restaurants and hotels, that are already hemorrhaging and dying, that will have to shut down, leave town, go bankrupt and go out of business. This measure is going to cause people to die from financial ruin and loss of livelihood. People can't trade a theory, belief or hope that this is going to save lives for a guarantee of a loss of a lot of livelihoods which will also cost lives. He implored the Board to not make that decision, add salt to the wound or give another crushing blow to the businesses that are already badly suffering here in Branson. He thanked the Board for its time.

**The meeting recessed at 5:38 p.m. and reconvened at 5:48 p.m.**

Jody Wobser, mentioned she's lived in Branson as of a year and a half ago when a Category 5 hurricane blew her house away in Florida and of all the places she could possibly live, she chose Branson. She's listened to a lot of the speakers and facts and she believes every word they say and a lot of what she was going to say has already been said. She recalled the Mayor started the meeting with a prayer and mentioned laws are based a lot on the Bible. The Bible gives laws and a lot of other wonderful information, including how to deal with a pandemic by quarantining the sick. Ms. Wobser explained healthy people are not quarantined, locked behind doors or walk around with masks on their faces. She added, with a lot of respect to the doctors and nurses dealing with this, those are sick people in the hospitals and that's why they are there. She expressed her thankfulness for the healthcare system and mentioned when she was coming in the door tonight, people left because they had to wear a mask. They were coming here to say the same thing she's saying; that masks are unnecessary and facts and statistics are showing this is the case. She chose Branson because of what she heard about it and how it's a town that honors God, family, veterans, government and everything this wonderful country stands for. She sees this every day in the people who live and work here and even in the people who come as tourists. Ms. Wobster commented it doesn't even bother her to get in a long line of traffic on 76 Country Boulevard and she gives prayers of thanks for them, because they're here boosting the economy. They feel the same way about the City that she and everybody else here feels and she doesn't believe any of the Board members are political, but what they're doing is because they love this City too. She admonished the Board to please be leaders and not follow the status quo just because Springfield or other cities do something. She believes people will come here if the Board takes a stand to be different, be men and say they're not going to follow these ridiculous laws and mandates. She believes the Board are men of conviction, will do the right thing and it would grieve her heart to see the City follow the way of every other City. If the Board refuses to bow to this thing, she believes people are going to flood this place because they want to come to a place that's not in bondage with laws and regulations messing with people's freedoms. She added, people are nice here, they do social distancing, they don't want to get sick or make somebody else sick. The people of Branson are decent, God-fearing people and she asked the Board to please keep that in mind. She commented people are social distancing, sanitizing their hands and trying to think of other people before themselves and she believes that is sufficient. She thinks all the facts everyone has mentioned tonight has proven that.

Joy Davis, introduced herself as a resident of Branson for 44 years and she agrees with Ms. Wobser and some of the other speakers. She's had a business for 44 years with her husband and explained she cares about people and about loss. She lost her husband about a year ago, she still grieves and doesn't want to see lives lost. She knows how it feels to have a hole in her life from someone she's lived with for so long. Ms. Davis expressed she cares about this nation and those living here and she feels she should at least share about the people who come in and talk to her at her restaurant. She explained people feel everything's been wrong, blown out of proportion and they don't believe the CDC's numbers since they've been wrong too many times. She doesn't have all the facts and didn't have time because she runs a business, but wishes she had after listening to everyone and learning. She reiterated, people don't trust the numbers and she believes as individuals people need to be responsible for themselves. She's 71 years old

and is getting close to the mark of being higher risk, but she does a lot to build up her immune system. She mentioned taking vitamins, minerals and zinc and said the first thing she'd want if she got sick is hydroxychloroquine, because she's heard people speak about how within hours they felt so much better and normal again. Ms. Davis doesn't know why the medical professional didn't mention hydroxychloroquine, because many doctors across the nation are having great success with it and it's good to know there's something that's worked for many people and patients have not been lost because of it. She mentioned thinking about the numbers and what they say about Missouri and provided the Board with a handout from the Missouri Department of Health and Senior Services. It says the total cases for Missouri is 29,714 and the total deaths are 1,102. She explained those are cases and it's known those cases are up higher because there's so much more testing being done than when this first started. There wasn't any testing done at first, but of the number of those who have it, they are not necessarily sick or hospitalized, they just tested positive. She calculates she has a .037% chance of death from COVID-19 and has a lot greater chance of dying from pneumonia. Missouri's deaths this season for pneumonia and influenza was 1,967 deaths and the numbers are recent through the 15th. She understands every death is important, but pointed out Missouri's deaths have spiked, but is going down and is not showing there's a big crisis here. She added, so what if Walmart or other big corporations and places are making these decisions. As she would ask her kids growing up, if everyone else jumped off a cliff, would they also jump off. She expressed her appreciation for all the speakers this evening and she agrees with them. She has 12 grandchildren and five great-grandchildren and her granddaughter sent something to her at the beginning of COVID-19. She explained things have been a lot tougher for her without her husband in trying to make these decisions and she tries not to stress and trust the Lord, but it's still been tough. She read the quote her granddaughter gave her from Benjamin Franklin which says if we give up liberty for security, we have neither. Ms. Davis explained people may be doing this innocently, but they're still giving up liberty for security and no government can promise all these securities or even life. They can't even find a cure for cancer which is what her husband and a couple of friends died of just this year. She asked how many years the war has been going on for that and there's still not a cure. She thanked the Board for its time. (See attached handout)

Chris Meyer, 269 State Highway 248, Branson, Missouri, said the last time he talked to the Board it did the right thing and he hopes it will do that again. This is an interesting time and he loves to see the passion of people on this passionate topic. He's guessing when the Aldermen signed up to be on the Board they didn't realize they were going to sit through hours of testimony about medical stuff. He's not a medical person and isn't going to talk much about medical things, but thinks the narrative needs to be changed. He referred to the ordinance's ninth whereas which states Taney County has seen an 846% increase and explained this is fear mongering. Mr. Meyer reported on what's happening in other tourist destinations and said in Orlando County there are almost 20,000 cases, in Vegas County there are 30,000 cases and in Myrtle Beach there's over 6,000 cases. The county that's the closest to Branson's is Sevier County which includes Pigeon Forge, Gatlinburg and Sevierville Tennessee, which has 978 cases. Branson is at 146 identified cases and that is one of the best in the country for major tourism destinations, but it's being spun like a fear-mongering place. He thinks people have to look at it in a different light and when the City puts this whereas in the ordinance talking about increases, he thinks it also needs to put 99.82% of Taney County Residents don't have it based on a population of 55,000 people. He explained when people talk about cases they also have to talk about recovery as only 94 cases in the County are in active status. What's coming out of the City is disheartening; it's scaring people and has been felt at local businesses when people call, and in some cases, now they're not calling. The narrative has got to change that this is a very safe place. He recalled when he spoke here last time, he estimated over the next three months it was going to cost Branson about \$80 million in revenue. When looking at the tourism tax on hotels, attractions, restaurants and theaters for March, April and May, it cost Branson \$74 million compared to last year. It's going to cost even more because June is not going to go back to 100% and the Board knows this because it's going to have to deal with the tax consequences. When people say Branson's not going to be down, it's already down 72% to 80% in these businesses and the TCED tax is down over 50% as well. In his business, folks are wearing masks, but he feels the difference with this is Branson needs to be as welcoming as possible. Part of that welcoming is business saying what they're going to do to be responsible to customers and how they're going to take care of them. He explained if he goes into a business and they're not doing anything, he might just leave, but feels it's up to the individual businesses. They don't need more government control, they need more encouragement and he thinks the City needs to be the cheerleader. He asked the Board not to mandate or control it, because it comes back to personal responsibility. Some

people have said the reason this ordinance is needed is because there's a bunch of stupid people out there and he asked if this ordinance is passed if these people are all of a sudden going to get smart. He asked if these people live in a cave and don't know coronavirus is going on or that masks are cool. Mr. Meyer explained those people are still going to be stupid when the ordinance is passed and they're not all of a sudden going to start wearing a mask just because the Board told them to. He added, if the Board thinks so it has more power than he thinks it has. Mr. Meyer said if the Board decides to pass this, he'd like to give some suggestions and clarified he's not saying he's in favor of it, but thinks this bill could be better. He mentioned discussions about face coverings and noticed no one's talked about eye coverings. He explained people can get coronavirus through their eyes which should be considered if the City's going to truly do this and be consistent. He commented if he doesn't know he has coronavirus and kisses his wife should kissing be outlawed. He referred to the ordinance pertaining to face coverings and mentioned it talks about ties, loops or elastic, but noticed someone in the audience wearing a neck gator which doesn't have those and he feels they should be allowed. He expressed concerns over the Police issuing tourists \$100 tickets because he'd rather have them work on people selling drugs, beating their wives or involved with child pornography. There are much bigger issues to deal with in the community and they only have a limited amount of time and he asked if they would be pulled off these types of criminal cases to go fight the mask people. He feels this will make more people criminals and believes it needs to be taken from a positive standpoint of public relations by encouraging guests and citizens to wear masks. He referred to Section 58-387 (2) of the ordinance where it talks about any person with a health condition documented by a medical professional that prohibits wearing a face covering. The way he reads this is a person has to go get documented, which means there's a medical expense to that person because the only way to get a document from a medical professional is to go there and pay them. So once again, the City's going to require undue burden on certain people and he asked the Board to take this into account. He explained there will also be additional labor costs, because people will have to police this in their businesses. Right now most businesses are short staffed because people don't want to work because they're getting great unemployment benefits and there aren't J1s, so businesses don't have time to police this. Mr. Meyer addressed the signage required for business operations which he personally finds extremely tacky, because every door in this town people go into they're going to see a white sign with big red letters. He discussed this with a City official today who told him the sign can be made in different styles, but it's pretty clear in the ordinance that says it has to be ½ inch high on white background. Mr. Meyer explained he followed the ½" high guideline, put the exact wording on it and couldn't get it to fit on an 8 ½" by 11" inch paper, so no one really tested this to see if that was actually accurate. He provided the Board with an example of the signage and feels the signage portion needs to be changed if the Board is going to pass the ordinance. He asked if people wanted the town to look tacky and he emphasized design matters and people need to think about design in what they do. He doesn't think everybody would be able to do this by the 20<sup>th</sup> since tomorrow is Friday and the sign people probably go home on the weekend. He added, although they would love this because they'll make a lot of money, but that's not the point. He feels people need to think smart, because every time someone sees this it really says they're not welcome and he suggested putting welcome to Branson and just encourage them to wear a mask. Mr. Meyer referenced Section 4 of the ordinance, which he thinks gives two people a lot of power to make the decision on-going. The Board was elected by the people of Branson and he doesn't hear anybody saying it shouldn't have that power as an elected Board, but he expressed concerns over two unelected staff members making these decisions. He clarified he loves City Staff and that's not the issue, but what is the magic number when it's okay not to wear a mask. He commented if other tourism destinations have 20,000 cases and Disney is opening more theme parks, there will be a lot of cases there. At the end of the day, this is all about risk and people determine every day when they walk out the door what their risk level is going to be. It's a choice and he's talked to people who are at high risk and are choosing to stay home which is great, but as an individual he's determining what risks he wants to take. Mr. Meyer said if he gets in his car he's taking a risk; someone might be drunk, they might hit him and he might die, but he's still taking that risk when he goes out and takes a car ride. He explained he would much rather have freedom than safety and security and feels it's really easy to give up freedom for a little more safety and security. He added, but when people give up a little here, a little there and a little more, it's a whole bunch and it's always just a little at a time. He believes it comes back to personal responsibility and thinks if the Board has faith in the community, then it has to trust them. If the Board doesn't trust the community then vote for it, but if trusts the community it should let people determine it. There's no sense operating out of fear, because this is a community of faith and he would much rather operate out of faith than fear. He thanked the Board for the opportunity to speak. (See attached handout)

Lindel Gore, 301 Sunset Drive, Hollister, Missouri, stated he first wants to say something that's really important which is he sees a nation that he loves being ripped to pieces. People can pick any topic, even tying shoelaces in a square knot or half knot, and people are going to kill other people over it in this country. This really tears his heart to pieces and he believes everyone should be ashamed for letting that happen. Mr. Gore expressed this imposes a lot of fear on him and he's been so happy living in the Branson area for about 10 years. He mentioned he and his wife came here on vacation 10 years ago, they never left, they love it and feel safe here. He mentioned being in the military for a while and he goes to Branson shows where they honor the military, police officers, family and everything this country stands for. He explained these are divisive situations coming through this country and ripping it to pieces. He sees a young man here this evening who is pro-mask and while he hates that, he's an American and he loves him and is glad he stood up here to say what he had to say. In this country the dollar bills say In God We Trust and he wonders what would have happened in Nazi Germany if when Hitler told the Jews they had to wear a Star of David on their arms to identify themselves and that they would be reprobates of society, if the German people would have said no. He wonders if there would have been a holocaust. He expressed appreciation for the Aldermen and Mayor because they have one heck of a job and he doesn't envy them because they're going to upset a lot of people no matter what they vote. Mr. Gore explained if he has to wear a mask, he's going to put the Star of David and a shower head on it with a caption under it that says shut your mouth and get in the shower. He's afraid, but God says don't be afraid because He will always be with him. He recalled when he was a kid and got his first car, car insurance was really cheap and it was easy to get his car fixed if he got in an accident. He could go pay for it himself, but whenever car insurance became mandatory, he couldn't afford it or afford to get his car fixed. If masks are going to be mandatory, all of a sudden people are going to have to take out a loan to buy one because people are going to make a lot of money from them. He asked everyone to please learn three things: God loves them, so love everybody else, God forgives them, so forgive everybody else and speak kind words no matter what happens. Mr. Gore said people in Branson need to reach out to everybody and be kind, even to the people who are rioting, because people need to love and forgive them.

Ruth Haining, Branson, Missouri, pointed out the Lysol wipes are supposed to kill 99.9% of germs so she doesn't know why people can't use the same one until it's dry. She mentioned speaking on behalf of herself and others who have struggled with or are currently experiencing domestic violence, domestic abuse, sex abuse, sex trafficking, panic disorders, anxiety disorders, CPTSD, PTSD of any kind, both combat-related and non-combat-related. Anxiety and non-combat PTSD are issues she personally struggles with on a daily basis and because of these issues she's connected with several others like herself. Those who deal with the daily project of trying to keep calm in a crowd, run regular or essential errands without having panic attacks, anxiety meltdowns or other things of that nature. She explained causes such as when somebody rubs against them, cuts in front of them or even just being in a crowd or a number of other panic driven triggers. In spite of the six foot social distancing, people still rub against her so there's no such thing as six feet in stores and she doesn't believe it can be made to happen. Ms. Haining explained non-visible triggers are different for everyone depending on where their trauma came from. From her first-hand experience, anxiety or escalated anxiety presents an elevated heart rate or labored breathing which masks complicate tremendously. Stress levels directly impact weight which also makes it difficult to breathe, but because of stress, losing weight can be nearly impossible sometimes. To struggle with any level of these issues already is challenging and putting a mask on people's faces makes it ten times worse. She's chosen to endure it today to be a voice for those who cannot and mentioned she and many others have a tendency to become extremely light-headed, putting her at risk of fainting, cardiac arrest and heart attack. She added, this was even verified by medical doctors today and these are normal everyday circumstances and struggles for people with PTSD, CPTSD and anxiety disorders. Ms. Haining said Branson is and always has been a town that upholds and highly respects veterans and active-duty military personnel. Many of them struggle with PTSD and anxiety disorders and some days life is a horror story for veterans and they can't handle one more thing. For many veterans, wearing a mask is a service-related trigger, representing a nightmare that many cannot even imagine. Forcing them to wear a mask is nothing short of inhumane, and as Mr. Seitz pointed out earlier, people are being denied access when they claim a medical disorder such as this. Speaking on behalf of domestic violence victims, many of them have at one point, experienced someone forcing their hand over their mouth as a way of suppression and control to get out of them what their abuser wants. For them, wearing a mask over their face is a mental revisiting of past abuse and

becomes a constant trigger they cannot get away from. She feels this bill is proposing that their trauma doesn't matter, because there might be a small chance they could possibly be carrying a virus. This is a huge violation of their mental peace, emotional well-being and it prohibits their ability to heal. The privacy of people fighting these issues is legally protected and they cannot and should not be forced to publicly explain the demons they face. She believes it's important for everyone to be responsible for their own health and well-being. Nobody, whether or not they're wearing a mask, knows how to properly care for her health besides herself and nobody, whether or not they're wearing a mask, can know how to properly care for their own health better than themselves. She mentioned studying and taking data from individuals who have these kinds of medical conditions, but these kinds of issues and conditions are widely not respected as a medical condition and it's very difficult to get medical doctors to write a note for these kinds of conditions. It's been proven by many sources and her doctor attested to this earlier today, that wearing a mask does not protect the wearer, but protects others. So it only affects how far the spray projects, but does not protect the wearer from being affected. So even though she's wearing a mask for others sake, she can still catch whatever virus is coming her way. If people are supposed to wear a mask on behalf of someone else, but are not allowed to properly and accurately care for their own mental and physical health first, they are in fact putting more people at risk. The ordinance being considered puts Branson at a greater risk which is the exact opposite of its intent and she urged the Board to vote against it.

Kelly Slabach, lives in Hollister, Missouri, and is here representing Branson residents who, because of work and health issues, are not able to attend. She shared some good news and reported in the last four months in Taney County there has been 4,665 COVID tests and of those tests, 96.87% came back negative which is great. She mentioned the perspective change that Mr. Meyer spoke of earlier and believes it's the perspective change and the scare mongering. She pointed out the County is up to 146 cases, but that's over four months. People can look at the actual data and those that came back positive deserve care and attention, but the many that came back negative deserve to live their lives as if they are not sick. Quarantine the sick and protect those who are at risk, but the majority of people are not sick or at risk and if they are, they choose to take that risk. As another gentleman said, she had to make a risk assessment getting in her car to drive here and she has to do that every time she gets in the car. She feels this mask mandate is like saying even a really good driver might kill somebody in a car accident, so no more cars. It's not looking at how to better care for people who are at risk or do get it. It's just looking at taking away one little area of risk which doesn't stop death. Ms. Slabach said Table Rock Lake has a ton of boating deaths and asked if boats were going to be outlawed. She asked how many people have died in a bicycle accidents, she's known of one in her lifetime, but they do happen. Death is an everyday occurrence, so people do what they do responsibly and she resents the language, that even the City sent out, that people should wear masks because they love others or because they care. She explained she loves Jesus who says to love others and how she loves others is by respecting their social distance, washing her hands frequently, using hand sanitizer and staying home when she's sick. She's an adult and has that choice, but by saying regardless of the fact that nearly 97% of cases are negative, everyone still has to act and live like they're sick is a problem. She addressed the way the doctor described Taney County as only having this many cases when it locked down, but now since it opened it has this many. She asked the Board how many tests Taney County Health Department started with and reported it was zero and then went up to two. She pointed out the jump that was seen two weeks ago is because Taney County did a free testing event where anybody who wanted to could get tested, so of course people are going to see jumps. Ms. Slabach explained the CDC's literature even mentions their antibody testing and all other testing can trigger a false positive if people have a cold caused by a coronavirus or have had a flu shot. She explained, so there's going to be a jump in positives and they're false for the most part and that's not saying these issues aren't real, but looking at the active positive cases right now only 11 are hospitalized. This means the majority are not sick enough to require ventilators and only 21% are hospitalized. Obviously any hospitalization and death is tragic, but death is 100% guaranteed for every single person in this room. To say this prevents a death or illness is foolhardy and for the CDC Director to say what he did without backing it up with actual data is also foolhardy. He didn't back it up with actual data, but with an anecdotal study and said people can the virus grind into the ground in four to six weeks. Ms. Slabach asked what will happen when the masks don't work or what will happen in a month. According to this bill as it's written, two unelected officials just get to decide to make it indefinite and everyone has already expressed a lot of issue with that. She knows there is a lot of divided opinions and evidence on masks, because for every doctor saying masks work and must be mandated, others say they do not work and are very dangerous. She commented, this isn't a 9 out of 10

dentists recommend masks because there is a wide divide. Sadly, she wished there would have been medical professionals here courageous enough or willing to come speak. She understands from friends in the medical field, that their livelihoods are threatened if they speak out against the narrative which their higher-ups and CEOs of their hospitals have made clear. If they tell her anything, it's anonymously and she feels this shouldn't be the case and there should not be censorship on truth. She added, but there is and these people are afraid of losing their livelihoods by speaking up for truth. She's not a medical professional, but has many friends who are and they sent her data which she's bringing to the Board since they can't speak for it. Ms. Slabach said she loves Branson, grew up in Branson, moved away for 10 years, but returned once she had her own family because there's no place on earth like Branson. So to say it needs to become like every other place on Earth, she doesn't want that and is why she moved here. She addressed the economic issues and mentioned when Silver Dollar City (SDC) decided it was going to mandate masks upon entry, the overwhelming majority of people commenting on their Facebook and Instagram posts and said they were not coming. Any rational, reasonable person knows that being out in a hundred degree, very humid temperatures, wearing a mask is very foolhardy and she mentioned driving by SDC's parking lots in the middle of the day, last Saturday, in the middle of July and their lots were almost completely empty when it should have been one of their busiest days. In talking with several different SDC employees, they said it's bringing in far less than 50% of normal attendance. She asked the Board what that's going to do to Branson, how many people are not going to wear masks walking the Strip because it's hot and how many are not going to sit in a show and wear a mask. Entertainers like Clay Cooper have done a really admirable job exhibiting what social distancing in a show would look like, but she can guarantee if she were to count the price of each seat that sits empty, Clay Cooper is losing money. She believes he's doing it because he loves Branson, wants people to come and is going to do everything he can to make them feel comfortable, but if masks are forced he will have to close his theater. She asked anyone who says they care about the people of Branson or has felt the economic pain of the lockdown, if they lost their business that they worked for their entire life or had to send employees home because they couldn't afford to pay them. She knows the gentlemen on the Board are businessmen in town and they care about Branson. There have been a lot of triggering words used out of passion and she asked the Board to please understand no one here is calling them Hitler or Nazis. People know they have Branson's best interest at heart and have received a lot of very loud pressure from the other side to mandate this. She personally knows what it feels like when somebody says she doesn't love people, but feels the reason people are making Nazi Germany comparisons is because it's happened before and started with something innocuous. Ms. Slabach explained Hitler didn't propose the golden star, it was a Jew who felt people should be proud to wear it because it marked their heritage and showed they were good for the community. It also showed who wasn't compliant, because they were the ones who wouldn't wear it and were punished the quickest and those who were compliant were targeted. She clarified people aren't saying the Board is doing that, but are cautioning it about the precedent it sets that cannot be easily backtracked. She asked the Board to please trust its citizens because their livelihoods are the tourism and they're not going to try to infect people. Every store and restaurant she's been in has been extra careful and if anything, it's showed her how wonderful Branson is because of how much they have gone over and above to make people feel comfortable. She believes a mask mandate will kill everything that's good about Branson and people are worried about this unending thing being rolled over again and again. She hates to break it to the Board, but feels this is an act that in three months, there may not be a town to govern because it may tank that fast. She asked the Board to trust its citizens because they love people and those coming to visit Branson and they're doing everything they can to make them feel comfortable. Ms. Slabach asked the Board to please also trust that people know what's best for their health, the health of their families and they're not going to put them at risk to make somebody feel comfortable for something that's scientifically not proven to actually work.

Stephanie Holloway, 144 Bull Run Road, Branson, Missouri, introduced herself as a teacher and pastor and said she hopes the Board will take the time to listen to what she has to say. She expressed her appreciation for the Board and knows from the corrections it's already made to the proposed mandate that it's listening. She prays the Board's eyes and ears will be fully open to what the people of the community are saying and what God is trying to tell them. Ms. Holloway commented what these people have said is true and explained America is headed into a socialist society if it keeps making mandates on people like this which is heartbreaking for her and for her six kids who didn't want to grow up in a land like this. She commented on the veil she's wearing and said a lot of people have probably glanced at her thinking it's

some kind of mockery, but explained she has a lot of reasons for wearing it. Someone pointed out it might catch snot while allowing air to still get through it. She has skin allergies, asthma and ocular migraines which are three great reasons not to be forced to wear a mask. She explained the people here wearing surgical masks are probably more at risk than she is, because they're supposed to be thrown away after 20 to 30 minutes and used in sterile environments. She explained the veil also provides a little eye covering, so she has a good mask on, but she's going to take it off. Ms. Holloway stated she's not anti-mask or pro mask, but anti-mandatory mask. She teaches in a school district outside of Branson and preaches in the Branson area. She mentioned taking a job today, knowing she'll have to wear a mask to teach, because kids are going to need some teachers if they even go back to school this fall. She cares about them that much that she's going to put her life and health at risk to teach the next generation of kids. At the same time she would really like for this to be a community she can come home to and have freedom and liberty. This is a great community that is founded on Godly principles and people will make good decisions, be cautious and careful, will not try to harm people and will stay home when they're sick. She doesn't trust the CDC, the WHO or the numbers they've put out and mentioned she has a math degree and pointed out the 907% jump mentioned previously is because there were very little tests at first. Since then there's been a lot of testing, so yes the COVID-19 cases are going to rise and she explained this is not how percentages are figured, because statistics don't work that way. Another reason besides health reasons for her wearing a veil is because the church is at stake and everyone knows what's being done in California and people don't want that in Branson. She commented people such as the expert who came up here, base their arguments off of science, but where is the control group for Great Clips Hair Salon. Everyone's touting about the two mask wearers in the same building and no one got sick. She knows from science learned in grade school that it doesn't work that way, there has to be a control group. People can't compare it to another town with unmasked people in a choir group with different people, because it doesn't work that way, it's not science but is a scare tactic. She prays the Board doesn't base its decisions off of emotions and explained Biblically, people are supposed to walk by the spirit, not by fear. She explained all across the globe people are saying there are four reasons behind all of these mandates which are fear, greed, shame and guilt. She knows some people have loved ones who are immune-compromised like she and others in this room are and she asked them to let her put their hearts to rest just a little bit. She mentioned her 26 year-old daughter was posed with a question about whether or not Jesus would wear a mask and she replied he would curse it, rebuke it, command it to shrivel up and die and walk on. He would do this just like the fig tree because he didn't have fear and people shouldn't have fear if they have Jesus in them which she hopes everyone does. She asked the audience for a show of hands how many people are in favor of and opposed to the mandate passing and told the Board that's some statistics for them. The experts want to quote things from the CDC and the WHO, but these organizations are ran by fear, greed and have agendas. Whereas her personal doctor who delivered four of her babies and probably 90% of the babies in this County told her if she gets COVID-19, to treat it like the flu. She explained she thought she might have had it during the lockdown. Ms. Holloway shared that her girls are not vaccinated and survived the swine flu and he was their doctor and he said to treat it like the flu and gargle warm salt water three times a day, six days straight, so she did and it helped her throat get better. He told her if her throat and cough got better to go down to three or four times a day, drink plenty of fluids and stay away from others and that's what she did. She doesn't know if she had it or not because she had some of the symptoms, but no one was testing then. She stated people don't have to base it off of fear and explained when Jesus said to turn the other cheek, he wasn't saying you slapped us on the cheek, you made us go into quarantine and lockdown and now you can mandate masks. That's not what turn the other cheek means in historical context. It means you already slapped us on the cheek with lockdowns and quarantines and you shouldn't have, so go ahead and take my life if you want. She says this because there's too much shaming against Christians right now who are against mandated mask-wearing and she knows some people here are Christians and she doesn't want them to base it out of guilt or shame. Jesus wouldn't do that, she doesn't do that and she feels true Christians can be pro-mask or anti-mask, but no one should be shaming anyone. She thanked the Board for listening.

Wayne Mcauley, 200 Boxelder Lane, Forsyth, Missouri, said he lives mostly at 116 Gretna Road in Branson and a lot of what he was going to talk about has already been discussed, but there are some things from personal experience pertaining to working with a mask he'd like to discuss. He used to work as a digital photographer and there was a saying, don't go by the guidelines, go by the physical evidence. He explained physical evidence is what he's about to give and mentioned working for Premium Retail Services

for five years which was an amazing job for some supplemental income, but then COVID-19 came around and corporate America started to mandate masks for their employees. He reported his company had Target and Best Buy and he loved it because it gave him the opportunity to use his technical expertise to make things that amazed people. A few weeks ago he was working a return at Target and the return took three hours, when it should have taken an hour and a half had he not been wearing a mask. He feels if he had been required to climb a ladder towards the end of that three hours he would have fallen on his head and split his skull open, because he was that close to passing out. He explained he complies when someone asks him to do something and mentioned the people who work for these places have told him they have the same issues. They are about to pass out by the end of their work day, their work takes longer and it's literally costing corporate America a lot more to have people working with masks on because they hold them back and cut down on production. He explained the Board can't do anything about corporate America, but can make sure people have the option to wear or not wear masks, because it becomes dangerous when enforced. He understands choices and accountability and that the virus is very serious because he went through it. He quarantined for about six days, piled blankets on top of him to raise his temperature to make sure the virus was completely destroyed. He drank a solution of Himalayan pink salt which has iodine and citric acid in it and he recovered. There are ways to get over the virus and if people are smart instead of making decisions according to emotion, they will pull through this and defeat the virus.

Dirk Myers, 118 West Hensley, Branson, Missouri, stated he owns Dirk D. Myers Photography and Service with a Style Consulting. The lockdown and quarantine hit his business really hard, which he doesn't have to tell the Board because most of them own a business in one form or fashion. He's here to speak for some people who are really glad to be back open that have tried really hard to make sure it stays that way. He explained he specifically thinks of Stacy who manages the gym he goes to, who has done a really good job making sure everything stays clean and she works really hard to make sure that happens. He also thinks of Gabe and Jolene who he works with at restaurants at the Branson Landing. He explained they wear masks, take care of people and work really hard to make sure customer service happens and everything's clean. He expressed their concerns about the mask mandate and explained 16 year-old-hostesses are going to have to be replaced with someone who's going to be able to watch the door, because restaurants are not going to put that person in a situation where they have to mandate people coming in the door. They're not generally geared to handle that and he explained managers are going to have to get away from what they're doing, their day-to-day stuff and they're going to have to do more stuff. Corporate only gives them so many hours to manage what they've got already and they're working really hard to keep things clean. He also thinks of Matthew and Destiny and all of the other people who own restaurants and bars in this area. Mr. Myers explained they're working really hard to put that in place, they're all customer service oriented and professionals at what they do. He's been a service professional for well over 25 years in addition to being in ministry and a photographer, among other things. He explained he takes care of people when doing a photoshoot and a lot of seniors are finally getting excited again about having their pictures taken. He believes with a mask mandate, he's going to have cancellations, but feels the good news is there are a bunch of professionals and a whole lot of people who are really good at what they do. Mr. Myers asked the Board to trust them to do their jobs because they don't need it's help. They're really good at what they do and he asked the Board to let people do their jobs managing restaurants and keeping people safe. He asked the Board to keep people free because that's all they need and he explained people trusted the Board members when they voted for them and it's up to the Board to trust them now. He reported Walmart, Walgreens and all of these other companies have mask mandates, so the Board doesn't have to worry about it, because everybody else is doing the job for them and he asked them to vote no. Mr. Myers commented people walking at the Branson Landing, in 105 degrees with a cloth petri dish on their face, know when they need to take it down for a few minutes and when they need to put it back up. He walks a lot and when he walks home from work, if he sees somebody who's sick, elderly or looks like they might have an issue, he's courteous and gives them their distance. He asked the Board to let people do their jobs, because they're hospitality professionals, they're good at what they do and Branson is known for its hospitality, so it's got this.

Kevin VanStory said he doesn't live in Branson, but his oldest daughter does and tomorrow she graduates from a drug program after 14 months of being clean after 14 years of being lost in drug addiction. He introduced himself as a candidate for congress for the 7th District, running against Billy Long in the Republican primary. He said he's way outside his wheelhouse as he's had two jobs in 36 years and has

lived in Neosho since September of 1984. He's sold motorcycles and has been a real estate agent and broker for seven years and is really good at his job. He mentioned Branson is built on commercial activity and is about the same size as Neosho. He reported Neosho plays Branson in football, but Branson makes a lot more money than Neosho and has a lot nicer facilities. He's here to talk about masks and feels it's a face diaper because it catches waste and shortly becomes very toxic by making people wear them. He's been here for about five and a half hours and they are only good for about 30 minutes and he pointed out the Board members have been wearing theirs for this long also. He explained masks will have more of a negative than positive effect and mentioned having also dealt with this issue at the Joplin, Springfield, Neosho and Nixa City Council meetings. Mr. VanStory commented this Board is older than Nixa's City Council and he believes this is a little more of a conservative area than Springfield and has a tremendous opportunity. He mentioned addressing Neosho's City Council and he knows all the people on its Board since he's lived in Neosho since 1984. He was the first one to ask them to go 180 degrees of what they were thinking and then several other people came behind him and hammered it home because of their passion and steadfastness. He referred to all the people here who are line up still wanting to speak waitin,g to talk to the Board to get its attention. He explained everyone here are adults and don't need a daddy state to tell people they need to wear masks. He mentioned being ordained in the ministry in 2018 and two weeks later the Lord woke him up in the middle of the night and said he needed to run for Billy Long's office, so he's operating outside of his comfort zone. Mr. VanStory feels there's an opportunity for Branson with Springfield shutting down and he reported Nixa is going to be voting next Monday and will be shutting down too. They're going to put a mask on everybody and Branson's going to have a tremendous opportunity for business and growth, but if Branson mandates masks it might as well just shut the town down. He's seen this town in December and January and feels if the mask is mandated, it should just close down because it will be doing the same thing. Neosho's City Council decided to go with whatever the Governor says and Governor Parsons already said he will not mandate masks. If it comes down from the Governor, he's not going to be happy about it because it's a personal liberty issue for him. God gave people this wonderful set of sinuses and lungs so they can breathe and He wants to see their faces while they worship Him and by covering up their faces, people can't see or hear anything. He reported the first weekend Neosho went without restrictions, its local Walmart had over a thousand more customers than normal and last Saturday, the Lowe's in the middle of town had 700 more customers. Walmart is doing a corporate shutdown, or corporate mask requirement, and is going to have to deal with it and the economic repercussions. With any of these stores doing that, people will find another way because that's what commerce allows and he encouraged people to shop local. He commented people can't sanitize the universe because microbes are absolutely everywhere and the battle for winning the COVID-19 war is within our own immune systems. God has given people the ability to always fight viruses and bacteria since the beginning of time and they should absolutely take care of the vulnerable, but recognize they can't run away from COVID-19. As those in the healthcare industry call it, herd immunity, he doesn't believe his fellow citizens are animals so he calls it crowd immunity. Mr. VanStory reported there are 58,000 people in Taney County and 146 total cases which he calculates to be two out of 1,000 people and out of those cases, probably 60% of them are asymptomatic. The World Health Organization a couple of weeks ago came out with a video in which they said asymptomatic people do not transmit the virus and it completely walked back everything it had been saying up until this time. At every Council meeting, the medical professionals have all done the same song and dance which is always really emotional and always pulls on people's emotional strings. He explained this is all part of Saul Alinsky's tactic and people are following in that direction, but they need to stop, turn around and go back the other way. There are two documents people can rely on; the Holy Bible and the United States Constitution, which are two of the greatest documents ever written. He's not here to do political grandstanding, because he's got a lot of other things he could do, but is pleading with the Board to vote no, go the other direction, open the town up and give its citizens a chance. He commented there might not be another cares act or umbrella for some more money and he explained this whole situation is about the money. For Health Department officials, for every positive case, somehow and someday there's a lot of money coming down and believe's it's about \$9,000 or \$10,000 for every positive case of COVID-19. For every death, there's \$39,000 and he asked where this money was coming from and where it's going to. He said he doesn't know, but knows it's about the money and it's about an agenda. When talking about two out of 1,000 people who get sick, he asked the Board not to blow its City and people up or do anything rash or unreasonable.

Bo Dejager, South Drive, Branson, Missouri, commented he's here today because he believes wearing masks should be a choice. He referred to the Mayor's protocol of wiping down and sanitizing the microphone and pointed out people should have been wiping down the entire desk if everyone's talking about safety and sanitizing. He mentioned Clorox wipes are 99% effective, not 100% effective. He made a comparison to the percentage of cases and deaths which is 1% or 2% and asked if the 99% effective rate on the Clorox wipes is good and they're sent everywhere, how is that not comparable. At this meeting he wished there would have been an opportunity for people to ask those initially presenting the arguments some questions because they left as soon as they were done. Mr. Dejager explained he would have liked to ask them some questions on why they believe masks are effective because they're supposedly the doctors in this area fighting for their cause. One of the first people who spoke said that masks are 100% effective and Mr. Dejager commented, if they're that effective he would have liked for them to go into a little bit of detail. He inquired if masks were effective if one person is wearing it or if both people have to be wearing it. He addressed the argument that both people have to be wearing a mask and said that tells him one side of the mask doesn't work. When looking at a mask he feels this kind of contradicts how masks work in the construction field and asked if people couldn't just turn the mask inside out and then the virus shouldn't come into contact with them. He feels this is kind of common sense that masks should be stopping things whether it's one way or the other because it's made from the same material inside and out. He's a little confused on how it's beneficial if both or just one person is wearing a mask and thinks it's necessary for the most vulnerable people to take precautions. He doesn't feel high-risk people should be going out as they have the safety of their own homes and do things for their own safety, but that's a choice, it's not forced. He explained no one is forcing people to stay home or wear a mask and feels it should be a choice to wear a mask and masks are only as good as the person wearing it. He expressed everyone cares about each other as everyone before him has said the same thing. He mentioned there is a man here who had gotten COVID-19, but is still standing here today. He clarified he's not downplaying the severity of it, but is just saying he's still standing here today. He commented it may be tough, but he feels people can't scare everybody and asked if people were scared of getting it or scared of dying from it because there's a difference. Mr. Dejager explained the way he was raised is he believes people should have a certain amount of germs in their bodies because that's what keeps the immune system strong. He gave the example of when people tell their kids to go on and get dirty because it helps them get strong. Now people are being told to clean themselves 100% and he's noticed the people he's come into contact with who are more accustomed to using sanitizer and things like that are generally the ones who are getting sick more often and more severely. Now people are being told to wear masks to contain it to themselves, but it's wearing down their own immune systems. While people need to work on their own health, it shouldn't be mandatory and as previously stated, there's herd immunity for people in good health. He explained some scientists have found as viruses go along, they get weaker as they prolong and go through people. He's in good standing health and believes he should have the choice to maybe get it and even if he does get it, he'll live with the circumstances. He believes his good health and good immune system will fight it off and create a weaker COVID-19 down the road. He still thinks it's a matter of choice and said he hates to compare the two, but if people want to force a society and community to wear masks for the sake of other people's lives, it should be the same argument when it comes to abortion. He asked, if people are saying they need to care for the lives of others, then when does a child become an actual person? Is it when it has a heartbeat, limbs, hair or when is that line? If people say it's ok to have a late-term abortion, it's a child that already has all the same features of a person and is committing murder by killing somebody. He explained it's considered a personal choice, but now people are talking about masks and it's not a choice anymore. He reiterated this needs to be left in the hands of personal choice and the people at risk can make their own personal choices. He asked if the mask really helps if it's just one mask, because there's been no scientific proof that it takes two masks. He compared it to wearing a condom and asked if people wear one or do they put on a second one because they're not sure the first one is effective. He explained the point is people don't need a second type of protection if the first one's supposed to do the job.

Unknown Speaker (didn't provide name), he commented the science surrounding the efficacy of cloths masks is simply not as established or concrete as people are led to believe. There's a scientific intention, but there's certainly not a universal consensus on this issue. He reported most of the recent studies that support the mask theory are mechanistic or something extrapolated from recent data being released regarding COVID-19 transmission across the world. This data is almost certainly flawed as it has been since the beginning of this pandemic. All the credible studies that purport to show the usefulness of

masks come with several caveats such as there are no gaps in the mask, that it is regularly cleaned and sanitized and the use of extra measures such as social distancing and hand washing are adhered to. Without these extra measures being enforced, these studies are rendered nearly useless. He explained it's been documented that in order to be useful, face masks must be worn properly and cleaned regularly and if they aren't, or are touched, removed and put back on, they could cause more issues than they solve. Nowhere in this mandate does he see enforcement on the proper wearing of masks, only that a mask is worn. He believes this leads to another issue; the false sense of security that arises from those wearing a mask as if they are now somewhat protected. He believes if the Board doesn't think the City should open back up without masks, then it certainly shouldn't think the City should open back up with them. Homemade masks are not magic wands that wave away the threat of transmission and they certainly don't top the list of ways to limit the spread of infectious disease. These mandates only serve to undermine actual effective means of slowing transmission such as social distancing or avoiding large groups, if that isn't the goal. However, he's not sure what the goal actually is anymore as it used to be slowing the spread, flattening the curve and relieving pressure from the health system. He inquired if Branson's health system was overwhelmed or if the curve was not flattened, despite all the efforts. He asked if people didn't expect the rise in cases after reopening and asked what exactly the endgame was and what people are working towards. He explained slowing the spread is the same as postponing the harm and the only real solution is herd immunity as it's been with all previous diseases of this nature. Branson is not New York, yet the measures being considered run parallel to those used at the epicenters of the pandemic. By enacting stay at home orders and quarantines for healthy individuals, and now the masking of healthy individuals, he questioned if people weren't just robbing themselves of the beneficial effects of low dosage exposure. He asked why we're setting ourselves up for large jumps in cases then being shocked when they're seen. It's the most bizarre implementation of a containment he can imagine and individuals like himself who are against the adoption of a mask mandate often use the liberties and freedom argument which sounds dramatic and silly to some, but it's a worthwhile point of contention. He stated he's responsible for his health and well-being, he's not responsible for maximizing the health of others. Others have to maximize their own health and well-being, so to him it's ludicrous to ask people to inconvenience themselves and sacrifice their own freedoms and well-being for the hypothetical safety of others over suspicions that such individuals might have some communicable disease. He's watched people outside in public pull down their masks to smoke a cigarette and feels if that doesn't illustrate his point, he doesn't know what will. He asked all the proponents of the mask mandate if when the next flu season arrives as it always does, if they will be asking governments to force the wearing of masks then. He asked if they would themselves always wear a mask even after this specific pandemic has passed and if not, why. After all, there's always the potential risk that they are a carrier of some malignant contagion, just waiting to pass it on to an unsuspecting neighbor. Surely for their safety they will continue to shield their face so that thousands who die of the flu every year might have that fraction of a percent chance at life that masks are supposedly offering. He fundamentally disagrees with the assessment of the efficacy of the masks, the latest legislation surrounding them, the science behind them, motivations for requiring them and the urge for people to ask governments to enforce their fears and paranoia on others. He reported nearly 38,000 people died in 2018 to motor vehicle accidents and people take that risk every time they get behind the wheel of a car, not just for themselves, but for the injury and damage they could cause others. Letting fear guide legislative policies is a mistake and masking that fear with vague scientific backing that appeals to authority and calling it compassion is arrogant and wrong. He commented if he believed masks to be dangerous to individuals and society, which he does to some degree, he would still never feel the urge to ask his state to enforce his beliefs and fears on his community. He added, that would also be wrong and saying it's just a minor inconvenience wouldn't change that and he thanked the Board for its time.

Gregory Denig, North View Drive, Branson, Missouri, mentioned he spoke out earlier about having COVID-19 and he's not here to debate anyone as he's in a losing battle here. He expressed he's 100% for masks, mandating it and making it a law. He feels that's a lot on the Aldermen's plate and is sorry and is praying for them. He addressed those who don't wear a mask and have a medical condition and said they're the reason he wears a mask. He feels his generation is dropping the ball right now because they're going to parties, living it up and making money, but it's for them that he says to wear a mask. He recalled his journey started March 9th on a trip to Las Vegas during spring break. While he was really worried about going, he still had to go because it was for work and it was Las Vegas. Mr. Denig mentioned coming home on March 13<sup>th</sup> and was when his symptoms hit and he was immediately in his basement for three months.

He's 29 years old and a smoker and it hit him harder than anything in his life. He explained it's real and it hurt him in so many ways he can never even tell people. He commented for three months he had to sit on the back porch in the basement talking to his two-year-old son through a window upstairs because he couldn't be around him. He feels this is what it's really about when people say there are only 11 people in the ICU. Mr. Denig explained this message isn't really for the Board because he can't help with their vote, but he can help the people who don't think it's real. He clarified he's not debating with anyone as nobody here has said it's not real, but he's just here for the people who don't believe the virus is real and that it can't happen to them. It did happen to him and that's why he's here and he's also here so people understand his generation specifically and that's why he's wearing a mask. It's nothing to do with politics, but is just based off his actual experience, not opinions. He thanked the Board members for their time and said he'd be praying for them.

Jean Chanda, 428 Kays Lane, Hollister, Missouri, thanked the Board for having this meeting and mentioned a lot of people have voiced their opinions on this very contentious issue. She feels the Board has done well on addressing this issue, but it's not really been leaders and she sees why based on the many commenters. She feels there's so much disinformation and misinformation about COVID-19 and she reported 28 states have mandated face masks temporarily. She clarified it's only temporarily, not for the foreseeable future, and cities like St. Louis, Springfield and Columbia have passed mandatory, temporary mask ordinances. Ms. Chanda commented this isn't some huge conspiracy, but states and cities caring about their own citizens when it's some places like here where the overwhelming majority is against mandating masks and keeping everyone safe. She explained she doesn't wear a mask because catching COVID-19 scares her, but the sheer number of anti-maskers here scares her. She stated, so many of them truly believe these fallacies they're so eloquently speaking about things they're not really sure about. Several spoke to valid issues of poverty, running out of masks or intended or unintended consequences like not being able to afford masks. Some people spoke of not being able to wear one or saying masks will force businesses to close because customers refuse to wear them. Ms. Chanda felt some people detracted by talking about the source of the virus or how it's tested and she feels these issues are either not relevant to the conversation of the actual proposal or they are demonstrably false. She believes times are tough for everyone right now as the virus has caused untold economic and physical suffering, but 28 states aren't worried more about losing anti-maskers' business than protecting the public at large. She feels running out of masks is a valid issue, but hospitals won't need masks for as long of a duration if people stop the spread of the virus now by wearing a mask and making it mandatory. Nor will the public need to wear a mask for as long as everyone across the country wears a mask now and businesses won't have to shut down again from the virus getting worse if everyone wears a mask now. If people can't wear a mask for health reasons they can wear a face guard which she's seen employees at Country Mart wearing them a lot and for those who need money to afford a mask or face guard, she suggested pooling money together to help those who can't afford them. She added, or find someone who will sew masks for the others. She knows some people say they're not as effective as other masks, especially N95 masks, but at least it's something. Some people here have said the science is debatable, but she thinks everyone wearing masks will stop the spread of COVID-19 and she believes the science says that. Ms. Chanda said she believes in science and she's ashamed of those here who don't. Nobody knows all of the unintended consequences, not even the experts, so she feels airing on the side of caution by wearing a mask in public for a temporary amount of time is the least people can do. If it becomes permanent, she'll be the first in the street to protest against it because she's a huge activist. There are some exceptions to masks in this proposal that seem fair to her such as people don't have to wear masks outside or while working in a hot kitchen, as long as people are more than six feet apart. She pointed out there are actual, reasonable exceptions in this proposal and it's not as mandatory as some people are making it out to be. She doesn't think many people know what's in the proposal and is why she explained that. Ms. Chanda recalled some people saying they don't really believe what the CDC has to say, but she feels they are there for people's protection and she'd rather have them than not. She reported the Director of the CDC, Robert Redfield, recently said the coronavirus could be driven into the ground if everyone wore masks or faceguards for the next six weeks. She emphasized that's not longer than six weeks if everyone does it and 28 states have already done it. She feels the rest of the states should get on board and do it for six weeks so people can get rid of the virus. She promised it's not going to be forever and feels it's far better than shutting down again which is the other alternative if this virus gets worse. There is so much business flocking to Branson and while she knows it needs the business right now, it also means people are coming with the virus which will make it worse if there's no mandatory

masks. She sees people not wearing masks in the Country Mart she goes to and sees people not wearing masks or wearing them improperly in the places she works. She mentioned seeing people in restaurants not wearing masks and she understands they have to take them off to eat, but they can wear them coming in and out of the doors. There are a lot of people who are not wearing masks properly right now and is why this needs to be mandated temporarily.

Nate Horsman, 2550 State Highway 248, Branson, Missouri, said as a citizen he'd like to express his utter disdain and embarrassment for the blatant disrespect for local healthcare officials. He felt the people booing and hissing local health care professionals was appalling and they should be ashamed of themselves. He clarified this is not me the people, this is we the people and he guesses nobody's going to Walmart anymore either. He mentioned doing some polling lately and feels people might be surprised that an overwhelming majority of people around here are in favor of masks and he called them the silent majority. He expressed his full support of a mask ordinance for the City of Branson and mentioned it's been 24 days since he'd first been in the Council Chambers and at that time Taney County had recorded 33 cases of COVID-19 and two unfortunate deaths. Currently there are 146 cases and the number went up as everyone's been sitting here today and there are three deaths according to the State of Missouri dashboard. He reported that's 109 new cases of COVID-19 in just a little over three weeks and one can only imagine how many of those citizens would not have contracted this virus had the City enacted a mask ordinance. The time for a mask ordinance is now and he reported masks are highly recommended by the CDC, the WHO, the Taney County Health Department as well as by both major healthcare providers in the area and wearing a mask will not cause people to breathe dangerous levels of carbon monoxide. He stated this is not the flu, it is much worse than the flu, and the only thing people have to slow the spread of COVID-19 right now is human behavior. He reported 3.9% of Americans who contracted this disease have died, 15% to 20% are hospitalized or need aggressive care and there is no evidence that herd immunity is effective. He explained a mask mandate does not violate constitutional rights and he mentioned throughout this whole process he's learned a lot and is humbled by all the help, advice knowledge and insight he's received. He mentioned speaking to City and County officials from 10 different communities throughout Missouri, Arkansas and Oklahoma that already have mask ordinances in place. All of them basically told him the same thing, which is they mandated masks for the greater good and overall health of the people of their communities. They all agreed that masks are not the overall the answer to the problem, but legitimate scientific studies show they are the best and least intrusive weapon to help slow the spread of this highly contagious virus right now. So far it's making a difference and mentioned also contacting the offices of Steven Edwards, CEO of Cox Health, William Mahoney, President of Cox Health Branson and, Craig McCoy, President of Mercy Hospital. He requested letters of support on behalf of himself and citizens of the community be sent to the Board in favor of a masking ordinance for the City of Branson, and he was ensured they would do so. He hopes the Board received those letters and mentioned also reaching out and requesting support from Dr. Robin Trotman, the leading infectious disease specialist of Cox Health, who contributed to the latest CDC study regarding Great Clips Hair Salon. He explained this is where two masked stylists infected with COVID-19 came in direct contact with 139 clients, none of whom tested positive for Coronavirus and he believes that study alone proves masking works. Yesterday he contacted two members of this community who own or operate some prominent tourist destinations around here and one not only gave him their support for a mask ordinance, but some very valuable insight and comments. He mentioned they kindly asked him not to drop their name which he respectfully obliges, but he shared some of their thoughts which are that they felt the science of mask-wearing speaks for itself. Mask-wearing doesn't mean there will be no cases, but is proven to prevent those who do contract the virus from spreading it to massive amounts of others who are also wearing masks. Mr. Horsman said they also gave him a very heartfelt comment he agrees with and that is they remembered a time when Americans would do anything to protect the lives of other Americans. We know this virus is spread through respiratory droplets and masks minimize that risk, so why wouldn't people want to wear a mask to save a fellow American from pain, suffering and possibly death. He also spoke to Mary Kellogg, owner of the Titanic Museum, who gave him invaluable information and permission to drop her name. He reported both the Titanic Museums in Branson and Pigeon Forge require masks for all employees and guests and Ms. Kellogg was very adamant in her stance and philosophy to wear a mask, follow the CDC guidelines and the number one priority is to protect her employees. Her guests have the freedom to choose whether or not they want to board her ships, but if they choose to do so they must wear a mask. Their company policy when confronted with a guest who wants to enter her attractions unmasked is simply and calmly to state they understand, but this is the

company's policy at this time. She's faced very little pushback, business is booming, and they've encountered more people in favor of their policy than against it. The bottom line for her is the health and safety of her employees and guests. He's spent a lot of time researching and talking to a lot of people and has heard a lot of people say that wearing a mask is a violation of their Constitutional rights and this is not true. He contacted a Constitutional lawyer to find out and reported when talking about the US Constitution and whether or not a mask mandate violates any kind of Constitutional rights, it does not. The 10th Amendment which gives all powers not enumerated by the Constitution to the states, the powers not delegated to the United States by the Constitution, nor prohibited by it to the states are reserved to the states respectively or to the people. He explained this provides for states to have police powers and is the whole basis of the criminal justice and law enforcement system. Among police powers is the power to enact laws and regulations for the good of the public order and public health. He referenced an early 1900s case, *Jacobson v. Massachusetts*, and explained the case pertained to when there was an outbreak of smallpox in Cambridge and the City passed an ordinance requiring everybody to get vaccinated or revaccinated against smallpox. Jacobson refused and was fined five dollars, which is about \$150 today. He argued forced vaccination and jailing or fining him for not being vaccinated violated his Constitutional rights and was unreasonable, arbitrary and oppressive. The court ruled in favor of Massachusetts, saying in every well-ordered society charged with the duty of conserving the safety of its members, the rights of the individual liberties may at times, under the pressure of great dangers, be subjected to such restraint. He further explained it's to be enforced by reasonable regulations for the safety of the general public because real liberty for all could not exist under the operation of a principle that recognizes the right of each individual person to use his own, whether in respect to his person or property, regardless of the injury that may be done the others. The court held the mandatory vaccination policy was not unreasonable, arbitrary or oppressive as long as it did not go beyond what was necessary to protect the public health. Mr. Horsman explained there is no Constitutional law violation under the United States Constitution and Missouri statutory law allows for City, County and State Health Departments to an enact mandates for the purposes of protecting the public health. This can include quarantining people, closing businesses and ordering occupancy limits. The state Department of Health and Senior Services (DHSS) can issue its own orders, but City and County governments can issue stricter orders if necessary and *Jacobson v. Massachusetts* has been repeatedly upheld by the US Supreme Court. He's presented factual information and asked to be allowed to voice his own opinion. He knows masks are uncomfortable, inconvenient and he doesn't like wearing them himself, but they've been proven to slow the spread of COVID-19 and people are trying to slow the spread of this virus in the community. He's noticed people wearing them more than ever before and believes people are starting to take this more seriously. Major companies are starting to get on board and even Silver Dollar City was the first to lead the charge here in the community and he hasn't heard anything negative coming from there. Like anything else people will get used to it and he reported CDC Director Robert Redfield recently said if everyone would wear a face mask for the next four to six weeks, this epidemic could be driven into the ground. He also said wearing a mask is not a political issue, but is a public health issue and he's glad to see the President and Vice President of the United States wear a mask this week. He feels the bottom line is masks work and he addressed naysayers, anti-maskers, conspiracy theorists and arm chair infectious disease experts who believe mask mandates violate their Constitutional rights. They've spoken out against career scientists, healthcare professionals and professionals in this community who are risking their own lives, working tirelessly every day to save people from this virus. He urged everyone to listen, heed their warnings and wear a mask because if anyone here contracts this virus they will be begging those same people to save their lives. He thanked the Board for the opportunity to speak and quoted Army Captain Steve Rogers who is renowned worldwide as Captain America who said this is the fight of our lives, we're going to win whatever it takes.

**The meeting recessed at 7:47 p.m. and reconvened at 7:54 p.m.**

Greg Pope, said he lives in Highlandville, Missouri but his business is in Branson and his was one of the few businesses not financially crippled by this pandemic. He makes whiskey for a living and it was a simple translation for him to go from making whiskey to ethanol-based hand sanitizer. He mentioned the City of Branson even purchased several hundred gallons of it. He shared some data about masks and reported they have a 0.3 micron hole which is incredibly small and roughly one tenth the diameter of a human hair. The COVID-19 virus is a 0.0125 micron and put into perspective, is like a chain link fence trying to inhibit a mosquito from flying through it; they're just not effective. He used to work as an emergency

medical technician and worked in surgical suites and can assuredly say these masks were never designed to prevent a bacteria or a virus. What it was engineered for and what it does reasonably well is maintain a sterile field sterility and while in a surgical suite, people communicating with each other have the potential to put out some spittle, or moisture in breath, which goes right through the mask. Mr. Pope explained what masks do is if somebody like the surgeon in that room has to sneeze, the surgeon will set their instruments down, take a few steps back, sneeze and then someone else will come remove that mask, wash their face and apply a dry mask so they don't contaminate the sterile field or their gloves. All good surgeons will also replace their gloves regardless, and most will even put on a new gown and it's someone's job to just wipe sweat off of their forehead. He added, the masks aren't designed to stop a virus and one of the points he has yet to hear this evening, and he's heard some wonderful facts, is everybody's talking about the increase in caseload. It's irrefutable cases are going up, but as with all things if you look more you find more. He commented there's medical terminology for that, within normal limits (WNL) which is put on a lot of medical records and within normal limits actually stands for we never looked. What people are not seeing is the survivability rate and the latest study he read reported a 99.63% survival rate. He added, at that survival rate who cares. Mr. Pope believes he may have already had the COVID-19 which he contracted between Thanksgiving and Christmas. He recalled when he had a cancer surgery, he woke up from surgery at noon and was back to work at 3:00 p.m. because he doesn't miss work, but he missed three weeks for a respiratory illness that his doctor couldn't diagnosis. He mentioned his doctor gave him steroids, antibiotics and everything under the sun, but nothing touched it and it was strictly respiratory with some digestive discomfort. He hasn't taken a test yet to see if he's positive or not, because he knows from his time working in the medical industry that those tests are inherently wrong. As someone pointed out earlier today, if a person has had the flu vaccine it will test positive and there are literally trillions of coronaviruses and the corona is just a spike off of a cell and there are trillions of them. The reason it's called the novel SARS Coronavirus 2, just means it's new; it doesn't mean that it's any more or any worse than any of the others. Since there are trillions of coronaviruses, how is he supposed to believe that a test that takes a 0.003 to trigger, that it's not one of the other trillions of viruses that are corona-based. He added, because what they're seeking is that protein off of a corona cell and would be asinine to think that's an accurate test, but with all things the more people test the more they'll find. He transitioned out of the medical industry into construction and ultimately into being an inspector and explained the more he looked, the more he found because that's how it works. He pointed out nobody's really talked about the survivability rate which is incredibly high and many different studies have shown hydroxychloroquine does indeed reduce the terminal aspect of the disease. He mentioned Rachel Maddow from the Clinton News Network had to finally say it works, because she was the loudest person beating that drum saying how dare anybody ever recommend an off-label prescription. In the real life medical industry, he knows one of the doctors who was here today and his statements were not his personal statements, they were his corporate statements and he would say it to his face if he were here. He explained he's following the corporate ladder because he's a doctor who makes hundreds of thousands of dollars a year and needs to follow that corporate ladder, because it's his job. He went to school for 12 years and is a boarded specialist, so he has an additional four years of specific training and has a lot of money riding on it. The fact is the survivability of this is still incredibly high and it's less effective than influenza and more people have died in the United States from tuberculosis that have died from COVID-19 since January 1, 2020. He asked where the pandemic is on that and commented, it's a 400 year-old bug so people don't have to worry about that. He knows what the Board is doing and trusts its intelligence. He commented, even though there's been a conversation on both sides of the spectrum, the reality is the vast majority of constituents are opposed to this and everybody had an opportunity to come. He thanked the Board for the moment to speak and told them to have a great day.

Don Ingram, Hollister, Missouri, said he has a business in Branson and has had one in this area since 1978. He expressed he's in favor of the mask ordinance, and while he doesn't particularly like it, he thinks it's something people are going to have to bite the bullet on. He's not going to argue the signage and he hasn't drilled down as deep as some of the other people, but pointed out they aren't epidemiologists. He prefers to go with what the CDC is saying rather than somebody out here in left field and he clarified he's not trying to be demeaning to anyone, but that's the way he sees it. Mr. Ingram explained his first argument is the medical and scientific argument and commented on the freedom argument and said he's a big believer in the Constitution, particularly the Bill of Rights, and those are very important. He also thinks there are limits on freedom in this country and sometimes people have to give up a little bit of freedom to protect everyone and he thinks this is one of those instances. He thinks the hyperbole of comparing it to wearing

the Star of David by the Jews prior to WWII is way out in left field and he understands freedom because his grandfather and his brother were in WWI and his dad was in WWII. He addressed the argument about veterans being against it and mentioned he's a veteran who was sent to Vietnam when he was 19 years old, so not every veteran in this room is opposed to this ordinance. He doesn't buy into the freedom thing and mentioned something else he's heard people say is this will hurt everybody and in his opinion it's already hurt. He added, but it will hurt a whole lot more if Branson becomes a COVID-19 hotspot because it's not willing to take the steps to protect its own people and guests. Mr. Ingram added, so for that reason he requests the Board vote in favor of this ordinance and he thanked them for their time.

Christine Deaton, said she lives in Branson permanently now, but has been coming back and forth for the last nine years. She pointed out nobody's really on the fence with this issue, they're either for masks or against them. She feels she's a very logical thinker and mentioned her husband is an emergency room nurse and they are directly affected by what comes in to the emergency room. She explained for weeks her husband has been on 21-day quarantines because of some exposure in the emergency room. Her house is constantly in some kind of quarantine and what she's saying is this; years ago when the government said no shoes, no shirt, no service, people had to conform. When it said no more smoking in public facilities, people had to conform and sometimes whether it's a personal belief or not, they have to conform. She doesn't think wearing a mask is a forever thing and explained she hates them, but has to wear them in her home because her husband is constantly exposed to the virus. Ms. Deaton mentioned having two grandchildren and a daughter and son-in-law that lives with her right now and they all wear masks in her home. Not only are they trying to prevent the spread amongst themselves, but trying to prevent the spread to anyone else like her 80 year-old mother who doesn't live with them, but she sees several times a week. She commented she's one of the people that if she get COVID-19, she's gone. If it takes wearing a mask for a while and there's a chance it will prevent spreading this disease that people really don't know everything about, then why aren't people doing it. Ms. Deaton explained if the government says to do things like stay six feet apart she's good with it because she doesn't want anyone to give something to her or vice versa. If it says wash your hands for 20 seconds, then for God sake wash your hands for 20 seconds and she mentioned doing it multiple times a day. She's home 90% of the time because she's over 60 years old, has asthma, autoimmune disease and has a lot of things going on and doesn't want to catch it. She believes if it says wear a mask, then just do it until people know more about this because it may be the only preventative right now to stop or slow down the virus. She commented, there's not a cure yet and she doesn't think this is so much to ask of everyone to do right now to help stop the spread of this horrific thing. She's personally lost people in her family and friends from COVID-19 and reported her father-in-law in a nursing home in Arizona just contracted it and most of the people in the nursing home and its workers have COVID-19. She asked people to not look at this as a debate, but as a 1% chance of stopping this virus or slowing it down and she urged everyone to wear a mask.

Mr. Deaton, introduced himself as Ms. Deaton's husband who she was just speaking about who is bringing the potential contamination home all the time. He commented he's the reason his family stays quarantined and his job is the reason he moved into another part of his home and doesn't sleep in his own room. He agreed with Ms. Deaton's comments that this is a temporary change and is not talking about permanent restrictions on people's livelihood. He explained it's a permanent change to do a simple thing that's believed will slow the virus and protect the people around us. He's sure everyone has heard about how their masks protects others and said he's not wearing the mask here today because he's afraid of getting something from someone, but wears it because he doesn't want anyone to catch anything he might have come into contact with. For those who choose not to wear a mask, choose to go into these places that either don't require or encourage wearing a mask, he thinks it's a shame they don't have common courtesy for him, his wife, grandchildren or their neighbors who may be at risk. He added, shame on those who think this is a falsehood or political ploy because he guarantees people can go into hospitals, ICUs and morgues across the country and find evidence to the contrary. He thanked businesses for their forethought and caring for their customers and guests by requiring masks to be worn which he feels protects everyone. He believes if the City says to wear a mask, it's choosing to do so to protect people and he doesn't know what the fight would be over that. He addressed the people who choose to go into places not wearing a mask and thanked them because he believes they're job security for him.

Richie Zates, 1029 Cliff Drive, Branson, Missouri, stated he doesn't like the shaming process he keeps hearing. He said it's already been established the micron level of the mask doesn't work and his major was neurophysiology and he feels this is all nonsense. He went on to state people are actually putting themselves at more risk by breathing in contaminants on a continual basis and people have been passing out from the lack of oxygen. Mr. Zates stated he has personal friends who have said their family members did not have COVID, but they were assigned that ailment by someone at the hospital so he believes there is not accurate data and this is not the answer. He expressed there has to be freedom and told a story about his grandfather coming to America to get away from Stalin who was starving people who owned farms, so he has a very strong feeling about liberty and freedom. He believes the Board is going to make the right decision and allow masks to be a personal decision. He added, there has to be maintained rights to have a maintenance of freedom. Mr. Zates expressed any type of policy that would take away rights, is in truth, insanity and is contrary to everything that was established for this country. He stated the micron level tells that masks are not beneficial and people can still get sick. He added this is a common cold and it's been drawn out of proportion. He pointed out there seems to be some skewing and rearrangement of numbers and facts going on which should be taken into consideration when making decisions. He asked the Board to maintain the freedoms of citizens. He stated the majority of the people are opposed and he sees the majority of people without masks. He explained what people are really getting is not the truth, but propaganda and he's not going to buy into it. He doesn't wear a mask and it's not because he's trying to be rebellious, he's trying to stay healthy and he recommended the Board get their masks off as quickly as they can after leaving the chambers. He pointed out if they're walking around the streets with it, then they're just breaking down their own immune systems. He concluded by stating there have been plenty of very viable experts making statements over and over again about the fact that masks are not effective. If they're not effective, he asked why they are being proposed to be used and he hopes the Board makes the right decision and maintain rights.

Eric Harlem, said he's not going to debate scientific facts but feels this whole thing has failed from the beginning by federal legislature which has trickled down to everyone. He expressed if people want to wear masks that's fine and if they don't that's fine too. He inquired 90 days from now what else was going to happen and he reminded everyone, during the AIDS epidemic people didn't wear condoms. He added, everyone wants to talk about the science of a virus, but its human nature and there are always going to be people who want to lick windows, so it's not going to matter. Mr. Harlem said the Board can mandate this all they want but it's not going to change anything and at some point everyone is going to get this virus if it's that bad. He recalled three weeks ago, sand came here from Africa which is five thousand miles away and he asked if anybody remembered that. He explained if a garage door breaks and needs fixed, he doesn't wear a mask because when a garage door is shut it's 130 degrees and he's not in the best shape, but feels everyone has responsibilities to themselves and neighbors. He's not had anyone close to him who's died from the virus, but knows some who have and also knows people who didn't die from COVID-19, but it was reported as COVID-19. He expressed there are elected officials for a certain reason and suggested having a simple website where registered voters can login to view every piece of legislation and securely vote yes or no and that's the vote that would go to Congress. He feels if constituents could securely log onto a website and vote, then the Board could see everything their constituents voted on and they would have a true vote of the people. This process would be quick and easy and he could build the website himself. He added he was running for the House of Representatives 7th District. He said there are people killing cops for no reason and people killing each other over colors and asked the Board to set the precedent. He feels the economy has already been destroyed and there are a lot of people that aren't going to come back from it and suicide rates are going to be higher. He believes at the end of the year the calls to officers are going to be higher, yet people are calling to defund the police which is the most ignorant thing he's ever heard. He explained when the police are defunded, it's taking freedoms away as well and these are the people he would worry about, adding he would wear a mask for First Responders and the elderly. He said he's had people spit in his face with every possible disease as he worked at Mercy for a long time and didn't get sick from anything. He's not saying COVID-19 is any different, but asked the Board to remove the science and politics and think about it. He added, we can't even get people to pull their pants up, how are we going to get them to wear a mask? Mr. Harlem mentioned there's a fine for not wearing a seatbelt which can cost people their lives, yet he sees people texting on their phones every day. No one can stop human nature or ignorance, whether it be the ignorance of not wearing a mask or wearing a mask. He has been in the Branson area for a long time and loves it, but is absolutely done with it the COVID-19 stuff. He

explained he doesn't care about the politics or scientific fact, because its human nature which is not going to change. He commented those who are at risk can be at risk and wear their own masks, but don't force it upon somebody else. He pointed out as with religion or anything else, it's a freedom that is held dear and he saw this coming and was prepared for it. He mentioned his business is okay, but unfortunately he couldn't get anybody else to listen. He feels the Board has been very patient and told them to have a great day. He concluded by telling officers to be safe and thanked everyone.

Unknown Speaker (didn't provide name), commented most people in the area like President Trump because of things he's done like bringing the economy back, bringing liberty back, doing away with the Trans Pacific Partnership in which there were effort to try ad merge with Mexico, the Paris Accord and Trump has gotten the United States out of all this globalist stuff. He explained, that's why there's such a division in the country because the globalists who are making the one-world government do not want to lose. He noted President Trump says we're fighting an invisible enemy and he's not only talking about a virus, but he's talking about the deep state. He's studied this for years because he wanted to know how the Antichrist was all of a sudden going to build a one-world government and he explained this has been going on for years. He added, what these people do is bring the chaos and then when they bring order they take a little bit more of people's rights away. He stated the Centers for Disease Control and Prevention (CDC) actually gave money to a bio weapon called a chimera virus. He explained Francis Boyle who was under President Reagan, made laws against the chimera virus, but level four labs have been making these viruses for biological warfare. He further explained there was one that was raised specifically for China and was being worked on in the Wuhan level four lab in conjunction with the United States. This is part of a many pronged attack to bring the world into a one-world government and he explained the Antichrist will come and Jesus is coming, so welcome to the End Times. He said he's a minister who most of the time is getting people saved and looking to the light of the world, but he got to speak up because people are being duped to go along with the deep state agenda. He explained part of getting masks on people is to get the Board to bow its knee a little bit. He's said there's a precedent for everybody getting the vaccine, but if they take Bill Gate's vaccine they're going to have big problems and these viruses leave little tracks on the lab where they were made. He explained Black Lives Matter (BLM) is doing the same thing because President Trump was having such a great affect against the globalists. Prior to BLM, there were other groups called something else like the red hats or green shirts in different countries all over the world. He reported some of the Black Lives Matter protestors are paid and now in this country's education system, people are led to believe they want to be socialists and get rid of white privilege. They're willingly duped and are paid by George Soros to destabilize countries, and if Trump is going to be re-elected they'd have to put up with four more years of him knocking their hidden agendas and exposing pedophiles. Ever since President Trump was elected, thousands of pedophiles are being arrested which never happened under President Obama. He said this is because the power structure is shifting and people from the Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI) are working to win this war for the country it doesn't become part of a one-world government. He believes if the CDC or WHO say to do something, don't do it because the WHO is taking over. He reminded everyone when Hillary Clinton was caught off mic while campaigning and said if Donald Trump gets elected, we'll all be hanging from the gallows and he said she was right. He doesn't care if people are democrat or republican, but believes everyone wants to stay alive, have freedom and don't want to be taken over by the globalists' agenda. He added, this mask issue that's being decided on right now is a microcosm thing that's a small part of the globalists' agenda and they are now making their move like a big wave. He urged the Board reject them, stand up and be a patriot by saying no. He feels people should govern themselves and not take what Washington, D.C. has to say from these alphabet soup agencies that have been taking over. He pointed out the Environmental Protection Agency (EPA) is the same way; people can't even mine coal anymore because it makes these regulations so people can't make money. He explained another prong of their attack is with the carbon gasses, because they want everyone to stop working and for the economy to shut down, which he feels should have never shut down. He speculated if China released the virus, a lot of people are sick and now there's no money to finance anything else in the entire country. He said he doesn't get sick anyway because he has Jesus and walks in faith. He pointed out the deaths are going down, but cases are going up because of false tests and people are hyping the fear and the next thing they're going to do is vaccinations. He feels we're fighting an invisible enemy which is the Antichrist and one-world government coming against the United States, trying to bring it down. He expressed he loves people, but doesn't love sin and if someone's in sin, he loves the person. He commented there are bad cops sometimes, but there's a bad everything and people have got

to fight against the deep state. He pointed out that's why the Governor didn't mandate masks because he knows what President Trump knows since the President talks to the Governors and he's sidelining the CDC and the WHO and other organizations that are trying to hype this up, get everyone afraid and wearing masks. Everyone has to make up their minds whether they're going to go along with God or go along with all the deep state stuff coming in and taking control. He loves people, doesn't want anybody to die and he prays for people and they get healed all the time. He prays against the virus which some people say is just hocus pocus, but it really works and he asked how many people are dying of it just like the regular flu. He inquired if the country is going to shut down again and weaken everyone a little bit more, so they can't buy healthy foods or make the next investment for the growth and prosperity of the United States. He explained America is the apple of the eye of the world and he asked the Board to vote against this deep state agenda. He believes if the Board makes people wear masks, people are probably going to bring some lawsuits. He concluded by expressing people don't want to wear masks due to the negative health effects and are going to be suing the City.

Alan Pena, 277 Walnut Street, Hollister, Missouri, stated he's observed a lot of people who are pro-masks and do the exact same thing he does which is take off their masks so they can speak better. As a veteran, one of his jobs was in nuclear biological chemical warfare where he learned the proper use of masks and used masks that covered the face fully including the eyes, nostrils and mouth. He commented, masks today do not and he noted that no one here who's pro-mask has their eyes covered with goggles, which means they're only getting partial protection. He pointed out a few issues with the ordinance and mentioned the exception for children 13 years of age or younger and he asked if they are immune to it the virus. He added, when people are dining and they take their masks down, it's not like they're all of a sudden immune when dining. Mr. Pena inquired if those with exempt medical conditions were immune all of a sudden because they're not wearing a mask. He stated they can still transmit COVID-19, but the survivability rate is pretty high. Mr. Pena commented for those people who are pro-mask or worried about their health, then wear a mask, but if he wants to protest by not wearing a mask and gets fined, that impedes on his First Amendment right to free speech.

Steve (didn't provide last name), 193 Avondale, Branson, Missouri, said he's a Certified Six Sigma Black Belt which is a statistical analyst. He mentioned trying to do a statistical analysis based on all the information, but couldn't due to all the garbage coming in; some of it's real, some of it's not. He stated the problem with all of this is people are shaming each other, families are going at it which is really ripping this country apart. He commented, he goes to Walmart and pretty much everyone is wearing a mask, but goes to shows and nobody's wearing a mask. He mentioned asking older guys who aren't wearing a mask why they don't wear a mask and they tell him they've survived Korea or Vietnam and they're not worried about this and they won't come here if they have to wear a mask. It's impossible to make an intelligent decision on this without statistical analysis of proper data which doesn't exist right now and of 340 million people in this country, 120,000 of them died. He explained anyone can do the simple math on that, but asked how many people have contracted it which is something no one will ever know because they're not going to test 340 million people. He stated his wife died of cancer last year after a two-year battle, she was going through chemo and radiation and he wasn't here marching for a mask even though she could have gotten a simple common cold and die because her immune system was shot. He mentioned she just went out; she didn't even wear a mask; she wasn't afraid and he feels it's a personal choice. If he were to go into a nursing home, he'd wear a mask but if he was going to grade school, he wouldn't wear one because kids are not susceptible to it. He pointed out if family members are outside then it's okay to be close, but everybody else has to be six feet apart and he questioned why family members can't give it to each other and only strangers can. He commented, that's what it's saying and he feels that logic doesn't hold water, because if there's six feet, there's six feet and he mentioned his daughter could give it to him just as easily as a stranger. He continued, all of this has to be taken into consideration, but it shouldn't be done out of emotion and fear. He stated there's shaming going on in this town and it's ridiculous for people to shame each other; it's pure division. He's 60 years old, has smoked for 40 years and he's not afraid of it. He mentioned he's been wearing a mask about seven and a half hours and now he has a headache, his neck hurts and he's not going to do it. He explained he cares about his fellow man, but it's not his responsibility to keep them healthy; it's his responsibility to keep himself healthy and he'll do whatever he needs to do for that.

Michael Junge, 709 Veterans Boulevard, Branson, Missouri, said he owns Lost Boys Barber Company and appreciates the time taken to listen to all of the viewpoints. He commented in his business he hasn't told his employees that they have to wear masks and as a barbershop, it is sanitizing between clients. He mentioned when people come into his barber shop they ask if they have to wear a mask and he tells them it's a personal choice. Mr. Junge reported 95% of the people who walk-in with masks on say they only brought it because they thought they needed to. He continued with an example of a medical guy who came in wearing a mask and thought it was awesome he didn't have to wear his mask so he took it off. He believes it should be his right to choose whether he wants to wear a mask or not and questioned people who are scared of getting COVID-19 why they would be coming to his barber shop. He commented his business is not an essential business, but feels all businesses are essential because people have families and employees. Mr. Junge said as a tourist town, people are coming here because it's family-friendly, it's in the Bible Belt and if the Board takes a stand tonight and says it's not going to mandate wearing masks, he thinks they will see a massive insurgence of people. Tourism affects his job because if a server is laid off, they don't get a haircut because they don't have the money, so everyone is in this together. He feels the Board making the decision whether or not he puts a stupid piece of cloth over his face, in his personal opinion, infringes on his right to choose.

Mayor Akers asked for comments from the Board. Discussion. Alderman Milton provided the Board with a handout. (See attached handout)

**Alderman Skains left the meeting at 9:02 p.m. and returned at 9:04 p.m.**

Mayor Akers asked for a call for the vote. Alderman Simmons moved to amend Bill No. 5837 as follows [changes indicated in red]:

Sec. 58-387 – Personal Conduct Prohibited

**(11) Any person engaged in public speaking who maintains a minimum physical distance of six feet from others who are not family members or who reside together; and**

**(12) Any public safety officer engaged in an emergency situation;**

**(13) Any person during a wedding ceremony or while photographs of the wedding and reception are taken; and**

**(14) Any family member of a deceased person during a funeral, interment, or memorial**

Section 58-389 – Signage Required for Business Operations

**“1. IT IS A VIOLATION OF THE LAW TO ENTER THE PREMISES WITHOUT A FACE COVERING. IF YOU DO NOT FEEL WELL PLEASE GO HOME.**

Section 3: This ordinance shall be in full force and effect at 12:01 AM on July 20, 2020 after its passage by the Board of Aldermen and approval by the Mayor and remain in effect until 11:59 PM August 20, 2020 at which time the Sections above will be repealed in their entirety. ~~unless extended by the Emergency Management Director and the City Administrator.~~

~~Section 4: The Board of Aldermen hereby authorize the Emergency Management Director and the City Administrator to extend this ordinance by order if necessary, to protect the health, welfare and life of citizens of the City against the introduction or spread of contagious diseases in the City.~~

Seconded by Alderman Milton. Mayor Akers asked for comments from the Board on the amendment. No discussion. Mayor Akers called for a vote on the amendment. Voting aye: Whiteis,

Simmons, Skains, Milton and Seay. Nays: None. Absent: McConnell. Motion carried. Discussion. Alderman Milton moved to call for the vote on Bill No. 5837 as amended, seconded by Alderman Seay.

**The meeting recessed at 9:57 p.m. and reconvened at 10:03 p.m.**

Alderman Skains made a motion to postpone Bill No. 5837 to July 21, 2020, seconded by Alderman Seay. City Attorney Chris Lebeck clarified now there's a subsidiary motion which overrides the main motion. Discussion. Mayor Akers asked for comments from the Board on the motion to postpone. Discussion. Mayor Akers called for a vote on the postponement of Bill No. 5837. Voting aye: Milton and Seay. Nays Whiteis, Simmons and Skains. Absent: McConnell. Motion failed. Discussion. Alderman Skains moved to postpone Bill No. 5837 to July 28, 2020 at 2:00 p.m., seconded by Alderman Whiteis. Mayor Akers asked for comments from the Board on the motion to postpone. No discussion. Voting aye: Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Absent: McConnell. Motion carried. City Clerk Lisa Westfall clarified for the record Bill No. 5837 has been postponed on the motion to call for a vote. It will come back under a motion to call for a vote since there's a motion and second on that.

**Note: Bill No. 5837 was postponed to July 28, 2020 at 2:00 p.m. to convene as a Special Meeting of the Board of Aldermen.**

## **ADJOURN**

Mayor Akers asked for a motion to adjourn. Alderman Skains moved to adjourn, seconded by Alderman Milton. Voting aye: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried. Meeting adjourned at 10:11 p.m.

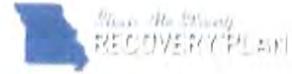
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E. Edd Akers  
Mayor

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Lisa Westfall  
City Clerk

Missouri COVID-19 Dashboard



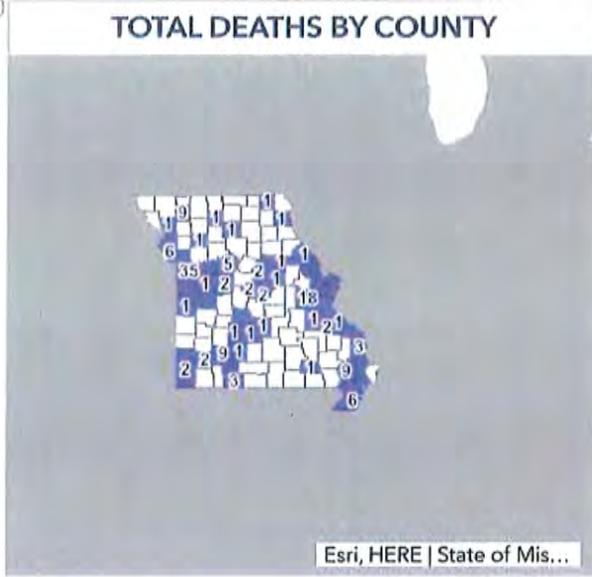
Cases - Overview Cases - Demographics Cases - County Testing - PCR

Testing - Serology Deaths

READ OF COVID-19 IN MISSOURI

Page last updated

1,967 Deaths from PEI 2020  
**1,102**  
Deaths Attributed to COVID-1  
0.037 chance of death from Covid

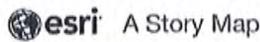
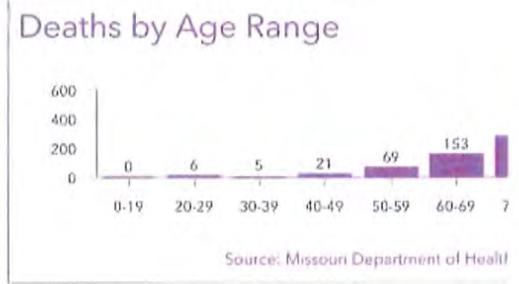


Deaths by Race  
WHITE 58.43%

Death by Ethnicit  
HISPANIC 85.47%

Deaths By Biolog  
Male : 533  
Female: 567

**29,714**  
Lab Confirmed Cases in Missouri as of 2 pm Today



*7/16/2020 Handout*

**IT IS A VIOLATION OF THE LAW TO ENTER THE PREMISES WITHOUT A FACE COVERING. IF YOU DO NOT FEEL WELL GO HOME.**

**PLEASE MAINTAIN AT LEAST SIX FEET (6') OF DISTANCE BETWEEN**

**INDIVIDUALS THAT ARE NOT FAMILY MEMBERS OR DO NOT RESIDE TOGETHER.**

**IT IS A VIOLATION OF  
THE LAW TO ENTER  
THE PREMISES  
WITHOUT A FACE  
COVERING. IF YOU DO  
NOT FEEL WELL GO  
HOME.**

**PLEASE MAINTAIN AT  
LEAST SIX FEET (6') OF  
DISTANCE BETWEEN  
INDIVIDUALS THAT ARE**

**NOT FAMILY MEMBERS  
OR DO NOT RESIDE  
TOGETHER.**

Handout Submitted by Alderman Milton

Alderman Milton handout 7/16/2020

Updated July 16, 2020

Week ending date in which the death occurred	All Deaths involving COVID-19 (U07.1) <sup>1</sup>	Deaths from All Causes	Percent of Expected Deaths <sup>2</sup>	Deaths involving Pneumonia, with or without COVID-19, excluding Influenza deaths (J12.0-J18.9) <sup>3</sup>	Deaths involving COVID-19 and Pneumonia, excluding Influenza (U07.1 and J12.0-J18.9) <sup>4</sup>	All Deaths involving Influenza, with or without COVID-19 or Pneumonia (J09-J11), includes COVID-19 or Pneumonia <sup>5</sup>	Deaths involving Pneumonia, Influenza, or COVID-19 (U07.1 or J09-J18.9) <sup>6</sup>
<b>Total Deaths</b>	<b>123,995</b>	<b>1,405,336</b>	<b>107</b>	<b>133,296</b>	<b>53,521</b>	<b>6,532</b>	<b>209,345</b>
2/1/2020	0	58,341	98	3,776	0	478	4,254
2/8/2020	1	59,099	99	3,779	0	519	4,299
2/15/2020	0	58,373	100	3,805	0	554	4,359
2/22/2020	5	58,371	99	3,659	1	562	4,225
2/29/2020	6	58,538	102	3,778	3	643	4,424
3/7/2020	34	58,655	101	3,906	16	624	4,547
3/14/2020	52	57,694	101	3,899	27	611	4,534
3/21/2020	563	58,549	103	4,498	250	549	5,353
3/28/2020	3,133	62,520	112	6,127	1,415	440	8,235
4/4/2020	9,913	71,746	128	9,845	4,718	477	15,281
4/11/2020	16,029	78,461	142	11,904	7,179	472	20,886
4/18/2020	16,928	76,133	141	11,311	7,264	263	21,051
4/25/2020	15,261	73,060	136	10,268	6,543	143	19,033
5/2/2020	12,997	68,319	127	8,842	5,466	64	16,417
5/9/2020	10,983	65,572	124	7,696	4,641	46	14,075
5/16/2020	8,972	62,896	120	6,601	3,705	19	11,884
5/23/2020	6,984	59,608	114	5,705	2,904	22	9,803
5/30/2020	5,921	56,843	110	5,047	2,397	10	8,581
6/6/2020	4,738	55,281	106	4,613	2,036	11	7,326
6/13/2020	3,863	53,233	103	4,133	1,723	11	6,281
6/20/2020	3,258	51,142	99	3,797	1,383	5	5,677
6/27/2020	2,501	46,892	91	3,161	1,032	8	4,638
7/4/2020	1,440	36,602	70	2,126	619	0	2,947
7/11/2020	413	19,408	38	1,020	199	1	1,235

# MINUTES

SPECIAL MEETING OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI  
July 28, 2020

## INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri met for a special meeting in the Council Chambers of the Branson City Hall on July 28, 2020, at 2:00 p.m.

## ROLL CALL

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

## MAYOR'S ANNOUNCEMENT

Mayor Akers announced the Regular Board of Aldermen Meeting is at 6:00 p.m. following this meeting. There will be time limits implemented to ensure this meeting doesn't go past 5:00 p.m.

## REGULAR AGENDA

### BILL NO. 5837

Ord. No 2020-0072 Amending Chapter 58 of the Branson Municipal Code pertaining to face coverings, public spaces and the spread of communicable diseases.

First Reading of Bill No. 5837, an ordinance amending Chapter 58 of the Branson Municipal Code pertaining to face coverings, public spaces and the spread of communicable diseases was read by title by City Clerk Lisa Westfall. She stated this item was postponed during its First Reading at the July 16, 2020 Special Board of Aldermen meeting. It has a motion and second on the floor to call for the vote on Bill No. 5837 as amended and is currently in need of a vote on that motion. Discussion. Mayor Akers called for a vote on the motion to call for the vote on Bill No. 5837 as amended. Voting aye: Whiteis, Simmons, Skains and Seay. Nays: Milton. Absent: McConnell. Motion carried. Mayor Akers called for a vote on the First Reading of Bill No. 5837 as amended. Voting aye: Whiteis, Simmons, Skains and Seay. Nays: Milton. Absent: McConnell. Motion carried. Alderman Skains moved to read Bill No. 5837 for its final reading due to public health and safety concerns surrounding COVID-19, 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. No discussion. Voting aye: Whiteis, Simmons, Skains and Seay. Nays: Milton. Absent: McConnell. Motion carried. Final Reading of Bill No. 5837, an ordinance amending Chapter 58 of the Branson Municipal Code pertaining to face coverings, public spaces and the spread of communicable diseases was read by title by City Clerk Lisa Westfall and a Staff Report was provided by City Attorney Chris Lebeck and William Mahoney, President of Cox Medical Center Branson. Discussion. Mayor Akers asked for a motion approving Bill No. 5837. Alderman Skains so moved, seconded by Alderman Simmons. Mayor Akers asked for a motion to make Staff recommended amendments. Alderman Whiteis moved to amend Bill No. 5837 as follows: Line 105 by removing "consuming food, drink or smoking";

Line 180 by changing "July 20, 2020" to "July 31, 2020"; Line 182 by changing "August 20, 2020" to "September 8, 2020", seconded by Alderman Skains.

Mayor Akers announced the speaker guidelines and requested speakers limit comments to no more than three minutes. If they are in agreement with another speaker they can say just that and he set a cap of the discussion to 30 minutes. Mayor Akers explained public comments are limited to citizens who live in the city limits of Branson or property tax payers in the city limits of Branson. Mayor Akers asked for anyone in the audience wishing to speak regarding the amendment.

Brian Seitz, 1805 Miller Drive, Branson, Missouri, introduced himself as a candidate for State Representative in the 156th District. He's here once again to make sure a grave mistake isn't made and explained 12 days ago people gathered and overwhelmingly asked the Board to vote against mandated masks for the City of Branson. He explained these people are here with the same request now and over the past two weeks he's spoken to over 100 business owners and close to 1,000 residents and asked them their thoughts on the mask issue. He reported the sentiment was a clear no to a government mask mandate. Mr. Seitz explained as he mentioned 12 days ago, people are not anti-mask, they are anti-mandate and against this becoming like a police state. Prior to this meeting, he mentioned seeing police officers questioning citizens and he feels this will bring a divide between people and an otherwise excellent police force. He expressed people are against a mandate that will force more businesses to close and destroy this tourist town by restricting liberty. The decision to wear a mask or any other form of personal protection should be an individual one; this personal decision should not be coerced, nor citizens, visitors, and businesses threatened with fines and closures. He added, we shouldn't even be here and as everyone knows, this was ready to be voted down two weeks ago. It was a bad recommendation then and it's no better today. He reported the Governor was in Branson recently and said no to a mask mandate. Mr. Seitz mentioned speaking with gubernatorial candidate Saundra McDowell yesterday and she also said no to a mask mandate. God made people free and the Board was elected to insure and protect that freedom, not stifle and restrict it. He asked Alderman Simmons to respect his wife's personal decision and vote no on this mask mandate. He asked Alderman Whiteis to remember the veteran he spoke of 12 days ago who was turned away from stores at Tanger because he couldn't wear a mask, and vote no on this mandate. Mr. Seitz mentioned he and Alderman Skains have had disagreements in the past, but he knows him to be a reasonable and educated man and the public needs him to vote no. He mentioned 12 days ago Alderman Seay wished to hear from businesses before making a decision. He reported speaking to almost every Downtown business, and all but two wanted to vote no on this mandate. He spoke with Mayor Akers on Saturday who told him he was wearing a mask for comfort. Mr. Seitz informed the Board its power is derived from the consent of the governed and asked it to listen to the voices of the people. The people do not consent to a mask mandate, they will not submit and they will be free.

Pearl Haining, Branson, Missouri, mentioned many Arkansas Police Departments will not be enforcing their state mandate because they think it is unenforceable. She reported Springfield has received over a thousand calls in a week about their mask enforcement which is severely hindering their police force and Springfield is now facing a lawsuit because of that. The Board has heard a lot about this bill and about the amendments at hand. It has also heard a lot about statements from the Centers for Disease Control (CDC) that have been reversed time and again until it has become an embarrassment to the entire medical community. She recalled many people have talked about how the CDC Director said if people put masks on, this virus could be squelched in four to eight weeks. She added, but the same day he also said suicide and drugs pose a much greater risk. Ms. Haining added, the CDC Director also said that same day that influenza is five to ten times more deadly than COVID-19 and she asked why it's the public health crisis of choice. She thanked the Board for suggesting to remove the clause about eating, drinking or smoking, because she found it ironic people were only permitted to take off their masks when consuming choking hazards. However, she also finds it ironic the Board is now suggesting this virus is only contagious when walking past someone in a restaurant. She reported people need to spend several minutes in front of someone, face-to-face, literally spitting on them in order for that kind of contagion to spread and that's ridiculous. She mentioned people have talked about compassion, that they should love like Jesus and she explained Jesus loved the unlovable, spent time with the outcasts of society and even touched those having the most contagious health problems. She feels these people should not be turned away from the City because that's not keeping with the faith and family values Branson claims to champion.

### **Alderman Skains left the meeting at 2:37 p.m. and returned at 2:38 p.m.**

Joshua Heston, 312 Wilshire Drive, Hollister, Missouri, introduced himself as co-founder of the Branson Liberty Initiative and Editor in Chief of State of the Ozarks. He feels the health of the community is at stake; not from a virus having a mortality rate a fraction of what was once presented, but from the hostility building within communities fueled by continued attempts to socially re-engineer people. He explained the community is made up of adults and it's not the government's or medical industry's job to be a parent. Daily Mail reported on July 24th that Walmart, Home Depot, Walgreens, and CVS will now serve customers who do not wear masks in order to avoid violence. This is the reality of human behavior and people have been peaceful, but he feels this community has been through enough and further government attempts to parent emancipated citizens can only end badly. He commented the nation is watching today and the mask mandate is unenforceable. He explained how Americans have historically responded to government overreach and bad decisions and pointed out the American Revolution was a crime punishable by death until the war was won. The act of freeing slaves was against the law according to the Dred Scott decision, which clearly wasn't the Supreme Court's best moment. The opposition that fought down segregation was championed by true American Patriots who faced down government and mobs of rabid attackers who would rather throw bricks and bomb houses than face arguments. Mr. Heston said today we are sitting on a powder keg, a silent majority that loves this nation, state and community. These are citizens who love the brave men and women who protect and serve; the police officers who deserve to be honored and respected, not forced into becoming a face diaper patrol. The real cost of this government overreach is dramatic spikes of anxiety, depression, domestic abuse, suicide and hunger and these costs are forced on people by those who will not be at risk. These policies are inconsistent, classist and arrogant and he mentioned working with the grass roots of this community for 13 years and feels the Board must re-earn peoples' trust, otherwise there will not be compliance. He added, its first step is to vote no on this mandate.

Audrey Richards, 265 Buzz Street, Branson, Missouri, explained she agrees with Mr. Heston that the nation is watching and she feels embarrassed and ashamed. She's had friends from other parts of this country ask her about living here with these people and they've asked if this is the way she grew up. She explained these are not the values she represents or grew up with which are compassion and caring about the lives of other people. Yet all she hears about is freedom which is more important than endangering the lives of others. She doesn't support this ordinance as written, because there are so many exceptions it's ineffective. She asked if the Board thought coronavirus cares if people are at a wedding or funeral and said it doesn't. She commented a Google search will show 11 people attended a funeral in Alabama and five died, there were six deaths related to a funeral in South Carolina and 24 deaths related to a funeral in Georgia. She tries to have a positive outlook on the City that she's loved for 27 years, but she's so frustrated and angry because this measure is a half way and pleases nobody. She feels it tells visitors that the City wants to protect them, but only half way and only cares half way. It divides the public without actually accomplishing anything. She urged the Board to take a stand and tell people they either have to wear masks or they don't, because the coronavirus is not half way. Whether it is doctors, the CDC, media or the government, people against this mandate are looking for villains where there are none. Ms. Richards believes the only enemy is coronavirus and people have to treat it as such. She reported there's only one defense against it and that's social distancing and wearing masks. She's running for Congress and knows this is going to lose her a ton of votes, but she cares more about the people here and protecting them than getting elected. She suggested the Board make this a piece of legislation that actually fixes the problem.

Joshua Pope, Neihardt Drive, Branson, Missouri, mentioned speaking before and feels he could debunk a lot of the things people have said and mentioned if anyone wanted to speak with him after the meeting they can. He reported in 1918, San Francisco enacted a mask mandate and flu rates dropped drastically, but was revoked too soon and they saw them rise again. He feels this will address Alderman Milton's concern from earlier and mentioned the University of California stated if 80% of people wore a mask, it would have a stronger impact on cases than a complete shutdown would. Back when things were shut down, people were forced to stay home, but they went to Walmart without their masks on or social distancing and it spread. He reported 1,000 deaths a day has been reached across the country which is back to what it was in May. If there were 1,000 deaths a day in Missouri, it doesn't seem like a lot compared to other states, but considering its population it is. That's hundreds of people a day who might have

permanent long-term damage to their organs or will be hospitalized. He feels most Americans haven't experienced the scientific process or seen it in action because science has hypothesis, tests and if things are wrong they get corrected later. He explained that's what people are seeing with the CDC today and it may very well be that its stance is wrong today and this may or may not be seen in the future. If the experts are wrong, the worst thing that's done is people have inconvenienced themselves; if they are right, countless lives will have been saved. Mr. Pope commented, Jesus said if you have 100 sheep and one goes missing, do you not leave the 99 sheep to find the one which is what he believes the City is doing here. Jesus also said once the one sheep is found, the shepherd would call his friends and neighbors and rejoice that he's found his lost sheep. Mr. Pope asked, if we even save one life, should we not rejoice for that? He commented many places are closing down in St. Louis and Springfield and he works in Ozark and a man came up to him and said it's hard to find a place to eat in Ozark with a dining room open anymore. Mr. Pope believes if the City doesn't get a hold of this virus or do something to protect people it could see another shutdown. By taking measures to try and halt this virus and give people time, we can save ourselves from another shutdown. He commented if the Board votes yes on this, at least it can say it tried, but if it votes no and the government shuts everything down again, then it didn't try. He asked the Board to think about that for a moment.

Camille Lombardi-Olive, said she's from Galena, Missouri, and the Mayor informed her she didn't meet the criteria to speak. She mentioned spending thousands of dollars in Branson and she'd like people to know the money she spends in Branson is no longer welcome. She explained she will be blogging about this, because the tourists and visitors are the backbone of Branson.

Dr. Bo Bandy, 411 Wilson Street, Branson, Missouri, introduced himself as a chiropractor here in Branson and in order to earn his doctorate he had to take extensive hours of class time in clinical immunology, microbiology, virology, physiology and neurology. He has 12 years' experience helping people walk through all types of health concerns and he knows what works and what doesn't. He knows how to help people get their health back naturally and has been running a private practice here in Branson for 10 years. He explained this is his background and is where he's coming from. Dr. Bandy commented, Mark Twain once said those who read the newspaper are misinformed and those who don't read the newspaper are uninformed and when it comes to the news, unfortunately not much has changed since Mark Twain's days. He explained the human immune system is an amazing piece of engineering and it's part of the adaptation process the body uses for survival. He explained in order for the immune system to work, it has to be exposed to pathogens so people should want to be exposed to pathogens so their bodies can build immunity. People cannot run or hide from a virus and he explained the human body is full of bacteria and viruses that actually help people survive, that's how it works. Dr. Bandy explained the more cases, the better because it just means that more people have been exposed, therefore more people are immune. He added, an asymptomatic carrier just means that person has been exposed and has built immunity. Dr. Bandy reported the human body has four major ways of detoxifying itself which are through sweating, peeing, pooping and breathing. He commented most people in this country are not healthy and by all standards of measurement the U.S. consistently scores lower in health than many other developed countries. People don't eat good food, exercise, get adequate sleep or drink enough water. If a person doesn't exercise they don't sweat, and if they don't sweat they lose a major way their body has of getting toxins out. He explained if a person doesn't eat good food, they're not going to have proper digestion, won't poop as often as they should so their bodies won't be getting rid of toxins. Additionally, if a person doesn't drink enough water, their urine will typically be very dark brown or yellow which means they're not excreting the toxins they should be through their urine. The only way left for that unhealthy person to get rid of those toxins is through their breath; the vapor that comes out of their lungs. He added, and now the Board wants to mandate a mask for that unhealthy person so now they really can't get rid of any toxins. The toxins their body is trying to get rid of is now staying on their face, making them sicker and sicker. Dr. Bandy pointed out the number of COVID-19 deaths have continued to go down and he asked why no one is paying attention to the actual death numbers, because all he hears about is the rising spike in cases.

Heather Erickson, Branson, Missouri, said she works here in the tourism industry and sees firsthand the exact kind of people who are coming to this wonderful town. She expressed her disappointment in the way the Aldermen and Mayor have responded to the current pandemic and explained they were warned months ago, as well as today, by several specialists in the area. She reported the Board

was warned by doctors that this is very serious in nature and needed to do everything in its power to prevent an outbreak in the community. She's appalled by the cowardly leadership in taking the necessary precautions to prevent the spread of COVID-19, but feels there are some options moving forward. She reported 40 people tested positive for COVID-19 between July 14th and July 24th which is 10 days apart. She asked the Board to keep in mind there are likely more people in the community who have not been tested due to financial concerns or otherwise. Ms. Erickson mentioned doing a COVID-19 test that cost her \$167, which she understands is not easy for many people to stomach, but brings into question how many people are carriers and don't know it. She understands all of the Board members have some form of financial stake in Branson's tourism and this isn't only a concern for them, but for all the business owners and workers in Branson. She explained her work relies on tourists visiting here just the same as many others and she has bills to pay, mouths to feed so she understands. She commented, but there's no reliable evidence that mandating masks is going to cause tourists to stagnate or decline, regardless of some Facebook posts people have commented on. She said what will cause a decline in tourism is if the cases continue to rise at the rate they are now, which could deem Branson a dangerous location to visit. The City's website says it is mandating masks inside its buildings, because it believes masks prevent the spread of COVID-19 and she asked why it's not protecting the people who bring in hundreds of thousands of dollars to the City. She questioned why it's only protecting a couple hundred people out of 11,000 residents in Branson and she thinks it's really silly. She commented there are people in Branson confused about what rights they have and some don't even know what HIPAA is. She explained there are civil liberties people give up every single day, such as wearing a shirt, pants and shoes which is a dress code. Ms. Erickson believes this is the same thing as masks which could also be enforced as a dress code, but people probably don't consider wearing pants a violation of personal rights. She asked if the Aldermen were scared of losing money from their own businesses due to a mask mandate and shared she is immunocompromised, but came here because this is so important to her. She thanked the Board for letting her speak today and hopes whatever decision the Aldermen make weighs very heavily on their thoughts.

Cheyenne McKinney, Branson, Missouri, expressed she is against mandates and feels if there's a risk to anything, then everyone should have a choice. She doesn't believe it's fair to force people to cover their faces and not be able to breathe. She added, or for any other reason as people might have a condition that makes it so they cannot wear face coverings. Ms. McKinney expressed she doesn't think it's fair everybody who is worried about people wearing face coverings forcing others, thinking that it might help. She added, it could help, but in the end there are still going to be a lot of people who are not going to be wearing face coverings. She doesn't believe the City should pick and choose who wears a face mask and who doesn't and then think well the lockdown didn't work, so now people have to wear face coverings. She's even more concerned about the fact that people have faith and trust in the CDC and experts, when they're so wishy-washy and under investigation. She added, she doesn't trust anybody who would be under investigation. Ms. McKinney explained she wasn't planning to speak today, but wanted to say she doesn't think it is right for the Board to force this on people. She mentioned China has had face covering mandates for over a decade due to its air pollution, yet was the epicenter of the outbreak. She doesn't know how much more common sense it can take for people to understand the multitude of studies out there that specifically speak on the dangers of the general public's use of face coverings. She explained hospitals have environments that allow people like doctors to be able to wear masks, but most people don't have that air quality or training on the use of masks. She mentioned when she was in the hospital, most doctors didn't properly use masks and half the people here are still touching their faces and moving their masks around. She commented she touched her phone before coming up to speak and then touched her face, put her face covering on and when she takes it off, that's all going to be on her nose and mouth. Ms. McKinney commented she doesn't understand as there's not sound evidence it works at all and mentioned she can find so many studies on the National Center for Biotechnology Information website (NCBI). She mentioned she's getting her degree in physiology and her biology teacher has shared studies proving that vitamin C, vitamin D, melatonin, zinc and iron all help prevent this virus from being deadly.

Bo Dejager, South Drive, Branson, Missouri, inquired if it was such an urgency that people be mandated to wear masks to cut down on COVID-19, why the bill was postponed; shouldn't it have been passed the first time around? He added, obviously it's not as urgent as some people claim and he pointed out for those wearing cloth masks or anything like them that doctors don't specialize in masks, but specialize in medicine. Mr. Dejager mentioned cloth masks may only be containing the wearer's spit droplets which is

the only way COVID-19 is spread. He asked if that's the case, then why is everyone else wearing a mask not stopping droplets from entering the mouth and nose area of others. He believes as far as that's concerned, people would be required to wear an actual respirator that stops the particles that follow, rather than the droplets themselves. He explained there are so many reasons why cloth masks don't work and pointed out socks don't contain the smell of a person's feet and masks are breathable to get fresh air in. He added, a t-shirt, breathes but it doesn't hold body odor in, so that's about as efficient as masks are concerned and he doesn't think it's necessary to mandate them and feels everyone should have their own choice. He explained people take their masks off while in a car or at home and if they coughed or did anything else and then went to a store, they would carry all of those germs into the store. So there's no possible way people can stop all of the germs out there that spread COVID-19; it's going to be places and can't be stopped just because of a mask. He asked what everyone is terrified about, because if a person is asymptomatic, they're generally not going to die because they may just be a carrier. He asked how many deaths there have been since the last meeting and mentioned there's been one death in the Branson area since then, making it four deaths.

Yakov Smirnoff, 480 State Highway 248, mentioned coming to America because of freedom of choice. He was recently in Chicago celebrating his wife's birthday and was there for four days and they couldn't wait to get back to Branson for one reason; they were mandating masks to everybody. He explained it becomes a police state when the government empowers everyone to become an informer. He recalled a time while in the Soviet Union, a thirteen year-old boy informed authorities his father was hiding food, so they executed the father. That little boy became a hero by Joseph Stalin who made him a role model and Mr. Smirnoff explained that's what happens to people when they all of a sudden get this power to say someone's wrong because they're not wearing a mask. He's coming to Branson and hopes the Board will make it an island of freedom and choice in this sea of hatred and fear. He added, people come to this town and they see it is the way America used to be and he thinks it's the way America ought to be.

Doug Clark, 121 A Saint Andrews Street, Branson, Missouri, mentioned attending a meeting at the First Baptist Church last Saturday where the main topic was the rights people have as American citizens that were granted to them by God. He explained people have the right of liberty and the pursuit of happiness and the government was formed to protect those rights from this kind of overreach. Mr. Clark mentioned every time he's addressed the Board he's brought up the PCR test and feels it's a reason for the Board to not vote for the mask mandate. He explained the CDC's 50 page document states the test is not accurate and said he's just giving the Board some sources here. He expressed another thing that bothers him about the universal masking in hospitals in the COVID-19 era is the New England Journal of Medicine basically says masks do not do any good. Mr. Clark reported it's dated May 21st of this year and the reason it's being suppressed is because the medical community is censoring the people who really understand what's going on. He told the Board if they don't believe that, to look a little deeper because the information can't be found on social media. He added, and the hospital isn't going to tell them about some of the other sources that show there is treatment that actually works 100% of the time without doing any of this stuff. He commented it's absolutely ridiculous what we're doing here and mentioned he's been in the Branson area for 25 years. He knows a lot of people who work in the theater business and they're not going to come here and tell the Board how they feel about this. The only thing the Board's going to find out from them is when they close their doors if it puts this thing on them. He reported they're hearing from people calling and asking if Branson has a mask ordinance and why they should come to Branson if it's going to impose one, because they're being harassed where they live. He told the Board it can't expect people to come here when they're going to be harassed again and he feels getting the police involved and fining people doesn't work either, just as Mr. Smirnoff said.

Gary Groman, 350 S. Wildwood Drive, Branson, Missouri, mentioned hearing a lot of arguments about a lot of things, but to him it's simply a health and economic issue. He added, that's what it is to him and if he has a problem with his TV or with his plumbing, he goes to an expert. If he has a problem with his health, he goes to a medical expert. He mentioned in the last year he's been in a hospital more than he's ever been in his life and if it weren't for Cox, he probably wouldn't be here talking to the Board today. He felt they did a good job and when it comes to a health issue, he's going to rely on the health experts. He personally believes that and what he says is based on that belief and he believes masking can help with the spread of COVID-19. He explained that's his personal belief and he respect others' personal beliefs.

He commented people have dealt with a lot and there's a lot of knowledge between now and when this first started. He has a responsibility and knows what he has to do to protect himself and his wife and he wears a mask most of the time. If he elects not to wear a mask or social distance, that's on him and not anybody else. With regards to the economy, he believes there was some conflicting stuff about masking, but a lot of stuff developed early. He mentioned people will say, go to Silver Dollar City (SDC) because it's adopted the same basic philosophy and rules the rest of the amusement parks around the nation have adopted. Mr. Groman said he would respectfully suggest the trend now is towards masking as people are becoming more accustomed to it. He thinks one of the questions the Board has to ask is if there's a possibility Branson will get more people if it passes masking than if it doesn't.

Mayor Akers asked for comments from the Board. Discussion. Mayor Akers called for a vote on the amendment. Voting aye: Whiteis, Simmons, Skains and Seay. Nays: Milton. Absent: McConnell. Motion carried.

**The meeting recessed at 3:32 p.m. and reconvened at 3:41 p.m.**

Mayor Akers asked for anyone in the audience wishing to speak regarding Bill No. 5837 as amended.

Pearl Haining, Branson, Missouri, expressed her opinions on the bill as amended and referred to the change that was added that people no longer have to be consuming choking hazards in order to take their masks off. She supposes that change was added in hopes it would make this bill more pleasing or appetizing to the audiences and business owners. She commented, Yakov Smirnoff who is one of the most prominent and long-standing entertainers in town is clearly against the bill as amended which she thinks speaks volumes about what it will do for the City. Ms. Haining referenced a nationwide poll conducted by Yahoo News asking people if a mask mandate was preferred and she reported 80% of people said no. She explained the poll was over a three-week period, 80% of Americans said they do not want a mask and Branson is relying on those Americans to come to this town and support the families and individuals who live here. She told the Board don't think for a minute that adding any amendments to any form of a mask mandate will attract them. In response to the Mayor's questions, she reiterated it's an official poll by Yahoo News which began July 10th and is still active today with 80% against masks. She suggested an amendment to the ordinance by completely revising the sign so it would read: Please stop, we Branson literally don't want your business unless your mouth and nose are covered. Even if you think you're in perfect health, our City Council thinks you're lying and there is 6/100 of 1% of a chance that we could catch a very specific virus from you. However, if you are really convinced of your health, we might make an exception for you if you can prove you have a different, extremely serious health problem. But really, we are grossed out and afraid at the thought of you coming in, so please go away. Ms. Haining suggested the Board make these changes.

Dirk Myers, 118 West Hensley Street, Branson, Missouri, introduced himself as owner of Service with a Step Consulting and Dirk D. Myers Photography. He also waits tables on the side while trying to get his businesses off the ground. He reported the CARES Act ended last week and people who were getting unemployment partially or completely, are not going to get that benefit anymore. If the Board enacts a mask mandate today and Branson goes the way of Silver Dollar City, he asked which one of the Aldermen voting yes would take care of all these people who've had their hours reduced again. Mr. Myers explained the Board doesn't have the ability to give these people more money, but today it has the ability to take more money away from them and their families. He wants the Board to know there are a lot of people who really care about this City and the people who visit it and they've gone to great lengths to make sure things are clean. He asked the audience by a show of hands how many not wearing masks make sure to give people their social distance. He pointed out the Board didn't have to do that for them, because they're already taking care of it. Mr. Myers asked the Board to trust them, just as they trusted the Board and he guarantees if the Board votes yes today, every person who votes is going to remember it. He urged the Board to please do the right thing and vote no.

Patrick C. Kansoer Sr., Hollister, Missouri, introduced himself as having a business presence in the Ozark Craft Mall on 76 Country Boulevard. Mayor Akers inquired if he paid property taxes in Branson and Mr. Kansoer Sr. explained he doesn't, but has a business presence in Branson. He asked if the Mayor was going to muzzle him and said if he was, he would leave the podium. The Mayor explained the speaking guidelines he gave prior to the meeting and Mr. Kansoer expressed the Mayor obviously wants to muzzle someone who has something to say. He believes if the Board passes this ordinance, it's saying to over 8 million people who come here that Branson is a pest hole of a virus and do not come. He added, if that's what it wants to be known for and if it wants to preside over the death of a beautiful place, vote yes. Otherwise, vote no.

Anna Stilloski, 220 W. Pacific Street, Branson, Missouri, said she's here to read for Nathan Horsman who couldn't be here this evening. She stated the lifeblood of this community are the 12,000 residents who live here year-round and call Branson home. First and foremost it is they who must be protected; the silent majority is depending on the Board to get this done so people can move forward into the fall season. The vast majority of tourists who come in the fall are most susceptible to this virus and they won't feel safe coming if Branson doesn't enact measures to protect them such as this mask mandate. We've heard from medical health professionals like Dr. Shawn Usery, who was heckled while informing the Board about the virus, its effect and the effect it will continue to have on the local health care system if people don't start wearing masks. We've also heard from Mr. Mahoney, President of Cox Branson, who laid out facts along with his professional opinion regarding masking and why it's important. The Taney County Health Department is overwhelmed, working around the clock to try and keep up with the case numbers. Mr. Horsman believes people need to lend the Health Department and doctors and nurses a hand to help in any way they can. Most importantly, people need to do this for the residents of the community and he feels everyone can benefit from instituting a mask ordinance now. He suggested giving it a try to see where this is at in a month because it's the least people can do. Differences need to be set aside for the greater good of the community and everyone should do their part to slow the spread of this virus. Branson has always prided itself as a safe, fun, family-friendly place to visit and that's not what's being seen here today or at the last meeting. He asked to Board to figure out a way to roll this out, get everyone on board and do its best to encourage tourists so they feel safe coming here. Branson can be promoted as a mask-friendly place where people of all ages can continue to come, have a good time and wear a mask until the virus is under control. Mr. Horsman feels a lot more people will come to Branson, knowing it's doing its best to keep them safe. Many businesses have taken it upon themselves, at corporate and local levels, to make it a policy people wear a mask if they choose to enter their doors. They all should be applauded for doing so and he wishes it didn't have to be mandated, but feels it's apparent some people's minds need to be made up for them. He trusts the Board will make the right decision because they are reasonable, rational thinking individuals. Mr. Horsman is confident and has faith in the Board that no matter how tough the decision, it will do the right thing for the community. He thanked the Mayor and Board and thanked Anna for being his voice to speak today since he could not be here. He loves everyone in Branson, whether they agree with him or not, and he wants everyone to be safe. It hurts to see even one death when people can prevent it and it's just a piece of cloth.

Anne Marie Stone, 131 Dove Court, Branson, Missouri, works at Walmart and talks to customers everyday; she sees their reaction to the masks, sees how people are struggling to breathe, sees the ridicule people receive for not wearing masks by those wearing masks and the condemnation is outrageous. She commented, every single day people are dealing with the stress of this everyday thing and there are mental health issues coming about just because of masks. Ms. Stone explained people are coming against each other, they're divided, angry, stressed and now it's getting to the point where people are being fined in places like Forsyth. She pointed out people are having enough struggles financially and now the Board wants to put fines on people for not obeying something that is proven not to help. The Board has had enough medical information to show them a mask will not stop the virus and explained if someone can blow a candle out while wearing a mask, the mask is not going to stop COVID-19. She urged people to get smart and expressed she's really tired of the stupidity and fear-mongering of putting a mask on. The mask will not save anybody; it's a proven fact medically that cannot be denied. Enough people are running around in fear right now because leaders are telling them that they have to be in fear and put a mask on. Ms. Stone commented this is harming not only Branson, but the whole country at large because it's in fear. She mentioned people are moving out of places like California to Branson which she hears all the time at

Walmart because customers talk. Ms. Stone mentioned having to stand out front of the store, counting people coming into the store for no reason at all. She's being made to stand out in the sun, wearing a mask that she can't breathe out of, in 90° temperatures and humidity up to 65°. She asked where the intelligence is in that and where her health was being considered and said it's not.

Colton Schmidt, The Preserve Apartment Complex, Branson, Missouri, commented he's against this ordinance as proposed and amended entirely. He presented the Board with a few statistics and pointed out there hasn't been a Taney County Health Department update as of the last meeting on July 16th. So his statistics are from the following day, July 17th, and he reported as of the 17th there were 146 cases and three deaths. He noted the Taney County Health Department updated its numbers at 2:00 p.m. today and reported 260 cases and 4 deaths. He explained the case increase is 114 cases and the death increase is 1, which is a 78% case increase. The death to case ratio from July 17th was 2% and the death to case ratio today is 1.5%. Looking at these numbers he calculated the death to case ratio from July 17th to today to be 0.08%. He mentioned the thing people are hearing is that the death rate sits around 2%, but if that's the case, with the 114 cases seen over this time period there should have been 2 to 2 1/3 deaths instead of just one. To him that says citizens, business owners, visitors and everyone in Branson are doing their part without having to be mandated to wear a mask. Mr. Schmidt commented, without having to do any of that people are doing their job and the number of deaths is going down. He explained the deaths are what people are really afraid of, because cases are kind of good since it means people are being exposed, they're growing antibodies which helps prevent deaths. Mr. Schmidt commented he's speaking on behalf of plenty of businesses, citizens and visitors of Branson and he urged the Board to vote no. He stated he just presented the statistics and facts that have been provided by the County and he asked the Board to please vote no and said God bless the Board of Aldermen, Branson and America.

Clay Cooper, 3216 West 76 Country Boulevard, Branson, Missouri, said he's been in Branson for 34 years as he moved here when he was 16 years old to live a dream of playing country music in Branson. It's turned out to be a lifelong career and now him, his wife and his boys all perform and have 95 employees. He mentioned Walmart now requires everyone to wear a mask and while there the other day, he decided to take pictures of everyone wearing their mask incorrectly. Mr. Cooper explained he got about 30 pictures and he showed the Board examples of how people wear their masks incorrectly such as hanging them off one side of their face, wearing them under their chin or not covering their nose. He believes the problem with this is it's given those people a false sense of security; that they don't need to social distance because they're protected with their masks when they're not really since they're not wearing them right. His show is running about 50% to 60% down and he has a \$23,000 monthly mortgage, \$8,000 per month electric bill, 95 employees and he's not even sure how it's still running to be honest. Mr. Cooper mentioned looking out into a crowd of 200 to 250 people and only seeing about 8 to 12 people with a mask on. So out of 250 people, what that tells him is the 50% of people who are coming are not wearing masks and the 50% staying home are maybe high risk or don't want to wear a mask, so they're not coming. He believes if masks are mandated, he will see an additional 30% to 35% or maybe even more of those 50% not coming. He hears it every night in the line from people who say they live in Illinois and it feels good to be here and like they can make their own choices. He knows the Board has heard this, but it's true, because he hears it every single night. Mr. Cooper explained he's not a person who carries the Constitution in his back pocket, but he does believe in having that choice. He mentioned having an employee who contracted the virus, but never left his house without a mask or gloves on from day one. Now this employee's mind is boggled and they can't believe how they caught this virus because they've been so careful. He added, so that raises the question how does the mask protect people and on behalf of his family, business and his 95 employees and their families, he asked the Board for a no vote. He believes if masks are mandated, Branson won't have to worry about the virus because there won't be any people left to spread the virus.

Mayor Akers asked for comments from the Board. Discussion. Mayor Akers called for a vote on Bill No. 5837 as amended. Voting aye: Whiteis, Simmons, Skains and Seay. Nays: Milton. Absent: McConnell. Motion carried. Ordinance No. 2020-0072 was duly enacted.

# ADJOURN

Mayor Akers asked for a motion to adjourn. Alderman Skains moved to adjourn, seconded by Alderman Seay. Voting aye: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried. Meeting adjourned at 4:20 p.m.

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E. Edd Akers  
Mayor

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Lisa Westfall  
City Clerk

**MINUTES**  
THE REGULAR MEETING OF THE  
BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI  
July 28, 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 July 28, 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 Westfall called roll: Mayor Akers presiding, Jamie Whiteis, Bob Simmons, Bill Skains, Larry Milton and Jeff Seay. Absent: Kevin McConnell.

**RECOGNITION OF OUTGOING ALDERMAN:**

Mayor Akers and Alderman Simmons made a presentation on Alderman McConnell's years of service to the City.

**PUBLIC COMMENT**

Mayor Akers began the Public Comments section of the Board of Aldermen meeting and made an announcement pertaining to speaker decorum. He explained there is a five minute time limit and additional questions may be asked by the Board. He requested any speakers to please state their name, address and any affiliation they may be speaking on behalf of.

Richard White, 99 Royal Vista Drive, Branson, Missouri, congratulated the Board for passing the mask mandate ordinance. He stated he'll be giving a talk this evening at Hollister High School for Honors Night and giving out awards for biology and chemistry to some very special students, so he'd like to read his statement and go. He mentioned speaking at the June Board of Aldermen meeting regarding the importance of recycling and how Branson has a vested interest in keeping the area clean and beautiful. After the meeting he started a petition to re-open the recycle center, which has nearly 1,000 signatures to date. He emailed it to the Board because he didn't want to waste paper. He commented the City Administrators want to discount the petition because many of its supporters do not live in the city limits of Branson. They believe those in the community who live outside city limits do not count, but he's here to argue that not only do they count, but the City of Branson depends on them. Mr. White stated he's a member of the community and his family moved here in the 1850s. They've worked, played and shopped in Branson for decades and there are many like him in the community. They fuel Branson businesses on both sides of the counter as customers and employees and they prop up Branson businesses during the slow times such as this pandemic. The community gives Branson the customer base to attract investors and big chain stores and the community fills Branson's coffers with sales tax revenue. The businesses in Branson appreciate them and they have local discounts, not city limit discounts and they have area appreciation. These businesses sell these people cars, trucks and clothes among other things and mentioned the glasses, clothes and shoes he's wearing and the car he drove here tonight all were purchased in Branson. Mr. White

added, these people have procedures done at the community hospital, their teeth cleaned at the local dental office, buy their groceries and so much more right here in Branson. He believes the City of Branson would be a shell of what it is today without the outlying community as they are Branson businesses' most loyal customers and supporters. The Branson Recycle Center was built and equipped using grant money, intended to benefit the entire community. He recalled the grant money was awarded so Branson could be a leader in education, conservation and preservation of the environment. For over 20 years, Environmental Specialists at the recycle center have worked with the community collecting recyclables, keeping hazardous chemicals out of the lakes and teaching businesses how to reduce their waste and environmental impacts. He added, they work with schools and have been in his classroom teaching young people how to be environmentally conscientious. He asked if a contract with an outside entity would replace the recycle center and said no they would not; they won't even accept glass and if recyclables are contaminated they'll just take them to the landfill. They have no interest in the community beyond our money and if the City permanently closes and cannibalizes the recycle center, it will have squandered hundreds of thousands of dollars in grant money. He feels the City's shortsightedness will poison the well for anyone writing a grant proposal in the future and sets a precedent that Branson puts profit over responsibility. He respectfully proposed the Board table the vote on permanently closing the recycle center until a task force can be appointed; a committee that includes members from the community with the sole purpose of researching all possible outcomes for the center. He believes people deserve a voice and there must be alternatives other than selling the equipment or forcing citizens of Branson to pay for everybody else. He asked the Board to see if they can find alternatives.

## 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. Hearing none, Mayor Akers asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Alderman Milton requested Item Number 9 and Item Number 10 to be removed from the Consent Agenda and placed as the first and second items on the Regular Agenda. Mayor Akers asked City Clerk Lisa Westfall to read the items on the Consent Agenda as amended. City Clerk Lisa Westfall read the following Consent Agenda items by title.

Approval of Board of Aldermen Minutes:

- a) July 14, 2020 Regular Meeting

Acknowledge Receipt of Minutes:

- a) Human Resources Committee meeting of February 19, 2020
- b) Budget & Finance and Capital Improvement Committee joint meeting of May 28, 2020
- c) Advisory Park Board meeting of June 16, 2020

**BILL NO. 5828**  
**Ord. No. 2020-0073**

**Approving an Easement for Right of Way for recreational trails, trailhead and parking located on the Preserve Property and authorizing the Mayor to execute said Easement with the Leza Stenger Foundation, 75% and the Fall Creek Partners LLC 25%.**

Final Reading of Bill No. 5828, an ordinance approving an Easement for Right of Way for recreational trails, trailhead and parking located on the Preserve Property and authorizing the Mayor to execute said Easement with the Leza Stenger Foundation, 75% and the Fall Creek Partners, LLC 25% was read by title by City Clerk Lisa Westfall. Voting aye: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried. Ordinance No. 2020-0073 was duly enacted.

**BILL NO. 5829**  
**Ord. No. 2020-0074**

**Accepting the proposal of Central Salt, LLC pertaining to the purchase of sodium chloride (rock salt) and enhanced deicer.**

Final Reading of Bill No. 5829, an ordinance accepting the proposal of Central Salt, LLC pertaining to the purchase of sodium chloride (rock salt) and enhanced deicer and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried. Ordinance No. 2020-0074 was duly enacted

**BILL NO. 5830**  
**Ord. No. 2020-0075**

**Amending the contract with Central Square Technologies pertaining to the purchase of an online module for employee self service.**

Final Reading of Bill No. 5830, an ordinance amending the contract with Central Square Technologies pertaining to the purchase of an online module for employee self service and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried. Ordinance No. 2020-0075 was duly enacted.

**BILL NO. 5831**  
**Ord. No. 2020-0076**

**Amending the contract with Central Square Technologies pertaining to the purchase of Central Square payment processing technology.**

Final Reading of Bill No. 5831, an ordinance amending the contract with Central Square Technologies pertaining to the purchase of Central Square payment processing technology and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried. Ordinance No. 2020-0076 was duly enacted.

**BILL NO. 5832**  
**Ord. No. 2020-0077**

**Amending the contract with Central Square Technologies pertaining to the purchase of an online module for business licenses and tourism tax payments.**

Final Reading of Bill No. 5832, an ordinance amending the contract with Central Square Technologies pertaining to the purchase of an online module for business licenses and tourism tax payments and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried. Ordinance No. 2020-0077 was duly enacted.

**BILL NO. 5833**  
**Ord. No. 2020-0078**

**Accepting the proposal of JCI Industries, Inc. for the rebuild or replacement of lift station pumps.**

Final Reading of Bill No. 5833, an ordinance accepting the proposal of JCI Industries, Inc. for the rebuild or replacement of lift station pumps and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried. Ordinance No. 2020-0078 was duly enacted.

**BILL NO. 5836**  
**Ord. No. 2020-0081**

**Approving the Sale of Real Estate to Rodriguez Real Estate Investment LLC.**

Final Reading of Bill No. 5836, an ordinance approving the Sale of Real Estate to Rodriguez Real Estate Investment LLC and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried. Ordinance No. 2020-0081 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 Seay. Voting aye: Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Absent: McConnell. Motion carried.

## **REGULAR AGENDA**

Mayor Akers stated it's my responsibility as Mayor under state law to take care of the ordinances of our City and the state laws regarding 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 of the Board. We've had in recent history 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 the Board to cast a 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 that any abstention by any member of the Board during the meeting may or can be recast as a no vote.

**BILL NO. 5834**  
**Ord. No. 2020-0079**

**Amending Section 2-136 of the Branson Municipal Code pertaining to Dealings with employees by Board or Mayor.**

Final Reading of Bill No. 5834, an ordinance amending Section 2-136 of the Branson Municipal Code pertaining to Dealings with employees by Board or Mayor was read by title by City Clerk Lisa Westfall and a staff report was presented by City Attorney Chris Lebeck. Mayor Akers asked for a motion approving Bill No. 5834. 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: Whiteis, Simmons, Skains and Seay. Nays: Milton. Absent: McConnell. Motion carried. Ordinance No. 2020-0079 was duly enacted.

**BILL NO. 5835**  
**Ord. No. 2020-0080**

**Amending Section 2-77 of the Branson Municipal Code pertaining to Abstentions.**

Final Reading of Bill No. 5835, an ordinance amending Section 2-77 of the Branson Municipal Code pertaining to Abstentions was read by title by City Clerk Lisa Westfall and a staff report was presented by City Attorney Chris Lebeck. Mayor Akers asked for a motion approving Bill No. 5835. Alderman Simmons 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: Whiteis, Simmons, Skains and Seay. Nays: Milton. Absent: McConnell. Motion carried. Ordinance No. 2020-0080 was duly enacted.

**RESOLUTION NO.  
DEFEATED**

**Approving the permanent closure of the Branson Recycle Center.**

A Resolution approving the permanent closure of the Branson Recycle Center was read by title by City Clerk Lisa Westfall and a staff report was provided by Assistant City Administrator John Manning. Mayor Akers asked for a motion adopting the resolution. Alderman Skains so moved, seconded by Alderman Seay. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter.

Laney Richards, 265 Buzz Street, Branson, Missouri, feels it's a moral obligation to help the planet we live in. She stated paying to recycle is kind of like a money scheme and understands the budget, but for the ecosystem to keep surviving there needs to be a focus and investment in recycling. She continued, she feels like tourists want to recycle; tourists want to invest in our City because they love coming here for the lakes, to see shows and go to Silver Dollar City and she expressed she's tired of seeing trash along the streets. She feels the recycle center staying open with tax dollars is beneficial with option one. Ms. Richards concluded she was concerned and feels the need to keep the safety of the ecosystem going in Branson.

Joshua Pope, Neihardt Street, Branson, Missouri, stated it's important to keep the recycle center open. He mentioned living in England for six months and there's mandatory recycling there with doorstep pick up. Every household has two trash cans they set out on a certain day of the week; trash and recycling are done on certain days of the week and every citizen does it because they care about their environment. Mr. Pope reported some household plastic items such as water bottles can exist in the environment without deteriorating for over a thousand years, so it's only a matter of time before that catches up with us. He feels it's important to take the steps necessary to slow down the damage being caused to the planet for future generations so we can at least say we put forth the effort. He suggested instead of shutting down the recycling center, the City needs to make an effort to educate citizens on the benefits of recycling, on the process of doing so and the proper disposal of materials. Mr. Pope believes this would cut down on costs of unwanted materials if people actually knew what to recycle. He added, it's important to take the appropriate action and do our part to try and make sure Branson and its lakes are beautiful for tourists and future generations.

Debbie Redford, 1462 Carlton Road, Hollister, Missouri, mentioned she was the first Environmental Specialist for the City of Branson in 1995 and held this position for 15 years until becoming a grant writer and Communications Director of Hollister Schools. She clarified Hollister Schools doesn't nor has it ever brought its recycling to the Branson Recycle Center as it's used Tanton Industries for at least eight years. She explained Richard White has used it for four trash can loads of water and pop bottles from the high school which is all Hollister Schools has done. She commented the recycle center is operating on a model established 25 years ago and there's been no attempt to modernize like other recycling centers have done. She added, like what Monett, Christian County and Rolla are doing that requires less manpower and cuts down on the price. Ms. Redford continued, the City currently doesn't use community service workers and when she was here, they had 300 to 400 community service workers from five different courts working 10 to 125 hours a year. She recalled using volunteer groups on Saturdays such as Central Bank, Hollister Schools and the Rotary Club. These groups would be responsible for a Saturday and would advertise, wear t-shirts and brag about how they recycled which advertised their business. She reported Nestle Purina Company in Springfield will take mixed paper for free and Ripple Glass takes glass to make insulating material; all of these things would keep costs minimal. Ms. Redford mentioned the County is interested in taking over the recycling and has attempted to explore and find out exactly what the costs are from the City. She commented for some reason the recycle center's labor costs include three full-time employees and a quarter employee. She added, an administrative assistant and another full-time employee, both of whom reside in City Hall, yet none of them are involved in the labor on a day-to-day basis for the recycle center. She mentioned the State's Recycling Convention will be held in Branson in September and feels it would be very embarrassing for Branson to say it doesn't recycle anymore after all these years. She added, what a terrible black mark on the City in terms of an insult to the rest of the state. Branson led the State in water quality issues as it had the first wastewater treatment plant, removing phosphorus to protect lakes and streams. It also led the State in recycling initiatives by partnering with small communities to make it possible for small communities to recycle. She feels this is very important and reiterated the County is willing to take it over and mentioned there will be a County Commission meeting to discuss how to it could take over the

recycling efficiently. She explained every piece of equipment at the Branson Recycle Center was paid for with grant money through the Solid Waste District. She added, even though it belongs to the City after five years, she's talked to the Solid Waste District Planner who talked to the Department of Natural Resources (DNR) and both will send very strong letters to the City if it attempts to sell the equipment. She explained the money was allocated for recycling in this area and feels this would be another black eye to Branson. She thanked the Board for the opportunity to speak.

Jim VonBehren, 959 East Iron Bridge Circle, Springfield, Missouri, introduced himself as the owner of Greenway Recycling which is a recycling processing company with three facilities in Springfield, Fordland and Mansfield, Missouri. He mentioned his company has a contract with the City and receives the materials from Branson and all the stuff that was said is not true. Mr. VonBehren explained he sells three thousand tons of material a month and doesn't have any problem selling his material. In 2018, China did pass an environmental protection act, but all it did was tell the United States the materials it sends China has to be cleaner. He reported China then came to the United States, started buying up paper mills that were shuttered and opened up plastic operations. He added, now instead of shipping to China, it's shipped to facilities in the United States to be processed and made cleaner. Mr. VonBehren is a huge proponent of the Branson Recycle Center and the Christian County Recycle Center as they are two of the most efficiently ran centers. He mentioned telling people who have closed recycle centers in Rogersville, Ava, Alton and other cities they need to go see the Branson and Christian County recycle centers to see how they're ran. He explained Branson's Staff put the entire onus of recycling on to the citizen, so when citizens come to its recycle center, they have to sort it out themselves while other communities have shut down because of blatant inefficiency. People dump bags full of trash and create a big mess which is what happened in Rogersville. He feels Branson's Recycle Center is run to model efficiency and he shared his operation has 30 employees, the direct labor with overhead is \$37,800 per employee and he knows Christian County's labor costs are \$80,000 to run its center. The products Branson puts out are all marketable and currently, companies like Walmart, Target and other huge food chains are requiring post-consumer recycling content in their products. With natural milk bottles, there's a 30% requirement for recycled materials to go back into bottles and it's the same with PT water and soda bottles. His belief is once the pandemic is over, there will be a big boom to the industry since everyone will start restocking their products, increasing the need for recycled materials. Mr. VonBehren feels it would be an eyesore for this community to shut down the recycle center, because people take pride in their centers and the Branson Recycle Center is a source of pride. He commented, people like getting in their cars, going to the recycling center and they just want to recycle. He explained Branson is a progressive town and rather than talk about restricting people from the outside coming to the Branson Recycle Center, the Board should consider it's going to get sales tax from people stopping at other places while they're here. Discussion. In response to the Aldermen's questions, he explained Republic or the waste company would provide a separate container for recycling with the theory being recycling materials go in one container and trash in another. He clarified for Alderman Skains the stuff submitted by Republic is processed and Greenway Recycling is currently processing 175 to 200 tons of recyclables in a month from Republic alone. He mentioned there's also other companies such as Waste Corp, but that's just one sector of his business as it's primarily a commercial company that services municipalities, small businesses and large commercial companies like the Kraft plant, Bass Pro Distribution and O'Reilly. Mr. VonBehren explained commodities are selling better and admits 2019 was the worst year in 25 years of his business due to low fuel prices which affects plastic. Water bottles have petroleum product in them and natural gas affects the polyethylene market which is mainly colored plastic and milk jugs. He explained, depressed fuel prices bring the price of pellets, or the virgin material, way down and what's being seen now in the business is there's a private sector requirement for companies to provide plastics that have a percentage of recycled content. He added, so what's already being seen with the natural plastic markets and natural milk bottles is the price is huge on natural milk bottles and he reported it was the biggest he'd ever seen at the beginning of the year. He mentioned this will also be seen in the PET industry which is the soda and water bottle industry and he pointed out this carpet is made out of recycled plastic. He explained this will be seen more because companies are becoming more environmentally conscious and sustainable. He stated Nike's and Under Armor's clothes are being made out of PET. These companies drive these industries and they want to see more recycled content in their packaging and product line. Mr. VonBehren clarified the things he referred to that were not true is about China and explained it didn't kill the business, only shifted the business back domestically. He reported the biggest paper mill in the world was just built in Monterrey, Mexico and can process 3,000 tons of cardboard a day. There were

mills on the East Coast that the Chinese bought in the United States, because now they're getting the paper there. There's a huge mill in Wickliffe, Kentucky that can process about 2,000 tons a day and is ran by Nine Dragons, a Chinese company. He added, they're going to get the paper over there, process, pulp, dry and send the pulped paper to China, so the thought that the Chinese are not buying our products is just not true. Cardboard and other materials are going to China, but they just want it cleaner and right now there's a fight going on in Washington with the Chinese on trade policies, so now they're bucking up and saying they don't want our stuff. If this item were tabled and given another look, he expressed interest in serving on a committee to talk about it. He thinks it should've been the City's obligation to reach out to area processors in the private industry to discuss what's going on in the business at the very minimum. He thinks it should be tabled and the recycle center should be opened while this is being talked about and he asked why it was closed. He reported Springfield's is open and if everyone has to be masked to go in there fine, but it needs more discussion. He disagreed with Ms. Redford's and Ms. Branson-Jones' comments regarding the equipment and explained the equipment is the City's because granted equipment belongs to the grantee five years after it's received. So the City could sell that equipment if it's been depreciated out; but they're right, it's also antiquated as he's seen it. He expressed he's a proponent of the Branson Recycle Center as it's the best run center he's ever seen in his 25 years of business. He believes Sharon White is the best manager of the recycling and he wishes she was working for him because she puts the onus back on the person who's bringing stuff in to sort it out. He added, Christian County does very well also and explained Branson's recycling is just a drop in the bucket for him as it's just a load of mixed materials a month and a load of cardboard a month. He commented, he ships three loads of cardboard a day and five or six loads of PET a month, so he's just a proponent of the center. He's seen what the centers mean to the community and sees what political bodies have to deal with after centers close and gave an example of the small city of Ava, Missouri, where people are still upset about it. He mentioned it was a shelter workshop-run organization and sheltered workshops have gotten out of it. He feels the numbers really need to be studied more accurately, because he thinks the labor numbers are skewed and there should be a focus committee to discuss it more and the center needs to be opened up.

Chuck Pennel stated he recycles his paper at the courthouse and is encouraged to hear the Commissioners will be discussing this and agrees there's pride in recycling. He hates to see it go away, but understands budgets and asked for the item to be tabled. He feels it's been a good deal and thanked the Board supporting it this far.

Audrey Richards, 265 Buzz Street, Branson, Missouri, mentioned her dad worked for the U.S. Corps of Engineers at Table Rock Lake when she was younger, so she has intense appreciation for the nature and beauty of Branson and would like the recycling center to remain open for that reason. She believes it's a good resource to help keep trash off the roads and people thinking about ecology and conservation. She explained she'd like to address how the recycle center impacts tourism and reported according to the Convention and Visitor's Bureau (CVB), the City's marketing hits on two demographics she's a part of; millennials and people from Washington D.C. She understands a substantial amount of marketing dollars is spent on these two and mentioned Branson has been in the news recently for a lot of things that aren't great and while watching the news she feels Branson looks kind of bad. Ms. Richards mentioned most of her friends are in Washington D.C. and they've expressed Branson isn't what they thought it was and she said she's here to say it's not and isn't always how it's been presented in the national media. She recalled Alderman Milton talked about Branson's news headlines and she thinks if the recycle center closes, the headlines will read: Branson keeps racist shop open and closes recycle center. She believes that's how it's going to look to the public because the recycle center is important and agreed with previous speakers who said there's a sense of pride people feel when going to the recycle center. Ms. Richards expressed concerns over restricting access to just people inside city limits and feels it's kind of offensive to outlying communities. She thanked the Board for its time.

Marvin Groote, 471 Table Rock Heights, Hollister, Missouri, mentioned living in the Branson area for five years now out in the County and an additional two years some time ago. He reported recycling is not available where he lives, but if he lived in Hollister he could have a bin to recycle for \$4 a month. He's tried to do that but it's not possible, so he brings his recycling to the Branson Recycle Center. He believes American citizens have a responsibility to care for planet Earth as much as possible and he was dismayed to see the recycle center close when the COVID-19 pandemic hit. He added, now he's even more dismayed

to learn of the plan to close it permanently. He knew the recycling services have been open to anyone who brought items to be recycled which attracted many citizens of nearby cities and people who live in the County. Mr. Groote agrees it's probably not fair the City has been footing the bill for most of this and felt it would be appropriate for non-residents of the City to pay a fee for services. He expressed concerns with the plan presented as it looks very complicated, would be difficult to administer and would require a lot of additional people working with it. He suggested a flat fee which would be fairly simple and said he would be willing to pay \$10 a month to use the recycle center as often as he'd like. He added, this would be his preference and he's not afraid of signing up for that sort of thing. Mr. Groote commented, closing the recycle center and putting everything that could be recycled into a landfill just means people are going to have to find more landfills just to take care of this City, let alone all of the other cities. He thanked the Board for the opportunity to speak.

Korina Branson-Jones, introduced herself as the Board Chairperson of Earthwise Recycling Center in Reeds Spring, Missouri. She works with various businesses, schools, park boards and understands the value of priority-based budgeting and balancing the costs and benefits of services. She expressed she's very passionate about recycling and environmental stewardship and is excited the Missouri Recycling Association (MORA) will be holding it's convention in Branson in September and announced she will be a speaker at it this year. Ms. Branson-Jones expressed her concerns over the lack of information and misinformation presented at the Board of Aldermen Study Session. She mentioned Alderman White works for Tanger which has implemented electric car charging stations and recycling within the outlet mall which is based on a business move, not just the bottom dollar as there's a cost-benefit analysis to this. She explained she'd like to clarify a few things, which includes items that are brought to the Branson Recycle Center from outside entities which is actually revenue for the recycle center. She mentioned the Stone County Courthouse brings its cardboard to her recycle center and right now cardboard is probably the most profitable commodity it has. She added, so to say non-residents bringing materials is costing taxpayers money is completely false; they're actually bringing the City revenue. She mentioned emailing the Board a lot of information today and explained a business inside city limits wouldn't only sell or service Branson residents and feels it's the same with the recycle center. She added, people are actually taking their time to bring the City a commodity which is revenue to help offset the costs of the center. She referenced Assistant City Administrator John Manning's presentation about the market being dead which is completely false. The Plastics Recycling Publication of July 2019 reported the plastic market is optimistic and oversees import restriction fallout has been exaggerated. Ms. Branson-Jones explained she owns a construction company and her husband had to order composite decking, but it was on back order because they didn't have enough manufacturing product from these recycled materials. She added, so there is high demand for recycled materials. The Business Insider from July 2020 reported the global market is valued at over \$400 billion with an estimated annual growth rate of 3.2% from 2017 to 2020. This is due to rising product demand from various industries and she explained she's using this information as motivation to not close the City's recycle center operation which is top notch and used as a model at her own facility. She addressed the financials from Assistant City Administrator Manning's presentation which stated expenditures are well over \$250,000, but from her calculations using his information, it's \$25,000 less than he stated. She feels it would be beneficial to know the exact costs of personnel versus operations. She noted even with closing the recycle center, the City's not gaining \$250,000 but reallocating that personnel to other departments. That's not 100% cost savings to citizens or tax payers and needs to be looked into. Ms. Branson-Jones commented on the grant money awarded to the City and reported since 1999 the City of Branson has received close to \$220,000 in grant revenue and questioned where the money showed as expenditures in the recycle center budget. She added, just in the last six years the City received \$64,000 in grant revenue and she explained that equipment will not be able to be sold because of a lien preventing it from being sold. She inquired how this money is accounted for on the budget; is it getting revenue from the reimbursement or getting allocated back to the City's revenue on the recycle center budget? She addressed the action plans and feels there's a perception that recycling needs to be farmed out to a private industry. She explained closing it would create a monopoly with Republic Services which she didn't know if the Board had thought about as it would force all residents and businesses to utilize its services without competitive pricing. She expressed concerns that closing the recycle center could be more detrimental to small businesses. She explained a large portion of small businesses utilize Earthwise Recycling Center because they don't want the expense of a large bin due to their small volume. She asked the Board to consider what it would do to small businesses since they would have to incur additional costs. She assumes

the City utilizes its own recycle center and pointed out this would be another cost incurred by the City which needs to be factored in to the cost savings and benefit. She feels the tiered system, using Beacon to analyze people's addresses and adding personnel is a red herring and not an option. There are many other ways a fee basis could be utilized for residents and non-residents such as a flat fee and she recommended keeping the recycle center open. In that process the Board could figure out how to whittle down that budget and possibly implement a fee-based system on a flat-fee schedule instead of a complicated system. She offered to answer any of the Board's questions, expressed her appreciation for the opportunity to speak and shared she's passionate about recycling. She mentioned a lot of tourists come to the area who recycle in their homes and it would strike them as odd why a City as progressive as Branson wouldn't be recycling. Discussion. In response to the Board's questions about what would happen to the City's equipment if it were to do a co-op with the County, she said it's her understanding they would try to reallocate it. She ventures to say it would probably be something where the County and City would both be listed on the lien until the five-year requirement was fulfilled. She mentioned she loves the City's trailers and they are probably within the five-year period. She recalled the City's pole barn was part of a grant ordered through DNR and the City should consider utilizing or repurposing it instead of tearing it down if the recycle center were to close. She expressed it's encouraging to hear there could be cooperation with the County if it's 100% not feasible budget-wise to keep the recycle center open. She would love to work with that even though she's in Stone County as she's passionate about recycling. She's from Branson and has ties, heritage and genealogy all the way back to the origins of Branson, so she's a Branson resident by heart and would love to help. She added, she thinks it's something the City can make work without having the black eye of completely closing the recycle center in the area.

Jerry Buckley, 202 Windy Ridge Drive, Hollister, Missouri, said he's volunteered at the Branson Recycle Center for the last two years and feels Jim VonBehren's comments have been the closest to reality that he's heard. He feels Korina Branson-Jones and Debbie Redford made a lot of assumptions and he mentioned he comes from an aerospace business where accounting for wages is a lot different than the regular workplace. He feels a lot of what was said is simply not true and a lot of what was said is true and hopes what was said with regards to working with the County is true. He mentioned Environmental Specialist Mona Menezes has worked with the County and supervisors for years and they've just thrown her out and Greenway Recycling refuses to return her calls. Mr. Buckley explained he's on the Missouri Recycling Association's (MORA) planning committee for the upcoming conference in September and feels if Branson closes its recycle center it will send the wrong message. He thinks option number three of Assistant City Administrator John Manning's assessment is too complicated and not doable. He mentioned being on the City's Capital Improvement Committee and understands the City can't afford that fund of money to run this thing either. He reported all of the other cities have dropped out and he toured the facilities of Christian County, Bentonville and Monett and Branson has the finest people, facilities and capabilities he's ever seen. He's noticed court volunteers have started falling off a little bit, because the work is hard and tedious and they've found other ways to do what they need to do. He explained the machines are with the grants; there's no overhead which was one of the big concerns for District N, Joplin and Springfield. They use their grant money for salaries and trucks, while Branson does not because the people pay for all of that. He reported the latest grant money received was for a trailer that was set up at the Methodist Church and all the other bailers at the recycle center are quite old and were when they were donated. Their useful life is coming to an end, so selling that equipment would almost be for scrap as they're not much usable anymore. He expressed interest in volunteering for the City's committee if this is postponed and thinks everyone's assumptions are very clear and there's a real, difficult dichotomy here. He reported it's a very low period of resource costing for cardboard and plastic, which is still down around \$0.10 to \$0.15 a pound, and takes a ton of labor to get plastic suitable and clean enough. He added, about 15% to 20% is trash and has to be hand-picked out before it goes to Greenway Recycling. Mr. Buckley commented it's really tough, the money isn't there right now and it may not come back for a long time. He reiterated he volunteers to be on that committee if the City decides to cancel or postpone this as he has 30 years of recycling experience. He thanked the Board for its time.

Mayor Akers asked for comments from the Board. Discussion. Voting aye: None. Nays: Whiteis, Simmons, Skains, Milton and Seay. Absent: McConnell. Motion failed.

**BILL NO. 5838**

**Approving the Intergovernmental Cooperative Agreement between the City of Branson Police Department and the Pulaski County, Missouri Sheriff's Office pertaining to the donation of Digital Ally in-car camera equipment.**

First Reading of Bill No. 5838, an ordinance approving the Intergovernmental Cooperative Agreement between the City of Branson Police Department and the Pulaski County, Missouri Sheriff's Office pertaining to the donation of Digital Ally in-car camera equipment and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a staff report was provided by Assistant Police Chief Eric Schmidt. Mayor Akers asked for a motion approving Bill No. 5838. 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: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried.

**BILL NO. 5839**

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

First Reading of Bill No. 5839, an ordinance amending Chapter 94 of the Branson Municipal Code pertaining to Zoning was read by title by City Clerk Lisa Westfall and a staff report was presented by Planning and Development Director Joel Hornickel. Mayor Akers asked for a motion approving Bill No. 5839. 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: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried.

**BILL NO. 5840**

**Approving Medium Density Residential (MDR) and Neighborhood Commercial (NC) Zoning for the properties located at 3855 Fall Creek Road, Branson, Missouri.**

First Reading of Bill No. 5840, an ordinance approving Medium Density Residential (MDR) and Neighborhood Commercial (NC) Zoning for the properties located at 3855 Fall Creek Road, Branson, Missouri was read by title by City Clerk Lisa Westfall and a staff report was presented by Planning and Development Director Joel Hornickel. Mayor Akers asked for a motion approving Bill No. 5840. Alderman Skains 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: Whiteis, Simmons, Skains and Seay. Nays: Milton. Absent: McConnell. Motion carried.

**BILL NO. 5841**

**Approving High Density Residential (HDR) Zoning for the property located at 135 Lake Front Drive, Branson, Missouri.**

First Reading of Bill No. 5841, an ordinance approving High Density Residential (HDR) Zoning for the property located at 135 Lake Front Drive, Branson, Missouri was read by title by City Clerk Lisa Westfall and a staff report was presented by Planning and Development Director Joel Hornickel. Mayor Akers asked for a motion approving Bill No. 5841. 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: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried.

**BILL NO. 5842**

**Approving High Density Residential (HDR) Zoning for the property located at 150 Gunner Hill Lane, Branson, Missouri.**

First Reading of Bill No. 5842, an ordinance approving High Density Residential (HDR) Zoning for the property located at 150 Gunner Hill Lane, Branson, Missouri was read by title by City Clerk Lisa Westfall and a staff report was presented by Planning and Development Director Joel Hornickel. Mayor Akers asked for a motion approving Bill No. 5842. Alderman Skains 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: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried.

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

Alderman Whiteis mentioned he's served on the Board for about 60 days now, but it feels more like 60 years. He expressed his appreciation working with the other Board members.

Alderman Simmons agreed with Alderman Whiteis' sentiments and said it has seemed like a long few weeks here, but that's what they signed up for and guesses they have to take the good with the bad.

## **ADJOURN**

Mayor Akers asked for a motion to adjourn. Alderman Skains so moved, seconded by Alderman Whiteis. Voting aye: Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Absent: McConnell. Motion carried. Meeting adjourned at 9:04 p.m.

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E. Edd Akers  
Mayor

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Lisa Westfall  
City Clerk

# MINUTES

JOINT MEETING OF  
THE BUDGET & FINANCE COMMITTEE AND  
CAPITAL IMPROVEMENTS COMMITTEE  
CITY OF BRANSON, MISSOURI  
JUNE 25, 2020

## 1) CALL TO ORDER.

The joint meeting of the Budget and Finance and Capital Improvement Committees of the City of Branson, Missouri met for a meeting in the Council Chambers of the Branson City Hall on June 25, 2020, at 10:00 a.m.

## 2) ROLL CALL.

Budget & Finance Committee Members Present: Mayor Edd Akers, City Administrator Stan Dobbins, Alderman Larry Milton, Rod Romine, Alderman Bob Simmons, Pamela Yancey.

Capital Improvement Committee Members Present: Mayor Edd Akers, Jerry Buckley, City Administrator Stan Dobbins, Michael Pinkley, and Alderman Bill Skains. Members Absent: Alderman Kevin McConnell.

Also present were: Finance Director Jamie Rouch, Assistant Finance Director Stacy McAllister, Financial Analyst Melissa Sill, Assistant City Administrator John Manning.

## 3) FINANCE COMMITTEE REGULAR REPORTS:

### 3A) JOINT BUDGET & FINANCE AND CAPITAL IMPROVEMENT COMMITTEES MINUTES OF May 28, 2020.

Mayor Edd Akers asked for a motion approving the minutes of May 28, 2020. Bill Skains moved to approve, seconded by Rod Romine. Ayes: 9. Noes: 0. Motion carried.

### 3B) MONTHLY SALES & TOURISM TAX REPORTS.

Financial Analyst Melissa Sill presented the monthly sales and tourism tax reports to the Committee.

### 3C) FINANCIALS: MONTHLY UNAUDITED FINANCIALS FOR MAY 2020.

Finance Director Jamie Rouch presented the unaudited financials for May 2020.

### 3D) DEPARTMENTAL REPORTS.

Jamie Rouch presented departmental reports for year-to-date business license, RFB/RFP reports and annual utilities consumption reports.

## 4) REVIEW OF DISBURSEMENTS & APPROVAL OF DISBURSEMENTS \$15,000 AND OVER (MAY 2020 – JUNE 2020) AND OUTSTANDING CAPITAL DISBURSEMENTS as of MAY 2020.

Discussion was held. Mayor Edd Akers asked for acknowledging receipt and review of the disbursements. Stan Dobbins made a motion, seconded by Pamela Yancey. Ayes: 6, Noes: 0. Motion carried.

## 5) DISCUSSION OF CONVENTION CENTER FINANCIAL ASSISTANCE.

Mark Mulherin presented a request to draw \$240,000 from the Convention Center's capital reserve fund to be used for the reopening and ongoing operations of the Convention Center during the post COVID-10 pandemic.

Bob Simmons motioned to approve the request from the Branson Convention Center, seconded by Pamela Yancey. Ayes: 5. Noes: 1.

## **6) PROJECT STATUS REPORT.**

Jamie Rouch presented the project status report.

## **7) FINANCE DIRECTOR'S REPORT.**

Jamie Rouch explained the city's bond rating was reduced from an A+ to an A- as a result of the COVID-19 pandemic.

Jamie Rouch explained the second reading for loan modification to the city's energy performance loan was postponed at the previous board of alderman meeting, but will be read a second time at the next meeting.

Jamie informed the committees that several potential options to reduce the lease amounts due for West 76 Airport Lease lessees will be brought to the Board of Alderman for consideration.

## **8) ADJOURN.**

Mayor Edd Akers asked for a motion to adjourn the joint meeting of the Budget & Finance and Capital Improvement Committees. The joint meeting adjourned at 12:06 p.m. on a motion by Bill Skains, seconded by Michael Pinkley. Ayes: 9, Noes: 0. Motion passed.

# MINUTES

JOINT MEETING OF  
THE BUDGET & FINANCE COMMITTEE AND  
CAPITAL IMPROVEMENTS COMMITTEE  
CITY OF BRANSON, MISSOURI  
JULY 10, 2020

## 1) CALL TO ORDER.

The joint meeting of the Budget and Finance and Capital Improvement Committees of the City of Branson, Missouri met for a meeting in the Council Chambers of the Branson City Hall on July 10, 2020, at 12:00 p.m.

## 2) ROLL CALL.

Budget & Finance Committee Members Present: Mayor Edd Akers, City Administrator Stan Dobbins, Rod Romine, Alderman Bob Simmons, Pamela Yancey. Members absent: Alderman Larry Milton.

Capital Improvement Committee Members Present: Mayor Edd Akers, Jerry Buckley, City Administrator Stan Dobbins, Michael Pinkley, and Alderman Bill Skains. Members Absent: Alderman Kevin McConnell.

Also present were: Finance Director Jamie Rouch, Assistant Finance Director Stacy McAllister, Financial Analyst Melissa Sill, Assistant City Administrator John Manning, and Public Works and Engineering Director Keith Francis, Police Chief Jeff Matthews, Fire Chief Ted Martin, Planning & Development Director Joel Hornickel, Human Resources Director Jan Fischer, Utilities Director Mike Ray and Parks Recreation Director Cindy Shook.

## 3) Priority-Based Budgeting Peer Review of FY2021-2022 Capital Requests.

Discussion was held regarding FY2021-2022 capital requests.

Discussion was held to meet again on Thursday, July 16, 2020 beginning at 9:00 a.m. to complete the peer review process.

## 6) FINANCE DIRECTOR'S REPORT.

No report was provided.

## 7) ADJOURN.

Mayor Edd Akers asked for a motion to adjourn the joint meeting of the Budget & Finance and Capital Improvement Committees. The Budget & Finance Committee meeting adjourned at 4:19 p.m. on a motion by Stan Dobbins, seconded by Alderman Bob Simmons. Ayes: 5, Noes: 0. Motion passed.

The Capital Improvement Committee meeting adjourned at 4:19 p.m. on a motion by City Administrator Stan Dobbins, seconded by Alderman Bill Skains. Ayes: 5, Noes: 0. Motion Passed.



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL APPROVING THE INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF BRANSON POLICE DEPARTMENT AND THE PULASKI COUNTY, MISSOURI SHERIFF'S OFFICE PERTAINING TO THE DONATION OF DIGITAL ALLY IN-CAR CAMERA EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT.

**INITIATED BY:** POLICE DEPARTMENT

**FIRST READING:** JULY 28, 2020

**FINAL READING:** AUGUST 11, 2020

**EXECUTIVE SUMMARY:**

- This Intergovernmental Cooperative Agreement is between the City of Branson, MO Police Department and the Pulaski County, MO Sheriff's Office.
- This agreement will allow the City of Branson to transfer by donation, surplus Digital Ally In-Car Camera systems and associated equipment to the Pulaski County Sheriff's Office.
- The surplus equipment is in poor condition and some of it is not functioning. The equipment holds no value to the department or the city. The Pulaski County Sheriff's Office is aware of its condition and is willing to accept it as is under this agreement.
- This agreement is in the best interest of the City of Branson. It will allow us to remove the surplus equipment from our property inventory list and will also help another law enforcement agency with their equipment needs.

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year's budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended
- Neutral/None

**COMMUNITY PLAN 2030:** Community / Community Partnership

**ATTACHED EXHIBITS:**

**AN ORDINANCE APPROVING THE INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF BRANSON POLICE DEPARTMENT AND THE PULASKI COUNTY, MISSOURI SHERIFF'S OFFICE PERTAINING TO THE DONATION OF DIGITAL ALLY IN-CAR CAMERA EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT.**

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**WHEREAS**, the City of Branson will donate surplus Digital Ally In-car Camera systems and associated equipment; and

**WHEREAS**, the City of Branson Police Department will remove all Surplus Digital Ally In-Car camera equipment from its property list; and

**WHEREAS**, the Board of Aldermen desires to approve the contract.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:**

Section 1: The Board of Aldermen hereby approves the Intergovernmental Cooperative Agreement with the Pulaski County, Missouri Sheriff's Office for the donation and transfer of surplus Digital Ally In-Car Camera systems and associated equipment and authorizes the Mayor to execute the Intergovernmental Cooperative Agreement in the form attached as Exhibit "1".

Section 2: This ordinance shall be in full force and effect upon and after its passage and approval.

Read, this first time on this \_\_\_\_ day of \_\_\_\_\_, 2020.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
E. Edd Akers  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

*Chris Lebeck #51831 7/21/20*  
\_\_\_\_\_  
Chris Lebeck #51831  
City Attorney

**INTERGOVERNMENT COOPERATIVE AGREEMENT BETWEEN THE SHERIFF  
OF PULASKI COUNTY, MISSOURI AND THE CITY OF BRANSON, MISSOURI FOR  
THE DISPOSITION OF DIGITAL ALLY IN-CAR CAMERA EQUIPMENT**

This agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the Sheriff Department of Pulaski County, Missouri (hereafter "Sheriff"), and the City of Branson, Missouri (hereafter "Branson") for the disposition by donation of the Digital Ally In-Car Camera Equipment shown in the attached Exhibit "A" (hereafter "the Equipment").

**WHEREAS**, the Branson recently retired their use of the Equipment and migrated the entirety of the Branson Police Department to a new in-car camera solution; and

**WHEREAS**, the parties hereto, by virtue of being a municipality or political subdivision of the State of Missouri, or an elected official thereof enter into this agreement for the disposition of the Equipment of the Branson Police Department to the Sheriff; and

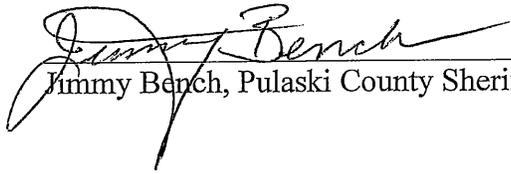
**WHEREAS**, the parties agree that the Equipment that is being disposed of by donation to the Pulaski County Sheriff's Department is heavily used and of little value; and

**WHEREAS**, the parties agree that much of the Equipment that is being disposed of by donation to the Pulaski County Sheriff's Department is non-functioning or of limited functionality.

**NOW, THEREFORE**, the parties agree:

- 1.) The "Whereas" paragraphs are incorporated herein.
- 2.) The City shall dispose of the Equipment by donation to the Sheriff.
- 3.) In no event shall the City be liable to the Sheriff, employees or agents thereof for special, indirect, or consequential damages in any way connected with the Sheriff's, employees or agents thereof use of the Equipment.
- 4.) The Sheriff shall defend, indemnify, and hold the City harmless from and against all claims, losses, actions, causes of action, demands and liabilities arising out of personal injuries, including death, and damage or impairment to property or any rights which are caused by the use of the Equipment.
- 5.) The City is providing the Equipment to the Sheriff as-is and without warranty of any kind. The City makes no warranty of fitness for a particular purpose or warranty of merchantability for the Equipment being disposed of by donation to the Sheriff.
- 6.) This agreement shall constitute the entire agreement between the parties, and the agreement may not be altered, amended, modified, or supplemented, except in writing signed by all parties.
- 7.) This agreement shall be governed by the laws of the State of Missouri.

**SHERIFF OF PULASKI COUNTY, MISSOURI**

  
Jimmy Bench, Pulaski County Sheriff

6/30/20  
Date

**CITY OF BRANSON, MISSOURI**

\_\_\_\_\_  
E. Edd Akers, City of Branson Mayor

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Lisa Westfall, City of Branson Clerk

\_\_\_\_\_  
Date

**APPROVED TO FORM:**

  
Chris Lebeck, City Attorney

6/23/20  
Date

Digital Alley In-Car Property Inventory

Mirror Assembly	1- Serial Number 01F4-896F	City of Branson Property Tag # 5983
Camera with base	1-Serial Number CC10-0003	City of Branson Property Tag # N/A
WTM-555 Base unit	1-Serial Number F030-01994	City of Branson Property Tag # N/A
Control Unit	1-Serial Number 006-0076-01	City of Branson Property Tag # N/A
1 Bundle of wiring associated with units.		
Mirror Assembly	1- Serial Number 01F4-60E8	City of Branson Property Tag # 5798
Camera with base	1-Serial Number 141200634	City of Branson Property Tag # N/A
WTM-555 Base unit	1-Serial Number F030-0143	City of Branson Property Tag # N/A
Control Unit	1-Serial Number 237213250129	City of Branson Property Tag # N/A
1 Bundle of wiring associated with units.		
Mirror Assembly	1- Serial Number 01F4-97FB	City of Branson Property Tag # N/A
Camera with base	1-Serial Number 141200632	City of Branson Property Tag # N/A
WTM-555 Base unit	1-Serial Number F031-0391	City of Branson Property Tag # N/A
Control Unit	1-Serial Number 241915170645	City of Branson Property Tag # N/A
1 Bundle of wiring associated with units.		
Mirror Assembly	1- Serial Number 01F4-725D	City of Branson Property Tag # 5977
Camera with base	1-Serial Number CC10-0100	City of Branson Property Tag # N/A
WTM-555 Base unit	1-Serial Number F030-0011	City of Branson Property Tag # N/A
Control Unit	1-Serial Number 222511220581	City of Branson Property Tag # N/A
1 Bundle of wiring associated with units.		
Mirror Assembly	1- Serial Number 01F4-712E	City of Branson Property Tag # 5976
Camera with base	1-Serial Number CC10-0105	City of Branson Property Tag # N/A
WTM-555 Base unit	1-Serial Number F031-01A5	City of Branson Property Tag # N/A
Control Unit	1-Serial Number 222511220190	City of Branson Property Tag # N/A
1 Bundle of wiring associated with units.		
Mirror Assembly	1- Serial Number 01F4-6F20	City of Branson Property Tag # 5978
Camera with base	1-Serial Number None listed	City of Branson Property Tag # N/A
WTM-555 Base unit	1-Serial Number F030-0017	City of Branson Property Tag # N/A
Control Unit	1-Serial Number 222511220229	City of Branson Property Tag # N/A

1 Bundle of wiring associated with units.

Mirror Assembly	1- Serial Number 01F4-8CE8	City of Branson Property Tag # N/A
Camera with base	1-Serial Number None listed	City of Branson Property Tag # N/A
WTM-555 Base unit	1-Serial Number F031-018E	City of Branson Property Tag # N/A
Control Unit	1-Serial Number 103309459912	City of Branson Property Tag # N/A

1 Bundle of wiring associated with units.

Mirror Assembly	1- Serial Number 01F4-99C8	City of Branson Property Tag # N/A
Camera with base	1-Serial Number 13070296	City of Branson Property Tag # N/A
WTM-555 Base unit	1-Serial Number F031-026B	City of Branson Property Tag # N/A
Control Unit	1-Serial Number 237213250036	City of Branson Property Tag # N/A

1 Bundle of wiring associated with units.

Mirror Assembly	1- Serial Number 01F4-7183	City of Branson Property Tag # 5979
Camera with base	1-Serial Number None listed	City of Branson Property Tag # N/A
WTM-555 Base unit	1-Serial Number F030-0423	City of Branson Property Tag # N/A
Control Unit	1-Serial Number 103610210008	City of Branson Property Tag # N/A

1 Bundle of wiring associated with units.

Misc bag of parts- A

- 5 - 16GB Compact flash cards
- 4 - 4GB Compact flash cards
- 1 - Bag of battery cap for firstvuhd dock
- 3 – Cables unknown what they go to
- 4 – Digital Alley 12volt to USB adapter
- 9 –Digital alley battery chargers for old BWC cameras.

1-Mirror Assembly	1- Serial Number 01F4-97880	City of Branson Property Tag # N/A
Camera with base	1-Serial Number CC10-0005	City of Branson Property Tag # N/A
WTM-555 Base unit	1-Serial Number F030-0125	City of Branson Property Tag # N/A
Control Unit	1-Serial Number 237213190054	City of Branson Property Tag # N/A

1 Bundle of wiring associated with units.

1-Wireless mic with leather pouch

1-Wireless mic

Misc bag of parts- B

1-Bag of cord for wireless transmitter

1-VB-220 battery

1-Wireless mic

1-Box labeled Vulink



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL AMENDING CHAPTER 94 OF THE BRANSON MUNICIPAL CODE PERTAINING TO ZONING.

**INITIATED BY:** PLANNING AND DEVELOPMENT DEPARTMENT

**FIRST READING:** JULY 28, 2020

**FINAL READING:** AUGUST 11, 2020

**EXECUTIVE SUMMARY:**

- Proposed municipal code amendments to the Unified Development Code (Chapter 94) for modifications to Articles I, II, III, IV, VI, and VII. Specifically, the proposed amendments have been mostly categorized as inconsistencies or issues which have been identified by staff after working with the updated regulations over the past few years.
- A summary of the requested amendments are as follows:
  - Article I – remove a duplicate terms for *local street* and *sight distance triangle*
  - Article II – update application requirements for *subdivision plats* due to the City’s use of an online portal, Citizenserve
  - Article III – reduce *minimum lot size* for detached residential structures within the MDR district to better alignment with the LDR and HDR standards
  - Article IV – update *permitted uses table* and *use and structure standards* to allow *manufactured homes* as a permitted use in the A, LDR and MDR for consistency
  - Article IV – update *outdoor sale/promotional event* standards pertaining to pedestrian ways and parking requirements to be more clear and match intent
  - Article VI – remove *exceptions and adjustments* section as not needed with a maximum parking approach
  - Article VI – remove *staking lane* requirement for separation to be more consistent
  - Article VII – retitle *site perimeter landscaping* to *buffering* to be more clear of requirements
  - Article VII – update terminology when *sight triangle* requirements are needed to be more consistent
  - Article VII – remove *Tree Board* reference
  - Article VII – add regulations for *fences* within residential lots
- Planning Commission recommends approval of the bill through Resolution 20-12.1 (20-01200001) with a vote of 9-0 during their July 7, 2020 meeting.
- 

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year’s budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended
- Neutral/None



**COMMUNITY PLAN 2030:** LU-5: Development Codes & Regulations.

**ATTACHED EXHIBITS:** 1) Planning Commission Resolution 20-12.1

1) PLANNING COMMISSION RESOLUTION 20-12.1

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PLANNING COMMISSION  
**RESOLUTION NO. 20-12.1 (20-1200001)**

**A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF MUNICIPAL CODE AMENDMENTS TO CHAPTER 94 - ZONING.**

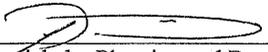
**WHEREAS**, certain areas of the Branson Municipal Code are in need of amendment; and,  
**WHEREAS**, it is the desire of the Planning Commission for the City of Branson to have zoning regulations in the Branson Municipal Code that are clear and concise for understanding and interpretation; and,  
**WHEREAS**, it is the desire of the Planning Commission for the City of Branson to insure that the Unified Development Code is current and user friendly; and,  
**WHEREAS**, the Planning Commission for the City of Branson has determined that amendments to the Branson Municipal Code are reasonable and necessary; and,  
**WHEREAS**, the Zoning Regulations for the City of Branson, Missouri, require a Public Hearing before the Planning Commission for amendments to the Unified Development Code; and,  
**WHEREAS**, a Public Hearing was held before the Branson Planning Commission on July 7, 2020, at 7:00 PM, in the City Council Chambers located at 110 W. Maddux Street, Branson, Missouri.

**BE IT THEREFORE RESOLVED**, that the Planning Commission for the City of Branson hereby recommends approval of Municipal Code Amendments to Chapter 94 - Zoning as described on Exhibit 'A', attached hereto and incorporated by reference herein.

DONE THIS 7<sup>TH</sup> DAY OF JULY, 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

  
\_\_\_\_\_  
Clark Harris - Chairman

ATTEST:

  
\_\_\_\_\_  
Joel Hornickel - Planning and Development Director

51 EXHIBIT 'A'

52 CHAPTER 94 – ZONING

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54 ARTICLE I. - IN GENERAL

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56  
57 Sec. 94-5. - Definitions.

58 [~~Sight distance triangle~~ means an area free of all obstructions that could interfere with the visibility  
59 of drivers approaching an intersection between an entrance or drive and a street. The area is a triangular-  
60 shaped piece of land, measuring 15 feet in distance along the street and 15 feet in distance along the  
61 entrance or drive, both distances being measured from and along the back of the curb.]

62 [~~Street, local~~ means a street designed to provide access to abutting properties from collector and  
63 arterial streets.]

64 *Street, local* means a street designed to provide access to abutting properties from collector and  
65 arterial streets.

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67 ARTICLE II. - RULES AND REGULATIONS

68  
69 Sec. 94-8. - Subdivisions.

70 (a) *Generally applicable requirements.*

71 (b) *Classification of subdivision processes.*

72 (c) *Minor subdivision review.*

73 (1) *Application submission.*

74 a. The applicant shall be required to submit an application for a minor subdivision on forms  
75 available from the planning and development department along with the applicable fee as  
76 provided in the city fee schedule.

77 b. The application shall include [~~three~~] a certified plat[s] for review.

78 (d) *Major subdivision review.*

79 (1) *Generally.*

80 (2) *Preliminary plat application process.*

81 a. Prior to filing a preliminary plat for review, an applicant may submit the preliminary plat for  
82 pre-application review. As far as may be practical on the basis of the preliminary plat, the  
83 planning and development director will, in writing, advise the applicant as promptly as  
84 possible of the extent to which the proposed subdivision conforms to the design standards in  
85 this section, and will discuss possible modifications that may be necessary to secure  
86 conformance.

87 b. An applicant shall be required to submit an application for a preliminary plat on forms  
88 available from the planning and development department along with the applicable fee as  
89 provided in the city fee schedule. The application shall include a certified [~~six paper copies~~  
90 ~~of a~~] preliminary plat and shall be submitted at least 30 days prior to a regular meeting of the  
91 planning commission at which consideration is requested.

92 (3) *Preliminary plat application content.*

93 (4) *Preliminary plat review and approval.*

94 (5) *Construction plans.*

- 95 (6) *Final plat application process.*
- 96 a. After approval of the preliminary plat and public works elements, the applicant shall prepare
- 97 and submit a final plat for review and approval together with other supplementary
- 98 information and certificates.
- 99 b. An applicant shall be required to submit an application for a final plat on forms available
- 100 from the planning and development department along with the applicable fee as provided in
- 101 the city fee schedule. The application shall include ~~a [six paper copies of the]~~ **certified** final
- 102 plat and shall be submitted at least 30 days prior to a regular meeting of the planning
- 103 commission at which consideration is requested.
- 104 c. Upon approval, **the applicant shall supply the city with at least** five prints on paper [will
- 105 **be required**] for recording **by the City.**
- 106 (e) *Condominium split.*
- 107 (1) *Application requirements.*
- 108 a. The applicant shall be required to submit an application for a condominium split on forms
- 109 available from the planning and development department along with the applicable fee as
- 110 provided in the city fee schedule.
- 111 b. The application shall include ~~three~~ **a** certified plat[s] for review.
- 112 (2) *Review procedure.*
- 113 (3) *Approval of plat and recording.*
- 114 a. If approval of the condominium split is granted, the applicant shall supply the city with **at**
- 115 **least** five prints on paper. These documents shall show all applicable information required
- 116 under this chapter and the approval statements shall read:

117 ARTICLE III. - ZONE DISTRICTS

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120 Sec. 94-38. - Medium Density Residential District (MDR).

121 (a) *Purpose.*

122 (b) *Uses.*

123 (c) *Dimensions.* Development in the MDR District shall conform to the following dimensional

124 standards:

125 **Table 94-38.1 MDR Dimensional**

Building Types	Lot		Setbacks (min. ft.) [1]				Development Coverage (max.)		Max. Height (ft.)
	Lot Area (min. sq. ft.)	Min. Lot Width (ft.)	Front	Side		Rear [2]	Density (min/max)	FAR	
				Interior	Abutting Street				
Detached Residential	[5]4,000	30	15	5	15	15	6/12	—	35

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ARTICLE IV. - USES

Sec. 94-60. - Table of permitted uses.

133 Table 94-60.1 Permitted Uses

Use Category	Ag/Residential					Mixed-Use/Nonresidential					Supplemental Use Standards		
Subcategory											Note: This reference is to use-specific standards only, other code requirements may apply		
Specific Use Type	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT		BUS	I
Residential													
Household Living													
Dwelling													
Manufactured Homes		<u>P</u>	<u>P</u>	<u>P</u>	P								94-62(a)(2)

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Sec. 94-61. - Use and structure standards.

(b) Residential uses.

(1) Home occupations.

(2) Dwelling, live/work.

(3) Manufactured homes.

a. New manufactured homes may be placed on any individual lot within a residential zoning district with the following restrictions and regulations:

(i) Manufactured homes shall not be placed or occupied on an individual lot without a building permit issued under these regulations.

(ii) Each manufactured home placed on an individual lot shall:

1. Be occupied only as a single-family dwelling or business unit.
2. Be placed in conformance with all zoning and setback requirements established for the district in which located.
3. Accessory structures shall be placed in conformance with the setback and dimensional requirements established for the district in which located. The exterior covering and roofing material of the accessory structure must be the same as that of the dwelling unit.
4. Have a minimum width of not less than 24 foundation feet as measured at all points perpendicular to the length of the manufactured home which shall be not less than 42 foundation feet. This standard is intended to restrict units to the type which are brought to the site in parts, typically two halves and at least 1,008 square feet minimum.
5. Roof must be a gable, hip or shed roof of at least three in 12 or greater, and covered with material that is residential in appearance including, but not limited to, approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass or metal roofs; except for permitted deck areas, all roof structures shall provide an eave projection of no less than six inches and no greater than 30 inches.

- 163                    6. Have the main entry door facing the street on which the manufactured home is  
164                    located. A sidewalk shall be installed from the street, driveway or sidewalk  
165                    adjoining neighboring lots to the front door. The unit must be oriented on the lot  
166                    so that its long axis is parallel with the street. A perpendicular or diagonal  
167                    placement may be permitted if there is a building addition or substantial  
168                    landscaping so the narrow dimension of the unit, as so modified and facing the  
169                    street, is no less than 50 percent of the unit's long dimension.  
170                    7. Have exterior surface and window treatments that are architecturally compatible  
171                    with those of neighboring properties, excluding smooth, ribbed or corrugated  
172                    metal or plastic panels.  
173                    8. Meet applicable off-street parking requirements.  
174                    9. Be placed on a parcel according to approved, pre-submitted building permit, and  
175                    have a manufacturer's installation manual and an illustration of the finished  
176                    appearance of the unit.  
177                    10. Units shall be attached to a continuous permanent foundation, which manner of  
178                    placement shall be as stated on the building permit, and meet all manufacturer's  
179                    specifications for support.  
180                    11. The exterior foundation material shall consist of continuous concrete or masonry  
181                    suitable for the outer portion of a finished residence.  
182                    12. Have the tongue and running gear, including axles, removed.  
183                    13. Maintain a minimum of 18 inches of crawl space under the entire manufactured  
184                    home.  
185                    14. Have permanent steps set at all exits.  
186                    15. Be served by a water supply and sewage disposal system meeting the established  
187                    city requirements.  
188                    16. Underground public utilities shall be required.  
189                    b. *Pre-owned manufactured homes.* Pre-owned manufactured homes may not be moved  
190                    onto an individual lot within the city.  
191                    ~~(3)4~~        *Congregate care/senior living.*  
192                    ~~(4)5~~        *Group homes.*  
193                    ~~(5)6~~        *Shelter care facility.*  
194                    Sec. 94-62. - Special use standards.  
195                    (a) *Residential uses.*  
196                    (1) *Home occupation requiring a special use permit.*  
197                    ~~(2) *Manufactured homes.*~~  
198                    a. ~~New manufactured homes may be placed on any individual lot within a residential zoning~~  
199                    ~~district with the following restrictions and regulations:~~  
200                    ~~(i) *Manufactured homes shall not be placed or occupied on an individual lot without a*~~  
201                    ~~*building permit issued under these regulations.*~~  
202                    ~~(ii) *Each manufactured home placed on an individual lot shall:*~~  
203                    ~~1. *Be occupied only as a single family dwelling or business unit.*~~  
204                    ~~2. *Be placed in conformance with all zoning and setback requirements established for the*~~  
205                    ~~*district in which located.*~~  
206                    ~~3. *Accessory structures shall be placed in conformance with the setback and dimensional*~~  
207                    ~~*requirements established for the district in which located. The exterior covering and*~~  
208                    ~~*roofing material of the accessory structure must be the same as that of the dwelling*~~  
209                    ~~*unit.*~~

- 210 4. Have a minimum width of not less than 24 foundation feet as measured at all points  
211 perpendicular to the length of the manufactured home which shall be not less than 42  
212 foundation feet. This standard is intended to restrict units to the type which are brought  
213 to the site in parts, typically two halves and at least 1,008 square feet minimum.  
214 5. Roof must be a gable, hip or shed roof of at least three in 12 or greater, and covered  
215 with material that is residential in appearance including, but not limited to, approved  
216 wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum,  
217 corrugated fiberglass or metal roofs; except for permitted deck areas, all roof structures  
218 shall provide an eave projection of no less than six inches and no greater than 30  
219 inches.  
220 6. Have the main entry door facing the street on which the manufactured home is located.  
221 A sidewalk shall be installed from the street, driveway or sidewalk adjoining  
222 neighboring lots to the front door. The unit must be oriented on the lot so that its long  
223 axis is parallel with the street. A perpendicular or diagonal placement may be permitted  
224 if there is a building addition or substantial landscaping so the narrow dimension of the  
225 unit, as so modified and facing the street, is no less than 50 percent of the unit's long  
226 dimension.  
227 7. Have exterior surface and window treatments that are architecturally compatible with  
228 those of neighboring properties, excluding smooth, ribbed or corrugated metal or  
229 plastic panels.  
230 8. Meet applicable off street parking requirements.  
231 9. Be placed on a parcel according to approved, pre-submitted building permit, and have a  
232 manufacturer's installation manual and an illustration of the finished appearance of the  
233 unit.  
234 10. Units shall be attached to a continuous permanent foundation, which manner of  
235 placement shall be as stated on the building permit, and meet all manufacturer's  
236 specifications for support.  
237 11. The exterior foundation material shall consist of continuous concrete or masonry  
238 suitable for the outer portion of a finished residence.  
239 12. Have the tongue and running gear, including axles, removed.  
240 13. Maintain a minimum of 18 inches of crawl space under the entire manufactured home.  
241 14. Have permanent steps set at all exits.  
242 15. Be served by a water supply and sewage disposal system meeting the established city  
243 requirements.  
244 16. Underground public utilities shall be required.  
245 b. ~~Pre-owned manufactured homes. Pre-owned manufactured homes may not be moved onto~~  
246 ~~an individual lot within the city.]~~

247 ([3]2) *Mobile home community.*

248 Sec. 94-64. - Temporary use standards.

249 (a) *Purpose.*

250 (b) *Use table for temporary uses and special events.*

251 (c) *General standards for all temporary uses and structures.*

252 (d) *Supplemental temporary use standards.*

253 (1) *Charitable drop box.*

254 (2) *Construction field office, construction storage yard.*

255 (3) *Farmer's market.*

256 (4) *Food truck.*

- 257 (5) *Garage, yard or estate sale.*
- 258 (6) *Outdoor sale/promotional event.* The temporary outdoor displaying of wares, including for
- 259 temporary parking lot sales, shall only be permitted in the MU, CC, ENT, and D Districts within
- 260 the front or side parking area by temporary use permit provided the following conditions are met:
- 261 a. Shall be located within the confines of the retailer's owned or leased property;
- 262 b. A sub-lessee may not occupy a parking lot for the purpose of conducting independent sales
- 263 activity;
- 264 c. Shall be located at least 25 feet from all property lines;
- 265 d. Shall not block any sight triangle or the view of on-coming traffic;
- 266 e. ~~[No merchandise shall block any public pedestrian way, and a]~~ A minimum clearance width
- 267 of three feet ~~[from any public]~~ within any pedestrian way or sidewalk shall be provided;
- 268 f. No merchandise may be placed on landscaping, or within three feet of either side of a
- 269 working doorway, or within ten feet directly in front of a working doorway;
- 270 ~~[g. Minimum off street parking requirements shall be maintained if applicable;]~~
- 271 ~~[h]~~g. Merchandise shall not be hung resulting in a clearance less than eight feet above a
- 272 pedestrian way. Additionally, any display with moving parts shall not come into contact
- 273 with pedestrians if there is any potential to cause harm, including movement driven by the
- 274 movement of air or by mechanical or electrical means;
- 275 ~~[i]~~h. This section shall not apply to the sale of motor vehicles, trailers or boats;
- 276 ~~[j]~~i. Hours of operation shall coincide with the hours of operation for the principal use; and
- 277 ~~[k]~~j. All merchandise shall be secured during nonoperational hours.
- 278 (11) *Seasonal sale.*
- 279 a. The use may only be located on a vacant lot, or on a lot occupied by a nonresidential use.
- 280 The use shall not operate as an accessory to a principal residential use on a lot. In addition,
- 281 the use shall not be located on a lot which adjoins a residential use unless the lot is located
- 282 on a major thoroughfare.
- 283 b. The use shall be located on an arterial street classification or higher.
- 284 c. The use shall not involve or require the construction of a permanent building. A portable
- 285 building may be permitted on site, and shall be removed within 48 hours of the expiration of
- 286 the temporary use permit. Where required for security purposes as identified by the city, a
- 287 recreational vehicle may be parked on the site for the duration of the use; the recreational
- 288 vehicle used for security purposes may not be used as a residence.
- 289 d. Goods or merchandise displayed in conjunction with a seasonal sale shall not exceed nine
- 290 feet in height.
- 291 e. Any signage which identifies the use shall be in accordance with the temporary sign
- 292 standards.
- 293 f. Five off-street parking spaces shall be provided for the use.
- 294 g. The use, including all sale items, parking and maneuvering shall observe a setback of 25 feet
- 295 from all property lines, and sale items shall not be located in the sight ~~[distance]~~ triangle.

ARTICLE VI. - OFF-STREET PARKING

- 299 Sec. 94-87. - Off-street parking standards.  
300 (a) *Computation of required off-street parking spaces.*  
301 (b) *Determination by planning and development director.*  
302 (c) *Off-street parking spaces required.*  
303 (d) *Off-street parking standards for selected service and industrial uses.*  
304 (e) *Uses with variable parking demand.*  
305 (f) *Maximum parking spaces allowed.*  
306 ~~[(g) *Exceptions and adjustments.*~~
- 307 (1) ~~*Change in permitted uses.* A permitted use that does not meet the parking requirements of this~~  
308 ~~section may be converted to another permitted use without full compliance with the required~~  
309 ~~number of parking spaces provided:~~
- 310 a. ~~The applicant provides the maximum amount of parking spaces possible without being~~  
311 ~~required to remove, or partially remove a structure.~~
- 312 b. ~~If a structure or a portion of a structure is voluntarily removed, the resulting area shall be~~  
313 ~~used to provide the additional parking spaces necessary towards fulfilling the requirements~~  
314 ~~of Table 94-87.1.~~
- 315 (2) ~~*Small use exception.* Any individual use in a space that is 2,000 square feet or smaller shall be~~  
316 ~~exempt from the parking requirement of Table 94-87.1 except for uses in the eating and drinking~~  
317 ~~use category.~~
- 318 (3) ~~*Shared parking.*~~
- 319 a. ~~Shared parking spaces shall be located within 500 linear feet of the primary entrance of all~~  
320 ~~uses served as measured along the shortest legal, practical walking route. This route may~~  
321 ~~include crossing a right of way provided it uses a legal crosswalk. Such distance shall not~~  
322 ~~apply if a remote parking shuttle bus service is provided. Shared parking spaces shall not be~~  
323 ~~separated from the use they serve by an arterial or collector street. In addition, adequate and~~  
324 ~~safe pedestrian access must be provided from, and to the shared parking areas.~~
- 325 (4) ~~*Bus transportation.* When a commercial establishment can document, to the satisfaction of the~~  
326 ~~planning and development director, that a notable percentage of their customers will be~~  
327 ~~transported to and from their premises in buses, the planning and development director may~~  
328 ~~approve the substitution of bus spaces for required parking spaces. Bus spaces must be a~~  
329 ~~minimum of ten feet in width and 36 feet in length, shall be unobstructed from the surface up to a~~  
330 ~~height of at least 15 feet, shall be so located to ensure the furthest possible distance from any~~  
331 ~~adjacent residential area, and shall be clearly marked. When approved by the planning and~~  
332 ~~development director, one bus parking space may be substituted for 11 required parking spaces~~  
333 ~~to a maximum of ten total bus spaces in lieu of a maximum of 110 total required parking spaces.~~  
334 ~~No substitution of required parking spaces shall be approved for any bus spaces in excess of ten.~~
- 335 (5) ~~*Tandem parking with valet.* An off street parking program utilizing limited tandem parking for~~  
336 ~~commercial uses shall comply with the following standards:~~
- 337 a. ~~The development served shall provide 75 or more parking spaces;~~
- 338 b. ~~No more than 30 percent of the total number of spaces shall be designated as tandem; and~~
- 339 c. ~~A valet parking attendant must be on duty during hours of operation.]~~
- 340 ~~[(h)g] *Bicycle parking.*~~
- 341 ~~[(i)h] *Loading areas.*~~

342 ((j)) *Vehicle stacking areas.* The following standards shall apply to businesses that contain a drive-  
 343 through establishment (e.g., restaurant or financial institution), and are a stand-alone use (e.g.,  
 344 automatic teller machine):

345 (1) *General standards.*

346 (2) *Stacking space and lane requirements.* Stacking lanes shall comply with the following design  
 347 standards:

348 a. Drive-through stacking lanes shall have a minimum width of eight feet, and length of 20  
 349 feet.

350 b. The first position in a drive-through station, located at the window, is counted as a stacking  
 351 space. No stacking spaces may be counted as parking spaces unless specified in Table 94-  
 352 87.1.

353 [~~e. When stacking lanes are separated from other stacking lanes, bypass lanes or from other site  
 354 areas, the separation shall be by means of a raised concrete median, concrete curb, or  
 355 landscaping.~~]

356 [d] c. Stacking lanes shall be set back 25 feet from rights-of-way.

357 [e] d. All stacking lanes must be clearly identified, through the use of means such as striping,  
 358 **concrete curbing**, landscaping and signs.

359 [f] e. The number of required stacking spaces shall be as provided for in Table 94-87.5,  
 360 Stacking Space Requirements. See Figure 94-87.A for an illustration of stacking lanes:

361 ((k)) *Access.*

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ARTICLE VII. - LANDSCAPING AND SCREENING

364 Sec. 94-101. - Required landscaping.

365 Table 94-101.1: Required [~~Site Perimeter Landscaping~~] **Buffering**

District of Proposed Development	Required Level of [ <del>Perimeter Landscaping</del> ] <b>Buffering</b>					
	A CON	ILDR	MDR EDR	MU, NC, D	CC, ENH, BUS	Arterial Street

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367 Table 94-101.2: Specifications for [~~Site Perimeter Landscaping~~] **Buffering**

368 (d) *Parking lot landscaping.*

369 (1) *Internal landscape islands.*

370 (2) *Sight [~~distance~~] triangle.* A site [~~distance~~] triangle within the off-street parking area must be  
 371 established at street intersections by maintaining a maximum height for any shrubs and ground  
 372 cover of 30 inches. No obstructions are permitted in the site [~~distance~~] triangle, including tree  
 373 branches that must be trimmed within eight feet of the ground. All applicable sight distance  
 374 requirements must be met for parking lot internal circulation and access points to the public  
 375 right-of-way.

376 Sec. 94-102. - General standards for landscaping materials and installation.

- 377 (a) *Plant materials list.* The ~~[tree board]~~ City shall maintain a suggested and prohibited plant list as  
378 necessary to identify plant material requirements or prohibitions within the city. Where a species is  
379 chosen for a landscape plan that is not identified on a city plant list, the applicant shall provide  
380 information about growth and spacing characteristics on the landscape plan. Plant information shall  
381 be taken from objective sources, including professional landscape organization websites or nursery  
382 cut sheets. Plant materials identified in any prohibited plant list may not be used in landscaping.
- 383 (b) *Quality.*
- 384 (c) *Coverage.*
- 385 (d) *Trees.*
- 386 (e) *Shrubs, hedges, and ornamental grasses.*
- 387 (f) *Ground cover, perennials, and annual planting areas.*
- 388 (g) *Lawn grass.*
- 389 (h) *Irrigation.*
- 390 (i) *Fences.*
- 391 (1) Fences or walls within the front yard of any residential lot shall not exceed three feet in  
392 height and shall be at least 50 percent open.
- 393 (2) Fences or walls within the side or rear yard of any residential lot shall not exceed seven  
394 feet in height.
- 395 (3) The use of barbed wire, scrap metal, tarps, pallets, or other non-fencing materials are not  
396 permitted within any residential lot.

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4 AN ORDINANCE AMENDING CHAPTER 94 OF THE BRANSON MUNICIPAL CODE  
5 PERTAINING TO ZONING.  
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9 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY  
10 OF BRANSON, MISSOURI, THE FOLLOWING:

11  
12 Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions  
13 of this ordinance shall become and be made a part of the Branson Municipal Code, and  
14 the sections of this ordinance may be renumbered to accomplish such intention.  
15

16 Section 2: That Chapter 94 - *Zoning*, Articles I. - *In General*, II. - *Rules and Regulations*, III. -  
17 *Zone Districts*, IV. - *Uses*, IV. - *Off-Street Parking*, and VII. - *Landscaping and*  
18 *Screening* are hereby amended to read as follows:  
19

20 CHAPTER 94 - ZONING

21  
22 ARTICLE I. - IN GENERAL

23  
24 Sec. 94-5. - Definitions.

25 ~~[Sight distance triangle means an area free of all obstructions that could interfere with the~~  
26 ~~visibility of drivers approaching an intersection between an entrance or drive and a street. The~~  
27 ~~area is a triangular-shaped piece of land, measuring 15 feet in distance along the street and 15 feet~~  
28 ~~in distance along the entrance or drive, both distances being measured from and along the back of~~  
29 ~~the curb.]~~

30 ~~[Street, local means a street designed to provide access to abutting properties from~~  
31 ~~collector and arterial streets.]~~

32 *Street, local* means a street designed to provide access to abutting properties from collector  
33 and arterial streets.

34 ARTICLE II. - RULES AND REGULATIONS

35  
36 Sec. 94-8. - Subdivisions.

37 (a) *Generally applicable requirements.*

38 (b) *Classification of subdivision processes.*

39 (c) *Minor subdivision review.*

40 (1) *Application submission.*

41 a. The applicant shall be required to submit an application for a minor subdivision on forms  
42 available from the planning and development department along with the applicable fee as  
43 provided in the city fee schedule.

- 44           b. The application shall include [~~three~~] a certified plat[s] for review.
- 45 (d) *Major subdivision review.*
- 46       (1) *Generally.*
- 47       (2) *Preliminary plat application process.*
- 48           a. Prior to filing a preliminary plat for review, an applicant may submit the preliminary plat  
49           for pre-application review. As far as may be practical on the basis of the preliminary plat,  
50           the planning and development director will, in writing, advise the applicant as promptly  
51           as possible of the extent to which the proposed subdivision conforms to the design  
52           standards in this section, and will discuss possible modifications that may be necessary  
53           to secure conformance.
- 54           b. An applicant shall be required to submit an application for a preliminary plat on forms  
55           available from the planning and development department along with the applicable fee as  
56           provided in the city fee schedule. The application shall include a certified [~~six paper~~  
57           ~~copies of a~~] preliminary plat and shall be submitted at least 30 days prior to a regular  
58           meeting of the planning commission at which consideration is requested.
- 59       (3) *Preliminary plat application content.*
- 60       (4) *Preliminary plat review and approval.*
- 61       (5) *Construction plans.*
- 62       (6) *Final plat application process.*
- 63           a. After approval of the preliminary plat and public works elements, the applicant shall  
64           prepare and submit a final plat for review and approval together with other supplementary  
65           information and certificates.
- 66           b. An applicant shall be required to submit an application for a final plat on forms available  
67           from the planning and development department along with the applicable fee as provided  
68           in the city fee schedule. The application shall include a [~~six paper copies of the~~] certified  
69           final plat and shall be submitted at least 30 days prior to a regular meeting of the planning  
70           commission at which consideration is requested.
- 71           c. Upon approval, the applicant shall supply the city with at least five prints on paper  
72           [~~will be required~~] for recording by the city.
- 73 (e) *Condominium split.*
- 74       (1) *Application requirements.*
- 75           a. The applicant shall be required to submit an application for a condominium split on forms  
76           available from the planning and development department along with the applicable fee as  
77           provided in the city fee schedule.
- 78           b. The application shall include [~~three~~] a certified plat[s] for review.
- 79       (2) *Review procedure.*
- 80       (3) *Approval of plat and recording.*
- 81           a. If approval of the condominium split is granted, the applicant shall supply the city with  
82           at least five prints on paper. These documents shall show all applicable information  
83           required under this chapter and the approval statements shall read:

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85  
86  
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ARTICLE III. - ZONE DISTRICTS

Sec. 94-38. - Medium Density Residential District (MDR).

(a) Purpose.

(b) Uses.

(c) Dimensions. Development in the MDR District shall conform to the following dimensional standards:

Table 94-38.1 MDR Dimensional

Building Types	Lot		Setbacks (min. ft.) <sup>[1]</sup>				Development Coverage (max.)		Max. Height (ft.)
	Lot Area (min. sq. ft.)	Min. Lot Width (ft.)	Front	Side		Rear [2]	Density (min/max)	FAR	
				Interior	Abutting Street				
Detached Residential	[5]4,000	30	15	5	15	15	6/12	—	35

92  
93  
94  
95  
96

ARTICLE IV. - USES

Sec. 94-60. - Table of permitted uses.

97 Table 94-60.1 Permitted Uses

Use Category	Ag/Residential				Mixed-Use/Nonresidential						Supplemental Use Standards		
Subcategory												Note: This reference is to use-specific standards only, other code requirements may apply	
Specific Use Type	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS		I
<b>Residential</b>													
<b>Household Living</b>													
<b>Dwelling</b>													
Manufactured Homes		<u>P</u>	<u>P</u>	<u>P</u>	P								94-62(a)(2)

98  
99  
100  
101

Sec. 94-61. - Use and structure standards.

(b) Residential uses.

(1) Home occupations.

102 (2) *Dwelling, live/work.*

103 (3) *Manufactured homes.*

104 a. New manufactured homes may be placed on any individual lot within a residential  
105 zoning district with the following restrictions and regulations:

106 (i) Manufactured homes shall not be placed or occupied on an individual lot without  
107 a building permit issued under these regulations.

108 (ii) Each manufactured home placed on an individual lot shall:

109 1. Be occupied only as a single-family dwelling or business unit.

110 2. Be placed in conformance with all zoning and setback requirements  
111 established for the district in which located.

112 3. Accessory structures shall be placed in conformance with the setback and  
113 dimensional requirements established for the district in which located. The  
114 exterior covering and roofing material of the accessory structure must be the  
115 same as that of the dwelling unit.

116 4. Have a minimum width of not less than 24 foundation feet as measured at all  
117 points perpendicular to the length of the manufactured home which shall be  
118 not less than 42 foundation feet. This standard is intended to restrict units to  
119 the type which are brought to the site in parts, typically two halves and at least  
120 1,008 square feet minimum.

121 5. Roof must be a gable, hip or shed roof of at least three in 12 or greater, and  
122 covered with material that is residential in appearance including, but not  
123 limited to, approved wood, asphalt composition or fiberglass shingles, but  
124 excluding corrugated aluminum, corrugated fiberglass or metal roofs; except  
125 for permitted deck areas, all roof structures shall provide an eave projection  
126 of no less than six inches and no greater than 30 inches.

127 6. Have the main entry door facing the street on which the manufactured home  
128 is located. A sidewalk shall be installed from the street, driveway or sidewalk  
129 adjoining neighboring lots to the front door. The unit must be oriented on the  
130 lot so that its long axis is parallel with the street. A perpendicular or diagonal  
131 placement may be permitted if there is a building addition or substantial  
132 landscaping so the narrow dimension of the unit, as so modified and facing the  
133 street, is no less than 50 percent of the unit's long dimension.

134 7. Have exterior surface and window treatments that are architecturally  
135 compatible with those of neighboring properties, excluding smooth, ribbed or  
136 corrugated metal or plastic panels.

137 8. Meet applicable off-street parking requirements.

138 9. Be placed on a parcel according to approved, pre-submitted building permit,  
139 and have a manufacturer's installation manual and an illustration of the  
140 finished appearance of the unit.

141 10. Units shall be attached to a continuous permanent foundation, which manner  
142 of placement shall be as stated on the building permit, and meet all  
143 manufacturer's specifications for support.

- 144 11. The exterior foundation material shall consist of continuous concrete or
- 145 masonry suitable for the outer portion of a finished residence.
- 146 12. Have the tongue and running gear, including axles, removed.
- 147 13. Maintain a minimum of 18 inches of crawl space under the entire
- 148 manufactured home.
- 149 14. Have permanent steps set at all exits.
- 150 15. Be served by a water supply and sewage disposal system meeting the
- 151 established city requirements.
- 152 16. Underground public utilities shall be required.

153 **b. Pre-owned manufactured homes. Pre-owned manufactured homes may not be moved**

154 **onto an individual lot within the city.**

- 155 ([3]4) *Congregate care/senior living.*
- 156 ([4]5) *Group homes.*
- 157 ([5]6) *Shelter care facility.*

158

159 Sec. 94-62. - Special use standards.

160 (a) *Residential uses.*

- 161 (1) *Home occupation requiring a special use permit.*

162 [~~2~~] ~~*Manufactured homes.*~~

163 a. ~~New manufactured homes may be placed on any individual lot within a residential zoning~~

164 ~~district with the following restrictions and regulations:~~

165 (i) ~~Manufactured homes shall not be placed or occupied on an individual lot without a~~

166 ~~building permit issued under these regulations.~~

167 (ii) ~~Each manufactured home placed on an individual lot shall:~~

168 1. ~~Be occupied only as a single family dwelling or business unit.~~

169 2. ~~Be placed in conformance with all zoning and setback requirements established for~~

170 ~~the district in which located.~~

171 3. ~~Accessory structures shall be placed in conformance with the setback and~~

172 ~~dimensional requirements established for the district in which located. The exterior~~

173 ~~covering and roofing material of the accessory structure must be the same as that of~~

174 ~~the dwelling unit.~~

175 4. ~~Have a minimum width of not less than 24 foundation feet as measured at all points~~

176 ~~perpendicular to the length of the manufactured home which shall be not less than~~

177 ~~42 foundation feet. This standard is intended to restrict units to the type which are~~

178 ~~brought to the site in parts, typically two halves and at least 1,008 square feet~~

179 ~~minimum.~~

180 5. ~~Roof must be a gable, hip or shed roof of at least three in 12 or greater, and covered~~

181 ~~with material that is residential in appearance including, but not limited to, approved~~

182 ~~wood, asphalt composition or fiberglass shingles, but excluding corrugated~~

183 ~~aluminum, corrugated fiberglass or metal roofs; except for permitted deck areas, all~~

184 roof structures shall provide an eave projection of no less than six inches and no  
185 greater than 30 inches.

186 6. Have the main entry door facing the street on which the manufactured home is  
187 located. A sidewalk shall be installed from the street, driveway or sidewalk  
188 adjoining neighboring lots to the front door. The unit must be oriented on the lot so  
189 that its long axis is parallel with the street. A perpendicular or diagonal placement  
190 may be permitted if there is a building addition or substantial landscaping so the  
191 narrow dimension of the unit, as so modified and facing the street, is no less than 50  
192 percent of the unit's long dimension.

193 7. Have exterior surface and window treatments that are architecturally compatible  
194 with those of neighboring properties, excluding smooth, ribbed or corrugated metal  
195 or plastic panels.

196 8. Meet applicable off-street parking requirements.

197 9. Be placed on a parcel according to approved, pre-submitted building permit, and  
198 have a manufacturer's installation manual and an illustration of the finished  
199 appearance of the unit.

200 10. Units shall be attached to a continuous permanent foundation, which manner of  
201 placement shall be as stated on the building permit, and meet all manufacturer's  
202 specifications for support.

203 11. The exterior foundation material shall consist of continuous concrete or masonry  
204 suitable for the outer portion of a finished residence.

205 12. Have the tongue and running gear, including axles, removed.

206 13. Maintain a minimum of 18 inches of crawl space under the entire manufactured  
207 home.

208 14. Have permanent steps set at all exits.

209 15. Be served by a water supply and sewage disposal system meeting the established  
210 city requirements.

211 16. Underground public utilities shall be required.

212 b. *Pre-owned manufactured homes.* Pre-owned manufactured homes may not be moved  
213 onto an individual lot within the city.]

214 ([3]2) *Mobile home community.*

215

216 Sec. 94-64. - Temporary use standards.

217 (a) *Purpose.*

218 (b) *Use table for temporary uses and special events.*

219 (c) *General standards for all temporary uses and structures.*

220 (d) *Supplemental temporary use standards.*

221 (1) *Charitable drop box.*

222 (2) *Construction field office, construction storage yard.*

- 223 (3) *Farmer's market.*
- 224 (4) *Food truck.*
- 225 (5) *Garage, yard or estate sale.*
- 226 (6) *Outdoor sale/promotional event.* The temporary outdoor displaying of wares, including for  
 227 temporary parking lot sales, shall only be permitted in the MU, CC, ENT, and D Districts  
 228 within the front or side parking area by temporary use permit provided the following  
 229 conditions are met:
- 230 a. Shall be located within the confines of the retailer's owned or leased property;
- 231 b. A sub-lessee may not occupy a parking lot for the purpose of conducting independent  
 232 sales activity;
- 233 c. Shall be located at least 25 feet from all property lines;
- 234 d. Shall not block any sight triangle or the view of on-coming traffic;
- 235 e. ~~[No merchandise shall block any public pedestrian way, and a]~~ **A** minimum clearance  
 236 width of three feet ~~[from any public]~~ **within any pedestrian way or** sidewalk shall be  
 237 provided;
- 238 f. No merchandise may be placed on landscaping, or within three feet of either side of a  
 239 working doorway, or within ten feet directly in front of a working doorway;
- 240 ~~[g.—Minimum off-street parking requirements shall be maintained if applicable;]~~
- 241 ~~[h]~~**g.** Merchandise shall not be hung resulting in a clearance less than eight feet above a  
 242 pedestrian way. Additionally, any display with moving parts shall not come into contact  
 243 with pedestrians if there is any potential to cause harm, including movement driven by  
 244 the movement of air or by mechanical or electrical means;
- 245 ~~[i]~~**h.** This section shall not apply to the sale of motor vehicles, trailers or boats;
- 246 ~~[j]~~**i.** Hours of operation shall coincide with the hours of operation for the principal use; and
- 247 ~~[k]~~**i.** All merchandise shall be secured during nonoperational hours.
- 248 (11) *Seasonal sale.*
- 249 a. The use may only be located on a vacant lot, or on a lot occupied by a nonresidential use.  
 250 The use shall not operate as an accessory to a principal residential use on a lot. In addition,  
 251 the use shall not be located on a lot which adjoins a residential use unless the lot is located  
 252 on a major thoroughfare.
- 253 b. The use shall be located on an arterial street classification or higher.
- 254 c. The use shall not involve or require the construction of a permanent building. A portable  
 255 building may be permitted on site, and shall be removed within 48 hours of the expiration  
 256 of the temporary use permit. Where required for security purposes as identified by the  
 257 city, a recreational vehicle may be parked on the site for the duration of the use; the  
 258 recreational vehicle used for security purposes may not be used as a residence.
- 259 d. Goods or merchandise displayed in conjunction with a seasonal sale shall not exceed nine  
 260 feet in height.

- 261 e. Any signage which identifies the use shall be in accordance with the temporary sign  
262 standards.
- 263 f. Five off-street parking spaces shall be provided for the use.
- 264 g. The use, including all sale items, parking and maneuvering shall observe a setback of 25  
265 feet from all property lines, and sale items shall not be located in the sight [distance]  
266 triangle.

267  
268 ARTICLE VI. - OFF-STREET PARKING  
269

270 Sec. 94-87. - Off-street parking standards.

- 271 (a) *Computation of required off-street parking spaces.*
- 272 (b) *Determination by planning and development director.*
- 273 (c) *Off-street parking spaces required.*
- 274 (d) *Off-street parking standards for selected service and industrial uses.*
- 275 (e) *Uses with variable parking demand.*
- 276 (f) *Maximum parking spaces allowed.*

277 [~~(g)~~] ~~*Exceptions and adjustments.*~~

278 (1) ~~*Change in permitted uses.*~~ A permitted use that does not meet the parking requirements of  
279 this section may be converted to another permitted use without full compliance with the  
280 required number of parking spaces provided:

281 a. ~~The applicant provides the maximum amount of parking spaces possible without being~~  
282 ~~required to remove, or partially remove a structure.~~

283 b. ~~If a structure or a portion of a structure is voluntarily removed, the resulting area shall be~~  
284 ~~used to provide the additional parking spaces necessary towards fulfilling the~~  
285 ~~requirements of Table 94-87.1.~~

286 (2) ~~*Small use exception.*~~ Any individual use in a space that is 2,000 square feet or smaller shall  
287 ~~be exempt from the parking requirement of Table 94-87.1 except for uses in the eating and~~  
288 ~~drinking use category.~~

289 (3) ~~*Shared parking.*~~

290 a. ~~Shared parking spaces shall be located within 500 linear feet of the primary entrance of~~  
291 ~~all uses served as measured along the shortest legal, practical walking route. This route~~  
292 ~~may include crossing a right-of-way provided it uses a legal crosswalk. Such distance~~  
293 ~~shall not apply if a remote parking shuttle bus service is provided. Shared parking spaces~~  
294 ~~shall not be separated from the use they serve by an arterial or collector street. In addition,~~  
295 ~~adequate and safe pedestrian access must be provided from, and to the shared parking~~  
296 ~~areas.~~

297  
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299  
300

301 (4) ~~— *Bus transportation.* When a commercial establishment can document, to the satisfaction of~~  
302 ~~the planning and development director, that a notable percentage of their customers will be~~  
303 ~~transported to and from their premises in buses, the planning and development director may~~  
304 ~~approve the substitution of bus spaces for required parking spaces. Bus spaces must be a~~  
305 ~~minimum of ten feet in width and 36 feet in length, shall be unobstructed from the surface up~~  
306 ~~to a height of at least 15 feet, shall be so located to ensure the furthest possible distance from~~  
307 ~~any adjacent residential area, and shall be clearly marked. When approved by the planning~~  
308 ~~and development director, one bus parking space may be substituted for 11 required parking~~  
309 ~~spaces to a maximum of ten total bus spaces in lieu of a maximum of 110 total required parking~~  
310 ~~spaces. No substitution of required parking spaces shall be approved for any bus spaces in~~  
311 ~~excess of ten.~~

312 (5) ~~— *Tandem parking with valet.* An off-street parking program utilizing limited tandem parking~~  
313 ~~for commercial uses shall comply with the following standards:~~

- 314 a. ~~The development served shall provide 75 or more parking spaces;~~  
315 b. ~~No more than 30 percent of the total number of spaces shall be designated as tandem;~~  
316 ~~and~~  
317 c. ~~A valet parking attendant must be on duty during hours of operation.]~~

318 ([h]g) *Bicycle parking.*

319 ([i]h) *Loading areas.*

320 ([j]i) *Vehicle stacking areas.* The following standards shall apply to businesses that contain a drive-  
321 through establishment (e.g., restaurant or financial institution), and are a stand-alone use (e.g.,  
322 automatic teller machine):

323 (1) *General standards.*

324 (2) *Stacking space and lane requirements.* Stacking lanes shall comply with the following  
325 design standards:

326 a. Drive-through stacking lanes shall have a minimum width of eight feet, and length of 20  
327 feet.

328 b. The first position in a drive-through station, located at the window, is counted as a  
329 stacking space. No stacking spaces may be counted as parking spaces unless specified in  
330 Table 94-87.1.

331 [c. ~~When stacking lanes are separated from other stacking lanes, bypass lanes or from other~~  
332 ~~site areas, the separation shall be by means of a raised concrete median, concrete curb, or~~  
333 ~~landscaping.]~~

334 [d] c. Stacking lanes shall be set back 25 feet from rights-of-way.

335 [e] d. All stacking lanes must be clearly identified, through the use of means such as  
336 striping, **concrete curbing**, landscaping and signs.

337 [f] e. The number of required stacking spaces shall be as provided for in Table 94-87.5,  
338 Stacking Space Requirements. See Figure 94-87.A for an illustration of stacking lanes:

339 ([k]i) *Access.*

340

341

ARTICLE VII. - LANDSCAPING AND SCREENING

Sec. 94-101. - Required landscaping.

Table 94-101.1: Required [~~Site Perimeter Landscaping~~] **Buffering**

District of Proposed Development	Required Level of [ <del>Perimeter Landscaping</del> ] <b>Buffering</b>					
	A, CON	LDR	MDR, HDR	MU, NC, D	CC, ENT, BUS	I, Arterial Street

Table 94-101.2: Specifications for [~~Site Perimeter Landscaping~~] **Buffering**

(d) *Parking lot landscaping.*

(1) *Internal landscape islands.*

(2) *Sight [~~distance~~] triangle.* A site [~~distance~~] triangle within the off-street parking area must be established at street intersections by maintaining a maximum height for any shrubs and ground cover of 30 inches. No obstructions are permitted in the site [~~distance~~] triangle, including tree branches that must be trimmed within eight feet of the ground. All applicable sight distance requirements must be met for parking lot internal circulation and access points to the public right-of-way.

Sec. 94-102. - General standards for landscaping materials and installation.

(a) *Plant materials list.* The [~~tree board~~] **City** shall maintain a suggested and prohibited plant list as necessary to identify plant material requirements or prohibitions within the city. Where a species is chosen for a landscape plan that is not identified on a city plant list, the applicant shall provide information about growth and spacing characteristics on the landscape plan. Plant information shall be taken from objective sources, including professional landscape organization websites or nursery cut sheets. Plant materials identified in any prohibited plant list may not be used in landscaping.

(b) *Quality.*

(c) *Coverage.*

(d) *Trees.*

(e) *Shrubs, hedges, and ornamental grasses.*

(f) *Ground cover, perennials, and annual planting areas.*

(g) *Lawn grass.*

(h) *Irrigation.*

**(i) Fences.**

**(1) Fences or walls within the front yard of any residential lot shall not exceed three feet in height and shall be at least 50 percent open.**

373 (2) Fences or walls within the side or rear yard of any residential lot shall not exceed seven  
374 feet in height.

375 (3) The use of barbed wire, scrap metal, tarps, pallets, or other non-fencing materials are  
376 not permitted within any residential lot.

377  
378 NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE  
379 WHICH IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.

380  
381  
382 Section 3: This ordinance shall be in full force and effect from and after its passage by the Board  
383 of Aldermen and approval by the Mayor.

384  
385  
386 Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

387  
388 Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson,  
389 Missouri on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

390  
391  
392  
393

394 \_\_\_\_\_  
395 E. Edd Akers  
396 Mayor

397  
398 ATTEST: APPROVED AS TO FORM:  
399

400  
401  
402 \_\_\_\_\_  
403 Lisa K Westfall  
404 City Clerk

400  
401 CLL #5M1 7/4/20  
402 \_\_\_\_\_  
403 Chris Lebeck #51831  
404 City Attorney



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL APPROVING MEDIUM DENSITY RESIDENTIAL (MDR) AND NEIGHBORHOOD COMMERCIAL ZONING FOR THE PROPERTIES LOCATED AT 3855 FALL CREEK ROAD, BRANSON, MISSOURI.

**INITIATED BY:** PLANNING & DEVELOPMENT DEPARTMENT

**FIRST READING:** JULY 28, 2020

**FINAL READING:** AUGUST 11, 2020

**EXECUTIVE SUMMARY:**

- The subject properties are located on the south side of Fall Creek Road and west of the Country Bluff Estates Subdivision. They are approximately 55 acre more or less in size combined and currently vacant except for a small, single-family residence built in 1954 per Taney County records.
- The properties are proposed to be developed with a mix of housing types, including affordable housing which will utilize Missouri Housing Development Commission (MHDC) awarded funds. The Board of Aldermen adopted a Resolution supporting the affordable housing portion on July 23, 2019 (Res. No. 2019-R020).
- Annexation was requested for these properties on January 16, 2020, and the petition was formally presented to the Board of Aldermen on January 28, 2020. The request was approved on May 12, 2020 (Ord. No. 2020-0046).
- Per Branson Municipal Code Section 94-34, any property annexed to the city shall be zoned Agriculture (A) until changed or unless otherwise indicated in the Annexation Plan of Intent (Exhibit 1).
- The submitted and approved Annexation Plan of Intent will establish Neighborhood Commercial (NC) zoning for the northern portion of the property (Lot 1), and Medium Density Residential (MDR) zoning for the remainder of the subject property (Lots 2 and 3).
- The requested zoning is consistent and complimentary with the adjacent properties and their uses. Additionally, it is reflective of the previously zoning for the properties as approved by the Taney County Board of Adjustment on June 17, 2009.

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year's budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended
- Neutral/None

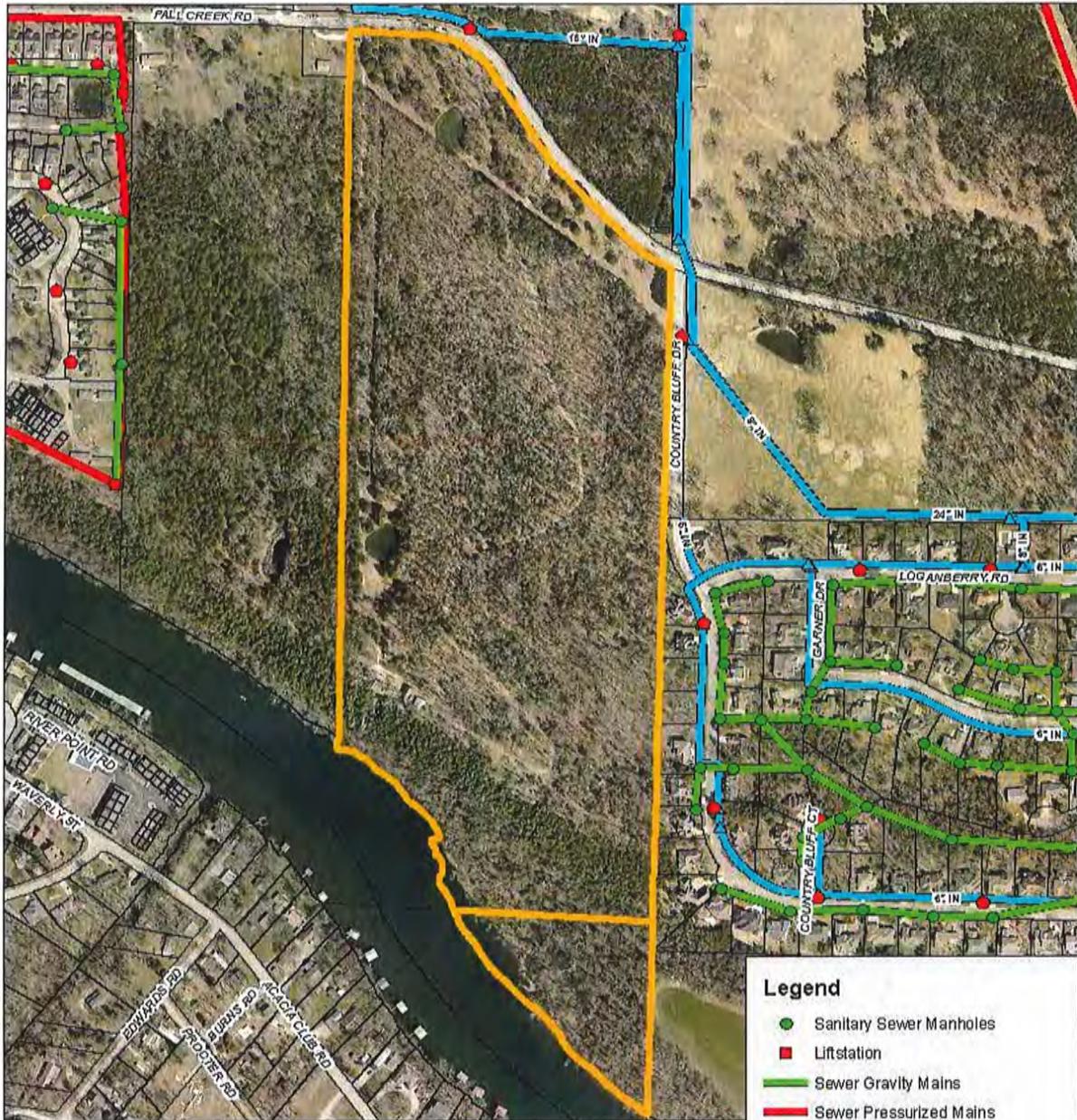
**COMMUNITY PLAN 2030:**

LU Strategy 5.1 – Zoning Regulations.

**ATTACHED EXHIBITS:**

1) Vicinity Maps

1) VICINITY MAPS – AERIAL SHOWING UTILITIES

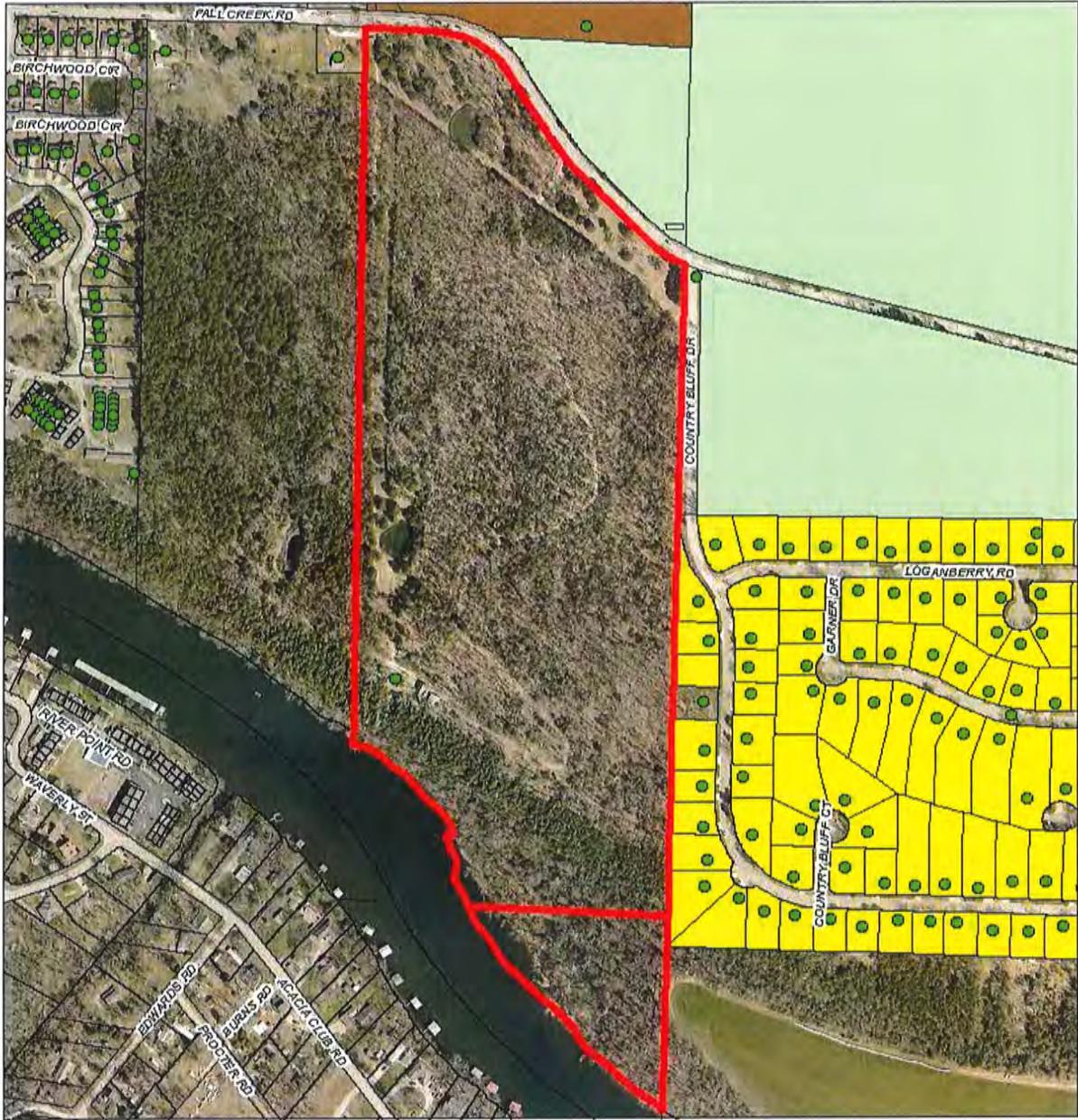


Legend	
	Sanitary Sewer Manholes
	Liftstation
	Sewer Gravity Mains
	Sewer Pressurized Mains
	Water Hydrants
	Water System Valves
	Water Mains
	STORM INLET STRUCTURES
	STORM INTAKE STRUCTURES
	STORM OUTFALL STRUCTURES
	STORM_SEWER_PIPE
	DISTRIBUTION
	TRANSMISSION

N  
  
**1 inch = 400 feet**  
 City of Branson  
 Planning & Development  
 Date: 1/29/2020

**3855 Fall Creek Road**

VICINITY MAPS - CURRENT ZONING

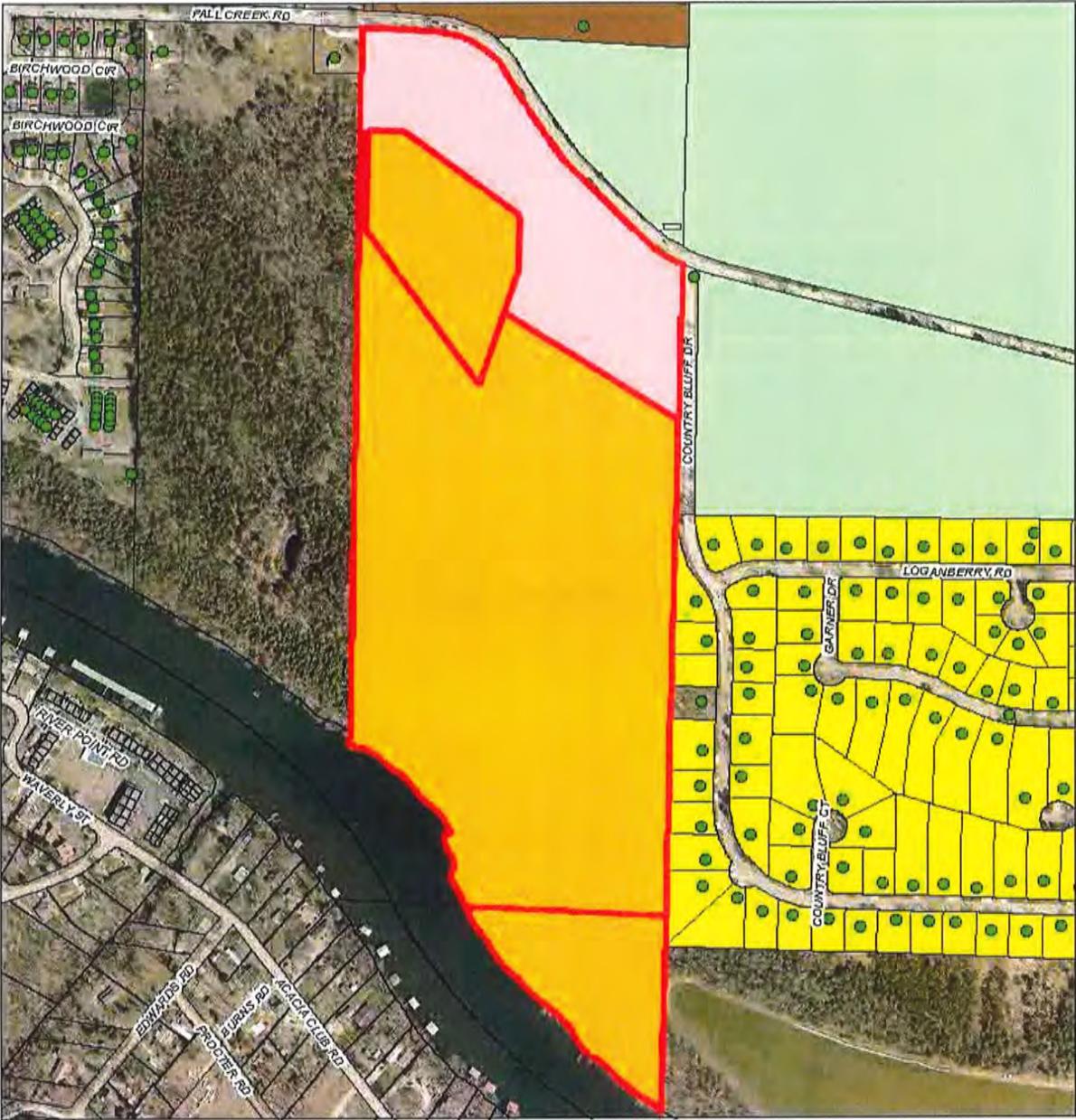


**3855 Fall Creek Road**

N  
 1 inch = 400 feet  
 City of Branson  
 Planning & Development  
 Date: 1/29/2020

Agricultural	Neighborhood Commercial	Business
Conservation	Mixed-Use	Industrial
Low Density Residential	Community Commercial	Planned Development
Medium Density Residential	Downtown	Unzoned
High Density Residential	Entertainment	

VICINITY MAPS - PROPOSED ZONING



**3855 Fall Creek Road**



1 inch = 400 feet

City of Branson  
 Planning & Development  
 Date: 1/29/2020

Agricultural	Neighborhood Commercial	Business
Conservation	Mixed-Use	Industrial
Low Density Residential	Community Commercial	Planned Development
Medium Density Residential	Downtown	Unzoned
High Density Residential	Entertainment	

BILL NO. 5840

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING MEDIUM DENSITY RESIDENTIAL (MDR) AND NEIGHBORHOOD COMMERCIAL (NC) ZONING FOR THE PROPERTIES LOCATED AT 3855 FALL CREEK ROAD, BRANSON, MISSOURI.**

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, THE FOLLOWING:**

- Section 1: That per the Annexation Plan of Intent as described by Exhibit '1', the tracts of land situated in Branson, Missouri, as described by Exhibit '2', are hereby zoned Medium Density Residential (MDR), and the tract of land situated in Branson, Missouri, as described by Exhibit '3', is hereby zoned Neighborhood Commercial (NC).
- Section 2: The Official Zoning Map of the City of Branson is hereby amended in respect to the changes in the zoning district of the area described above.
- Section 3: Severability Clause. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or major sections, sentences, clauses or phrases be declared invalid.
- Section 4: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
E. Edd Akers  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

 #51831 7/21/20  
\_\_\_\_\_  
Chris Lebeck #51831  
City Attorney

# EXHIBIT '1'

## ANNEXATION PLAN OF INTENT

The following outlines the intent on the part of City of Branson, Missouri ("City") officials and that of Fountains on Fall Creek, LLC, the owner ("Owner") of the real property annexed into the City pursuant to Ordinance No. 2020-0046 (the "Property") adopted on the 12th day of May, 2020 ("Annexation Date"):

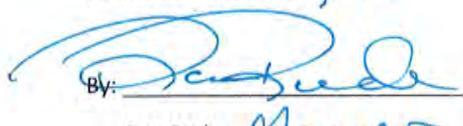
1. As a condition of Owner's agreement to consent to annexation of the Property into the City, the Property was to be zoned in a manner consistent with the Taney County zoning in place relating to the Property as of a date and time immediately preceding the Annexation Date.
2. It was and is the intent of City officials directly involved with the annexation negotiations had with the Owner, and was and is the intent of the Owner, that this Annexation Plan of Intent was to be approved as a part of and as a condition precedent to the annexation, and thus would be an exception to the application of Section 94-34 of the Unified Development Code to the Property, with the result the Property would not be zoned A upon annexation but would instead be zoned as described on Exhibit A attached hereto.
3. Owner will not be subject to any City fees relating to the annexation including but not limited to approval of this Annexation Plan of Intent or the implementation of the City zoning applicable to the Property as described on Exhibit A hereto.
4. The City Administrator shall promptly submit this Annexation Plan of Intent to the Board of Alderman for their approval.

City of Branson, Missouri

By: 

Stan Dobbins, City Administrator

Fountains on Fall Creek, LLC

By: 

Dan Ruda, Manager

APPROVED AS TO FORM:

 #51831 7/16/20

Chris Lebeck #51831

City Attorney

EXHIBIT A

The Property is depicted on the attached Exhibit A-1 as Minor Subdivision consisting of Lots 1, 2 and 3.

Upon annexation, the Property is to be zoned as follows:

1. Lot 1, Neighborhood Commercial (NC);
2. Lots 2 and 3, Medium Density Residential (MDR); and
3. The minimum and maximum dwelling density of each parcel developed will be based upon the area of the entire Property rather than upon the area of that parcel alone.



**EXHIBIT '2'**

**3855 FALL CREEK ROAD  
(LOT 2)**

A TRACT OF LAND SITUATED IN PART OF NE1/4 OF THE FRACTIONAL SE1/4 OF SECTION 12, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIN MARKING THE NORTHEAST CORNER THE NE1/4 OF THE FRACTIONAL SE1/4 OF SAID SECTION 12; THENCE S 01°22'06" W, ALONG THE EAST LINE OF SAID NE1/4, A DISTANCE OF 533.89 FEET; THENCE N 88°37'54" W, LEAVING SAID EAST LINE, A DISTANCE OF 493.40 FEET, FOR A NEW POINT OF BEGINNING; THENCE SOUTHERLY ALONG A NON-TANGENT CURVE TO LEFT 10.73 FEET (SAID CURVE HAVING A DELTA OF 02°55'41", A RADIUS OF 210.00 FEET AND A CHORD BEARING AND DISTANCE OF S 03°45'06" W, 10.73 FEET); THENCE S 02°17'15" W, A DISTANCE OF 117.94 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT 48.86 FEET (SAID CURVE HAVING A DELTA OF 17°29'50" A CHORD BEARING AND DISTANCE OF S 11°02'10" W, 48.67 FEET AND HAVING A RADIUS OF 160.00 FEET); THENCE S 19°47'05" W, A DISTANCE OF 336.66 FEET; THENCE N 35°55'46" W, A DISTANCE OF 576.61 FEET; THENCE N 01°24'12" E, A DISTANCE OF 293.68 FEET; THENCE S 89°17'14" E, A DISTANCE OF 108.86 FEET; THENCE S 52°50'23" E, A DISTANCE OF 440.41 FEET, TO THE NEW POINT OF BEGINNING. SAID TRACT CONTAINING 4.69 ACRES OF LAND, MORE OR LESS.

ALL OF THE ABOVE BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS AND RESERVATIONS OF RECORD, IF ANY.

**(LOT 3)**

A TRACT OF LAND SITUATED IN PART OF E1/2 OF THE FRACTIONAL SE1/4 OF SECTION 12, AND PART OF THE FRACTIONAL NE1/4 OF SECTION 13 ALL IN TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIN MARKING THE NORTHEAST CORNER OF THE NE1/4 OF THE FRACTIONAL SE1/4 OF SAID SECTION 12; THENCE S 01°22'06" W, ALONG THE EAST LINE OF SAID FRACTIONAL SE1/4, A DISTANCE OF 1130.91 FEET, FOR A NEW POINT OF BEGINNING; THENCE S 01°22'06" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 295.30 FEET, TO AN EXISTING STONE MARKING THE SOUTHWEST CORNER OF LOT 13 OF THE FRACTIONAL SW1/4 OF SECTION 7, TOWNSHIP 22 NORTH, RANGE 21 WEST; THENCE S 02°02'13" W, ALONG THE EAST LINE OF THE FRACTIONAL SE1/4 OF SECTION 12 AND THE EAST LINE OF THE FRACTIONAL NE1/4 OF SECTION 13, A DISTANCE OF 1789.86 FEET, TO A POINT ON THE HIGH BANK OF LAKE TANEYCOMO; THENCE N 49°56'37" W, LEAVING EAST LINE AND ALONG SAID HIGH BANK, A DISTANCE OF 81.32 FEET; ALONG SAID HIGH BANK AS FOLLOWS; N 53°17'57" W, A DISTANCE OF 215.12 FEET; THENCE N 36°45'46" W, A DISTANCE OF 165.77 FEET; THENCE N 47°31'44" W, A DISTANCE OF 186.04 FEET; THENCE N 30°08'44" W, A DISTANCE OF 219.30 FEET, TO A POINT ON THE SOUTH LINE OF THE FRACTIONAL SE1/4 OF SECTION 12; THENCE N 87°57'47" W, LEAVING HIGH BANK AND ALONG SAID SOUTH LINE, A DISTANCE OF 376.58 FEET, TO THE SOUTHWEST CORNER OF THE E3/4 OF THE E1/2 OF THE FRACTIONAL SE1/4 OF SAID SECTION 12; THENCE N 01°24'12" E, ALONG THE WEST LINE OF SAID E3/4 OF THE E1/2, A DISTANCE OF 2068.27 FEET; THENCE

S 35°55'46" E, LEAVING SAID WEST LINE, A DISTANCE OF 630.49 FEET; S 70°12'55" E, A DISTANCE OF 50.00 FEET; THENCE N 19°47'05" E, A DISTANCE OF 219.13 FEET; THENCE S 57°55'53" E, A DISTANCE OF 574.05 FEET, TO THE NEW POINT OF BEGINNING. SAID TRACT CONTAINING 43.32 ACRES OF LAND, MORE OR LESS.

ALL OF THE ABOVE BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS AND RESERVATIONS OF RECORD, IF ANY.

**EXHIBIT '3'**

**3855 FALL CREEK ROAD  
(LOT 1)**

A TRACT OF LAND SITUATED IN PART OF NE1/4 OF THE FRACTIONAL SE1/4 OF SECTION 12, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIN MARKING THE NORTHEAST CORNER OF THE NE1/4 OF THE FRACTIONAL SE1/4 OF SAID SECTION 12; THENCE S 01°22'06" W, ALONG THE EAST LINE OF SAID NE1/4, A DISTANCE OF 671.83 FEET, TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF FALL CREEK ROAD, FOR A NEW POINT OF BEGINNING; THENCE S 01°22'06" W, LEAVING SOUTHWESTERLY RIGHT-OF-WAY LINE AND CONTINUING ALONG EAST LINE, A DISTANCE OF 459.08 FEET; THENCE N 57°55'53" W, LEAVING SAID EAST LINE, A DISTANCE OF 574.05 FEET; S 19°47'05" W, A DISTANCE OF 219.13 FEET; THENCE N 70°12'55" W, A DISTANCE OF 50.00 FEET; THENCE N 19°47'05" E, A DISTANCE OF 336.66 FEET; THENCE NORTHERLY ALONG A CURVE TO THE LEFT 48.86 FEET (SAID CURVE HAVING A DELTA OF 17°29'50", A CHORD BEARING AND DISTANCE OF N 11°02'10" E, 48.67 FEET AND HAVING A RADIUS OF 160.00 FEET); THENCE N 02°17'15" E, A DISTANCE OF 117.94 FEET; THENCE NORTHERLY ALONG A SEGMENT OF A CURVE TO THE RIGHT 10.73 FEET (SAID SEGMENT HAVING A DELTA OF 02°55'41", A CHORD BEARING AND DISTANCE OF N 03°45'06" E, 10.73 FEET AND HAVING A RADIUS OF 210.00 FEET); THENCE N 52°50'23" W, A DISTANCE OF 440.41 FEET; THENCE N 89°17'14" W, A DISTANCE OF 108.86 FEET; THENCE S 01°24'12" W, A DISTANCE OF 293.68 FEET; THENCE N 35°55'46" W, A DISTANCE OF 53.87 FEET, TO A POINT ON THE WEST LINE OF THE E3/4 OF THE E1/2; THENCE N 01°24'12" E, A DISTANCE OF 562.24 FEET, TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF FALL CREEK ROAD; THENCE S 86°43'58" E, LEAVING WEST LINE AND ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 155.19 FEET; ALONG SAID RIGHT-OF-WAY LINE AS FOLLOWS; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT 167.20 FEET (SAID CURVE HAVING A DELTA OF 19°42'02", A CHORD BEARING AND DISTANCE OF S 76°52'57" E, 166.38 FEET AND HAVING A RADIUS OF 486.28 FEET); THENCE S 67°01'56" E, A DISTANCE OF 6.57 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT 144.56 FEET (SAID CURVE HAVING A DELTA OF 34°06'41", A CHORD BEARING AND DISTANCE OF S 49°58'35" E, 142.43 FEET AND HAVING A RADIUS OF 242.81 FEET); THENCE S 32°55'15" E, A DISTANCE OF 184.43 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT 294.98 FEET (SAID CURVE HAVING A DELTA OF 14°11'37", A CHORD BEARING AND DISTANCE OF S 40°01'03" E, 294.23 FEET AND HAVING A RADIUS OF 1190.78 FEET); THENCE S 47°06'51" E, A DISTANCE OF 184.38 FEET; THENCE SOUTHEASTERLY ALONG A SEGMENT OF A CURVE TO THE LEFT 144.77 FEET (SAID CURVE HAVING A DELTA OF 15°46'14", A RADIUS OF 525.95 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S 54°59'58" E, 144.31 FEET), TO THE NEW POINT OF BEGINNING. SAID TRACT CONTAINING 10.49 ACRES OF LAND, MORE OR LESS.



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL APPROVING HIGH DENSITY RESIDENTIAL (HDR) ZONING FOR THE PROPERTY LOCATED AT 135 LAKE FRONT DRIVE, BRANSON, MISSOURI.

**INITIATED BY:** PLANNING & DEVELOPMENT DEPARTMENT

**FIRST READING:** JULY 28, 2020

**FINAL READING:** AUGUST 11, 2020

**EXECUTIVE SUMMARY:**

- The subject property is located within the Lodges at Chateau Cove development, which is located on the west side of State Highway 265, approximately 1,500 feet north of the entrance to Chateau on the Lake Resort Spa and Convention Center.
- This request will establish zoning for the subject property which is consistent and complimentary with the adjacent properties and their uses. The requested zoning is also consistent with the existing use of the property, and will provide an appropriate buffer between the State Highway 265 corridor and the residential development to the west and adjacent to Table Rock Lake.
- Annexation was requested for this property on May 11, 2020, and approved on June 23, 2020 (Ord. No. 2020-0068).
- Planning Commission recommended approval of the bill through Resolution ZO20-3 (ZO20-000003) at their July 7, 2020 meeting.

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year's budget
- Other (see additional explanation)

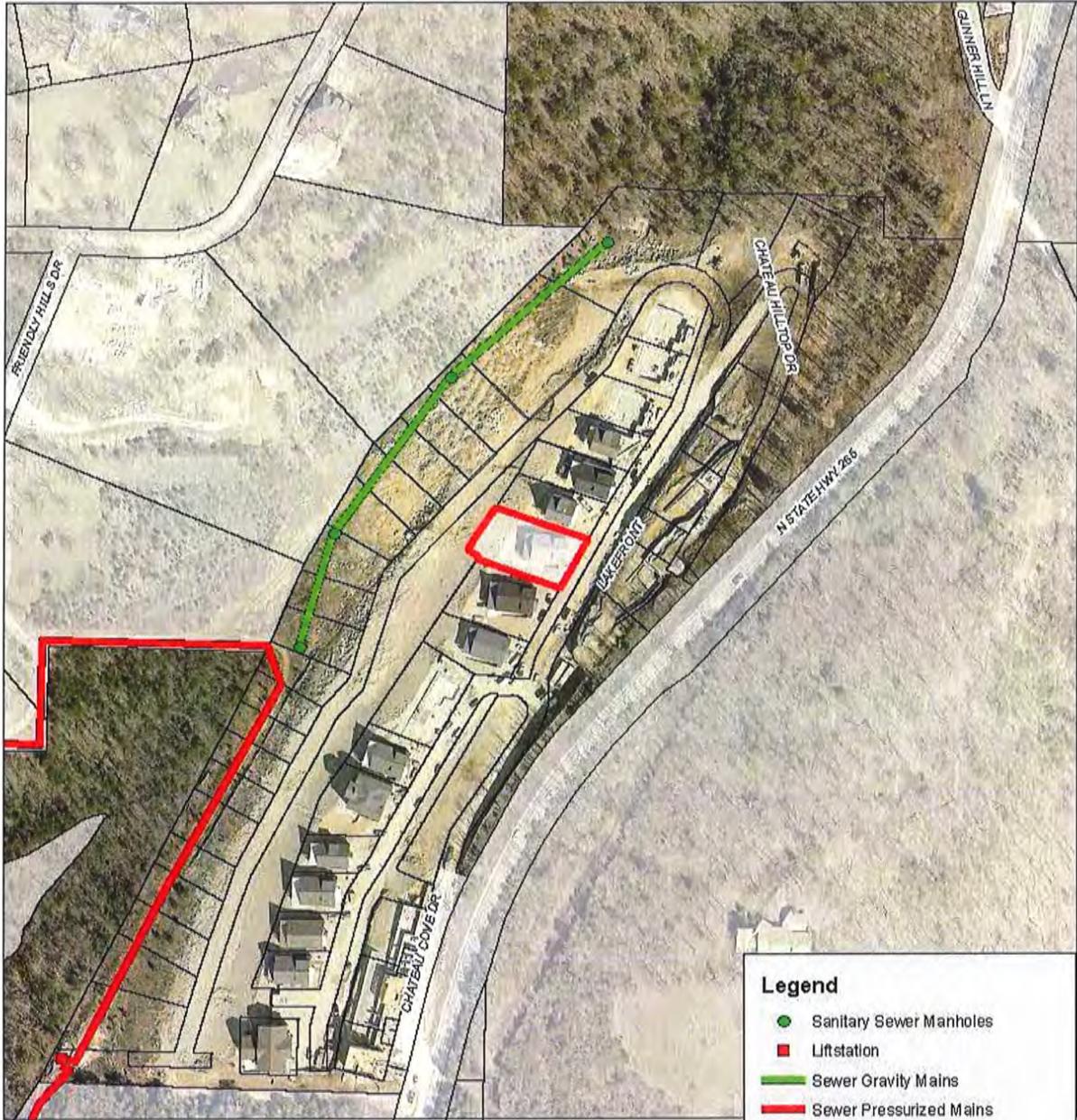
**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended
- Neutral/None

**COMMUNITY PLAN 2030:** LU Strategy 5.1 – Zoning Regulations.

**ATTACHED EXHIBITS:**  
1) Vicinity Maps  
2) Planning Commission Resolution No. ZO20-3 (July 7, 2020)

1) VICINITY MAPS – AERIAL SHOWING UTILITIES



**Legend**

- Sanitary Sewer Manholes
- Liftstation
- Sewer Gravity Mains
- Sewer Pressurized Mains
- Water Hydrants
- ▲ Water System Valves
- Water Mains
- STORM INLET STRUCTURES
- ▼ STORM INTAKE STRUCTURES
- STORM OUTFALL STRUCTURES
- STORM\_SEWER\_PIPE
- DISTRIBUTION
- TRANSMISSION

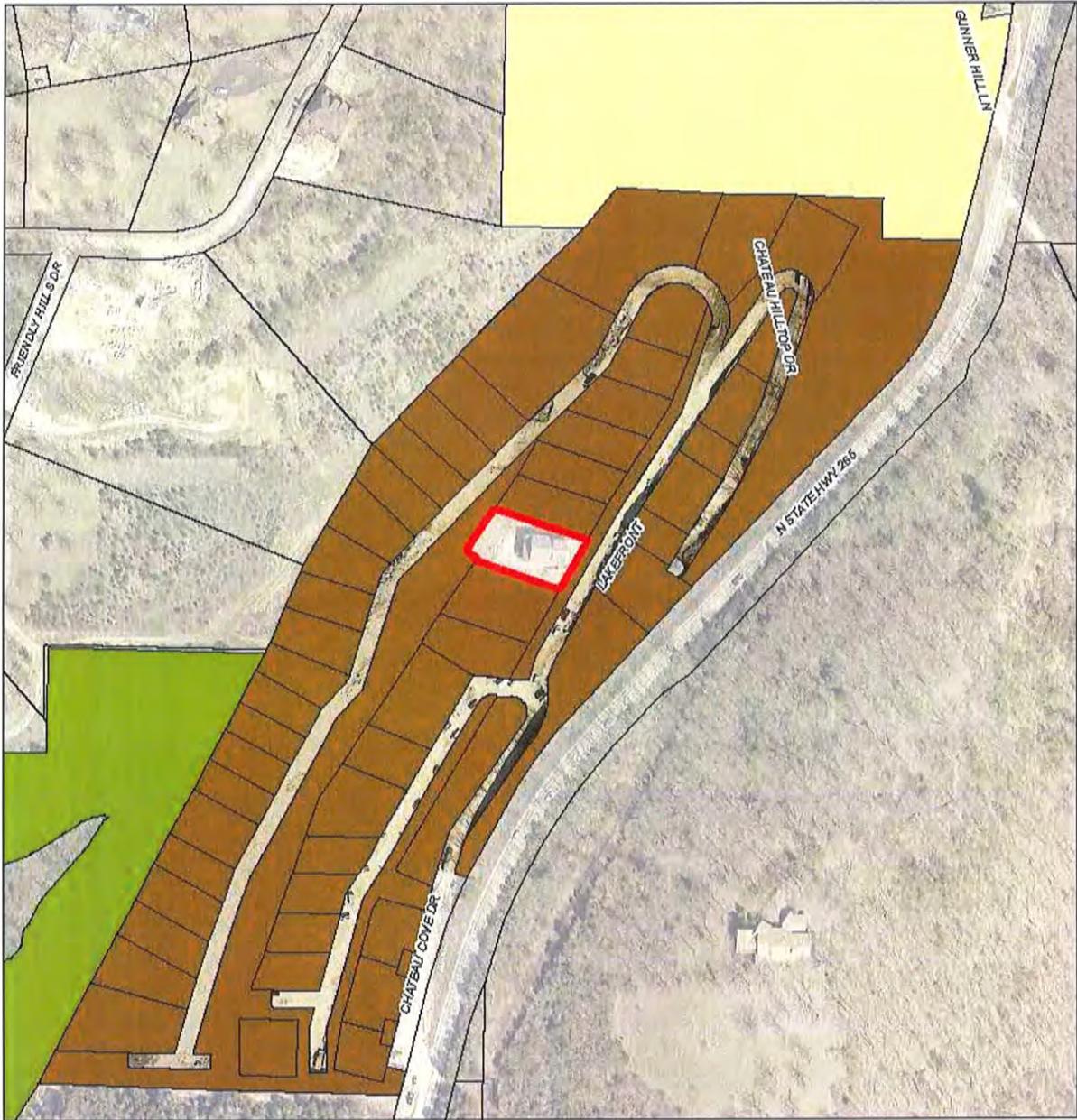


1 inch = 200 feet

**135 Lakefront Dr**

City of Branson  
 Planning & Development  
 Date: 5/12/2020

VICINITY MAPS - CURRENT ZONING



**135 Lakefront Dr**

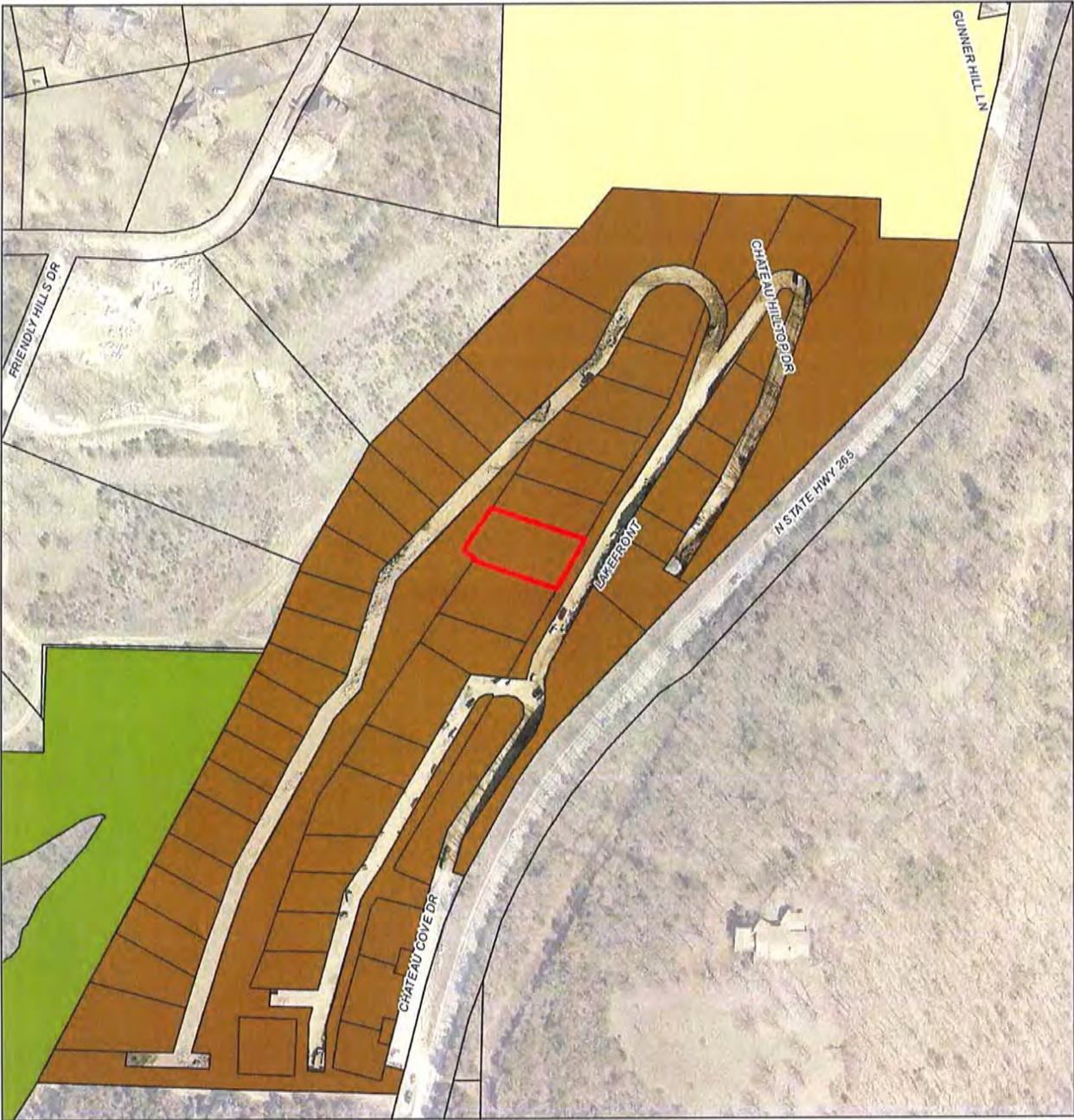


1 inch = 200 feet

City of Branson  
 Planning & Development  
 Date: 5/12/2020

Agricultural	Neighborhood Commercial	Business
Conservation	Mixed-Use	Industrial
Low Density Residential	Community Commercial	Planned Development
Medium Density Residential	Downtown	Unzoned
High Density Residential	Entertainment	

VICINITY MAPS - PROPOSED ZONING



**135 Lakefront Dr**



1 inch = 200 feet

City of Branson  
 Planning & Development  
 Date: 5/12/2020

 Agricultural	 Neighborhood Commercial	 Business
 Conservation	 Mixed-Use	 Industrial
 Low Density Residential	 Community Commercial	 Planned Development
 Medium Density Residential	 Downtown	 Unzoned
 High Density Residential	 Entertainment	

2) PLANNING COMMISSION RESOLUTION NO. ZO20-3 – JULY 7, 2020

**PLANNING COMMISSION**

**RESOLUTION NO. ZO20-3 (20-000003)**

**A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF HIGH DENSITY RESIDENTIAL (HDR) ZONING FOR THE PROPERTY LOCATED AT 135 LAKE FRONT DRIVE, BRANSON, MISSOURI.**

**WHEREAS**, a Zoning Application has been initiated by Darrell Hanson on behalf of Cabana Homes, LLC, for approval of High Density Residential (HDR) zoning for the property located at 135 Lake Front Drive, legally described as follows:

BUILDING 10A, LODGES AT CHATEAU COVE, PHASE 4, A CONDOMINIUM AS PER THE RECORDED AMENDED PLAT THEREOF, PLAT BOOK/SLIDE L, PAGES 311, TANEY COUNTY, MISSOURI, AND ACCORDING TO THE DECLARATION OF CONDOMINIUM AND BY-LAWS THEREOF, AS RECORDED IN BOOK 2018, PAGE(S) 23220, AS AMENDED.

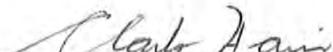
**WHEREAS**, the Zoning Regulations for the City of Branson, Missouri, require a Public Hearing before the Planning Commission for the approval of High Density Residential (HDR) zoning; and,

**WHEREAS**, a Public Hearing was held before the Planning Commission on July 7, 2020, at 7:00 PM in the Council Chambers located at 110 W. Maddux Street, Branson, Missouri; and,

**WHEREAS**, all required documentation and payment of the required filing fee have been received by the City of Branson.

**BE IT THEREFORE RESOLVED**, that the Planning Commission for the City of Branson hereby recommends approval of High Density Residential (HDR) zoning for the property located at 135 Lake Front Drive, Branson, Missouri.

DONE THIS 7<sup>TH</sup> DAY OF JULY 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

  
\_\_\_\_\_  
Clark Harris - Chairman

ATTEST:

  
\_\_\_\_\_  
Joel Hornickel – Planning and Development Director

ZO20-000003

BILL NO. 5841

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING HIGH DENSITY RESIDENTIAL (HDR) ZONING FOR THE PROPERTY LOCATED AT 135 LAKE FRONT DRIVE, BRANSON, MISSOURI.**

---

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, THE FOLLOWING:**

- Section 1: That the tract of land situated in Branson, Missouri, as described by Exhibit 'A', is hereby zoned High Density Residential (HDR).
- Section 2: The Official Zoning Map of the City of Branson is hereby amended in respect to the changes in the zoning district of the area described above.
- Section 3: Severability Clause. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or major sections, sentences, clauses or phrases be declared invalid.
- Section 4: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Read, this first time on this \_\_\_\_ day of \_\_\_\_\_, 2020.

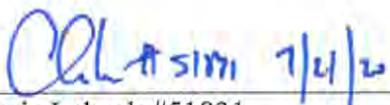
Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri on this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
E. Edd Akers  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

  
\_\_\_\_\_  
Chris Lebeck #51831  
City Attorney

**EXHIBIT 'A'**

135 Lakefront Drive (Building 10A)  
Parcel ID # 18-2.0-10-004-001-035.010

BUILDING 10A, LODGES AT CHATEAU COVE, PHASE 4, A CONDOMINIUM AS PER THE RECORDED AMENDED PLAT THEREOF, PLAT BOOK/SLIDE L, PAGES 311, TANEY COUNTY, MISSOURI, AND ACCORDING TO THE DECLARATION OF CONDOMINIUM AND BY-LAWS THEREOF, AS RECORDED IN BOOK 2018, PAGE(S) 23220, AS AMENDED.



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL APPROVING HIGH DENSITY RESIDENTIAL (HDR) ZONING FOR THE PROPERTY LOCATED AT 150 GUNNER HILL LANE, BRANSON, MISSOURI.

**INITIATED BY:** PLANNING & DEVELOPMENT DEPARTMENT

**FIRST READING:** JULY 28, 2020

**FINAL READING:** AUGUST 11, 2020

**EXECUTIVE SUMMARY:**

- The subject property is located on the west side of State Highway 265 and at the intersection of Gunner Hill Lane. Additionally, it is located to the north of the Lodges at Chateau Cove development.
- This request will establish zoning for the subject property which is consistent and complimentary with the adjacent properties and their uses. The requested zoning is also consistent with the proposed use of the property, and will provide an appropriate buffer between the State Highway 265 corridor and the residential development to the west and adjacent to Table Rock Lake.
- Annexation was requested for this property on January 16, 2020, and approved on February 25, 2020 (Ord. No. 2020-0026).
- Planning Commission recommended approval of the bill through Resolution ZO20-2 (ZO20-000002) at their July 7, 2020 meeting.

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year's budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

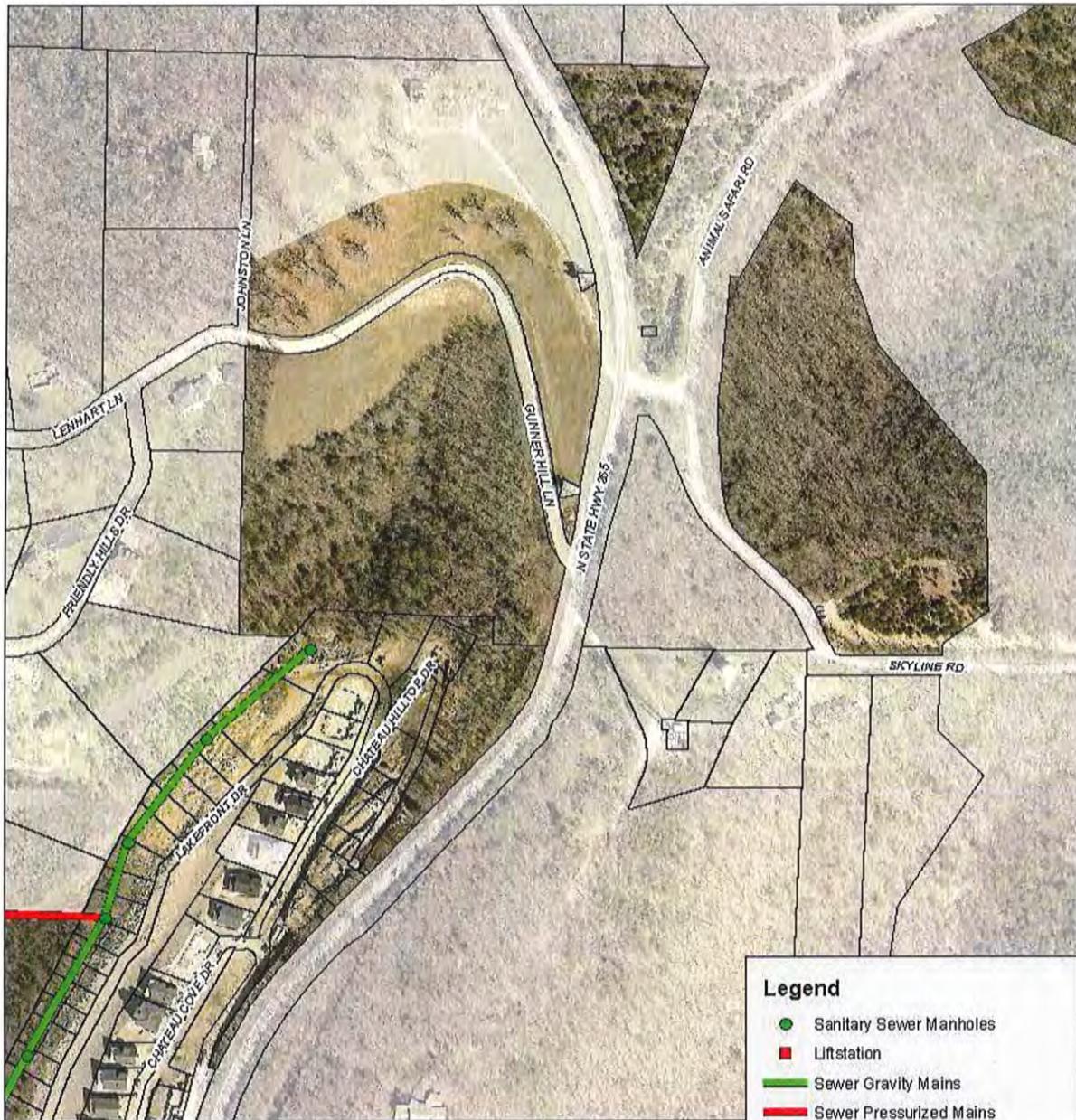
- Recommended
- Not Recommended
- Neutral/None

*RJ*

**COMMUNITY PLAN 2030:** LU Strategy 5.1 – Zoning Regulations.

**ATTACHED EXHIBITS:**  
1) Vicinity Maps  
2) Planning Commission Resolution No. ZU20-2 (July 7, 2020)

1) VICINITY MAPS – AERIAL SHOWING UTILITIES

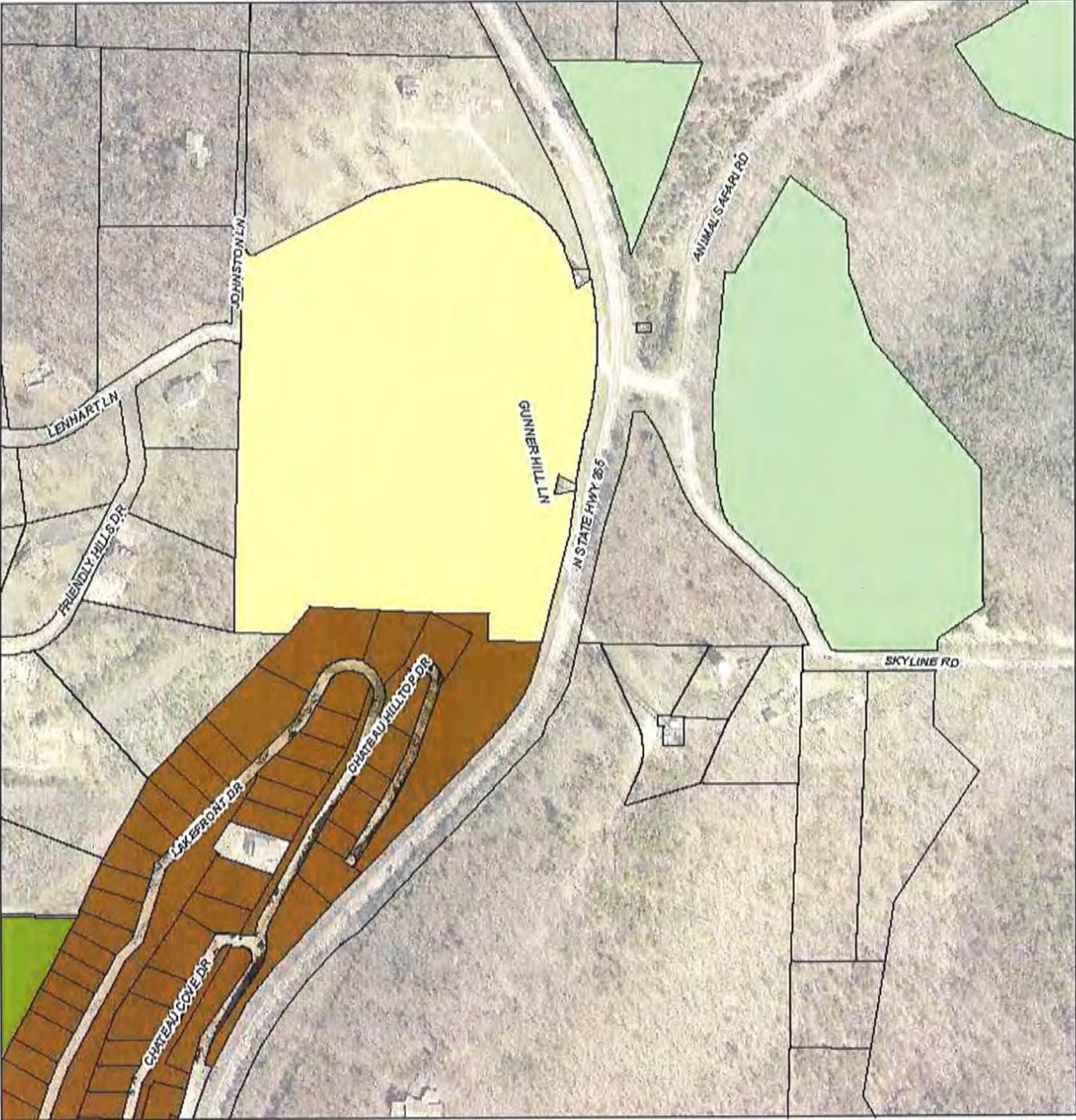


**Legend**

- Sanitary Sewer Manholes
- Liftstation
- Sewer Gravity Mains
- Sewer Pressurized Mains
- Water Hydrants
- ▲ Water System Valves
- Water Mains
- STORM INLET STRUCTURES
- ▼ STORM INTAKE STRUCTURES
- STORM OUTFALL STRUCTURES
- STORM\_SEWER\_PIPE
- DISTRIBUTION
- TRANSMISSION

N  
 1 inch = 300 feet  
 City of Branson  
 Planning & Development  
 Date: 6/18/2020

**150 Gunner Hill Ln**

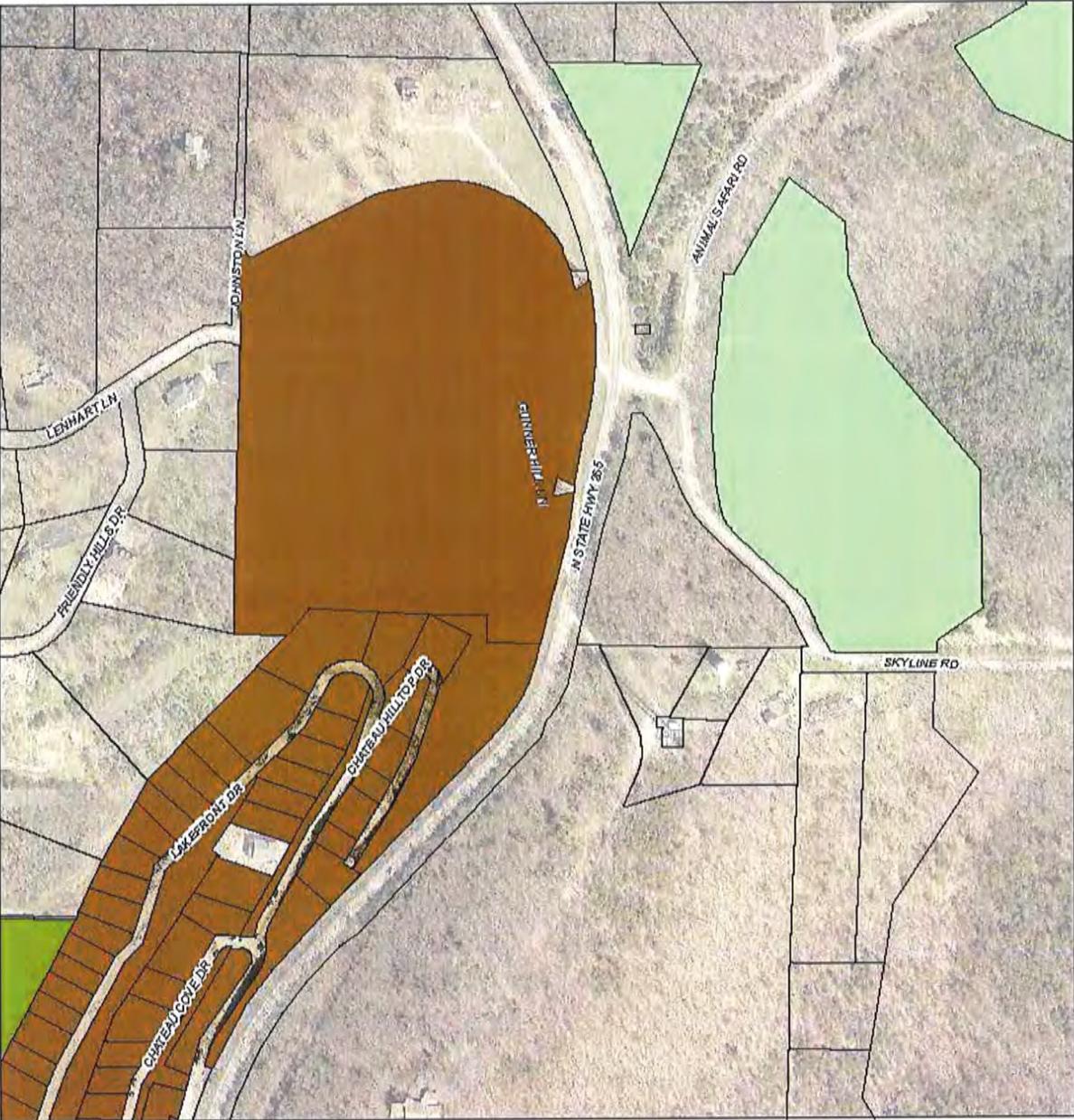


1 inch = 300 feet

City of Branson  
 Planning & Development  
 Date: 6/18/2020

**150 Gunner Hill Ln**

 Agricultural	 Neighborhood Commercial	 Business
 Conservation	 Mixed-Use	 Industrial
 Low Density Residential	 Community Commercial	 Planned Development
 Medium Density Residential	 Downtown	 Unzoned
 High Density Residential	 Entertainment	



**150 Gunner Hill Ln**

N  
 1 inch = 300 feet  
 City of Branson  
 Planning & Development  
 Date: 6/18/2020

 Agricultural	 Neighborhood Commercial	 Business
 Conservation	 Mixed-Use	 Industrial
 Low Density Residential	 Community Commercial	 Planned Development
 Medium Density Residential	 Downtown	 Unzoned
 High Density Residential	 Entertainment	

2) PLANNING COMMISSION RESOLUTION NO. ZO20-2 – JULY 7, 2020

PLANNING COMMISSION

RESOLUTION NO. ZO20-2 (20-000002)

**A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF HIGH DENSITY RESIDENTIAL (HDR) ZONING FOR THE PROPERTY LOCATED AT 150 GUNNER HILL LANE, BRANSON, MISSOURI.**

**WHEREAS**, a Zoning Application has been initiated by Todd Chandler of Cribb Philbeck Weaver Group, Inc. on behalf of Table Rock at Branson, Inc, LLC, for approval of High Density Residential (HDR) zoning for the property located at 150 Gunner Hill Lane, legally described as follows:

See Exhibit A

**WHEREAS**, the Zoning Regulations for the City of Branson, Missouri, require a Public Hearing before the Planning Commission for the approval of High Density Residential (HDR) zoning; and,

**WHEREAS**, a Public Hearing was held before the Planning Commission on July 7, 2020, at 7:00 PM in the Council Chambers located at 110 W. Maddux Street, Branson, Missouri; and,

**WHEREAS**, all required documentation and payment of the required filing fee have been received by the City of Branson.

**BE IT THEREFORE RESOLVED**, that the Planning Commission for the City of Branson hereby recommends approval of High Density Residential (HDR) zoning for the property located at 150 Gunner Hill Lane, Branson, Missouri.

DONE THIS 7<sup>TH</sup> DAY OF JULY 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

  
Clark Harris – Chairperson

ATTEST:

  
Joel Hornickel - Planning & Development Director

ZO20-000002

**EXHIBIT 'A'**

A TRACT OF LAND BEING LOCATED IN PART OF THE SW1/4 OF THE NE1/4 OF SECTION 10, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING LIMESTONE MARKING THE SOUTHWEST CORNER OF THE SW1/4 OF THE NE1/4 OF SAID SECTION 10; THENCE N 01°25'58" E, ALONG THE WEST LINE OF SAID SW1/4 OF THE NE1/4, A DISTANCE OF 870.83 FEET; THENCE S 88°58'14" E, LEAVING SAID WEST LINE, A DISTANCE OF 4.00 FEET; THENCE SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE LEFT 30.45 FEET (SAID CURVE HAVING A DELTA OF 116°19'19" A CHORD BEARING AND DISTANCE OF S 58°48'51" E, 25.49 FEET AND HAVING A RADIUS OF 15.00 FEET); THENCE N 63°01'30" E, A DISTANCE OF 277.62 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT 66.87 FEET (SAID CURVE HAVING A DELTA OF 14°37'26" AND HAVING A RADIUS OF 262.00 FEET); THENCE N 77°38'55" E, A DISTANCE OF 77.73 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT 172.55 FEET (SAID CURVE HAVING A DELTA OF 37°44'06" AND HAVING A RADIUS OF 262.00 FEET); THENCE S 64°36'59" E, A DISTANCE OF 24.84 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT 177.61 FEET (SAID CURVE HAVING A DELTA OF 38°50'28" AND HAVING A RADIUS OF 262.00 FEET); THENCE S 25°46'31" E, A DISTANCE OF 53.47 FEET; THENCE S 16°21'59" E, A DISTANCE OF 45.51 FEET; THENCE N 54°24'28" E, A DISTANCE OF 36.30 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF M.S.H.D. #265; ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF SAID M.S.H.D. #265 AS FOLLOWS: THENCE SOUTHERLY ALONG A NON-TANGENT SEGMENT OF A CURVE TO THE RIGHT 345.72 FEET (SAID SEGMENT HAVING A DELTA OF 22°08'02" A CHORD BEARING AND DISTANCE OF S 01°52'09" W, 343.58 FEET, AND HAVING A RADIUS OF 894.94 FEET); THENCE S 10°22'49" W, A DISTANCE OF 130.97 FEET; THENCE N 59°58'01" W, LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 45.65 FEET; THENCE S 11°34'17" W, A DISTANCE OF 46.60 FEET; THENCE N 80°30'49" E, A DISTANCE OF 46.75 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF M.S.H.D. #265; ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF SAID M.S.H.D. #265 AS FOLLOWS: THENCE S 10°22'49" W, A DISTANCE OF 94.97 FEET; THENCE S 12°42'31" W, A DISTANCE OF 130.01 FEET; THENCE S 12°33'30" W, A DISTANCE OF 115.86 FEET, TO A POINT ON THE SOUTH LINE OF THE SW1/4 OF THE NE1/4; THENCE N 88°14'17" W, LEAVING WESTERLY RIGHT-OF-WAY LINE AND ALONG THE SOUTH LINE OF SAID SW1/4 OF THE NE1/4, A DISTANCE OF 121.17 FEET, TO A POINT ON THE NORTHERLY LINE OF THE AMENDED PLAT OF BUILDINGS 38, 41 AND 42 OF THE LODGES AT CHATEAU COVE, PHASE 6, AS PER THE RECORDED PLAT THEREOF, RECORDED IN PLAT BOOK/SLIDE L AT PAGES 529 AND 530, IN THE TANEY COUNTY RECORDERS OFFICE, TANEY COUNTY, MISSOURI; THENCE N 01°45'43" E, LEAVING SOUTH LINE OF THE SW1/4 OF THE NE1/4, ALONG SAID NORTHERLY BOUNDARY LINE, A DISTANCE OF 60.14 FEET, TO THE NORTHEAST CORNER OF SAID AMENDED PLAT, THE LODGES AT CHATEAU COVE PHASE 6; THENCE N 88°10'15" W, ALONG THE SAID NORTH LINE, AND ALONG THE NORTH LINE OF THE AMENDED PLAT OF BUILDINGS 14-17, 37 AND 43 OF THE LODGES AT CHATEAU COVE, PHASE 4, AS PER THE RECORDED PLAT THEREOF, RECORDED IN PLAT BOOK/SLIDE L AT PAGES 531 AND 532, IN THE TANEY COUNTY RECORDERS OFFICE, TANEY COUNTY, MISSOURI, A DISTANCE OF 407.63 FEET, TO THE NORTHWEST CORNER OF SAID AMENDED PLAT OF THE LODGES AT CHATEAU COVE, PHASE 4; THENCE S 42°10'06" W, ALONG THE WESTERLY LINE OF SAID AMENDED PLAT OF THE LODGES AT CHATEAU COVE, PHASE 4, A DISTANCE OF 79.61 FEET, TO A POINT ON THE SOUTH LINE OF THE SW1/4 OF THE NE1/4; THENCE N 88°14'17" W, ALONG SAID SOUTH LINE, A DISTANCE OF 125.21 FEET, TO THE POINT OF BEGINNING. TRACT CONTAINING 16.54 ACRES OF LAND, MORE OR LESS.

ZO20-000002

BILL NO. 5842

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING HIGH DENSITY RESIDENTIAL (HDR) ZONING FOR THE PROPERTY LOCATED AT 150 GUNNER HILL LANE, BRANSON, MISSOURI.**

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**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, THE FOLLOWING:**

- Section 1: That the tract of land situated in Branson, Missouri, as described by Exhibit 'A', is hereby zoned High Density Residential (HDR).
- Section 2: The Official Zoning Map of the City of Branson is hereby amended in respect to the changes in the zoning district of the area described above.
- Section 3: Severability Clause. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or major sections, sentences, clauses or phrases be declared invalid.
- Section 4: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Read, this first time on this \_\_\_\_ day of \_\_\_\_\_, 2020.

Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri on this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
E. Edd Akers  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

*CL #SIMI 7/31/20*  
\_\_\_\_\_  
Chris Lebeck #51831  
City Attorney

## EXHIBIT 'A'

150 Gunner Hill Lane

Parcel ID # 18-2.0-10-001-003-002.009

A TRACT OF LAND BEING LOCATED IN PART OF THE SW1/4 OF THE NE1/4 OF SECTION 10, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING LIMESTONE MARKING THE SOUTHWEST CORNER OF THE SW1/4 OF THE NE1/4 OF SAID SECTION 10; THENCE N 01°25'58" E, ALONG THE WEST LINE OF SAID SW1/4 OF THE NE1/4, A DISTANCE OF 870.83 FEET; THENCE S 88°58'14" E, LEAVING SAID WEST LINE, A DISTANCE OF 4.00 FEET; THENCE SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE LEFT 30.45 FEET (SAID CURVE HAVING A DELTA OF 116°19'19" A CHORD BEARING AND DISTANCE OF S 58°48'51" E, 25.49 FEET AND HAVING A RADIUS OF 15.00 FEET); THENCE N 63°01'30" E, A DISTANCE OF 277.62 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT 66.87 FEET (SAID CURVE HAVING A DELTA OF 14°37'26" AND HAVING A RADIUS OF 262.00 FEET); THENCE N 77°38'55" E, A DISTANCE OF 77.73 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT 172.55 FEET (SAID CURVE HAVING A DELTA OF 37°44'06" AND HAVING A RADIUS OF 262.00 FEET); THENCE S 64°36'59" E, A DISTANCE OF 24.84 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT 177.61 FEET (SAID CURVE HAVING A DELTA OF 38°50'28" AND HAVING A RADIUS OF 262.00 FEET); THENCE S 25°46'31" E, A DISTANCE OF 53.47 FEET; THENCE S 16°21'59" E, A DISTANCE OF 45.51 FEET; THENCE N 54°24'28" E, A DISTANCE OF 36.30 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF M.S.H.D. #265; ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF SAID M.S.H.D. #265 AS FOLLOWS: THENCE SOUTHERLY ALONG A NON-TANGENT SEGMENT OF A CURVE TO THE RIGHT 345.72 FEET (SAID SEGMENT HAVING A DELTA OF 22°08'02" A CHORD BEARING AND DISTANCE OF S 01°52'09" W, 343.58 FEET, AND HAVING A RADIUS OF 894.94 FEET); THENCE S 10°22'49" W, A DISTANCE OF 130.97 FEET; THENCE N 59°58'01" W, LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 45.65 FEET; THENCE S 11°34'17" W, A DISTANCE OF 46.60 FEET; THENCE N 80°30'49" E, A DISTANCE OF 46.75 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF M.S.H.D. #265; ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF SAID M.S.H.D. #265 AS FOLLOWS: THENCE S 10°22'49" W, A DISTANCE OF 94.97 FEET; THENCE S 12°42'31" W, A DISTANCE OF 130.01 FEET; THENCE S 12°33'30" W, A DISTANCE OF 115.86 FEET, TO A POINT ON THE SOUTH LINE OF THE SW1/4 OF THE NE1/4; THENCE N 88°14'17" W, LEAVING WESTERLY RIGHT-OF-WAY LINE AND ALONG THE SOUTH LINE OF SAID SW1/4 OF THE NE1/4, A DISTANCE OF 121.17 FEET, TO A POINT ON THE NORTHERLY LINE OF THE AMENDED PLAT OF BUILDINGS 38, 41 AND 42 OF THE LODGES AT CHATEAU COVE, PHASE 6, AS PER THE RECORDED PLAT THEREOF, RECORDED IN PLAT BOOK/SLIDE L AT PAGES 529 AND 530, IN THE TANEY COUNTY RECORDERS OFFICE, TANEY COUNTY, MISSOURI; THENCE N 01°45'43" E, LEAVING SOUTH LINE OF THE SW1/4 OF THE NE1/4, ALONG SAID NORTHERLY BOUNDARY LINE, A DISTANCE OF 60.14 FEET, TO THE NORTHEAST CORNER OF SAID AMENDED PLAT, THE LODGES AT CHATEAU COVE PHASE 6; THENCE N 88°10'15" W, ALONG THE SAID NORTH LINE, AND ALONG THE NORTH LINE OF THE AMENDED PLAT OF BUILDINGS 14-17, 37 AND 43 OF THE LODGES AT CHATEAU COVE, PHASE 4, AS PER THE RECORDED PLAT THEREOF, RECORDED IN PLAT BOOK/SLIDE L AT PAGES 531 AND 532, IN THE TANEY COUNTY RECORDERS OFFICE, TANEY COUNTY, MISSOURI, A DISTANCE OF 407.63 FEET, TO THE NORTHWEST CORNER OF SAID AMENDED PLAT OF THE LODGES AT CHATEAU COVE, PHASE 4; THENCE S 42°10'06" W, ALONG THE WESTERLY LINE OF SAID AMENDED PLAT OF THE LODGES AT CHATEAU COVE, PHASE 4, A DISTANCE OF 79.61 FEET, TO A POINT ON THE SOUTH LINE OF THE SW1/4 OF THE NE1/4; THENCE N 88°14'17" W, ALONG SAID SOUTH LINE, A DISTANCE OF 125.21 FEET, TO THE POINT OF BEGINNING. TRACT CONTAINING 16.54 ACRES OF LAND, MORE OR LESS.



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL ESTABLISHING THE ANNUAL LEVY OF A PROPERTY TAX FOR GENERAL REVENUE IN THE CITY OF BRANSON, MISSOURI, A CITY OF THE FOURTH CLASS.

**INITIATED BY:** FINANCE DEPARTMENT

**FIRST READING:** AUGUST 11, 2020

**FINAL READING:** AUGUST 25, 2020

**EXECUTIVE SUMMARY:**

- The county clerk provides the City with pre-Board of Equalization (BOE) numbers for the City to calculate a possible levy change.
- A notification is published in the local newspaper for a public hearing concerning the proposed property tax levy.
- The rate published was \$0.6277. The City cannot levy a tax rate any higher than what is published, but can levy a lower rate.

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year's budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended 
- Neutral/None

**COMMUNITY PLAN 2030:** Develop sustainable fiscal and operational policies that foster trust and transparency by ensuring accountability, efficiency, integrity, innovation and responsiveness in all operations.

**ATTACHED EXHIBITS:**

**ITEM/SUBJECT:    READING OF A BILL ESTABLISHING THE ANNUAL LEVY OF A  
PROPERTY TAX FOR GENERAL REVENUE IN THE CITY OF  
BRANSON, MISSOURI, A CITY OF THE FOURTH CLASS.**

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**DETAILED ANALYSIS:**

The governing board is required to hold a public hearing prior to setting the 2020 tax levy rate, which will be collected in the 2021 budget year. A public hearing notification was published at a tax rate of \$0.6277 per \$100 assessed valuation (AV). This rate is determined using numbers prior to Board of Equalization (BOE). The City's 2019 tax rate was \$0.6077 per \$100 (AV).

The City cannot levy a tax rate any higher than what is proposed at the Public Hearing (the City can go lower).

BILL NO. 5843

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ESTABLISHING THE ANNUAL LEVY OF A PROPERTY TAX FOR GENERAL REVENUE IN THE CITY OF BRANSON, MISSOURI, A CITY OF THE FOURTH CLASS.**

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**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, AS FOLLOWS:**

- Section 1: A public hearing was held on the proposed tax levy published at \$0.6277 and was calculated based on data provided by the Taney County Clerk and Assessor prior to the Board of Equalization (BOE) rulings. The levy, if needed, can be adjusted down upon receipt of the final BOE assessed valuation numbers.
- Section 2: A levy of \$0.6277 on the one hundred (\$100.00) of assessed valuation be levied upon all taxable property within the corporate limits of the City of Branson for general purposes.
- Section 3: The Collector of Revenue of Taney County acting for the City of Branson, Missouri will be notified that this levy upon property has been made and the same be assessed against all taxable property in the City of Branson, Missouri.
- Section 4: This ordinance shall be in full force and effect from and after its passage and approval.

Read this first time on this \_\_\_ day of \_\_\_\_\_, 2020.

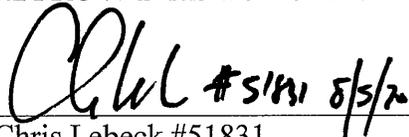
Read this second time, passed, and truly agreed to by the Board of Aldermen of the City of Branson, Missouri, on this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
E. Edd Akers  
Mayor

ATTEST:

\_\_\_\_\_  
Lisa K. Westfall  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chris Lebeck #51831  
City Attorney



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL APPROVING THE RENEWAL OF THE CONTRACT WITH RESOURCEX FOR ACCESS TO ONLINE FISCAL HEALTH AND PRIORITY-BASED BUDGETING COMPUTER APPLICATIONS.

**INITIATED BY:** FINANCE DEPARTMENT

**FIRST READING:** AUGUST 11, 2020

**FINAL READING:** AUGUST 25, 2020

**EXECUTIVE SUMMARY:**

- City receives access to Online Priority-Based Budgeting & Fiscal Health Modules.
- Contract renewal is for a period of one year beginning August 29, 2020.
- Price is \$25,000 annually, fixed for 1 more renewal.

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year's budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended
- Neutral/None

**COMMUNITY PLAN 2030:** Good Governance: Develops sustainable fiscal and operational policies and fosters trust and transparency by ensuring accountability, efficiency, integrity, innovation and responsiveness in all operations.

**ATTACHED EXHIBITS:** Exhibit "1" – Current ResourceX Contract

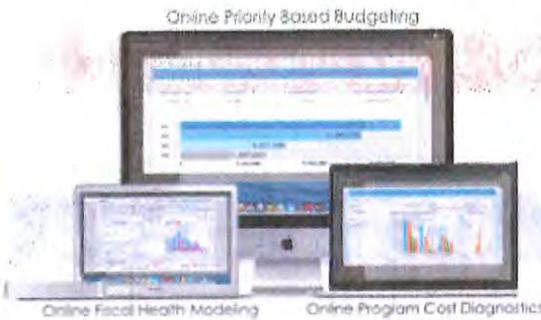
**ITEM/SUBJECT: READING OF A BILL APPROVING THE RENEWAL OF THE CONTRACT WITH RESOURCEX FOR ACCESS TO ONLINE FISCAL HEALTH AND PRIORITY-BASED BUDGETING COMPUTER APPLICATIONS.**

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**DETAILED ANALYSIS:**

The city began Priority-Based Budgeting in 2013 in order to link the city's strategic goals and performance measurements to the annual budgeting process. The PBB model provides a comprehensive review of the entire organization's operating budget, identifying and ranking services (programs) offered on the basis of the community's priorities. The diagnostic process enables policy makers to link funding decisions to priorities in the strategic plan and to make better budget decisions.



## Priority Based Budgeting Tools and Implementation

### Document Overview:

- I. Agreement Summary, and Contact Information
- II. Scope of Work
- III. Contract Terms, Renewal Period, and Signatures
- IV. Timeline Tracker
- V. Appendix A: End User License Agreement
- VI. Appendix B: Catalogue of Products and Services Available

### I. Agreement Summary, Contact Information, and ResourceX Specialists

#### **BASIC INFORMATION**

Organization name:	Branson, MO
Project Lead:	Jamie Rouch, Finance Director
Telephone number/email:	(417) 337-8553
Start Date	Upon approval by the Board of Aldermen
Annual Renewal Rate	\$ 25,000
ResourceX Implementation Specialist	Steve Seman, <a href="mailto:sseman@resourcecx.net">sseman@resourcecx.net</a> Chris Fabian, <a href="mailto:cfabian@resourcecx.net">cfabian@resourcecx.net</a>
ResourceX Support Specialist	Stuart McEwen, <a href="mailto:smcewen@resourcecx.net">smcewen@resourcecx.net</a>
ResourceX Contracting and Procurement	Lacey Mathews, <a href="mailto:lmathews@resourcecx.net">lmathews@resourcecx.net</a>

## II. Scope of Work

CHOOSE FROM SEVERAL IMPLEMENTATION OPTIONS + BUNDLE YOUR SOFTWARE

### WHICH PBB IMPLEMENTATION IS RIGHT FOR YOU?

A. "BOOT CAMP" ON-BOARDING TRAINING (CHOOSE ONE OF THE FOLLOWING)		Fiscal Health	Program Budgeting	Full PBB
	Webinar Training – Fiscal Health ONLY	\$1,000	X	
	On-site, Regional Host for Your Organization	\$10,000		X
	On-site, Dedicated to Your Organization Only	\$15,000		X
X	On-site, 2-day Project Kick-Off	Free \$15,000 value	X	X

B. ON-GOING SUPPORT & TRAINING (CHOOSE ANY, OR ALL OF THE FOLLOWING)*		Fiscal Health	Program Budgeting	Full PBB
	<b>3-month Package of On-going Support</b> One-on-one weekly meetings, help-desk access, training webinars and implementation support	\$10,000		X
	<b>1-month Package of On-going Support</b> One-on-one weekly meetings, help-desk access, training webinars and implementation support	\$5,000	X	X
X	<b>On-going Webinars + Slack</b> Classroom Style Group Webinars of Ongoing Training & Quarterly Contact	Free w/ Project	X	X

C. SOFTWARE (ANNUAL RENEWAL RATE)*		Fiscal Health	Program Budgeting	Full PBB
	Fiscal Health Diagnostic	\$10,000	X	
	Online Priority Based Budgeting	\$20,000		X
X	<b>Bundle: Fiscal Health + Online Priority Based Budgeting</b>	\$25,000	X	X

D. OPTIONAL SOFTWARE FEATURES		Fiscal Health	Program Budgeting	Full PBB
	OpenPBBDData	\$10,000		X
	<b>Coming Soon in 2018: PBB Budgeter</b>	TBD	X	X
	<b>Coming Soon in 2018: Program Metrics</b>	TBD		X

E. OPTIONAL CONSULTING AND TRAINING OPPORTUNITIES		Fiscal Health	Program Budgeting	Full PBB
	On-site Visit for Staff, Council, Citizens (per day)	\$5,000	X	X
	Advanced Consulting: Partnerships, Rate Evaluation, Sourcing	TBD***		X

\* Per month rate for ongoing support (after Boot Camp). Estimated at 40 hours of support per month.

\*\* Ongoing annual renewal rates are offered at the rate of your software subscription

\*\*\* Advanced consulting quotes may be developed for your organization upon request.

### III. Renewal Terms and Contract Signatures

#### **COST SUMMARY**

<b>Implementation Set-up Total</b> – Breakdown described in section II	\$25,000
<b>Software Renewal Rate</b> – Fixed for 3 renewals	\$25,000
<b>Subscription Period</b> – Reoccurring annually	TBD
<b>Initial Invoice Date</b> – Due upon receipt	TBD

**Annual Renewal Terms:** Either party may terminate this agreement, at any time, with a minimum of a written 30-day notice (with the ability to re-subscribe again at any time, subject to the current subscription rates at that time).

**THIS AGREEMENT** is made and effective as of August 28, 2018, between **Branson, MO and Resource Exploration, LLC**. The parties agree as follows:

#### **Resource Exploration**

Mike Seman Date: 7-27-2018  
By: Mike Seman  
Co-Founder

Chris Fabian Date: 7-27-2018  
By: Chris Fabian  
Co-Founder

#### **Branson, Missouri**

Karen Best Date: 8/28/18  
By: Karen Best  
Title: Mayor

\_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_



ATTEST:  
Lisa K. Westfal  
Lisa K. Westfal  
City Clerk

APPROVED AS TO FORM:

W. Westfal 7-31-18

City Attorney

## IV. Timeline Tracker

One of the primary project management tools that will guide your implementation is the “Timeline Tracker.” Upon project kick-off, ResourceX will lead you through a detailed discussion of your project timeline, and fill in the blanks to ensure a successful implementation.

Milestone	Training Time	Audience	Date
Kick-Off Meeting	1 hour	Super Users	TBD
“Boot Camp” On-boarding	1-2 days	Super Users, Department Heads, Elected Officials, other	TBD
Gathering Costs	1-2 hours	Super Users	TBD
Program Inventory	1-2 hours	Super Users	TBD
Results (and Definitions)	1-2 hours	Super Users	TBD
Program Scoring (and Peer Review)	1-2 hours	Super Users	TBD
Model Completion	1-2 hours	Super Users	TBD

### **Timeline Considerations**

Your organization’s timeline for implementation is in your control. ResourceX will help you design your timeline to meet the needs of the organization. Overall, your PBB training and roll-out can be completed in a 3-month period, from beginning to end. If you have a more pressing need to implement PBB in less time, please let us know and our team will help design a path that will accommodate your schedule.

Ideally, your organization will want to set a goal for Model Completion that synchs with your budget process. ResourceX will begin our timeline discussion by asking: “by when do you want your PBB model complete, in order to influence budget decisions?”

### **Identifying Super Users**

One of the key objectives of our first meeting will be to identify the “Super User(s)” in your organization who will be the primary resource to coordinate with our team for the management of the project. The Super User(s) will gain the benefit of being trained on all aspects of the OnlinePBB software, and achieve mastery of Priority Based Budgeting concepts, sufficient to lead the process in future years.



# Appendix A

## End User License Agreement

## V. Appendix A: End User License Agreement

### ONLINEPBB® LICENSE AND HOSTING AGREEMENT

IMPORTANT - BY UTILIZING ONLINEPBB SOFTWARE, YOU ARE ACCEPTING THE TERMS AND CONDITIONS OF THIS AGREEMENT. PLEASE READ THE FOLLOWING CAREFULLY BEFORE PROCEEDING.

This Agreement is a legal agreement between you (City of Branson, MO) and Resource Exploration, LLC, the licensor of OnlinePBB software and associated on-line documentation that you access using this internet website (together referred in this Agreement as "OnlinePBB").

**1. OnlinePBB License.** Subject to the terms of this Agreement, Resource Exploration, LLC, grants you a non-exclusive, non-transferable license to access OnlinePBB remotely via browser on the server used by Resource Exploration, LLC, to operate this website (the "Server") solely for purposes of creating and maintaining on the Server any interactive website developed using this website and with respect to which all required fees payable under this Agreement have been paid by you (each, a "Website").

**2. Restrictions.** You may not download or otherwise copy all or any portion of OnlinePBB software. You may not sell, rent, license, lend, transfer or otherwise grant access to OnlinePBB to any other person or entity except as contemplated by the license granted to you above. You must comply with all applicable laws and regulations in your use of OnlinePBB. You may not modify, translate, reverse engineer, decompile disassemble or otherwise attempt to obtain or derive source code from all or any portion of OnlinePBB.

**3. Proprietary Rights.** Resource Exploration, LLC and its supplier's reserve all rights to OnlinePBB not expressly granted in this Agreement. Resource Exploration, LLC and its suppliers own OnlinePBB and all associated patent, copyright, trade secrets and other proprietary rights in OnlinePBB. No title or ownership of OnlinePBB or any associated proprietary rights are transferred to you or any other person by this Agreement.

**4. Disclosure and Ownership of Data.** The materials used by Resource Exploration, LLC for work performed under this Agreement are specific and unique methods of fiscal management and budget prioritization. As such, these materials are protected by copyright. You agree and understands that these materials and all methods, models and applications resulting from the use of said materials are the sole, complete and absolute property of Resource Exploration, LLC. As such, any use, future use or

application or any publication (either oral or written) of these materials by your organization will be at the discretion of Resource Exploration, LLC and in any event will not occur without the express and prior written permission of Resource Exploration, LLC. All legal rights and protections afforded by copyright and Resource Exploration, LLC's ownership of all the underlying intellectual property associated with these fiscal management and budget prioritization materials are retained and reserved exclusively by Resource Exploration, LLC, reserving all legal rights and remedies incident to its ownership of these materials.

It is understood that your organization may utilize these methods, models and applications for their own specific use but are not free to share these methods, models and applications with other individuals or entities. It is understood that the City is regulated by Chapter 610 RSMO: Conduct of Public Business, commonly referred to as "the sunshine law." The City is subject to record requests under this Chapter and shall make all determinations of what materials fall under these provisions.

**5. U.S. Government Restricted Rights.** If OnlinePBB is accessed or used by any agency or other part of the U.S. Government, the U.S. Government acknowledges that (i) OnlinePBB and accompanying materials constitute "commercial computer software" or "commercial computer software documentation" for purposes of 48 C.F.R. 12.212 and 48 C.F.R. 227.7202-3, as applicable, and (ii) the U.S. Government's rights relating to OnlinePBB and accompanying materials are limited to those specifically granted in this Agreement.

**6. Data - Data Security.** The OnlinePBB web-application provides data security via SSL encryption, and is accessed via https - this protects and secures the client's data from outside the organization, protecting the client and CPBB. Additionally, data is protected within the client's organization by way of individual user accounts and user passwords, and varying levels of permission and access, to give the client control over data accessibility.

**7. Data - Data Storage.** The OnlinePBB web-application utilizes Amazon Web Services (AWS) for best-in-class data storage.

**8. Data - Data Protection/backups.** Resource Exploration performs complete back-ups of all OnlinePBB data at a frequency of once per night.

**9. Service Availability - Disaster recovery/business continuity.** To support the organization in the case of disaster, Resource Exploration performs complete back-ups of all OnlinePBB data at a frequency of once per night. The organization may also download their own data files on a more frequent basis, in order to perform complete

data restoration - restoring from any point in time, from previously saved data, completely in control of the City. Data files are stored in DropBox, as well as Resource Exploration headquarters to provide additional redundancy.

**10. Service Levels - System Availability / performance.** The OnlinePBB web-application is provided and available 24 hours per day, 7 days per week. Resource Exploration reserves the right to perform regularly scheduled updates and maintenance, during which time the organization may experience brief periods of downtime for server restarts to make updates available. Scheduled updates take place after 6pm EST Monday-Friday, and the organization will be made aware ahead of schedule, to the greatest extent possible. It should be noted that Resource Exploration reserves the right to restart the web server at any time, but will provide the organization as much advanced awareness as possible. Resource Exploration uses all reasonable business means to ensure the application is available for the organization's use.

**11. Insurance - Vendor insurance and liability.** Resource Exploration agrees to procure and maintain in force during the term of this Agreement, at its own cost, cyber insurance coverage.

# Appendix B

## Catalogue of Products and Services

## "BOOT CAMP" PBB On-boarding Training



The PBB "Bootcamp" is an intensive two day workshop designed to help your organization efficiently implement PBB. Attendees will use your own organization's data to develop program inventories, allocate costs, and prioritize programs.

In a small group setting we will walk through all of the steps of implementing Priority Based Budgeting. In each session we will discuss the material and then work toward practicing what we learn.

"I loved the opportunity to network with other cities and the very clear effort the ResourceX team made to connect with all the cities and make sure everyone is getting personalized attention and resources." - 2017 Summit Attendee

"I learn something new from the group each time I go." - 2017 Summit Attendee

"I liked being able to work through the entire process, as well as, hearing applications of how the overall process is used in real life examples." - 2017 Bootcamp Attendee

"Loved the hands on exercises, the explanations and the high energy pace." - 2017 Bootcamp Attendee

### Which Bootcamp is right for your organization?

- **Regional Bootcamp in Colorado** – send up to 5 staff to Colorado, where Bootcamp training is offered every 3-months of the year.
- **On-site, Regional Host for Your Organization and Others** – open up your training to other organizations in your region, and learn together. This opens up the doorways to future partnerships, and lowers your cost for training.
- **On-site, Limited to Your Organization and No Others** – receive one-on-one training for your organization alone, ideal for intensive training.

By experiencing all the steps in just two days you will have the knowledge of what will work best for your organization. You will also have a chance to meet a group of your peers going through the same process and you will be able to benefit from their questions and experience during Bootcamp, and hopefully afterwards. This intense training will cover many different options throughout the process including different costing and scoring methods. **Plus**, for those who choose to use their own data, they will gain experience updating and making changes that they can directly carry back to their organization.

The following is illustrative of what a 2-day "Boot Camp" on-boarding agenda would look like:

# BOOTCAMP AGENDA

## Monday



Learn



Practice

8:00	<b>Intro and Welcome</b> by Chris Fabian	How to introduce PBB to your team	
9:30	<b>Overview of Online Applications</b>	How to engage your audience with PBB	How to provision users to access OnlinePBB
10:30	<b>Benefits of Program Budgeting</b>	<u>How to train</u> on identifying programs	Create your department program inventory
1:00	<b>Exercise: Line Items to Programs</b>	Lessons Learned on managing different types of costs	Update costs and download Program Costing template in DashPBB
2:00	<b>Scenarios and Case Studies in Costing</b>	Best practices for distributing costs, revenue	<b>Milestone - Validate Inventory and Costs for your department</b>
3:30	<b>Program Costing Exercise</b>	<u>How to train</u> on program costing	<b>Milestone - Allocate costs for your department</b>

## Tuesday

8:00	<b>Group Activity: Identifying Results and Defining Results</b>	How to define results for your community	Upload results and definitions
9:30	<b>Prioritizing Programs</b>	<u>How to train</u> on self-assessment	Create and upload a department scorecard
10:30	<b>Group Activity: Peer Review</b>	<u>How to train</u> on peer review	Create a peer review scorecard
1:00	<b>Scenarios and Case Studies in Scoring</b>	How and why to use different scoring methodologies	<b>Milestone - Score all the programs for your department</b>
3:00	<b>Introduction to Model Maker</b>	How to manage PBB from budget cycle to budget cycle	<b>Milestone - Complete the model</b>
4:00	<b>Practice Presentation</b>	How to explain PBB	Demonstrate a walkthrough to your Council/Board using PresentPBB

# Ongoing Support and Implementation Training

ResourceX provides an ongoing series of training webinars throughout your project implementation. For each milestone in your implementation process, ResourceX will provide you with the training and templates to ensure the successful completion of PBB.

The following are examples of the ongoing training webinars that ResourceX staff will lead your organization through during your implementation:

## **Gathering Financial Data + Financial Forecasting**

To launch your implementation, ResourceX will work with your organization to pull data from your financial system, ERP, budget module and/or human resources systems in order to centralize this data and connect it to your PBB process.

One of the unique qualities of OnlinePBB is that it connects potentially disparate data sets that exist throughout your organization, and unifies them through the lens of resource allocation by way of Priority Based Budgeting. ResourceX will assess the data sets you currently maintain, as well as your systems for maintaining your data, and work with your team to leverage any and all available data towards your PBB efforts.

## **Program Inventory Development + Program Cost/Revenue Allocation**

ResourceX provides a "starter program inventory" for the departments to work from and a training on how to identify "programs" at a level most effective for PBB. The "starter program inventory" is built from the PBB Database of over 90,000 programs, customized to match with their department, and significantly easing the workload for departments to complete this first task. Each department will be responsible for refining and completing their Program Inventory and submitting this to ResourceX.

ResourceX will provide a Program Costing training session to staff who will be responsible for filling in the data into the Program Costing Template. ResourceX will provide customized Program Costing templates for each of the City's departments (or divisions), as well as a recorded version of the webinar the City can refer to.

## Results Setting & Result Definitions, Program Scoring + Peer Review

ResourceX works with the organization's elected officials and/or staff to identify, or to validate "Results" that the organization has already established. Priorities establish the foundation for Priority Based Budgeting.

ResourceX launches an online exercise typically through a web-based workshop with staff (usually department heads and key staff, up to around 30 participants is best) to begin to identify all the ways the organization "achieves" each of the stated Priorities. ResourceX leads the workshop, addressing each Result, one-by-one, soliciting feedback from the participants which form the basis for the creation of Results Definitions. Staff are given several weeks after the launch of the exercise to contribute responses, that ResourceX ultimately synthesizes for use in Results Definitions.

**Humboldt** PBB  
**Humboldt Establishes Results**

Humboldt Establishes Results - PBB 2015

Establishing Results - "Why" Does our Local Government Exist.

Thank you for taking part in this unique "budgeting" experience. Through Priority Based Budgeting, we are presenting you an opportunity to directly influence the way dollars are spent in this community. Your input will lead directly to the prioritization of Results, and these Results will serve as the basis against which our community's resources are evaluated and allocated.

1. In this exercise, you are being asked to help identify the **RESULTS** that the City of Humboldt strives to achieve for its residents, businesses and visitors. These Results will then be used as the City implements its **PRIORITY BASED BUDGETING** process. The sample Results shown below come from the "VALUES" identified in the City's Strategic Plan ([click here](#) to refer to the City's Strategic Plan, and read further on the Values).

For this exercise, imagine that you have **500 votes to allocate** in identifying the City's Results. Where would you allocate your votes? You can distribute these 500 votes to any of the Results identified from the Strategic Plan if you feel these reflect what is expected by your community. You may also list any additional Results that are not reflected in the offered examples if you feel they describe why the City of Humboldt "exists" in the eyes of the community. Results assigned "0 votes" represent a belief that this is NOT one of the reasons the City of Humboldt offers programs and services to the community. Allocate your 500 points using the box to the right of the Results column until you have allocated your full allotment of points.

Valuable, Active and Healthy Community (ACTIVE)	100
Sustainable and Connected Community with Resilient Infrastructure (SUSTAINABLE, CONNECTED)	25
Inclusive and Accessible Community (WELCOMING, CONNECTED)	75

ResourceX will provide a Program Scoring training session to those participating in scoring, instructing departments how to assign appropriate scores. ResourceX will provide customized "Program Scorecards" for each department, including the department's program inventory, and the appropriate scoring criteria. ResourceX will also provide the recorded webinar.

ResourceX will provide a Peer Review training session for those who are participating on Peer Review teams. ResourceX will help the City identify who the most effective Peer Review team members could be, and then train each team as to how to evaluate scores from other departments (this will include: how to ask departments for more info, and how to complete the Peer Review template).

## Ongoing Webinar Training

Throughout your implementation, ResourceX hosts several monthly webinars for additional training to your super users and others in your organization to ensure widespread access to PBB insights. The following is illustrative of the webinar training series open to your organization on a rolling, monthly basis:

### Webinar Training Series

#### Identifying and Defining Results



**Friday, October 27, 11:00am**  
Webex Link: Click Webex icon or click [here](#)  
Phone Number: 415-655-0001  
Meeting ID: 195 910 157



**Friday, December 1, 11:00am**  
Webex Link: Click Webex icon or click [here](#)  
Phone Number: 415-655-0001  
Meeting ID: 195 910 157

#### Program Costing



**Monday, October 30, 3:00pm**  
Webex Link: Click Webex icon or click [here](#)  
Phone Number: 415-655-0001  
Meeting ID: 195 910 157



**Wednesday, November 8, 11:00am**  
Webex Link: Click Webex icon or click [here](#)  
Phone Number: 415-655-0001  
Meeting ID: 195 910 157

#### Gathering Costs



**Monday, November 6, 10:00am**  
Webex Link: Click Webex icon or click [here](#)  
Phone Number: 415-655-0001  
Meeting ID: 195 910 157



**Tuesday, November 14, 10:00am**  
Webex Link: Click Webex icon or click [here](#)  
Phone Number: 415-655-0001  
Meeting ID: 195 910 157

#### Taking Action on the Data: Present PBB and Dash PBB



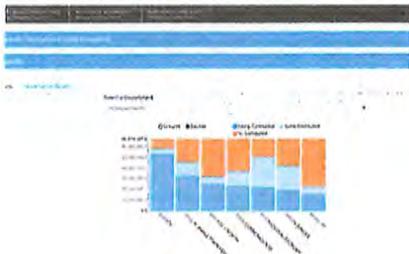
**Monday, November 20, 12:00pm**  
Webex Link: Click Webex icon or click [here](#)  
Phone Number: 415-655-0001  
Meeting ID: 195 910 157



**Wednesday, December 13, 11:00am**  
Webex Link: Click Webex icon or click [here](#)  
Phone Number: 415-655-0001  
Meeting ID: 195 910 157

# OnlinePBB

The flagship tool suite of Priority Based Budgeting is OnlinePBB. With modules built for your Super Users, customized specially to drive action from your departments, and tailored to frame context for your elected officials and community, the OnlinePBB tool suite is designed to optimize your organization's use of resources towards the Results your community needs.



## OnlinePBB

Take your organization to the next level and best practice in budgeting. Centralize and standardize all data and streamline the process of converting your line item budget into a program based budget. Build a program inventory and allocate your costs to programs. Define your community's results and add scoring. Analyze the data, identify programs for review, and drill into the line item level to make changes that drive toward achieving your results.



## DashPBB

The user interface for the department level decision maker, this has been designed for department heads within an organization to analyze, track, and update their budget model. Identify and add comments to specific programs for review. Then create program-specific metrics that can be tracked across budget cycles to demonstrate progress toward results. This tool is customizable so that it can function as a standalone product enabling a single department to implement priority based budgeting.



## PresentPBB

Engage your elected officials like never before, this tool simplifies the message of priority based budgeting through powerful visuals and dynamic charts. Explain the immediate benefits of adopting a priority based budget and relay that in terms of the community's results. The dynamic charts allow users to drill down and quickly view program level detail.

# Online Fiscal Health Diagnostic

*Fiscal Health* is a concept promoted and highlighted by such associations as the Government Finance Officers Association (GFOA), ICMA and the Alliance for Innovation. With the "*Fiscal Health Diagnostic Tool*", you will have the capacity to:

- Communicate your "*picture of fiscal health*" to Elected Officials, administration, staff, bargaining units, residents and other community stakeholders.
- Graphically depict the alignment of "*one-time*" and "*ongoing*" funding sources with the "*one-time*" and "*ongoing*" expenditure needs of the organization.
- Effectively monitor your *Fiscal Health* position to ensure that decisions made do not impact the level of financial health achieved.
- Access the impact of capital decisions on your financial position, including the evaluation of the impacts of "*ongoing*" operational costs associated with those "*one-time*" expenditures.
- Model financial forecasts and document the assumptions on which they are based.
- Engage in interactive and "*real-time*" scenario planning.
- Demonstrate the impact of "*today's*" decisions on your five to ten year forecasts



*The most effective and affordable local government fiscal tool available*

Profoundly changing the conversation between local government managers, finance professionals and elected officials. These are but a few of the powerful ways Fiscal Health has been used to help local government leaders achieve long-term financial sustainability.



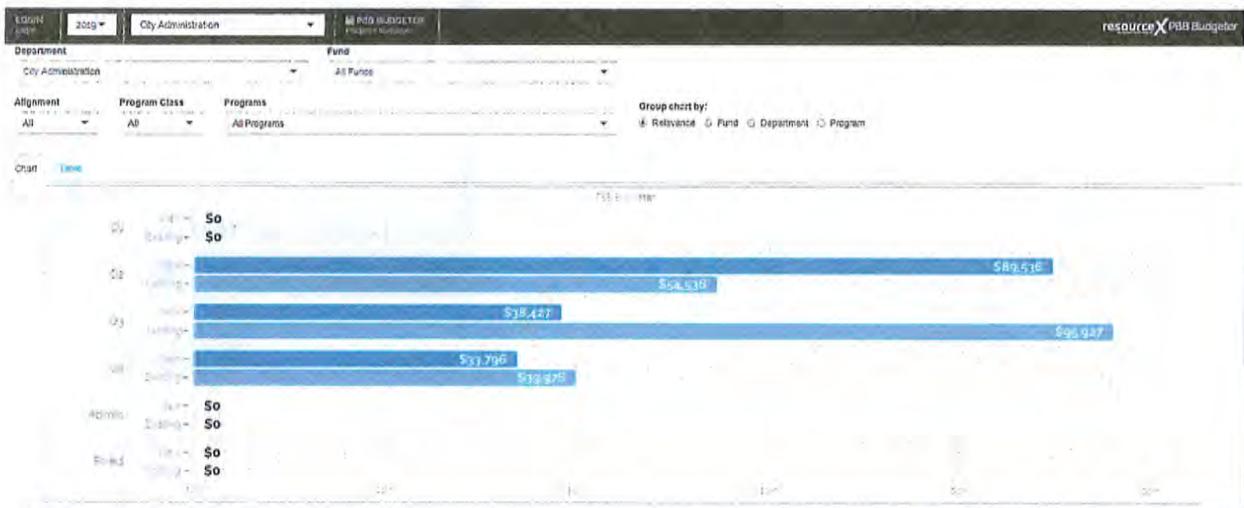
# PBB Budgeter

ResourceX equips your organization with a best-practice budgeting solution, allowing your organization to budget within the OnlinePBB user-interface, and produce a recommended budget for each program, and each line-item, uploadable back into your financial system or ERP.



## PBB Budgeter Features:

- Synch data from your financial system, ERP, budget module and/or human resources systems in order to centralize this data and connect it to your PBB process.
- Year-to-year comparison of resource-allocation progress
- Breakdown of Program/Services budget by line-item, for annual comparison
- Quality Control mechanisms for direct tie-back to your chart of accounts
- Revenue allocation to programs, producing a "rate study" for every service
- Online allocator to reposition staff, and maximize the allocation of resources



# OpenPBB Data

Open PBB Data is specifically designed to transparently share all the city's priority based budgeting data with your public – residents, businesses and visitors.

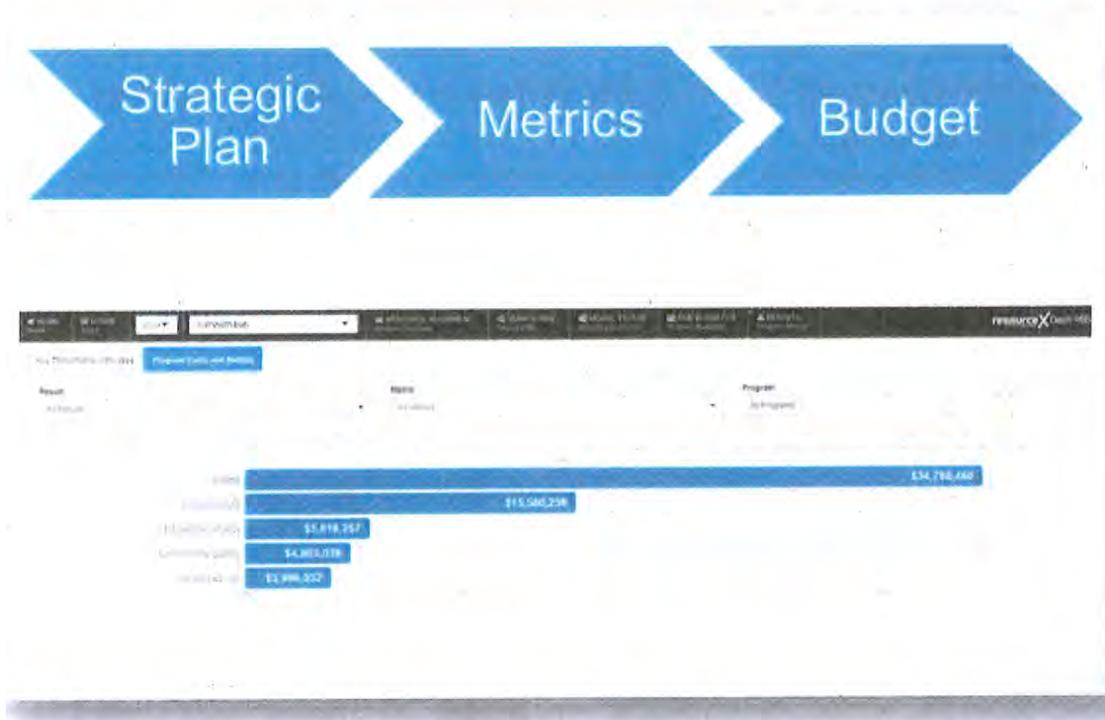
## Open PBB Data Features:

- Translates the city's line-item budget into a program budget
- Reveals the prioritization of every program in the city budget
- Show exactly how much it costs the city to deliver every program (service)
- Demonstrate exactly how much city staff support is required to deliver every program (service)
- Exhibit the relevance of each program (service) in relation to community results
- Show if a program is mandated (by Federal, State or local government) to be delivered
- Demo if the city is a sole provider of a program or if others (public or private entity) are delivering similar programs
- Present the level of reliance on the city citizens have for program delivery
- Reveal program level revenue and if fee-based programs pay for themselves
- Demonstrate the level in which every single city program impacts community results



# Program Metrics

Driving many organizations in their use of PBB data is their pursuit of improvement and achievement from the programs they invest in. PBB Program Metrics offers a platform to connect your program performance, to the Results you're investing in, and an ability to visualize, analyze and inform resource allocation decisions within your OnlinePBB environment.



As your organization begins to see PBB for what it is, a tool to free up resources and dramatically realign them towards the Results that will create a better future for your community, you'll notice that attention ultimately goes back to the policy-makers. And the question in front of them centers entirely on "what Results" matter most for the success of your society? What Result do we need to align our resources with, in order to bring about the future that we dream of? If PBB is a tool to churn up substantial amounts of resources to redirect towards the services you wish you could start ("if only we had the money"), or enhance the services that are so desperately needed; then towards what end goals are we going to point these abundant resources you've discovered?

PBB Program Metrics is the driver to this vital conversation.

# Optional Consulting and Training Opportunities

## On-Site Support

ResourceX staff are available for on-site support as necessary. Often this support takes the form of presenting to elected officials, department heads and staff for PBB education, whether in preparation to implement PBB, coaching newly hired or elected in orientation, or facilitating action on your PBB data.

## Advanced Consulting

The ultimate goal in priority based budgeting is to move beyond implementation to application. While the implementation training and OnlinePBB tools already provide the guidance to successfully implement and apply PBB, every community is unique and some organizations desire additional consulting support.

ResourceX offers consulting services to help your organization take action on your data. Most popular among the variety of consulting engagements include:

- Rate Studies, Cost of Service Analysis
- Internal Service Fund Design, Full Cost Allocation Planning (OMB A-87)
- Public Sector Partnerships, Mergers, Consolidations
- Private Sector Partnerships, Mergers, Consolidations
- Workforce Analysis and Succession Planning
- Strategic Planning, Business Planning, Comprehensive Plan Development
- Benchmarking Analysis (comparative program analysis w/90,000+ programs)



BILL NO. 5844

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING THE RENEWAL OF THE CONTRACT WITH RESOURCEX FOR ACCESS TO ONLINE FISCAL HEALTH AND PRIORITY-BASED BUDGETING COMPUTER APPLICATIONS.**

---

**WHEREAS**, The City of Branson has adopted Priority-Based Budgeting to monitor the fiscal health of the city;

**WHEREAS**, upon accepting the proposal, the contract was executed for a term of three years to be reviewed and approved annually by the Board of Aldermen; and

**WHEREAS**, the Board of Aldermen desires to approve the second renewal of the contract.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, AS FOLLOWS:**

Section 1: The Board of Aldermen hereby approves the renewal of the contract with ResourceX for access to online Fiscal Health and Priority-Based Budgeting computer applications in the amount not to exceed \$25,000.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval.

Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
E. Edd Akers  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

  
\_\_\_\_\_  
Chris Lebeck #51831  
City Attorney



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL AMENDING SECTION 2-354 AND 2-355 OF THE BRANSON MUNICIPAL CODE PERTAINING TO NOTICE INVITING BIDS AND BID OPENING PROCEDURE.

**INITIATED BY:** FINANCE DEPARTMENT

**FIRST READING:** AUGUST 11, 2020

**FINAL READING:** AUGUST 25, 2020

**EXECUTIVE SUMMARY:**

- Updating the municipal code will improve the bidding procedures and solicitation methods. Other municipalities and organizations that are utilizing the e-bidding platform include: MoDOT and the city governments of Springfield, Independence, Columbia, Lee’s Summit, and Kansas City.
- An electronic bidding platform for bid opportunities will improve the speed of communication between the City and vendors for bid postings, addendums, and bid updates.
- Automatic notification of bid solicitations through the City’s website and designated electronic bidding platform is intended to increase the vendor pool and promote open competition. Vendors gain control over which notifications they receive and can manage their account to keep information up to date.
- There will be a transitional period of 60 days for the code changes to be fully implemented. A letter notifying vendors of the upcoming changes will be mailed to all vendors that have requested to be put on the City’s mailing list. The City will also issue a media release to inform bidders and citizens of the changes.
- Costs of the bidding process will be reduced through the use of electronic bidding and notifications by eliminating mailed out bid packages and newspaper notifications.
- Estimated cost savings of paper, postage, and legal ad per bid package is approximately \$75. In 2019, 77 bid packages were mailed out with an estimated cost of \$8120.48 as shown in Exhibit “1”. These numbers do not include additional mailings for addendums and bid updates.

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year’s budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

- Recommended
  - Not Recommended
  - Neutral/None
- 

**COMMUNITY PLAN 2030:** Develops sustainable fiscal and operational policies and fosters trust and transparency by ensuring accountability, efficiency, integrity, innovation and responsiveness in all operations.

**ATTACHED EXHIBITS:** Exhibit “1”

**Postage**

Year	Total Bids	Avg Vendors per Mailing List	Avg Pages of Bid Documents	Indiv. Cost	Cost
2019	77	18	22	\$1.50	\$2,079.00
2020	16	18	22	\$1.50	\$432.00

**Paper**

Year	Usage	Price per Case	Qty per Case	Indiv. Cost	Cost
2019	30492	33.62	5000	\$0.007	\$205.03
2020	6336	33.62	5000	\$0.007	\$42.60

**Envelopes**

Year	Usage	Price per Case	Qty per Case	Indiv. Cost	Cost
2019	1386	\$ 16.99	100	\$ 0.17	\$ 235.48
2020	270	\$ 16.99	100	\$ 0.17	\$ 45.87

**Labels**

Year	Usage	Price per Case	Qty per Case	Indiv. Cost	Cost
2019	2772	\$ 19.99	3000	\$ 0.007	\$ 18.47
2020	576	\$ 19.99	3000	\$ 0.007	\$ 3.84

**Legal Ad**

Year	Total Bids	Indiv. Cost	Cost
2019	77	\$ 72.50	\$ 5,582.50
2020	16	\$ 72.50	\$ 1,160.00

*Totals 2019* \$8,120.48

*Totals 2020* \$1,684.31

**\$9,804.79**

\*Costs associated with initial bid package only

\*\*Does not include cost of time associated with mailings

2  
3  
4 AN ORDINANCE AMENDING CHAPTER 2 SECTION 354 AND 355 OF THE  
5 BRANSON MUNICIPAL CODE PERTAINING TO NOTICE INVITING BIDS AND BID  
6 OPENING PROCEDURE.  
7

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8  
9  
10 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE  
11 CITY OF BRANSON, MISSOURI, THE FOLLOWING:  
12

13 Section 1: It is the intention of the Board, and it is hereby ordained, that the provisions of this  
14 ordinance shall become and be made a part of the Branson Municipal Code, and the  
15 sections of this ordinance may be renumbered to accomplish such intention.  
16

17 Section 2: That Section 2-354 – *Notice inviting bids* and Section 2-355 – *Bid opening*  
18 *procedure* of the Branson Municipal Code is hereby amended to read as follows:  
19  
20

21 Sec. 2-354. Notice inviting bids.

22  
23 The notice required by section 2-353 shall consist of the following:  
24

- 25 (1) Notice inviting bids shall be published [~~once in the newspaper~~] **electronically through a**  
26 **method designated by the purchasing agent** at least ten days preceding the last day set  
27 for the receipt of proposals. The [~~newspaper~~] notice required in this section shall include  
28 a general description of the articles to be purchased or sold, and shall state where bid  
29 blanks and specifications may be secured, and the time and place for opening bids.  
30
- 31 (2) [~~The purchasing agent shall also solicit sealed bids from all responsible prospective~~  
32 ~~suppliers who have requested their names be added to a bidders' list which the purchasing~~  
33 ~~agent shall maintain, by sending them a copy of such newspaper notice or such other~~  
34 ~~notice as will acquaint them with the proposed purchase or sale. In any case, invitations~~  
35 ~~sent to the vendors on the bidders' list shall be limited to commodities that are similar in~~  
36 ~~eharaacter and ordinarily handled by the trade group to which the invitations are sent.]~~  
37 **Responsible prospective suppliers electing to receive notice of bid solicitations shall**  
38 **register their business on the City's website or electronic bidding platform**  
39 **designated by the City and maintained by the purchasing agent. Automatic**  
40 **electronic notification will be sent to prospective suppliers who have added their**  
41 **name to the bidding platform. In any case, notifications sent to the suppliers shall**  
42 **be limited to commodities or services that are selected by the supplier during**  
43 **registration or bid notification selections.**  
44  
45  
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47

48 Sec. 2-355. Bid opening procedure.

49

50 Bids shall be submitted [~~sealed to the city clerk and shall be identified as bids on the~~  
51 ~~envelope]~~ **through the electronic bidding platform designated by the City.** They shall be  
52 opened in public at the time and **physical or electronic** place stated in the public notices.  
53

54

55

56 NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED;  
57 LANGUAGE WHICH IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.

58

59

60 Section 3: This ordinance shall be in full force and effect no more than 60 days from and after  
61 its passage by the Board of Aldermen and approval by the Mayor.

62

63

64 Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

65

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67 Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of  
68 Branson, Missouri on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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ATTEST:

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

\_\_\_\_\_  
E. Edd Akers  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chris Lebeck #51831  
City Attorney



# STAFF REPORT

**ITEM/SUBJECT:** AN ORDINANCE APPROVING THE CONTRACT FOR THE EXPENDITURE FROM THE CITY'S TOURISM TAX CONTINGENCY FUND TO THE BRANSON CHAMBER OF COMMERCE AND CONVENTION & VISITORS BUREAU AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT.

**INITIATED BY:** FINANCE DEPARTMENT

**FIRST READING:** AUGUST 11, 2020

**FINAL READING:** AUGUST 25, 2020

**EXECUTIVE SUMMARY:**

- The city budgets \$125,000 annually to be held in the Tourism Tax Contingency Fund to fund special attractions, events, projects and activities.
- In response to the COVID-19 pandemic, the Branson Chamber & CVB must restructure the current marketing program to rebuild Branson's tourism industry. The previous 2020-2021 marketing plan is no longer relevant due to the pandemic.
- The requested \$75,000 marketing project is possible only through the use of the Tourism Tax Contingency funds due to the decrease in all tourism-related budgets.

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year's budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended
- Neutral/None

**COMMUNITY PLAN 2030:** Good Governance: Supports decision-making with timely and accurate short-term and long-range analysis that enhances vision and planning.

**ATTACHED EXHIBITS:**

BILL NO. 5846

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING THE CONTRACT FOR THE EXPENDITURE FROM THE CITY'S TOURISM TAX CONTINGENCY FUND TO THE BRANSON CHAMBER OF COMMERCE AND CONVENTION & VISITORS BUREAU AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT.**

---

**WHEREAS**, the City of has held 2% of tourism tax marketing revenues as a contingency to be utilized for special tourism promotional projects authorized by the Board; and

**WHEREAS**, the Board of Aldermen wishes to authorize the expenditure of these tourism tax contingency funds for the Branson Chamber of Commerce and Convention & Visitors Bureau ;and

**WHEREAS**, the Board of Aldermen desires to approve the contract.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:**

Section 1: The Board of Aldermen hereby approves the contract with the Branson Chamber of Commerce and Convention & Visitors Bureau for a marketing program in the amount not to exceed \$75,000 and authorizes the Mayor to execute the contract in the form attached as Exhibit "1".

Section 2: This ordinance shall be in full force and effect upon and after its passage and approval.

Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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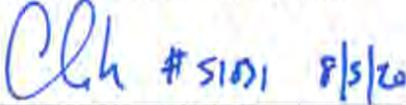
E. Edd Akers  
Mayor

ATTEST:

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Lisa K. Westfall  
City Clerk

APPROVED AS TO FORM:

  
Chris Lebeck #51831  
City Attorney

Master Contract Number: \_\_\_\_\_

**BRANSON/LAKES AREA CHAMBER OF COMMERCE AND CONVENTION AND VISITORS BUREAU, INC. AGREEMENT FOR THE USE OF TOURISM TAX CONTINGENCY FUNDS**

THIS AGREEMENT, made as of the 30 day of July, 2020 between the City of Branson, a municipal corporation (hereinafter referred to as the "City"), and the Branson/Lakes Area Chamber of Commerce and Convention and Visitors Bureau, Inc. (hereinafter referred to as ("BCCVB")).

WHEREAS, the City allocates \$125,000.00 annually of the City's tourism tax marketing funds as a contingency to be utilized for special tourism promotional projects authorized by the Board of Aldermen; and

WHEREAS, BCCVB shall execute a scalable approach marketing program for the Branson community; and

WHEREAS, the marketing program should provide new insight and options for the future to rebuild Branson's tourism industry; and

WHEREAS, the Board of Aldermen has authorized expenditure of the City's tourism tax contingency funds to the BCCVB for expenses incurred for advertising, marketing and production of the marketing program, such funds not in any case to exceed Seventy Five Thousand Dollars (\$75,000.00).

NOW, THEREFORE, for the consideration herein expressed the City agrees to commit Seventy Five Thousand Dollars (\$75,000.00) for advertising, marketing and production expenses relating to the new marketing program.

1. **QUALIFIED EXPENSES.** This Agreement authorizes payment of Seventy Five Thousand Dollars (\$75,000.00) of contingency funds to BCCVB for use in advertising, marketing and production for the new marketing program upon submission of receipts and invoices. A copy of the proposal submitted by BCCVB to the City is attached hereto and incorporated herein as Exhibit "A".
2. **COMMITMENT TO SEEK CONTRIBUTIONS/ SURPLUS FUNDS.**  
The BCCVB shall continue to seek monetary contributions and sponsorships from other sources so that the new marketing program will be successful. If there are surplus funds from the BCCVB so that the BCCVB would make a profit from this new marketing program beyond the expenses provided in the proposal to the Board of Aldermen, the City of Branson shall have first priority over all other entities or individuals for reimbursement of the surplus funds up to and including the Seventy Five Thousand Dollars (\$75,000.00) previously paid by the City to the BCCVB. In the event that the BCCVB new marketing program does not occur, or any other conditions cannot be met, the City will be refunded the full amount of all monies paid by the City.
3. **RELATIONSHIP OF THE PARTIES.** This Agreement does not create a joint venture, partnership or any other relationship between the parties. It is the express purpose of this Agreement to memorialize a one time, non-renewable conveyance of funds from the City of Branson to the BCCVB for the new marketing program. It is understood that all permits required by the City if applicable will need to be obtained.

4. **LIABILITY AND INDEMNITY.** The parties mutually agree to the following:
  - a. In no event shall the City be liable to the BCCVB for special, indirect, or consequential damages, except those caused by the City's gross negligence or willful or wanton misconduct arising out of or in any way connected with a breach of this Agreement. The maximum liability of the City shall be limited to the amount of money to be paid by the City under this Agreement.
  - b. The BCCVB shall defend, indemnify, and hold the City harmless from and against all claims, losses, and liabilities arising out of personal injuries, including death, and damage to property which are caused by, associated with or in any way connected to the new marketing program and/or any entities or individuals associated with or participating in the new marketing program. BCCVB further agrees to defend, indemnify, and hold the City harmless from and against any claims, losses and liabilities arising out of the award of this Agreement to the BCCVB.
5. **INSURANCE.** The BCCVB shall procure and maintain all insurance (if applicable) to satisfy requirements, and to protect the City from any liability exposure resulting from the new marketing program.
6. **TERMINATION OF AGREEMENT.** The parties mutually agree to the following:
  - a. Termination for breach. Failure of the BCCVB to fulfill their obligations under this Agreement in a timely and satisfactory manner shall constitute a breach of the Agreement, and the City shall thereupon have the right to immediately terminate the Agreement. The City shall give written notice of termination to the BCCVB by U.S. mail or by hand delivering a copy of the same. City shall be refunded the full amount of all monies paid by the City in the event that City terminated this Agreement. The BCCVB shall not be relieved of liability to the City for damages sustained by the City by virtue of any such breach of the Agreement.
  - b. Right to terminate in the absence of breach. The City may terminate this Agreement for any reason, by serving notice of intent to terminate upon the BCCVB by the means specified in the preceding paragraph. Such notice shall specify the date of termination, but in no event shall the City terminate the Agreement under this provision upon less than thirty (30) days' notice to the BCCVB.
  - c. Surviving Terms. Notwithstanding any provisions to the contrary, provisions pertaining to liability and indemnity shall survive the termination of this Agreement.
7. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement of the parties. No modification, amendment, or waiver of any of the provisions of this Agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.
8. **REPORTING REQUIREMENT.** The BCCVB shall, upon request by the City, provide a report to the City on the financial success or failure of the new marketing program.
9. **SEVERABILITY.** If any provision of this Agreement is invalid or unenforceable with respect to any party, the remainder of this Agreement or the application of such provision to persons other than those as to whom it is held invalid or unenforceable, shall not be affected and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

10. **CONSENT.** In any case where the approval or consent of one party hereto is required, requested or otherwise to be given under this Agreement, such party shall not unreasonably delay or withhold its approval or consent.
11. **NOTICE.** Any notice or demand required to be given herein shall be made by certified or registered mail, return receipt requested, or reliable overnight courier to the address of the respective parties set forth below:
 

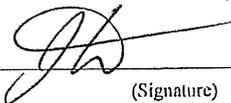
City of Branson	Branson/Lakes Area Chamber of Commerce and Convention and Visitors Bureau, Inc.
Attn: City Administrator	Rachel Wood
110 W. Maddux Street	4100 Gretna Road
Suite 210	Branson, MO 65616
Branson, MO 65616	
12. **ATTORNEY'S FEE.** The parties agree that if the enforcement of this Agreement is turned over to an attorney, the prevailing party shall be entitled to have their reasonable attorney's fee paid by the other party.
13. **VENUE.** The parties agree that venue of any claims, disputes, causes of action, and suits concerning or arising out of the terms, conditions, provisions, obligations, requirements or duties of either party under this Agreement shall be the Circuit Court of Taney County, Missouri.
14. **MISSOURI IMMIGRATION LAW AFFIDAVIT.** Pursuant to 285.530.2, RSMo, the BCCVB agrees to provide the City a signed affidavit stating that the BCCVB does not knowingly employ any person who is an unauthorized alien in connection with this contract.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first written above.

**THE CITY OF BRANSON, MISSOURI**

**BRANSON/LAKES AREA CHAMBER OF COMMERCE AND CONVENTION AND VISITORS BUREAU, INC.**

\_\_\_\_\_  
E. Edd Akers  
Mayor

By:  7-30-20  
(Signature) Date

**ATTEST:**

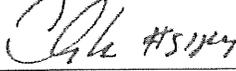
Name: Jonas Arjes  
(Printed Name)

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

Title: Interim President / CEO

Address: 4100 Gretna Rd  
Branson, MO 65616

**APPROVED AS TO FORM**

 7/29/20  
Chris Lebeck #51831  
City Attorney

Phone: 417-334-4084

E-Mail: jarjes@taneycountypartnership.com

Tax ID: 44-0586242

## APPLICATION FOR TOURISM TAX CONTINGENCY FUNDS

### Overview:

The Branson Board of Aldermen established a set-aside of the City's tourism tax marketing revenues ("Contingency Fund") to fund special attractions, events, projects and activities designed to attract additional visitors to Branson and provide increased exposure and added marketing and promotional value for the City. These funds are available in recognition that possible visitor attraction, marketing and promotional opportunities may present themselves to the City but require financial assistance to be successful as projects or one-time event and attraction or to become successfully established as a self-supporting and reoccurring event or attraction.

### Guidelines:

1. Applications for funding shall only be accepted from organizations that have a not-for-profit designation. **The Branson Chamber & CVB has a not-for-profit designation of 501(c)(6).**
2. Individuals may apply for funding only if there is clearly no personal financial gain or benefit to the individual from the event, attraction, or project for which funding is requested. **There is no personal financial gain or benefit that will come from this funding.**
3. The Board of Aldermen does not provide monies from the Contingency Fund to finance ongoing operational expenses for applicant organizations or individuals. **This application is not for ongoing operational expenses.**
4. The Board of Aldermen look favorably on Contingency Fund requests where a portion of the funds needed for the project have already been raised. **Due to COVID-19, our community faces challenges that we have never had before. The Branson business community is looking for and reaching out to the Branson Chamber & CVB to provide new insight and options for the future to rebuild our tourism industry.**
5. Funding will only be considered if the event, attraction, or project cannot happen without the assistance of Contingency Fund monies. **Due to decrease in all tourism-related budgets, we do not have the funds to do this project unless we can utilize contingency funds.**
6. Contingency Funds allocated to the applicant cannot be diverted from their original purpose by the applicant unless approved by the Board of Aldermen. **The funds would only be used for the original purpose; to execute a scalable approach marketing program for the Branson community.**

7. Excess funds generated from the event, attraction or project must be returned to the City up to the amount provided by the City. However, it may be requested by the applicant that the City allow excess revenues generated by the event, attraction or project to be used by the applicant for the specific start-up cost for the same reoccurring event, attraction or project if it can be demonstrated that no other funding opportunities are available and that the event, attraction or project met or exceeded the projected visitor attraction, promotional or marketing estimates. **Understand but not necessarily applicable for this project.**
  
8. The applicant must be able to show a funding plan that clearly demonstrate that applicant is exhausting all efforts to obtain funding from all other possible revenue sources such as grants, sponsors, etc. **We have exhausted all possible resources and researched similar options for years and feel this is the best opportunity that we have ever been presented.**
  
9. If monies are provided, applicant will be required to enter into a binding contract defining terms of expenditure and disbursement monies, documentation, accountability, reporting, etc. **Understand and will comply with these requirements.**

**Applicant Information:**

Name of Organization: Branson Chamber of Commerce and Convention & Visitors Bureau  
Street Address: 4100 Gretna Road  
City/State/Zip: Branson, MO 65616  
Phone Number: 417-337-4682  
Email Address: rwood@bransoncvb.com  
Primary Contact Person: Rachel Wood  
Corporate Status: Active-In Good Standing  
State of Incorporation: Missouri  
Tax Identification Number: 44-0586242  
Amount requested from the Contingency Fund: \$75,000.00

**Proposal:**

Please provide a written narrative with the following information:

**A clear business plan and outline of the event, attraction, or project to be funded.**

Obviously, we cannot go back and relaunch our previously planned marketing efforts for 2020-2021. Everything looks different today than it did before. Therefore, we have been researching for quite some time now "What's Next" and what can we do that is new and cutting edge in the marketing space to really up our game over the next 18 months? That brings us to where we are now. We are requesting assistance in launching a new tool for the community with One Direction, One Future, One Purpose, One Objective, One Solution, One Voice, One Goal...All In One Initiative...2020NE!!! SEE EXHIBIT A (outlined plan for project)

**A brief history of your organization including development, accomplishments, and mission.**

Explore Branson Tourism serves as the official destination management organization (DMO) for the Branson/Lakes Area as appointed by the Missouri Division of Tourism. The goals of the Branson CVB will continue to focus on enhancing the economic health of the entire area and becoming one of America's recognized leaders in tourism and quality of life, for both residents and visitors by telling our story. The staff and advisory committee members are personally committed to the economic well-being of our only client: the Branson/Lakes Area business community. We look forward to building on our momentum and continuing to be an integral part of Branson's long-term success.

Our goals, using research-based marketing data, continue to grow annual visitation to the District; increase visitor spending; and maximize the impact of marketing dollars invested. Signs show an improving tourism climate in Branson, and staff at the Branson CVB have never been more optimistic. We are excited to share these marketing organization highlights:

- The BLACVB maintained its accreditation from Destination Marketing Association International (DMAI) as a "DMAP Certified" destination; less than 10% of DMO's have obtained accreditation.
- Marketing efforts continued to perform well in 2019, as Branson welcomed a record 9.1 million visitors, the most since 1993 when this measurement began. Annual visitation has increased for 6 of the past 7 years, paving the way to our 2019 record. Repeat visitation represented 51% of visits, up 4.5 points over 2018 and up 9 points over the prior two years. Our average visitor returned 2.5 times over the past 12 months.
- The 2019 marketing campaign generated nearly 434,000 incremental visits and produced \$559 million (\$432 million in 2017) in incremental travel dollars. Given the \$5.4 million advertising investment, the campaign's overall return on investment reached \$104 in 2019. The ROI norm for destinations is \$80. This number rose from \$95 in 2018 to \$104 in 2019. New records for Branson.
- In 2019, visitor spending per party equated to \$1,290 up from \$1,030 in 2018 highest ever.
- The average adult age of our visitors decreased to 55 in 2019, the lowest in the past 20 years. This change is driven by an influx of young families with children, who visited in larger numbers, making 2019 the largest ratio of families Branson has ever hosted. We consider this a long-term benefit, as these younger families are the foundation of our future repeat visitors. Branson visitors continue to exhibit strong intentions to return, with 70% indicating they will definitely return next year, only 2% less than last year's 8-year high.
- Based upon reported zip codes, visitation from beyond 300 miles represented 56.6% of all 2019 annual visitation, an increase of 4.2% over 2018. Primary markets (101-300 miles) generated growth of 2.0%, but our core markets (0-100 miles) declined by 2.1% for the same period.
- Regardless of distance, the most popular mode of transportation remained personal vehicles at 83%. However, 4.5% of our travelers did arrive by air – a 0.2% increase over 2018. Our area continues to be a destination that visitors are eager to recommend to their friends and families, as witnessed by our market's continuation of last year's record 61% Net Promoter Score. This score evidences our consistent delivery of desirable and quality visitor experiences.
- Combined spending of \$306 per person and \$982 per party produced the highest overall trip spending level since the Great Recession. Average visitor household income hit an all-time high of \$87,900 in 2019. Leisure travel continues to be visitors'

primary visitation motivation, while live shows continue to be their primary visitation driver, even though the percentage of visitors attending live shows has declined over the past four years as demographics transition. Silver Dollar City and shopping round out the top three “functional” drivers of visitation.

- The U.S. Travel Association forecasts leisure travel growth of 1.5% in 2020, slightly lower than the 1.9% increase predicted for 2019. Business travel is expected to grow by 1.0%, on par with 2019. District travel growth is expected to mirror national trends for the foreseeable future.
- In the coming year, we will focus strong advertising support in the priority markets where our research shows a strong likelihood of reaching high-value consumers. National cable will continue to be used to target first-time visitors. New and return visitation growth will continue to be encouraged using layered multi-media marketing and public relations campaigns in select primary and outer markets to augment our national market exposure. Additional efforts will continue to include both group and individual familiarization tours, participation in regional and national trade shows and events, and continued development of an increasing presence in the continually growing youth sports and student youth travel markets.

The Branson CVB is extremely proud of these accomplishments made by our team of marketing professionals in making Branson a nationally recognized, best-in-class tourism destination. Following are just a few of the accolades in the last three years:

- In 2019 TripAdvisor named Branson #19 of Top 25 US destinations: eight years in a row in top 20
- Realtor.com lists Branson as #1 Top 10 Affordable Lake Towns of 2019
- Southern Living magazine has Branson #5 2018 Best Small Towns for Christmas in the South
- U.S. News & World Report Travel has The National Crafts & Cowboy Festival as one of the nation's top 8 Fall Harvest Festivals in 2018
- Travel & Leisure's 2018 pick for Branson, Missouri for Best Fall Festival in Every State
- 2018 America's 20 Most Kid-Friendly Places for A Family Vacation has Branson at #7
- North American Travel Journalists Association (NATJA) revealed Branson CVB as Grand Prize Winner in 2017 for Destination Marketing for creative and informative marketing: Trifecta! Gold for Vacation Guide; Silver for What's New video; Bronze for Meeting, Convention & Sports Planner
- Trivago.com the Best Value Destinations of 2017 has Branson #1 for the second year in a row.
- In 2017, for the first time in Travel South showcase history, journalist delegates gave the experience in Branson a perfect 5.0 overall ranking

What personnel, resources, and experience does your organization have available to ensure that the project will be carried out according to plan?

See Exhibit B

A description of the people or community that you or your organization serves or benefits.

The Branson/Lakes Area Chamber & CVB is the destination marketing organization (DMO) for the entire Branson community and Taney County, Missouri. The Branson CVB is accredited by the Destination Marketing Accreditation Program (DMAP) of the Destination Marketing Association International, 2025 M Street, N.W., Suite 500, Washington, D.C., 20036, USA, Ph. 202-296-7888.

A list of the expected results if the event, attraction, or project takes place (e.g. number of visitors being brought to Branson, anticipated expenditure amounts, amount of promotional or marketing benefit, etc. that the City will receive).

Based on the personas built during this project, we should see our first-time visitors number grow exponentially due to the ability to duplicate the return visitor's consumer behavior patterns and build audiences that look similar but have never been to Branson before. There is no way to provide an exact number due to the implications of COVID-19. That being said, we are extremely optimistic about this data and how specific we can market once the community receives it. Every Branson business will have access to this information. It will be scalable and available for the entire community to use to better reach their target markets.

Planned changes to the major board, staff, or organizational structure in the next 18months, if any.

Our President & CEO has given his resignation but is still with the organization at this time. Jonas Arjes will be the Interim President & CEO while a National search is conducted.

Short and Long-term strategies for funding this event, attraction, or project if more than a one-time occurrence.

If expedited quickly, we can get these personas developed to use for our Fall and Christmas campaigns this year. Obviously, our main focus will be to fine tune these personas to "knock it out of the park" for 2020.

What is the anticipated return on investment ("ROI") for this event, attraction or project and quantify how you will measure the return?

We can provide in specific detail the data and research showing our Key Performance Indicators, along with our yearly Marketing & Media Effectiveness Study and Quarterly Reports.

**Please provide the following:**

- The most recent audited financial statements (if available, if not available please explain). See Exhibit C
- The current operating budget for the organization. See Exhibit D
- Event, attraction, or project budget. \$75,000.00

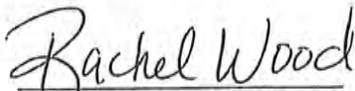
- IRS determination letter of not-for-profit. **See Exhibit E**
- A copy of the organizations certificate of good standing. **See Exhibit F**
- A copy of the organizations most recent annual report. **Not applicable**

**Reporting Process:**

An applicant that receives Contingency Funds must use those funds as approved by the Board of Aldermen. A contract will be drawn between the City of Branson and the Applicant that outlines the requirements for the use of these funds, use of excess funds if any, dissemination of funds, accountability, reporting requirements, etc. If Contingency Funds are received, applicant will submit a report to the Board of Aldermen following the completion on the event, attraction or project as agreed upon in the contract so that the Board of Aldermen can evaluate the success of the event, attraction or project.

**Acknowledgement Agreement**

The applicant certifies that all information provided in this application is true and complete.

A handwritten signature in cursive script that reads "Rachel Wood".

Applicant's signature

**Please mail information to:**

City of Branson  
110 West Maddux Street Suite 200  
Branson, Missouri 65616

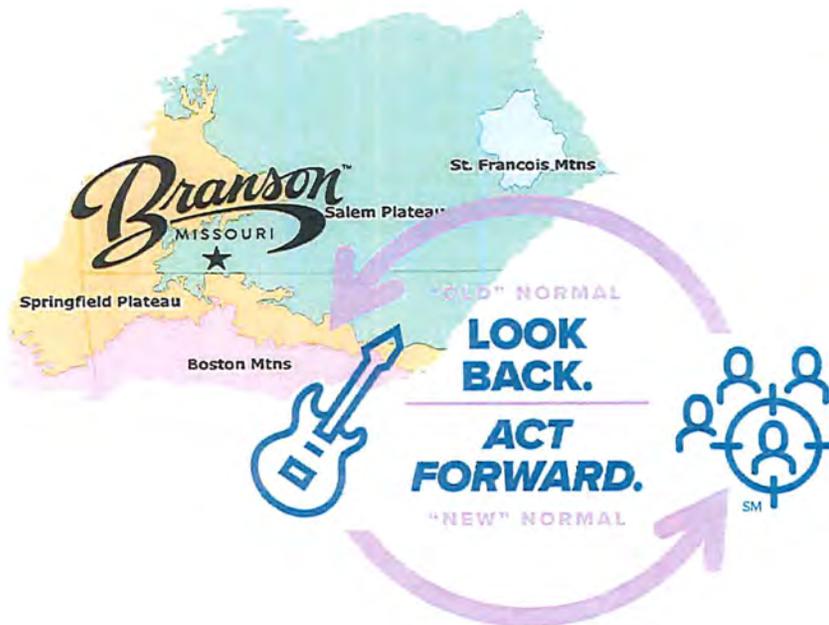
# Tourism Contingency Fund Application- Business Plan

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**2021** **LINE**

## BRANSON/LAKES AREA PROPOSAL



Activation Plan for balance of 2020

**Goal 2021 : Best Year Ever!**

**One-Branson Path**

The CofC and CVB provide all Branson and Lakes Area businesses the insights and tools to reinvent themselves with the people that know them the best – *past guests and visitors.*



**WHYSDOM**  
**CONVENIENCE—26.8%**  
 HYPER-LIFE PERSONA

**The Immediate**  
 “Hyper-life consumers find 24-hour solutions.”

*The Immediate just needs a solution now. Whatever the problem, they are looking for someone to offer something to fix what they need in the most convenient way possible.*

**The Immediate – 26.8%**  
 HYPER-LIFE PERSONA

**“Hyper-life consumers find 24-hour solutions.”**  
*The Immediate just needs a solution now. Whatever the problem, they are looking for someone to offer something to fix what they need in the most convenient way possible.*

**CONVENIENCE**  
 HYPER-LIFE PERSONA

**App Observations**

**Intent:**  
 Mobile  
 Connected  
 On-Demand Services  
 Interest  
 Accuracy  
 Customization  
 Engagement  
 Independent  
 Revenue

**Affiliated Needs:**  
 - Mobility  
 - Convenience  
 - Custom-Tailor

**Related Behaviors:**  
 - Access  
 - Control

**Top App Types:**  
 - Utility  
 - Video  
 - Finance

**Content Focus:**  
 - Technology  
 - Entertainment

**Core Behavior:**  
 - Speedy problem-solving  
 - Look for alternate options for daily life

**Influence Type:**  
 - Multiple influences direct them to seek out opportunities  
 - Outside influences direct them to seek out opportunities

**What This Target Expects:**  
 - Ability to fix the problem quickly  
 - Someone to fix the problem for them  
 - To know the best option

**Insights Activation & Application**

**How to Engage this Target:**  
 - Be prepared to react to requests as they come in  
 - Be proactive in anticipating some of their needs and factors that an advertiser can control  
 - Offer immediate assistance in the event of a quantity of ad executions and secure future messaging

**How to Deliver Against Expectations:**  
 - Recognize that this group has a single touch, instant and immediate delivery  
 - Think they are ready, they may not know how to use the what they need, to be prepared to do the heavy lifting for them, but it is expected  
 - They will take advice, just need to stay consistent at the same time

**Approach:**  
 - To start to get this group, are focused on content driven by convenience to be the best of the best, they are most likely to use for mobile between apps and some ability to share

**Key Words:**  
 Now  
 Today  
 Need

Select the personas that best represents your customer profiles, and craft appropriate messaging based on their needs, interests, and hobbies.

Online media placement made easy with persona aligned digital publishers\*

## Deliverables to all Branson and Lakes Area Businesses

Post-shutdown real-person visitor profiles, in the form of personas, created expressly to be used as a content creative brief and digital media planning and buying guide.

**WHYSDOM**  
**CONVENIENCE**  
 HYPER-LIFE PERSONA

**The Immediate**  
 1<sup>st</sup> Party Demographics

**Example Key Device Data**

**Visitor Insights:**

- Relevant
- Measurable
- Actionable

**WHYSDOM**

**Client Audiences**

- PERSONA A
- PERSONA B
- PERSONA C

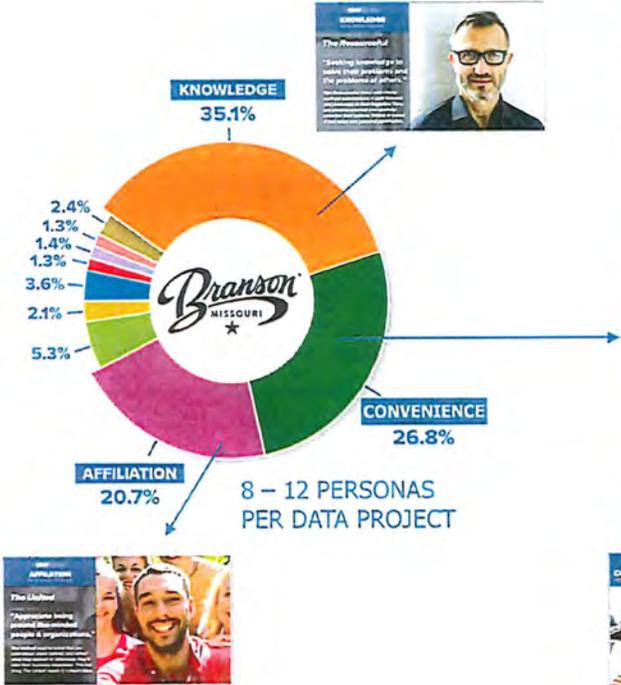
**Partner Configuration**

**The Immediate**

**facebook**

Persona audiences available at a CPM rate and commissionable to advertising agencies, or available through WHYSDOM managed services.

# PERSONA EXAMPLE



<WHYSDOM>

**CONVENIENCE—26.8%**  
DRIVER-BASED PERSONA

*The Immediate*

HUMAN TRUTH:  
**“Hyper-life consumers find 24-hour solutions.”**

*The Immediate just needs a solution now. Whatever the problem, they are looking for someone to offer something to fix what they need in the most convenient way possible.*

- App observations
- Core behavior
- Interests & hobbies
- Content focus
- Target expectations

- Insights activation
- Application
- Engagement/Approach
- Key words

- Brand approach
- Brand goal
- Brand activation examples

- 1<sup>st</sup> Party demographics
- Top app categories
- Points of interest
- Primary Device Language

# "Old" Normal 2019 Behavior Into "New" Normal Benchmark

**56%**  
(approx. 6mm 2019)

**44%**  
(approx. 3mm 2019)



## Geofence Branson/Lakes Area

Gather pre-pandemic Branson visitor device IDs within entire 2019 season

## Filter and determine only visitor device IDs

within 300 mile radius of Branson  
(44% of 2019 visitor population – approx. 3mm)

**Segment visitor IDs** into Persona post-shutdown behavior segments (who they are now)

## Convert segments into Persona audiences

aligned with digital publishers for each persona audience

➔ **"New" Normal Branson Personas used for message development, innovation, and media planning.**



\* 2019 Branson Year-end Marketing Report

**PHASE 1 REGIONAL CAMPAIGN – 300 Mile Radius**

**One-Branson Path-to-Recovery**

Critical timeline for a successful

- 2020 Activation Plan
- 2021 Launch Best Year Ever foundation



**June –  
Persona Introduction  
to Community Partners**



**September –  
Branson Persona  
Presentation  
to Community**



**Guide to  
how to  
apply  
Personas  
for a Quicker  
Recovery  
(Optional)**

*Partner  
Online  
Advertising*



**Pre-Lockdown  
Look Back –  
Gather Visitor  
Device IDs by Season**

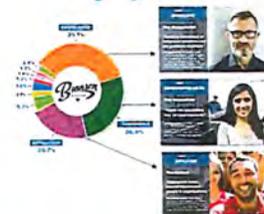


**March – May  
Lockdown**

**June – July Pre-Pandemic Visitor Device IDs  
Converted into Post-Lockdown Affinity  
Target Segments**



**August -  
Target Segments  
Into Persona**



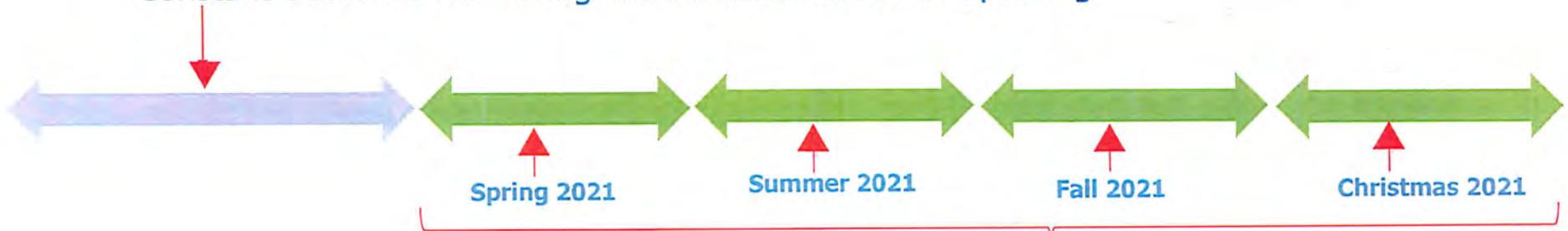
*CofC & CVB  
Partner  
Activation*

## PHASE 2 NATIONAL CAMPAIGN

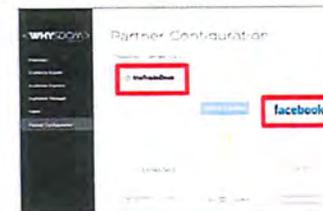
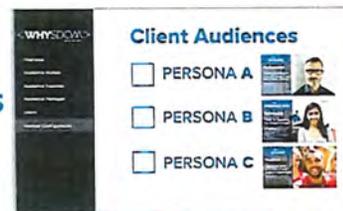
### New National Target

2021

- 9,000,000 2019 Branson Visitors
- Plus all 2020 Branson Visitors
- Constant Geofence Monitoring and Audience Behavior Updating



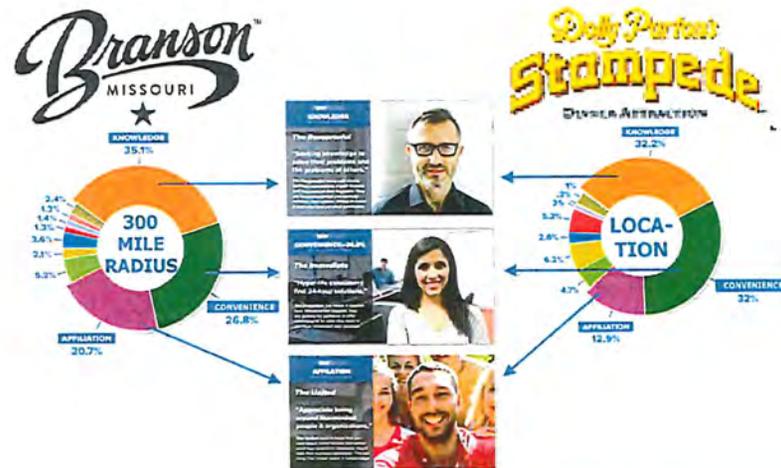
### National Persona Continuous Improvement Audience Behavior Updates



## OPTIONAL PERSONA OFFER TO ATTRACTIONS

### Branson/Lakes Area Attraction Personas

- Lat/long Look Back for Stampede
- Device ID's, app filtered
- Sub-dividing general Branson data pull
- Personas specific to business location



### BRAND/Attraction Alignment with Branso Personas as a whole

Custom Audience Identification

### "Dolly Parton Stampede Past Guests Personas"

Persona Analytics & Training provided to:

**Agency Partners**    **Research**  
**Brand Marketing**    **Media**

Deliverables:

**Foundation Insights**    **8 – 12 personas**  
**Persona Audiences**    **Publisher dashboard**  
**Training**

Candidates:

**Golf Courses**    **Marinas**  
**Theme Parks**    **Attractions**  
**Camp Grounds**    **Hotels**  
**Sport Complexes**

# WHYSDOM Data Privacy & Security

To make sure we are protecting the privacy of consumers, we use data that is transparent (aggregated), anonymous and adheres to all PII (Personal Identifiable Information) laws and standards. This (observed) device data allows us to categorize large groups into segments with similar behavioral needs and drivers, leading to the development of distinct audience personas.

*Our enterprise app-development platform is Heroku. It is fully-managed, regularly performs audits, and maintains PCI, HIPAA, ISO, and SOC compliance.*



## Standards, Regulations & Certifications



The WHYSDOM Platform utilizes a myriad of data from industry leading partners, where privacy is core to their business, to create a unique data set. Our process combines AI (artificial intelligence) with HI (human intelligence) analysis, at scale, allowing us to uncover the "Whys" that drive relevant engagement.

### Data Security

In the course of this work, WHYSDOM develops, implements and maintains all necessary and appropriate policies, procedures, programs, and other security and integrity measures effective in preventing unauthorized use or disclosure of Customer Data. In addition, we require that all subcontractors and third parties (if any) performing or providing products do the same.

### Privacy Regulation Statement

To the extent applicable to each Party's performance and obligations under this Agreement, Company and Customer shall adhere to any applicable privacy laws,

regulations, codes, and self-regulatory guidelines. During the Term and in the course of the obligations under this Agreement, neither Party shall use, collect, transmit, provide, or otherwise make available "sensitive information," which is defined as the following: Personally Identifiable Information about a natural person: his or her financial account numbers, insurance plan numbers, precise information about health or medical conditions, and government-issued identifiers (such as a Social Security number), as well as those elements described as sensitive information under the NAI code.

### Data Center Security

Our data partner processes and stores data on servers located in the United States. Google Cloud services provides all public-facing data ingestion points and public web services. All data processing and storage occurs within high security data centers that are, at a minimum, certified SSAE16 Type II SOC 2.



## RACHEL WOOD

Chief Marketing Officer

A Branson native, Rachel graduated from Missouri State University with a Bachelor of Science in Accounting with an emphasis in Internal Audit and a Minor in Operations Management. She became the Chief Marketing Officer for the Branson/Lakes Area Convention & Visitors Bureau a little over a year ago. Rachel is charged with providing strategic marketing leadership for the organization. She is also responsible for the oversight of the CVB's paid media, advertising creative, public relations, brand development and management, publications and interactive direction and functions.

Prior to her move to the Branson CVB, Rachel managed a successful hotel/restaurant property in Branson before she went on to serve as Deputy Director of Air Service Development and Marketing at the Branson Airport, the first private commercial airport in the country. She was instrumental in attracting Southwest Airlines and Frontier Airlines to the Branson market. She was recognized by her colleagues as one of "40 Under 40" in the aviation industry.

Her volunteer service includes board service (among others) with the Boys and Girls Club, the Tri-Lakes Women's Initiative, the Branson Lakes/Area Lodging Association, the Branson Chamber, the District Marketing Council and the Branson/Lakes Area Tourism Community Enhancement District (TCED).

### **Job Responsibilities**

- Confers with President and CFO to coordinate and prioritize planning for future direction and operation of the organization
- Oversees the operations of the CVB and carries out supervisory responsibilities in accordance with the organization's policies and applicable laws, including interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints
- Analyzes workload and personnel needs of the CVB when appropriate
- Develops, activates and manages vendor contracts and oversees contract compliance
- Works with staff, consultants and community marketing committees to grow and develop tourism product and enhance existing product
- Works with staff, consultants and community marketing committees; develops and oversees implementation of the organization's strategic plan; creates and oversees the BLACVB's annual marketing plan, including television, radio, print and web advertising, public relations, brand development and management; advertising creative, creation and distribution of publications; direct mail programs, website development, and communications and media relations
- Works with consultants to create, monitor and analyze multiple research projects used to drive marketing goals and objectives
- Prepares and delivers the annual CVB marketing presentation
- Monitors department revenues/expenses and compares budgeted figures to actual administrative operations/costs; prepares explanations for the budget variance report provided to the Financial Oversight Committee monthly
- Assists the Chief Financial Officer in the preparation of the annual budget
- Prepares matching grant proposals, quarterly billings and project summary to the MDT
- Presents monthly and quarterly reports to the City of Branson, the Tourism Community Enhancement Tax Board, and various Branson Tourism industry councils and committees
- Represents BLACVB regionally and nationally within the tourism and travel industry by attending conferences, educational training and participating in ongoing networking



## SAMANTHA GUTTING

Senior Vice President/Chief Sales Officer

Samantha Gutting grew up in the Branson area, and after college, she left southwest Missouri for an exciting career in the hotel sales and event industry. From the Ritz-Carlton Hotels to owning her own event design company, her work has taken her from St. Louis to Boston, New York and Dallas. Yet none of those amazing places took her heart away from Branson and Table Rock Lake. Returning to Branson to raise her son 14 years ago, Samantha started her own business and two years ago she joined the Branson/Lakes Area Chamber of Commerce and CVB. She is doing what she loves best – engaging people from around the world and showcasing her beautiful hometown. She is a self-proclaimed “lake junkie” who loves the outdoors, eating amazing food and traveling with her son, Paul.

### *Job Responsibilities*

- Confers with CEO in shaping and executing future strategy of Branson Lakes Area Chamber of Commerce and Convention & Visitors Bureau with primary focus in Finance, Staff and Sales initiatives
- Oversees Finance Department including budget preparation and internal audit functions, analyze projection of sales and profit against actual figures and budgeted expenses against final totals
- Produces and presents monthly and annual financial reports to the Chamber of Commerce and Tourism Community Enhancement District Finance Oversight Committees and Boards of Directors
- Oversees Human Resources department including payroll, insurance (health and property), retirement and overall staffing issues
- Oversees all functions of the Meeting and Convention Sales Department and Sports Marketing and Development



## LYNN BERRY

Director of Communications

A native of Ft. Worth, Lynn Berry earned a B.A. in English at the University of Texas–Arlington and began her communications career with Texas Instruments in Houston. In 1982, she moved into tourism with the City of Eureka Springs, Arkansas. An offer from Auburn University moved her to Alabama in 1992, where she ultimately became Vice President of Marketing for Auburn Sports. In 2000, a call from the mayor of Eureka Springs asked that she return as the Marketing Director for the City and was subsequently named Executive Director for Tourism in 2004. Lynn joined the Branson/Lakes Area Chamber of Commerce and Convention & Visitors

Bureau as the Director of Public Relations in 2007 and was named Director of Communications in 2014. Working with staff, consultants and community committees, Lynn oversees the public relations, publicity and media relations team.

### *Job Responsibilities*

- Develops and maintains good working relations with the media, including local and national newspapers, magazines, bloggers, radio and television to generate coverage of the Branson/Lakes Area
- Oversees all communications with the national, regional and local media
- Under the guidance of the PR Committee, explores all opportunities to expand Branson's media exposure
- Develops and hosts themed familiarization tours for VIPs, travel, entertainment and features editors/journalists seven times annually; also arranges familiarization tour itineraries for visiting journalists including accommodations, entertainment and other activities
- Develops and supervises production of press kits, press releases, publicity brochures, handouts, direct mail leaflets, promotional videos, photographs, films or other multimedia programs
- Updates local, regional and national travel trade media lists on a monthly basis
- Assists with Chamber-sponsored and seasonal tourism events with special press releases and on-site media visits
- Manages production of annual Vacation Guide publication, including advertising renewals, sales tracking, ad placement layout, distribution, and working with CVB staff and Vacation Guide Committee on design and copy content
- Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws, including interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.



## LENNI NEIMEYER

### Director of Leisure Group Sales

Since 2004, Lenni serves as Director of Leisure Group Sales and, works in cooperation with member committees and staff to oversee the daily operations of the leisure group sales department, which consists of a leisure group sales manager and leisure group sales coordinator. Under her supervision, the Branson CVB has developed an aggressive sales and marketing program geared toward the leisure group travel market, as she is driven and motivated to grow group business through Tour Operators, Travel Agents, Student/Youth Groups, Affinity Groups and Reunion Groups. Lenni's 28 years of experience working in the Branson group sales hospitality industry includes 20 years at Silver Dollar City, five of those years at the Grand Palace Theater, two years at Great Southern Travel and four years as the owner of her own Group Sales/Marketing company. She is an American Bus Association Certified Travel Industry Specialist, a Student Youth Travel Association Certified Student Travel Professional and has her Travel Agent Proficiency certification.

#### *Job Responsibilities*

- Works with the DSMC committee chairs and attendees to develop and execute the actions plans and budgets for the various DSMC markets
- Implements the annual DSMC action plans for all leisure markets: manages trade media/paid advertisements for trade publications; participates in sponsorships at sales conferences; develops profile sheets, direct mail campaigns and sales collateral; produces posters, brochure shells and new sales tools
- Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws, including interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems
- Promotes Branson as a group sales destination by participating in local, regional, national and international travel trade shows, sales conferences, marketplaces and conventions
- Manages all major motorcoach trade show sponsorships, serving as the primary contact to sell co-sponsorships, set up trade show booth and provide promotional materials
- Develops sales tracking methods for all Leisure Group Sales Markets, analyzing the results and making recommendations to the DSMC committees and CVB management
- Maintains Group Sales database for tour operators, travel agents and group leaders
- Maintains business database for sales leads, RFPs, meeting notes, and monthly RFP reports
- Schedules, implements and provides meeting notes for the leisure group markets
- Produces the Weekly Sales Leads program that includes daily inbound/outbound sales calls
- Develops, produces, and sells paid advertisements for the leisure sales publications
- Develops and implements FAM tours for specific markets and promotes sponsorship opportunities to area businesses
- Produces monthly RFI & RFP summary reports



## TERRA ALPHONSO

### Director of Sports Marketing & Development

A native of Missouri, Terra Alphonso is a graduate of Missouri State University, where she completed her MBA in 1.5 years while working as a Marketing/ Event Coordinator for Fox & Hound. During this time, she was also a Graduate Assistant in the Alumni Relations Department at MSU and promoted the MSU Women's Soccer team. She began her career with the Branson CVB in 2010, working in the hospitality industry for over 15 years. She has her Certification as a Meeting Professional (CMP) and is a Certified Sports Event Executive (CSEE) a designation of the Sports Events & Tourism Association. Terra completed the Branson Leadership Academy and

was recognized among Today's Industry Leaders by Sports Destination Management Magazine in 2013 and 2014. She has also served on the Advisory Committee for the U.S. Sports Congress Forum.

#### *Job Responsibilities*

- Oversees strategic plan to build additional sport's facilities
- Coordinates city-wide events with Branson Convention Center and other facilities
- Pursues sales leads and conducts sales calls; maintains mailing lists and manages contacts and information in the IDSS database
- Promotes Branson to the sports markets by participating in local, regional, national and international travel trade shows, sales conferences, marketplaces and conventions
- Develops and maintains relationships with local, regional and national corporate, media and political partners; works with the Sports Advisory Task Force and other area stakeholders to promote Branson
- Works with the CVB advertising agency in the marketing planning process to ensure that sports' advertising is aligned with marketing plan objectives
- Cooperates with community partners to coordinate sports-related city-wide events
- Oversees publications, presentations, articles and other communications (including web-based and other social media) to disseminate and promote the sports division of the CVB
- Develops and maintain annual operating budget for the sports division of the organization
- Represents at sports-related trade shows and develops relationships with potential clients
- Identifies new opportunities in sports to leverage resources in an effort to maximize the impact of marketing and promotions for Branson/Lakes Area
- Discovers and recruits sporting events that fit CVB goals and generate incremental travel to Branson/Lakes Area, driving direct visitor spending and increasing economic impact
- Prepares and presents bids to organizations that host/manage sports events
- Coordinates site visits for the sports division of the CVB
- Defines and implements projects to simplify the sports organizers selection process
- Works with sports committee to define funding criteria for sports events, reviewing and changing as necessary; provides oversight and guidance on development of programs
- Evaluates and reports on ROI of events including economic impact
- Provides vision and strategic insight to sports committee for fulfilling the CVB mission
- Works with the Sports Committee Chair to structure and guide quarterly meetings allowing opportunity for discussion and input on strategic objectives



## CASSANDRA VASQUEZ

### Manager of Digital Marketing

With a Bachelor of Arts degree in Public Relations and Communication from College of the Ozarks, Cassandra delivers insight into current digital trends and best practices for the CVB. She is a communication enthusiast and nightly news reader; she sets the strategy and direction for the DMO's digital marketing efforts. She's been actively involved in the Branson community for the last five years contributing by facilitating college orientation programs, mentoring high school students and serving on the Tri-Lakes Women's Initiative board. When not driving tourism to Branson through digital marketing, Cassandra is often spotted sitting down for a cup of coffee at a local shop, diving into industry courses, and gallivanting through town – and she's "just getting started."

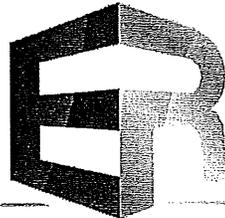
#### *Job Responsibilities*

- Maintains all information on the CVB's website
- Ensures that website content is consistent with CVB's destination marketing campaign
- Refreshes website content to ensure accuracy and timeliness of information and images
- Generates and analyzes traffic reports and recommends program changes
- Works closely with the network administrator to provide recommendations on how to merge latest technology with marketing goals, objectives, plans and strategies
- Researches, evaluates and implements appropriate promotional programs to attract users to the website, including hyperlinks and cooperative partnerships
- Remains up-to-date on the latest technologies and trends, including scripting, security issues, e-commerce, authoring tools and graphic design tools
- Create original, exciting, relevant and timely content for use on the ExploreBranson.com website and blog, as well as on Branson's social media channels, and update existing content as needed
- Capture footage and photography from events, attractions, activities, partners, etc. and create multimedia videos or slideshows that highlight the destination
- Maintain an editorial calendar for online publications, such as the monthly e-Connection email newsletter; Write, compile and edit the content for these publications
- Contact and work with third-party Internet sites (blogs, travel guides, booking sites, tourism sites, etc.) to correct errors, provide additional information, improve placement and otherwise maintain an accurate and positive image of Branson
- Update and maintain the ExploreBranson.com media page with press releases, "In the News" articles, links, etc.
- Maintain the calendar of events entries on ExploreBranson.com.
- Provide monthly reports about social media channels, blogging and other activities for use in board and committee reports

BRANSON/LAKES AREA CHAMBER OF COMMERCE  
AND AFFILIATE

COMBINED FINANCIAL STATEMENTS

DECEMBER 31, 2018



**ELLIOTT, ROBINSON  
& COMPANY, LLP**

CERTIFIED PUBLIC ACCOUNTANTS

TRUSTED BUSINESS ADVISORS

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**ELLIOTT, ROBINSON  
& COMPANY, LLP**

**INDEPENDENT AUDITORS' REPORT**

To the Board of Directors  
Branson/Lakes Area Chamber of Commerce  
and Affiliate  
Branson, MO

**Report on the Financial Statements**

We have audited the accompanying financial statements of Branson/Lakes Area Chamber of Commerce and Affiliate (a nonprofit organization), Case No. 30-007-440586242, which comprise the combined statement of financial position as of December 31, 2018, and the related combined statements of activities and change in net assets, functional expenses, and cash flows for the year then ended, and the related notes to the combined financial statements.

**Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

**Auditors' Responsibility**

Our responsibility is to express an opinion on these combined financial statements based on our audit. We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the combined financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the combined financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the combined financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal control relevant to the entity's preparation and fair presentation of the combined financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the combined financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### Opinion

In our opinion, the combined financial statements referred to above present fairly, in all material respects, the financial position of Branson/Lakes Area Chamber of Commerce and Affiliate as of December 31, 2018, and the changes in their net assets and their cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### Supplementary and Other Information

Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The accompanying supplementary schedules and combining financial statements are presented for purposes of additional analysis and is not a required part of the combined financial statements.

The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and is also not a required part of the combined financial statements. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the accompanying additional information is fairly stated in all material respects in relation to the combined financial statements as a whole.

### Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued a report dated August 21, 2019, on our consideration Branson/Lakes Area Chamber of Commerce and Affiliate's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Branson/Lakes Area Chamber of Commerce and Affiliate's internal control over financial reporting and compliance.

*Elliott, Robinson & Company, LLP*

Springfield, Missouri  
August 21, 2019

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
 COMBINED STATEMENT OF FINANCIAL POSITION  
 DECEMBER 31, 2018

<u>ASSETS</u>	<u>2018</u>
<b>Current Assets</b>	
Cash and cash equivalents	\$ 544,256
Accounts receivable - net of allowance for doubtful accounts	1,256,597
Prepaid expense	19,910
Total Current Assets	<u>1,820,763</u>
<b>Property and Equipment</b>	
Land	996,605
Building and improvements	3,533,497
Furniture and equipment	178,701
Total Property and Equipment	<u>4,708,803</u>
Accumulated depreciation	<u>(1,026,627)</u>
Net Property and Equipment	<u>3,682,176</u>
<b>Other Assets</b>	
Other	455
Total Other Assets	<u>455</u>
Total Assets	<u>\$ 5,503,394</u>
<u>LIABILITIES AND NET ASSETS</u>	
<b>Current Liabilities</b>	
Accounts payable	\$ 854,769
Accrued payroll	71,007
Current portion of long term debt	136,209
Deferred revenue	462,961
Total Current Liabilities	<u>1,524,946</u>
<b>Non-Current Liabilities</b>	
Note payable, net of current portion	<u>797,427</u>
Total Non-Current Liabilities	<u>797,427</u>
<b>Net Assets</b>	
Without donor restrictions	
Undesignated	3,056,021
Designated by the board for airport risk mitigation	125,000
Total Net Assets	<u>3,181,021</u>
Total Liabilities and Net Assets	<u>\$ 5,503,394</u>

See accompanying accountants' report and notes to financial statements.

**BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
 COMBINED STATEMENT OF ACTIVITIES AND CHANGE IN NET ASSETS  
 YEAR ENDED DECEMBER 31, 2018**

	2018
<b>SUPPORT AND REVENUE</b>	
Chamber dues and fees	\$ 960,485
Tax funded CVB	11,024,747
Taney County Partnership	372,137
Interest income	161
Loss on sale of asset	(559)
<b>TOTAL SUPPORT AND REVENUE</b>	<b>12,356,971</b>
 <b>EXPENSES</b>	
Program services & supporting activities:	
Chamber	964,777
Tax funded CVB	10,786,961
Chamber funded CVB	2,862
Taney County Partnership	451,361
<b>TOTAL EXPENSES</b>	<b>12,205,961</b>
 <b>CHANGE IN NET ASSETS</b>	<b>\$ 151,010</b>
 <b>NET ASSETS AT BEGINNING OF YEAR - ORIGINALLY STATED</b>	<b>\$ 2,993,775</b>
<b>PRIOR PERIOD ADJUSTMENT - NOTE 12</b>	<b>36,236</b>
<b>NET ASSETS AT BEGINNING OF YEAR - RESTATED</b>	<b>3,030,011</b>
<b>CHANGE IN NET ASSETS</b>	<b>151,010</b>
<b>NET ASSETS AT END OF YEAR</b>	<b>\$ 3,181,021</b>

See accompanying accountants' report and notes to financial statements.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
 COMBINED STATEMENT OF FUNCTIONAL EXPENSES  
 YEAR ENDED DECEMBER 31, 2018

	2018		<u>Total</u>
	<u>Program Service</u>	<u>Management and General</u>	
Salaries	\$ 937,393	906,802	1,844,195
Building operations	7,566	68,090	75,656
Welcome Center	2,862	-	2,862
Office operations	65,846	80,156	146,002
Professional expenses	56,580	52,783	109,363
Association dues (non-marketing)	12,469	3,117	15,586
Advertising and marketing	8,277,856	-	8,277,856
Website	167,280	-	167,280
Consumer response operations	142,258	-	142,258
Publications	407,695	-	407,695
Legislative	30,014	3,335	33,349
Member programs	157,728	56,502	214,230
Business community relations	109,194	2,237	111,431
Education/training	1,719	6,249	7,968
Mtg/conferences/travel	70,651	5,510	76,161
Miscellaneous	40,793	128,591	169,384
Depreciation	5,471	49,235	54,706
Bad debt	156,046	-	156,046
Opportunity fund and event support	97,529	-	97,529
Programs/events	96,352	52	96,404
<b>Total Expenses</b>	<u>\$ 10,843,302</u>	<u>1,362,659</u>	<u>12,205,961</u>

See accompanying accountants' report and notes to financial statements.

**BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
COMBINED STATEMENT OF CASH FLOWS  
YEAR ENDED DECEMBER 31, 2018**

	2018
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>	
Increase in net assets	\$ 151,010
Non-cash items included in net increase:	
Depreciation	54,706
Loss on asset retirement	559
(Increase) decrease in operating assets	
Accounts receivable	(336,879)
Prepaid expenses	(3,083)
Other assets	3,533
Increase in operating liabilities	
Accounts payable	284,456
Accrued payroll	839
Deferred revenue	5,830
Net Cash Provided by Operating Activities	160,971
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>	
Purchase of property and equipment	(2,251,008)
Net Cash (Used) by Investing Activities	(2,251,008)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>	
Proceeds from construction loan	933,636
Net Cash provided by Financing Activities	933,636
NET DECREASE IN CASH	(1,156,401)
CASH AT BEGINNING OF YEAR	1,700,657
CASH AT END OF YEAR	\$ 544,256

See accompanying accountants' report and notes to financial statements.

**BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE**  
**NOTES TO THE COMBINED FINANCIAL STATEMENTS**  
**YEAR ENDED DECEMBER 31, 2018**

**NOTE 1: ORGANIZATION**

Branson/Lakes Area Chamber of Commerce (the Chamber), a not-for-profit organization, was formed under the laws of the State of Missouri, for the purpose of promoting the general welfare and prosperity of Branson and the Lakes area, and to market the Lakes area for the Branson/Lakes Area Tourism Community Enhancement District (the District) and the City of Branson. Programs provided by the Chamber include publishing of periodicals and distribution of information about local businesses as well as operating a visitor center to provide information to tourists. The Convention and Visitor's Bureau, a division of the Chamber, is under contract with the District to provide a destination marketing program for the District in exchange for the 1% tax generated by the District, less a District administrative fee and additional reserve as determined by the District. The Chamber is also under contract with the City of Branson to provide tourism marketing and promotional services in exchange for 25% of the City's monthly tourism tax collections, less cost of collections and 2% contingency.

Explore Branson Tourism – The Affiliate

On November 1, 2016, Explore Branson Tourism (the Affiliate) entered into a management and operational service agreement with the Chamber to administer the Branson/Lakes Area Tourism Community Enhancement District contract. The Affiliate provides facilitation and management of the expenditures of tax funds and the corresponding receipt of those funds from the District.

**NOTE 2: SIGNIFICANT ACCOUNTING POLICIES**

A summary of the organization's significant accounting policies consistently applied in the preparation of the accompanying financial statements is as follows:

Basis of Accounting

The organization utilized the accrual basis of accounting, whereby income is recognized as earned and expenses are recognized as obligations are incurred.

Financial Statement Presentation

The Organization presents its financial statements in accordance with accounting principles generally accepted in the United States. Accordingly, the Organization reports information regarding its financial position and activities according to two classes of net assets: (1) without donor restriction; (2) with donor restriction.

Net assets without donor restriction

Net assets without donor restriction include unrestricted resources which represent the portion of funds that are available for the operating objectives of the Organization. The governing Board has designated from net assets without donor restrictions, net assets for airport risk mitigation, with the specific use of attracting and supporting airlines to serve Branson Airport. The Chamber has reserved \$125,000 for this purpose, including \$25,000 allocated from the Taney County Partnership (TCP).

Net assets with donor restriction

Net assets subject to stipulations by donors and grantors. Some donor restrictions may be temporary in nature; those restrictions would be met by actions of the Organization or by the passage of time. Other donor restrictions are perpetual in nature, whereby the donor has stipulated the funds be maintained in perpetuity.

**BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE**  
**NOTES TO THE COMBINED FINANCIAL STATEMENTS**  
**YEAR ENDED DECEMBER 31, 2018**

**NOTE 2: SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

Net assets with donor restriction (continued)

Donor restricted contributions are reported as increases in net assets with donor restrictions. When a restriction expires, net assets are reclassified from net assets with donor restrictions to net assets without donor restrictions in the statement of activities.

New Accounting Pronouncement

On August 18, 2016, FASB issued ASU 2016-14, Not-for-Profit Entities (Topic 958) – *Presentation of financial statements of Not-for-Profit Entities*. The update addresses the complexity and understandability of net asset classification, deficiencies in information about liquidity and the availability of resources, and the lack of consistency in the type of information provided about expenses and investment return. Branson/Lakes Area Chamber of Commerce and Affiliate has adjusted the presentation of these statements accordingly.

Principles of Combination

The Branson/Lakes Area Chamber of Commerce, in accordance with the provisions of American Institute of Certified Public Accountants Statement of Position 94-3, includes the Affiliate in the combined financial statements in which they have an economic interest arising from a contractual relationship. All material inter-organization transactions have been eliminated.

Revenue recognition

Advertising revenue and special event revenues, including the tax funded CVB revenue, are recognized as revenue when earned. Membership dues are recognized as revenue over the time period to which the dues relate.

Revenue received in the current year but restricted for future years is recorded as deferred revenue. After the time restriction has expired, this revenue is recognized.

Functional Expenses

The costs of providing program and other activities have been summarized on a functional basis in the statement of activities. Accordingly, certain costs have been allocated among program services and supporting services (general and administrative). Such allocations are determined by management on a reasonable basis that is consistently applied. Branson/Lakes Area Chamber of Commerce and Affiliate has applied two methodologies for allocation. Marketing expenses are directly allocated to program service. All other expenses are allocated based on time and effort.

Cash and Cash Equivalents

Cash and cash equivalents consist of short-term investments with original maturity of three months or less, cash on deposit, money market funds and certificates of deposit.

Accounts Receivable

Accounts receivable consists primarily of membership dues and tax revenue receivables. The Organization accounts for the potential losses in accounts receivable utilizing the allowance method. Management has provided an allowance for uncollectible accounts at December 31, 2018 of \$55,000. In reviewing aged receivables, management considers their knowledge of customers, historical activity and current economic conditions in establishing the allowance for doubtful accounts. A trade account receivable is charged to the allowance account when management determines the receivable is uncollectible.

**BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
NOTES TO THE COMBINED FINANCIAL STATEMENTS  
YEAR ENDED DECEMBER 31, 2018**

**NOTE 2: SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

Property and equipment

Property and equipment are stated at cost. Depreciation is provided principally on the straight-line method for financial reporting purposes at rates based on the following estimated useful lives:

Vehicles	5 years
Furniture and fixtures	5-7 years
Computers and office equipment	3-7 years
Buildings and leasehold improvements	5-39 years

The costs of assets sold or otherwise disposed of and the accumulated depreciation thereon are eliminated from the accounts and the resulting gain or loss is reflected in income, except for gains on assets traded where no cash was received. Expenditures for maintenance and repairs are charged to income as incurred; replacements and betterments that extend the useful lives are capitalized.

Long-lived assets held and used by the Organization are reviewed for impairment whenever events or changes in circumstances indicate that the cost of any long-lived assets may be impaired, and evaluation of recoverability would be performed following generally accepted accounting principles.

The Organization is currently constructing a new building. Construction in progress is \$2,447,422 at December 31, 2018.

Depreciation expense during the year ended December 31, 2018 totaled \$54,706.

Advertising costs

Advertising costs are expensed as incurred. Advertising and marketing expense totaled \$8,277,856 for 2018.

Contributed services

During the year ended December 31, 2018, the value of contributed services meeting the requirements for recognition in the financial statements was not material and has not been recorded in accordance with FASB ASC 958-605, "Revenue Recognition".

Income Taxes

No provision or benefit for income taxes has been included in these financial statements since this is a not-for-profit organization organized under Code Section 501(c)(6) of the Internal Revenue Code, and therefore not subject to income tax. The organization is, however, required to file an annual information tax return with the Internal Revenue Service. For the year ended December 31, 2018, the Organization had no taxable income as a result of its unrelated business activities and has approximately \$1,024,571 of net operating losses to offset future taxable income, a portion of which expires in 2019.

**BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
NOTES TO THE COMBINED FINANCIAL STATEMENTS  
YEAR ENDED DECEMBER 31, 2018**

**NOTE 2: SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

Uncertain Tax Positions

The organization has evaluated its tax positions for all open tax years. Currently, the tax years open and subject to the Internal Revenue Service are the 2015, 2016, 2017 and 2018 tax years. However, the organization is not currently under audit nor has the organization been contacted by any jurisdiction. Based on the evaluation of the organization's tax positions, management believes all tax positions taken would be upheld under examination. Therefore, no provision for the effects of uncertain tax positions have been recorded for the year ended December 31, 2018.

Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Date of Management Review

In preparing these financial statements, the organization has evaluated events and transactions for potential recognition or disclosure through August 21, 2019, the date the financial statements were available to be issued.

**NOTE 3: LIQUIDITY AND AVAILABILITY**

The following represents the Chamber's financial assets at December 31, 2018:

Financial assets at year end:		<u>2018</u>
Cash and cash equivalents		\$ 544,256
Other accounts receivable		153,310
Enhancement tax receivable		474,683
Tourism tax receivable		<u>628,604</u>
	Total financial assets	1,800,853
Less amounts not available to be used within one year:		
Board-designated airport risk mitigation		<u>125,000</u>
Financial assets available to meet general expenditures over the next twelve months		<u>\$ 1,675,853</u>

The general operating bank accounts are not subject to donor or other contractual restrictions that make them unavailable for general expenditure within one year of the balance sheet date.

As part of the Chamber's liquidity plan, excess cash is invested in short-term investments with the bank. The Convention and Visitor's Bureau, a division of the Chamber, is under contract with the District to provide a destination marketing program for the District in exchange for the 1% tax generated by the District, less a District administrative fee and additional reserve as determined by the District. This contract is effective through December 31, 2019. The Chamber is also under contract with the City of Branson to provide tourism marketing and promotional services in exchange for 25% of the City's monthly tourism tax collections, less cost of collections and 2% contingency. This contract is effective through December 31, 2019.

**BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
NOTES TO THE COMBINED FINANCIAL STATEMENTS  
YEAR ENDED DECEMBER 31, 2018**

**NOTE 4: ACCOUNTS RECEIVABLE**

A summary of accounts receivable as of December 31, 2018 is as follows:

Accounts receivable	\$	159,157
Membership dues receivable		47,749
City of Branson tourism tax receivable		628,604
Tourism Community Enhancement District receivable		474,683
Other receivables		<u>1,404</u>
Total accounts receivable		1,311,597
Less: allowance for uncollectible accounts		<u>55,000</u>
Accounts receivable, net	\$	<u><u>1,256,597</u></u>

**NOTE 5: PROPERTY AND EQUIPMENT**

Property and equipment as of December 31, 2018 consists of the following:

		<u>2018</u>
Land and improvements	\$	996,605
Buildings and improvements		1,086,076
Office equipment		122,752
Vehicles		55,949
Construction in progress		<u>2,447,421</u>
		4,708,803
Less: accumulated depreciation		<u>1,026,627</u>
Net Fixed Assets	\$	<u><u>3,682,176</u></u>

**NOTE 6: NOTE PAYABLE**

On January 23, 2018 a construction loan was signed, payable to the United States Department of Agriculture (USDA) with payments in annual installments totaling \$143,750. The loan has an interest rate of 3.375%. The first payment on this note is due January 23, 2019 and the maturity date is January 23, 2048.

Under the loan agreements with USDA, the organization is required to make monthly deposits into a debt reserve account. The monthly contribution to this reserve is \$1,198. The fully funded amount, at which time the entity will not be required to make monthly contributions, is \$143,750. Monthly deposits into the account will begin on January 23, 2019.

**BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
NOTES TO THE COMBINED FINANCIAL STATEMENTS  
YEAR ENDED DECEMBER 31, 2018**

**NOTE 6: NOTE PAYABLE (CONTINUED)**

Under the loan agreements with USDA, the organization is required to make monthly deposits into a replacement and extension account. This account shall be expended and used upon determination by the Board to pay the cost of any unusual or extraordinary maintenance, repairs, or replacements or for the cost of extensions or improvements to the facility. The monthly contribution to this reserve is \$1,198. The fully funded amount, at which time the entity will not be required to make monthly contributions, is \$143,750. Monthly deposits into the account will begin on January 23, 2019.

Maturities of the mortgage note in each of the next five years are approximated as follows:

	<u>Principal</u>
2019	\$ 143,750
2020	143,750
2021	143,750
2022	143,750
Balance	358,636
	<u>\$ 933,636</u>

**NOTE 7: TOURISM TAX RECEIPTS**

The Chamber is under contract with the City of Branson to provide tourism marketing and promotional services. Under the contract, the City reimburses the Chamber for qualified expenditures equal to 25% of the City's tourism tax collections (less cost of collections and a 2% contingency) up to the amount included in the City's fiscal year budget. Tourism tax revenue is included in the Chamber's combined financial statements as follows:

	<u>2018</u>
Marketing support and fees received	\$ 3,064,957
Accounts receivable	\$ 628,604

**NOTE 8: COMMUNITY ENHANCEMENT DISTRICT RECEIPTS**

The Convention and Visitor's Bureau, a division of the Chamber, is under contract with the Branson/Lakes Area Tourism Community Enhancement District to provide a destination marketing program. Under the contract, the District reimburses the Chamber for qualified expenditures not to exceed the tax collected by the District, less a 2% administrative fee and reasonable reserve determined by the District. Community Enhancement District revenue is included in the Chamber's combined financial statements as follows:

	<u>2018</u>
Marketing support and fees received	\$ 7,949,374
Accounts receivable	\$ 474,683

**BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
NOTES TO THE COMBINED FINANCIAL STATEMENTS  
YEAR ENDED DECEMBER 31, 2018**

**NOTE 9: LEASES**

The Company leases computers from an unrelated third party under two lease agreements. The minimum monthly lease payments are \$540 and \$469. The first lease agreement expired March 31, 2018 and the second lease agreement expires March 31, 2019. The leases were not extended.

The Company leases a printer from an unrelated third party. The minimum monthly lease payment is \$426. The lease agreement expires November 30, 2019.

The Company leases office space from an unrelated third party. The minimum monthly lease payment is \$5,000. The lease agreement expires January 31, 2019. The lease was not extended.

Future minimum lease payments for non-cancellable operating leases with initial or remaining periods of one year or more at December 31, 2018, are as follows:

<u>Year Ended</u> <u>December 31</u>	<u>Amount</u>
2019	\$ 6,092

Total rent expense under leases for the year ended December 31, 2018 was \$17,357.

**NOTE 10: CONCENTRATIONS OF CREDIT RISK**

The Organization maintains cash balances at various financial institutions. FDIC insurance coverage per depositor account is \$250,000 and all non-interest bearing or low interest bearing accounts (less than .5%) are entirely covered by FDIC insurance. At times, cash balances may have been in excess of insured limits.

The Organization receives a substantial portion of its revenues from tourism-related tax funding, and a substantial portion of the Organization receivables are from tourism-related tax funding.

The Chamber invests in a repurchase agreement with Central Bank of Branson that is collateralized by government securities.

**NOTE 11: 401(K) EMPLOYEE SAVINGS PLAN**

The Chamber participates in the American Chamber of Commerce Executives defined contribution 401(k) savings plan. All employees over the age of 18 and with more than three months of service with the Company are eligible to participate in the Company's 401(k) savings plan. Employees may, at their own discretion, defer up to 15 percent of their gross earnings. The Company matches 5 percent of employee contributions. Total contributions to the plan for the year ended December 31, 2018 amounted to \$68,420.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
 NOTES TO THE COMBINED FINANCIAL STATEMENTS  
 YEAR ENDED DECEMBER 31, 2018

NOTE 12: PRIOR PERIOD ADJUSTMENT

The financial statements have been restated as of December 31, 2017 to conform with management's decision to report accrued vacation correctly according to company policy. Accrued vacation of \$36,236 was recorded as an increase in accrued payroll and increase in salary expense in year ended September 30, 2013. Therefore, a prior period adjustment of a decrease in accrued payroll and increase in net assets without donor restriction is recorded to properly report the transaction.

The following reflects the changes in originally reported net assets and selected balance sheet data as a result of the prior period adjustment:

Change in Originally Reported Net Assets as of December 31, 2018

As Originally Reported Net Assets		
Net assets without donor restriction	\$ 2,868,475	
Board designated airport risk mitigation	<u>125,000</u>	
Decrease in accrued payroll	<u>(36,236)</u>	
	<u>\$ 2,957,239</u>	

Selected Balance Sheet Data as of December 31, 2018

	<u>Previously Reported</u>	<u>Restated</u>
Accrued payroll	\$ 106,722	70,486
Net assets without donor restriction	2,868,475	2,832,239
Board designated airport risk mitigation	125,000	125,000

SUPPLEMENTARY INFORMATION

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
 COMBINED SCHEDULE OF EXPENSES  
 YEAR ENDED DECEMBER 31, 2018

	2018					
	Chamber	Enhancement District Tax CVB	City of Branson Tax CVB	Chamber funded CVB	TCP	Total
Salaries	\$ 324,863	1,302,148	-	-	217,184	1,844,195
Building operations	10,346	65,310	-	-	-	75,656
Welcome Center	-	-	-	2,862	-	2,862
Office operations	32,094	107,231	-	-	6,676	146,001
Professional expenses	14,724	44,682	-	-	49,957	109,363
Association dues (non-marketing)	3,593	328	-	-	11,665	15,586
Marketing	-	5,204,450	3,067,957	-	5,449	8,277,856
Website	-	164,767	-	-	2,513	167,280
Consumer response operations	-	142,258	-	-	-	142,258
Publications	-	407,695	-	-	-	407,695
Legislative	33,349	-	-	-	-	33,349
Member programs	177,420	-	-	-	36,811	214,231
Business community relations	15,524	3,484	-	-	92,423	111,431
Education/training	1,182	4,392	-	-	2,394	7,968
Mtg/conferences/travel	25,851	31,925	-	-	18,386	76,162
Miscellaneous	26,280	142,803	-	-	301	169,384
Depreciation	54,705	-	-	-	-	54,705
Bad debt	156,046	-	-	-	-	156,046
Opportunity fund and event support	-	97,529	-	-	-	97,529
Programs/events	88,802	-	-	-	7,602	96,404
<b>Total Expenses</b>	<b>\$ 964,779</b>	<b>7,719,002</b>	<b>3,067,957</b>	<b>2,862</b>	<b>451,361</b>	<b>12,205,961</b>

See accompanying accountants' report and notes to financial statements.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
 COMBINED SCHEDULE OF TAX FUNDED  
 ADMINISTRATIVE AND MARKETING EXPENSES  
 YEAR ENDED DECEMBER 31, 2018

	2018	
	Enhancement District Tax CVB	City of Branson Tax CVB
	<b>Administrative</b>	
Salaries and benefits	\$ 1,302,148	\$ -
Building operations	65,310	-
Office operations	107,231	-
Professional expenses	44,682	-
Association dues (non-marketing)	328	-
Business community relations	3,484	-
Education/training	4,392	-
Mtg/conferences/travel	31,925	-
Miscellaneous	142,803	-
<b>Total Administrative</b>	<b>1,702,303</b>	<b>-</b>
<b>Marketing</b>		
Subtotal marketing	5,204,450	3,067,957
Website	164,767	-
Opportunity fund and event support	97,529	-
Consumer response operations	142,258	-
Publications	407,695	-
<b>Total Marketing</b>	<b>6,016,699</b>	<b>3,067,957</b>
<b>Total Expenses</b>	<b>7,719,002</b>	<b>3,067,957</b>

See accompanying accountants' report and notes to financial statements.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
 COMBINED SCHEDULE OF TAX FUNDED MARKETING EXPENSES  
 YEAR ENDED DECEMBER 31, 2018

	2018	
	Enhancement District	City of Branson
	<u>Tax CVB</u>	<u>Tax CVB</u>
Media	\$ 3,606,920	\$ -
Website	164,767	-
Public relations	510,634	-
Travel trade show	210,271	-
Trade media advertising	169,370	-
Association dues/sponsorships	569,043	-
Pub/collateral	31,510	-
Fulfillment	34,307	-
Consumer response operations	142,258	-
Research	72,396	-
Opportunity fund and event support	97,529	-
Publications	407,695	-
Enhancement District Tax Marketing	6,016,700	-
City of Branson tourism tax	-	3,067,957
<b>Total Marketing</b>	<b>6,016,700</b>	<b>3,067,957</b>

See accompanying accountants' report and notes to financial statements.

COMBINING FINANCIAL STATEMENTS

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
 COMBINED STATEMENT OF FINANCIAL POSITION  
 DECEMBER 31, 2018

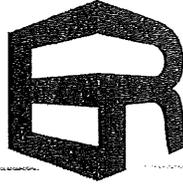
<u>ASSETS</u>	Branson/Lakes Area Chamber of Commerce	Explore Branson Tourism	Eliminations and Adjustments	Combined
<b>Current Assets</b>				
Cash and cash equivalents	\$ 425,315	\$ 118,941		\$ 544,256
Accounts receivable - net of allowance for doubtful accounts	711,420	545,177		1,256,597
Prepaid expense	19,910	-		19,910
Total Current Assets	<u>1,156,645</u>	<u>664,118</u>	<u>-</u>	<u>1,820,763</u>
<b>Property and Equipment</b>				
Land	996,605	-		996,605
Building and improvements	3,533,497	-		3,533,497
Furniture and equipment	178,701	-		178,701
Total Property and Equipment	4,708,803	-	-	4,708,803
Accumulated depreciation	<u>(1,026,627)</u>	<u>-</u>	<u>-</u>	<u>(1,026,627)</u>
Net Property and Equipment	<u>3,682,176</u>	<u>-</u>	<u>-</u>	<u>3,682,176</u>
<b>Other Assets</b>				
Other	111,222	-	(110,767)	455
Total Other Assets	<u>111,222</u>	<u>-</u>	<u>(110,767)</u>	<u>455</u>
Total Assets	<u>\$ 4,950,043</u>	<u>\$ 664,118</u>	<u>\$ (110,767)</u>	<u>\$ 5,503,394</u>
<u>LIABILITIES AND NET ASSETS</u>				
<b>Current Liabilities</b>				
Accounts payable	\$ 438,249	\$ 416,520		\$ 854,769
Accrued payroll	71,007	-		71,007
Current portion of long term debt	136,209	-		136,209
Deferred revenue	336,952	126,009		462,961
Total Current Liabilities	<u>982,417</u>	<u>542,529</u>	<u>-</u>	<u>1,524,946</u>
<b>Non-Current Liabilities</b>				
Due to affiliate	\$ -	\$ 110,767	\$ (110,767)	\$ -
Note payable, net of current portion	797,427	-		797,427
Total Non-Current Liabilities	<u>797,427</u>	<u>110,767</u>	<u>(110,767)</u>	<u>797,427</u>
<b>Net Assets</b>				
Without donor restrictions				
Undesignated	3,045,199	10,822	-	3,056,021
Designated by the board for airport risk mitigation	125,000	-		125,000
Total Net Assets	<u>3,170,199</u>	<u>10,822</u>	<u>-</u>	<u>3,181,021</u>
Total Liabilities and Net Assets	<u>\$ 4,950,043</u>	<u>\$ 664,118</u>	<u>\$ (110,767)</u>	<u>\$ 5,503,394</u>

See accompanying accountants' report and notes to financial statements.

**BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE**  
**COMBINING STATEMENT OF ACTIVITIES**  
**YEAR ENDED DECEMBER 31, 2018**

	Branson/Lakes Area Chamber of Commerce	Explore Branson Tourism	Eliminations and Adjustments	Combined
<b>SUPPORT AND REVENUE</b>				
Chamber dues and fees	\$ 960,485	\$ -	\$ -	\$ 960,485
Tax funded CVB	5,007,479	7,949,374	(1,932,106)	11,024,747
Taney County Partnership	372,137	-	-	372,137
Interest income	161	-	-	161
Loss on sale of asset	(559)	-	-	(559)
<b>TOTAL SUPPORT AND REVENUE</b>	<u>6,339,703</u>	<u>7,949,374</u>	<u>(1,932,106)</u>	<u>12,356,971</u>
<b>EXPENSES</b>				
Program services and supporting activities:				
Chamber	964,777	-	-	964,777
Tax funded CVB	4,770,262	7,948,805	(1,932,106)	10,786,961
Chamber funded CVB	2,862	-	-	2,862
Taney County Partnership	451,361	-	-	451,361
	<u>6,189,262</u>	<u>7,948,805</u>	<u>(1,932,106)</u>	<u>12,205,961</u>
<b>CHANGE IN NET ASSETS</b>	<u>\$ 150,441</u>	<u>\$ 569</u>	<u>\$ -</u>	<u>\$ 151,010</u>
<b>NET ASSETS AT BEGINNING OF YEAR - ORIGINALLY STATED</b>	\$ 2,983,522	\$ 10,253	\$ -	\$ 2,993,775
<b>PRIOR PERIOD ADJUSTMENT - NOTE 12</b>	<u>36,236</u>	<u>-</u>	<u>-</u>	<u>36,236</u>
<b>NET ASSETS AT BEGINNING OF YEAR - RESTATED</b>	3,019,758	10,253	-	3,030,011
<b>CHANGE IN NET ASSETS</b>	<u>150,441</u>	<u>569</u>	<u>-</u>	<u>151,010</u>
<b>NET ASSETS AT END OF YEAR</b>	<u>\$ 3,170,199</u>	<u>\$ 10,822</u>	<u>\$ -</u>	<u>\$ 3,181,021</u>

See accompanying accountants' report and notes to financial statements.



**ELLIOTT, ROBINSON  
& COMPANY, LLP**

**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL  
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF  
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH  
GOVERNMENT AUDITING STANDARDS**

To the Board of Directors  
Branson/Lakes Area Chamber of Commerce  
and Affiliate  
Branson, MO

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial statement audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of Branson/Lakes Area Chamber of Commerce and Affiliate (a nonprofit organization), which comprise the combined statement of financial position as of December 31, 2018, and the related combined statements of activities and change in net assets, functional expenses, and cash flows for the year then ended, and the related notes to the financial statements and have issued our report thereon dated August 21, 2019.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered Branson/Lakes Area Chamber of Commerce and Affiliate's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Branson/Lakes Area Chamber of Commerce and Affiliate's internal control. Accordingly, we do not express an opinion on the effectiveness of Branson/Lakes Area Chamber of Commerce and Affiliate's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of Branson/Lakes Area Chamber of Commerce and Affiliate's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. We did identify certain

deficiencies in internal control, described in the accompanying schedule of findings and questioned costs that we consider to be a significant deficiency listed as 2018-01, 2018-02, 2018-03, and 2018-04.

#### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether Branson/Lakes Area Chamber of Commerce and Affiliate's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

#### **Branson/Lakes Area Chamber of Commerce and Affiliate's Response to Findings**

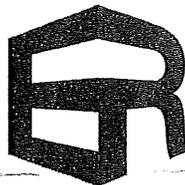
Branson/Lakes Area Chamber of Commerce and Affiliate's response to the findings identified in our audit is described in the accompanying schedule of findings and questioned costs. Branson/Lakes Area Chamber of Commerce and Affiliate's response was not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

#### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness Branson/Lakes Area Chamber of Commerce and Affiliate's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Branson/Lakes Area Chamber of Commerce and Affiliate's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Elliott, Robinson & Company, PC*

Springfield, Missouri  
August 21, 2019



**ELLIOTT, ROBINSON  
& COMPANY, LLP**

**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE FOR EACH MAJOR  
PROGRAM AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE  
UNIFORM GUIDANCE**

To the Board of Directors  
Branson/Lakes Area Chamber of Commerce  
and Affiliate  
Branson, MO

**Report on Compliance for Each Major Federal Program**

We have audited Branson/Lakes Area Chamber of Commerce and Affiliate (a not-for-profit organization)'s compliance with the types of compliance requirements described in the OMB *Compliance Supplement* that could have a direct and material effect on each of Branson/Lakes Area Chamber of Commerce and Affiliate's major federal programs for the year ended December 31, 2018. Branson/Lakes Area Chamber of Commerce and Affiliate's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

**Management's Responsibility**

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

**Auditors' Responsibility**

Our responsibility is to express an opinion on compliance for each of Branson/Lakes Area Chamber of Commerce and Affiliate's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about Branson/Lakes Area Chamber of Commerce and Affiliate's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of Branson/Lakes Area Chamber of Commerce and Affiliate's compliance.

#### **Opinion on Each Major Federal Program**

In our opinion, Branson/Lakes Area Chamber of Commerce and Affiliate complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended December 31, 2018.

#### **Other Matters**

The results of our auditing procedures disclosed no instances of noncompliance that are required to be reported in accordance with the Uniform Guidance. Our opinion on each major federal program is not modified.

#### **Report on Internal Control over Compliance**

Management of Branson/Lakes Area Chamber of Commerce and Affiliate is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered Branson/Lakes Area Chamber of Commerce and Affiliate's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of Branson/Lakes Area Chamber of Commerce and Affiliate's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that a material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, we identified a certain deficiency in internal control over compliance, as described in the

accompanying schedule of findings and questioned costs as items 2018-05, 2018-06, 2018-07 and 2018-08 which we consider to be a significant deficiency.

Branson/Lakes Area Chamber of Commerce and Affiliate's response to the internal control over compliance findings identified in our audit is described in the accompanying schedule of findings and questioned costs. Branson/Lakes Area Chamber of Commerce and Affiliate's response was not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response. The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

*Elvitt, Robinson & Company, PC*

Springfield, Missouri  
August 21, 2019

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
YEAR ENDED DECEMBER 31, 2018

Program Title	Federal CFDA Number	Passed through to Sub- recipients	Total Federal Expenditures
<u>U.S. Department of Agriculture</u>			
Community Facilities Loans and Grants	10.766	<u>0</u>	<u>933,636</u>
Total Department of Agriculture		<u>0</u>	<u>933,636</u>
<b>Total Expenditures of Federal Awards</b>		<u>\$ 0</u>	<u>933,636</u>

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
YEAR ENDED DECEMBER 31, 2018

**NOTE A: BASIS OF PRESENTATION**

The accompanying schedule of expenditures of federal awards (the Schedule) includes the federal award activity of Branson/Lakes Area Chamber of Commerce and Affiliate under programs of the federal government for the year ended December 31, 2018. The information in this Schedule is presented in accordance with the requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Because the Schedule presents only a selected portion of the operations of Branson/Lakes Area Chamber of Commerce and Affiliate, it is not intended to and does not present the financial position, changes in net assets, or cash flows of Branson/Lakes Area Chamber of Commerce and Affiliate.

**NOTE B: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

Expenditures reported on the Schedule are reported on the accrual basis of accounting. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

**NOTE C: LOAN BALANCES**

Community Facilities Loans and Grants on the schedule had the following balances as of December 31, 2018:

	<u>December 31, 2018</u>
USDA Rural Development Loan	933,636

**NOTE D: INDIRECT COST RATE**

The entity has elected not to use the 10 percent de minimis indirect cost rate as allowed under the Uniform Guidance.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
YEAR ENDED DECEMBER 31, 2018

SUMMARY OF AUDIT RESULTS

1. The auditors' report expresses an unmodified opinion on the financial statements of Branson/Area Chamber of Commerce and Affiliate.
2. The deficiency disclosed during the audit is reported in the Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards. The deficiency is not considered to be a material weakness.
3. No instances of noncompliance material to the financial statements of Branson/Area Chamber of Commerce and Affiliate, which would be required to be reported in accordance with Government Auditing Standards were disclosed during the audit.
4. The deficiency disclosed during the audit relating to the major federal award program is reported in the Independent Auditor's Report on Compliance with Requirements Applicable to Each Major Program and Internal Controls over Compliance in Accordance with Uniform Guidance. The deficiency is not considered to be a material weakness.
5. The auditors' report on compliance for the major federal award programs for Branson/Area Chamber of Commerce and Affiliate expresses an unmodified opinion.
6. The Audit Findings that are required to be reported in accordance with The Uniform Guidance is reported in this Schedule.
7. The program tested as major programs included:

<u>CFDA Number</u>	<u>Name of Federal Program or Cluster</u>
10.766	Community Facilities Loans and Grants

8. The threshold for distinguishing Type A and B programs was \$750,000.
9. Branson/Area Chamber of Commerce and Affiliate was determined to be a high-risk auditee.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
YEAR ENDED DECEMBER 31, 2018

CFDA 10.766  
U.S. Department of Agriculture  
Community Facilities Loans and Grants

Findings – Financial Statement Audit

2018-01

Criteria: The size of the Organization's staff should be sufficient to provide optimum segregation of duties for preventative and detective internal controls.

Condition: There is a lack of segregation of duties for some preventative internal controls among the Organization's staff.

Context: Deficiency was discovered while analyzing internal controls.

Effect: There is a risk that the Organization's internal controls would detect; but, not prevent misstatement.

Cause: There is a limited number of staff for certain accounting functions.

Recommendation: It is recommended that management and the Board of Directors continues oversight to minimize risks.

Response: We acknowledge that the size of the accounting staff is not large enough to provide optimum segregation of duties in regard to some preventative controls. We also believe that it is not feasible to achieve this level of control without unreasonable costs being incurred. To mitigate this risk, management, the Financial Oversight Committee, and the Board of Directors are actively involved in the financial affairs of the Organization and meet regularly to review financial information.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
YEAR ENDED DECEMBER 31, 2018

2018-02

Criteria: No formal review for bank reconciliations.

Condition: A formal review process for bank reconciliations had not been established.

Context: Deficiency was discovered while analyzing internal controls.

Effect: There is a risk that the Organization's internal controls would not detect a misstatement.

Cause: A process had not been established.

Recommendation: Management review the bank reconciliations on a monthly basis to assess for any errors and to provide for additional oversight.

Response: Beginning in 2019, management has begun reviewing the bank reconciliations on a monthly basis.

2018-03

Criteria: There was no supporting documentation for fixed asset tracking

Condition: A formal process for maintaining the fixed asset listing had not been established.

Context: Deficiency was discovered while analyzing internal controls.

Effect: There is a risk that fixed assets are disposed, but not recorded in the accounting records.

Cause: A process had not been established.

Recommendation: We recommend that a physical count or observation take place to ensure the Organization's fixed asset list is updated and remains current throughout the year.

Response: Beginning in 2019, management will perform a physical observation to ensure the fixed asset listing is updated and current.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
YEAR ENDED DECEMBER 31, 2018

2018-04

Criteria: There is no process for reconciling Chamber Master reports to the amounts booked monthly.

Condition: A formal process/reconciliation has not been established between the Chamber Master reports and the accounting system.

Context: Deficiency was discovered while analyzing internal controls.

Effect: There is a risk that information recorded in one system will not be recorded in the other system.

Cause: A process had not been established.

Recommendation: We recommend that these reports are reconciled monthly to ensure proper and accurate reporting.

Response: Beginning in 2019, management will reconcile the reports monthly to ensure accurate reporting.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
YEAR ENDED DECEMBER 31, 2018

CFDA 10.766  
U.S. Department of Agriculture  
Community Facilities Loans and Grants

Findings – Major Federal Award Program Audit

2018-05

Criteria: The size of the Organization's staff should be sufficient to provide optimum segregation of duties for preventative and detective internal controls.

Condition: There is a lack of segregation of duties for some preventative internal controls among the Organization's staff.

Context: Deficiency was discovered while analyzing internal controls.

Effect: There is a risk that the Organization's internal controls would detect; but, not prevent misstatement.

Cause: There is a limited number of staff for certain accounting functions.

Recommendation: It is recommended that management and the Board of Directors continues oversight to minimize risks.

Response: We acknowledge that the size of the accounting staff is not large enough to provide optimum segregation of duties in regard to some preventative controls. We also believe that it is not feasible to achieve this level of control without unreasonable costs being incurred. To mitigate this risk, management, the Financial Oversight Committee, and the Board of Directors are actively involved in the financial affairs of the Organization and meet regularly to review financial information.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
YEAR ENDED DECEMBER 31, 2018

2018-06

Criteria: No formal review for bank reconciliations.

Condition: A formal review process for bank reconciliations had not been established.

Context: Deficiency was discovered while analyzing internal controls.

Effect: There is a risk that the Organization's internal controls would not detect a misstatement.

Cause: A process had not been established.

Recommendation: Management review the bank reconciliations on a monthly basis to assess for any errors and to provide for additional oversight.

Response: Beginning in 2019, management has begun reviewing the bank reconciliations on a monthly basis.

2018-07

Criteria: There was no supporting documentation for fixed asset tracking

Condition: A formal process for maintaining the fixed asset listing had not been established.

Context: Deficiency was discovered while analyzing internal controls.

Effect: There is a risk that fixed assets are disposed, but not recorded in the accounting records.

Cause: A process had not been established.

Recommendation: We recommend that a physical count or observation take place to ensure the Organization's fixed asset list is updated and remains current throughout the year.

Response: Beginning in 2019, management will perform a physical observation to ensure the fixed asset listing is updated and current.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
YEAR ENDED DECEMBER 31, 2018

2018-08

Criteria: There is no process for reconciling Chamber Master reports to the amounts booked monthly.

Condition: A formal process/reconciliation has not been established between the Chamber Master reports and the accounting system.

Context: Deficiency was discovered while analyzing internal controls.

Effect: There is a risk that information recorded in one system will not be recorded in the other system.

Cause: A process had not been established.

Recommendation: We recommend that these reports are reconciled monthly to ensure proper and accurate reporting.

Response: Beginning in 2019, management will reconcile the reports monthly to ensure accurate reporting.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILITE  
CASE NO: 30-007-440586242  
SUMMARY SCHEDULE OF PRIOR YEAR AUDIT FINDINGS  
YEAR ENDED DECMEBER 31, 2018

Findings – Compliance and Other Matters

2018 – None noted.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
CORRECTIVE ACTION PLAN  
YEAR ENDED DECEMBER 31, 2018

U.S. DEPARTMENT OF AGRICULTURE

Branson/Lakes Area Chamber of Commerce and Affiliate  
4100 Gretna Road  
Branson, MO 65616

Branson/Lakes Area Chamber of Commerce and Affiliate respectfully submits the following corrective action plan for the year ended December 31, 2018.

Name and address of public accounting firm:

Elliott, Robinson & Company, LLP  
2305 S. Blackman Road, Suite D  
Springfield, Missouri 65809

Audit Period:

For the year ended December 31, 2018

The findings from the December 31, 2018 schedule of findings and questioned costs are discussed below. The findings are numbered consistently with the numbers assigned in the schedule.

**CORRECTIVE ACTION COMPLETED**

**Findings – Financial Statement Audit**

2018-01

Recommendation: It is recommended that management and the Board of Directors continues oversight to minimize risks.

Corrective Action  
Planned:

We acknowledge that the size of the accounting staff is not large enough to provide optimum segregation of duties in regard to some preventative controls. We also believe that it is not feasible to achieve this level of control without unreasonable costs being incurred and without going against government guidance on operating this type of facility. To mitigate this risk, management, the Financial Oversight Committee, and the Board of Directors are actively involved in the financial affairs of the Organization and meet regularly to review financial information.

Anticipated  
Implementation  
Date:

This action plan is ongoing with continued oversight by management, the Financial Oversight Committee, and the Board of Directors.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
CORRECTIVE ACTION PLAN  
YEAR ENDED DECEMBER 31, 2018

2018-02

Recommendation: Management review the bank reconciliations on a monthly basis to assess for any errors and to provide for additional oversight.

Corrective Action Planned: Beginning in 2019, management has begun reviewing the bank reconciliations on a monthly basis..

Anticipated Implementation Date: Implementation started in 2019.

2018-03

Recommendation: We recommend that a physical inventory take place to ensure the Organization's fixed asset list is updated and remains current throughout the year.

Corrective Action Planned: Beginning in 2019, management will perform a physical inventory to ensure the fixed asset listing is updated and current.

Anticipated Implementation Date: Implementation started in 2019.

2018-04

Recommendation: We recommend that these reports are reconciled monthly to ensure proper and accurate reporting

Corrective Action Planned: Beginning in 2019, management will reconcile the reports monthly to ensure accurate reporting.

Anticipated Implementation Date: Implementation started in 2019.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
CORRECTIVE ACTION PLAN  
YEAR ENDED DECEMBER 31, 2018

Findings – Major Federal Award Program Audit

2018-05

Recommendation: It is recommended that management and the Board of Directors continues oversight to minimize risks.

Corrective Action  
Planned:

We acknowledge that the size of the accounting staff is not large enough to provide optimum segregation of duties in regard to some preventative controls. We also believe that it is not feasible to achieve this level of control without unreasonable costs being incurred and without going against government guidance on operating this type of facility. To mitigate this risk, management, the Financial Oversight Committee, and the Board of Directors are actively involved in the financial affairs of the Organization and meet regularly to review financial information.

Anticipated  
Implementation  
Date:

This action plan is ongoing with continued oversight by management, the Financial Oversight Committee, and the Board of Directors.

2018-06

Recommendation: Management review the bank reconciliations on a monthly basis to assess for any errors and to provide for additional oversight.

Corrective Action  
Planned:

Beginning in 2019, management has begun reviewing the bank reconciliations on a monthly basis..

Anticipated  
Implementation  
Date:

Implementation started in 2019.

BRANSON/LAKES AREA CHAMBER OF COMMERCE AND AFFILIATE  
CASE NO: 30-007-440586242  
CORRECTIVE ACTION PLAN  
YEAR ENDED DECEMBER 31, 2018

2018-07

Recommendation: We recommend that a physical inventory take place to ensure the Organization's fixed asset list is updated and remains current throughout the year.

Corrective Action Planned: Beginning in 2019, management will perform a physical inventory to ensure the fixed asset listing is updated and current.

Anticipated Implementation Date: Implementation started in 2019.

2018-08

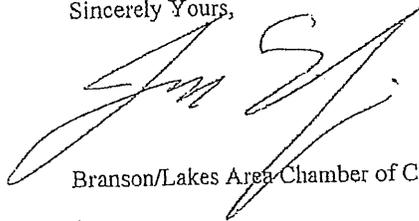
Recommendation: We recommend that these reports are reconciled monthly to ensure proper and accurate reporting

Corrective Action Planned: Beginning in 2019, management will reconcile the reports monthly to ensure accurate reporting.

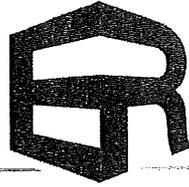
Anticipated Implementation Date: Implementation started in 2019.

If the oversight agency for audit has questions regarding this plan, please call Samantha Gutting at (417) 334-4084.

Sincerely Yours,



Branson/Lakes Area Chamber of Commerce and Affiliate



**ELLIOTT, ROBINSON  
& COMPANY, LLP**

August 21, 2019

To the Board of Directors and Management of  
Branson/Lakes Area Chamber of Commerce and Affiliate

We have audited the combined financial statements of Branson/Lakes Area Chamber of Commerce and Affiliate for the year ended December 31, 2018, and have issued our report thereon dated August 21, 2019. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated January 7, 2019. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

*Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Branson/Lakes Area Chamber of Commerce and Affiliate are described in Note 2 to the financial statements. The Organization changed accounting policies related to presentation and disclosure of financial information by adopting FASB Accounting Standards Update (ASU) No. ASU 2016-14, Not-for-Profit Entities (Topic 958) – *Presentation of Financial Statements of Not-for-Profit Entities*, in 2018. We noted no transactions entered into by the Organization during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

Management's estimate of the allowance for doubtful accounts is based on historical collection rates and an analysis of individual accounts. We evaluated the key factors and assumptions used to develop the allowance in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the depreciation is based on how long the fixed assets purchased will be used. We evaluated the key factors and assumptions used to develop the depreciation in determining that it is reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the financial statements was:

The disclosure of liquidity and availability in Note 3 to the financial statements describes the composition of financial liquidity and management's assessment of the Organization's ability to meet general expenditures over the next twelve months.

The disclosure of revenue concentration in Note 10 to the financial statements describes the concentration of tax revenue the organization receives.

The financial statement disclosures are neutral, consistent, and clear.

*Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

*Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements.

*Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

*Management Representations*

We have requested certain representations from management that are included in the management representation letter dated August 21, 2019.

*Management consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Organization's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

*Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Organization's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

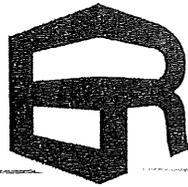
With respect to supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with U.S. generally accepted accounting principles, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

This information is intended solely for the use of the board of directors and management of Branson/Lakes Area Chamber of Commerce and Affiliate and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

A handwritten signature in cursive script that reads "Elliott, Robinson & Company, LLP".

Elliott, Robinson & Company, LLP



**ELLIOTT, ROBINSON  
& COMPANY, LLP**

To the Board of Directors  
and of Branson/Lakes Area Chamber of Commerce and Affiliate

In planning and performing our audit of the combined financial statements of Branson/Lakes Area Chamber of Commerce and Affiliate as of and for the year ended December 31, 2018, in accordance with auditing standards generally accepted in the United States of America, we considered Branson/Lakes Area Chamber of Commerce and Affiliate's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Organization's internal control. Accordingly, we do not express an opinion on the effectiveness of the Organization's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as discussed below, we identified certain deficiencies in internal control that we consider to be significant deficiencies.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. We did not identify any deficiencies in internal control that we consider to be material weaknesses.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the following deficiencies in Branson/Lakes Area Chamber of Commerce and Affiliate's internal control to be significant deficiencies:

1. The size of the Organization's accounting and administrative staff precludes certain internal controls that would be preferred if the office staff were large enough to provide optimum segregation of duties. Two types of controls are suggested within the Organization – preventative and detective. The Organization seems to have oversight and review functions to counteract the lack of segregation from a detective perspective. However, the Organization is unable to provide the

optimum segregation of duties from a preventative perspective. To help mitigate some of the risk associated with limited segregation of duties, it is recommended that the Board of Directors continue to have active participation. This involvement by the Board of Directors will help protect the Organization along with mitigating some of the risk associated with limited segregation of duties.

2. While reviewing bank reconciliations, we noted that there is no formal review process for bank reconciliations. We recommend that someone review the bank reconciliations on a monthly basis to assess for any errors and to provide for additional oversight.
3. There was no supporting documentation for fixed asset tracking. We recommend that a physical inventory take place to ensure the Organization's fixed asset list is updated and remains current throughout the year.
4. While reviewing accounts receivable ledgers, we discovered that there is no process for reconciling Chamber Master reports to the amounts booked monthly. We recommend that these reports are reconciled monthly to ensure proper and accurate reporting.

This communication is intended solely for the information and use of management, the Board of Directors, and others within the organization, and is not intended to be, and should not be, used by anyone other than these specified parties.

*Elliott, Robinson & Company, LLP*

Elliott, Robinson & Company, LLP  
Springfield, Missouri  
August 21, 2019

CHAMBER OF COMMERCE  
2020 BUDGET

CHAMBER OF COMMERCE	2019 Budget	2019 Year End Projection	2020 Budget	% CHANGE (PROJECTED)
CHAMBER REVENUE				
RENEWALS	485,000	520,000	465,000	-4.1%
INTEREST INCOME	175	4,785	8,700	4871.4%
NEW MEMBERSHIP	45,000	39,000	55,000	22.2%
MT BRANSON RENT	13,200	13,200	13,200	0.0%
OTHER INCOME	5,000	6,800	21,166	323.3%
CVB BUILDING USAGE FEE	142,800	142,800	142,800	0.0%
B/L AREA LEG PARTNERSHIP	8,500	8,500	8,500	0.0%
CDF DONATIONS	11,166	11,000	0	-100.0%
CHAMBER WEBSITE REVENUE	1,400	1,625	2,500	78.6%
RELOCATION REVENUE	225	0	0	-100.0%
NEW MEMBER PROCESSING FEE	3,150	3,500	5,000	58.7%
IMAGINE BRANSON	15,000	0	20,000	33.3%
CHAMBER CONNECTION BANNER ADS	1,000	950	1,000	0.0%
SMALL BUSINESS VIDEO SERIES	3,000	3,000	3,000	0.0%
MSA REVENUES	25,000	29,500	30,000	20.0%
COMMUNITY LDRSHP VISIT PROGRAMS	16,000	10,750	12,500	-21.9%
	143,465	155,500	173,434	20.9%
<b>TOTAL REVENUE</b>	<b>944,081</b>	<b>950,910</b>	<b>961,800</b>	<b>1.9%</b>

CHAMBER EXPENSES				
SALARIES	276,519	267,000	287,005	3.8%
RETIREMENT	13,000	6,000	13,493	3.8%
PAYROLL TAXES	28,640	21,500	22,000	-23.2%
FEDERAL UNEMPLOYMT	400	250	400	0.0%
STATE UNEMPLOYMT	500	300	500	0.0%
BENEFITS	26,285	24,600	27,474	4.5%
MAINTENANCE	2,402	3,700	2,582	7.5%
INSURANCE	4,250	2,800	4,250	0.0%
UTILITIES	3,560	4,200	2,250	-36.8%
OFFICE OPERATIONS	2,000	2,300	1,721	-14.0%
SYSTEMS OPERATIONS	14,219	13,500	14,623	2.8%
PRINTING	8,000	7,500	7,000	-12.5%
SUPPLIES	2,000	1,300	2,000	0.0%
POSTAGE & SHIPPING	4,000	3,800	3,500	-12.5%
TELEPHONE	3,705	6,800	4,100	10.7%
LEGAL & PROF. FEES	4,783	4,500	16,700	249.2%
VEHICLE EXPENSE	12,500	11,000	10,000	-20.0%
DUES & MEMBERSHIP	8,000	5,000	4,000	-50.0%
BAD DEBT- CHAMBER -NON DUES	100	100	100	0.0%
CANCELLATION EXPENSE			55,000	#DIV/0!
B/L AREA LEG PARTNER	10,000	9,258	7,000	-30.0%
LOBBYIST	9,000	9,000	12,000	33.3%
LEGISLATIVE	12,000	12,000	9,000	-25.0%
TANEY CTY BUS/DEV PARTNERSHIP	75,000	75,000	75,000	0.0%
CHAMBER WEBSITE EXPENSES	7,500	3,000	2,500	-66.7%
MEMBERSHIP ENGAGEMENT	9,000	9,000	8,000	-11.1%
MEMBER SERVICES	9,000	8,500	9,000	0.0%
AMBASSADOR EXPENSES	1,800	300	0	-100.0%
CHAMBER HOTSPOT	1,080	900	1,080	0.0%
RELOCATION PACKETS	900	200	0	-100.0%
ADVERTISING CHAMBER	7,500	7,800	6,500	-13.3%
BUSINESS/COMMUNITY RELATIONS	2,500	2,700	2,500	0.0%

CHAMBER OF COMMERCE  
2020 BUDGET

CHAMBER OF COMMERCE	2019 Budget	2019 Year End Projection	2020 Budget	% CHANGE (PROJECTED)
COMMUNITY TRAVEL & MEALS	2,400	2,300	2,400	0.0%
HUMAN RESOURCES	245	245	245	0.0%
HR SUNSHINE COMMITTEE	555	540	555	0.0%
EDUCATION & TRAINING	3,100	2,000	3,100	0.0%
MEETING & CONF.	13,000	13,000	12,000	-7.7%
TRAVEL& MEALS	18,500	15,000	18,500	0.0%
MISCELLANEOUS	400	281	400	0.0%
IMAGINE BRANSON	30,000	0	6,750	-77.5%
COMMUNITY LDRSHP VISIT	16,000	18,618	10,000	-37.5%
DEBT SERVICE	143,750	143,750	143,760	0.0%
PROGRAMS/EVENTS	105,488	165,000	127,565	20.9%
<b>TOTAL EXPENSES</b>	<b>896,081</b>	<b>884,542</b>	<b>936,553</b>	<b>4.5%</b>
PROFIT CONTRIBUTION	48,000	66,368	25,247	-47.4%
DEPRECIATION	46,000	110,559	180,000	291.3%

CONVENTION AND VISITORS BUREAU  
TAX FUNDED  
2020 BUDGET SUMMARY

CITY TOURISM TAX (TT) REVENUE	2019 BUDGET	2019 Year End Projection	2020 BUDGET	% CHANGE (BUDGET)
TOURISM TAX	3,300,000	3,279,557	2,707,440	-18.0%
<b>TOTAL TOURISM TAX REVENUE</b>	<b>3,300,000</b>	<b>3,279,557</b>	<b>2,707,440</b>	<b>-18.0%</b>
<b>CITY TOURISM TAX (TT) EXPENSE</b>				
TT HISTORIC DOWNTOWN	75,000	75,000	75,000	0.0%
TT VETERANS MARKETING	50,000	49,843	50,000	0.0%
TT ADVERTISING	2,414,000	2,404,000	1,850,000	-23.4%
TT CREATIVE SERVICES	300,000	299,809	188,940	-37.0%
TT PRODUCTIONS/DUBS	20,000	18,524	7,000	-65.0%
TT PHOTOGRAPHY	110,000	109,062	75,000	-31.8%
TT ADVERTISING WEBSITE	100,000	98,184	120,000	20.0%
TT SOCIAL MARKETING & OUTREACH	100,000	97,968	160,000	60.0%
TT CONTENT & DISTRIBUTION	100,000	96,370	150,000	50.0%
TT SPONSORSHIPS STUDENT	1,000	1,000	1,500	50.0%
TT TRAVEL & TRADE SHOW	30,000	29,797	30,000	0.0%
<b>TOTAL EXPENSES</b>	<b>3,300,000</b>	<b>3,279,557</b>	<b>2,707,440</b>	<b>-18.0%</b>

TCED REVENUE	2019 BUDGET	2019 Year End Projection	2020 BUDGET	% CHANGE (BUDGET)
TCED TAX MARKETING REVENUE	7,080,514	6,830,514	6,688,709	-5.53%
COOP TOTALS	102,250	91,605	66,000	-35.5%
FULFILLMENT TOTALS	10,200	15,000	10,000	-2.0%
GRANT TOTALS	619,985	617,812	555,000	-10.5%
PUBLICATION TOTALS	400,000	387,174	363,000	-9.3%
WEBSITE TOTALS	250,000	158,537	150,000	-40.0%
<b>TOTAL TCED REVENUE</b>	<b>8,462,949</b>	<b>8,100,643</b>	<b>7,832,709</b>	<b>-7.4%</b>

TCED EXPENSE	2019 BUDGET	2019 Year End Projection	2020 BUDGET	% CHANGE (BUDGET)
MEDIA ADVERTISING	4,478,221	4,407,515	4,006,306	-10.5%
PUBLIC RELATIONS	529,500	551,728	536,000	1.2%
TRAVEL/TRADE SHOWS	280,624	266,859	267,719	-4.6%
TRADE MEDIA ADVERTISING	92,032	79,091	115,697	25.7%
DUES & SPONSORSHIPS/GROUP TRAVEL	566,233	532,888	602,240	6.4%
PUBLICATIONS	383,800	375,552	375,500	-2.2%
WEBSITE	203,000	207,299	225,000	10.8%
CONSUMER RESPONSE OPERATIONS	190,000	136,638	257,877	35.7%
PUBS/COLLATERAL	34,777	21,140	43,300	24.5%
RESEARCH	191,073	184,205	105,000	-45.0%
FULFILLMENT	39,000	29,820	31,400	-19.5%
SPECIAL EVENT SUPPORT FUND	2,705	2,485	2,500	-7.6%
MARKETING OPPORTUNITY FUND	89,549	83,247	120,170	34.2%
<b>TOTAL EXPENSES</b>	<b>7,080,514</b>	<b>6,878,467</b>	<b>6,688,709</b>	<b>-5.5%</b>

CONVENTION AND VISITORS BUREAU  
 TAX FUNDED  
 2020 BUDGET SUMMARY

CITY TOURISM TAX (TT) REVENUE	2019 BUDGET	2019 Year End Projection	2020 BUDGET	% CHANGE (BUDGET)
TCED ADMIN FEE REVENUE	2019 BUDGET	2019 Year End Projection	2020 BUDGET	% CHANGE (BUDGET)
ET ENHANCEMENT TAX ADMIN FEE	1,946,800	1,946,800	1,946,800	0.0%
<b>TOTAL ADMN FEE REVENUE</b>	<b>1,946,800</b>	<b>1,946,800</b>	<b>1,946,800</b>	<b>0.0%</b>
<b>TCED ADMIN FEE EXPENSE</b>				
SALARIES	1,209,000	1,103,500	1,226,642	1.5%
RETIREMENT	57,800	70,475	64,000	10.7%
PAYROLL TAXES	86,100	81,500	88,800	3.1%
FEDERAL UNEMP TAX	890	900	1,000	12.4%
STATE UNEMPLOY TAX	960	1,300	1,300	35.4%
BENEFITS	122,137	109,500	126,484	3.6%
MAINTENANCE	21,000	27,000	18,738	-10.8%
INSURANCE	35,000	24,000	27,000	-22.9%
UTILITIES	32,040	28,000	22,500	-29.8%
OFFICE OPERATIONS	17,500	14,500	16,795	-4.0%
SYSTEMS OPERATIONS	60,370	58,000	62,421	3.4%
SUPPLIES	3,300	6,800	3,300	0.0%
POSTAGE & SHIPPING	11,000	1,000	10,000	-9.1%
TELEPHONE	27,670	43,000	30,000	8.4%
PROPERTY TAX	18,789			
LEGAL & PROF. FEES	41,357	42,500	41,500	0.3%
VEHICLE EXPENSE	6,500	4,900	6,000	-7.7%
DUES & MEMBERSHIP	826	825	825	-0.1%
BUSINESS/COMMUNITY RELATIONS	6,500	11,000	11,000	69.2%
COMMUNITY TRAVEL AND MEALS	2,000	1,200	2,000	0.0%
HUMAN RESOURCES	2,266	2,500	2,700	19.2%
HUMAN RESOURCES SUNSHINE COMM.	4,995	4,500	4,995	0.0%
EDUCATION & TRAINING	2,000	13,784	3,500	75.0%
MEETINGS & CONFERENCE	10,000	5,000	7,000	-30.0%
TRAVEL & ENTERTAINMENT	23,000	28,500	25,000	8.7%
MISCELLANEOUS	1,000	120	500	-50.0%
BUILDING USAGE FEE	142,800	142,800	142,800	0.0%
<b>TOTAL EXPENSES</b>	<b>1,946,800</b>	<b>1,827,104</b>	<b>1,946,800</b>	<b>0.0%</b>

CONVENTION AND VISITORS BUREAU  
 TAX FUNDED  
 2020 BUDGET

CVB REVENUE	2019	2019 Year	2020	% CHANGE
	BUDGET	End	BUDGET	(BUDGET)
		Projection		
TOURISM TAX	2,570,020	3,294,000	2,324,462	-9.6%
TOURISM TAX CARRY OVER	729,980		382,978	-47.5%
ET ENHANCEMENT TAX	6,618,317	6,830,514	6,488,709	-2.0%
ET ENHANCEMENT TAX CARRY OVER	107,776		200,000	85.6%
ET ENHANCEMENT TAX ADMIN FEE	1,946,800	1,946,800	1,946,800	0.0%
MATCHING GRANT	325,613	325,613	330,000	1.3%
TABLE ROCK GRANT	294,372	294,372	225,000	-23.6%
SYTA SPONSORSHIPS	8,000	8,700	8,000	0.0%
GROUP TRAVEL PLANNER	15,000	11,900		-100.0%
ABA SPONSORSHIPS	20,000	18,505	18,000	-10.0%
MTG CONVENTION SPONSORSHIPS	5,000	3,435	5,500	10.0%
WELCOME BAGS	10,000	15,000	10,000	0.0%
SPORTS SPONSORSHIPS	7,250	0	6,000	-17.2%
BRANSON LIVE MEMPHIS				#DIV/0!
BRANSON LIVE CHICAGO	10,000	9,085		-100.0%
MUSIC DIRECTOR FAM	8,000	7,950	7,000	-12.5%
TAP DANCE OPENING NIGHT PARTNERSHIP			3,000	#DIV/0!
TRAVEL SOUTH	2,000	400	1,500	-25.0%
ABA DINE AROUND	10,000	11,100	8,500	-15.0%
ITMI SYMPOSIUM PARTNERSHIP	4,000	4,800	0	-100.0%
TMEA PARTNERSHIP	5,000	1,900	1,500	-70.0%
MILITARY REUNION PLANNER CONFERE	8,000	10,230	7,000	-12.5%
NAMO BBRANSON PARTNERSHIP	3,600	3,600		
ET WEBSITE AD SALES	250,000	158,537	150,000	-40.0%
NECKWALLETS/ LAPEL PINS	200			-100.0%
PUBLICATIONS	440,000	387,174	363,000	-17.5%
<b>TOTAL REVENUE</b>	<b>13,398,928</b>	<b>13,343,615</b>	<b>12,486,949</b>	<b>-6.8%</b>
<b>CVB EXPENSE</b>				
SALARIES	1,209,000	1,103,500	1,226,642	1.5%
RETIREMENT	57,800	70,475	64,000	10.7%
PAYROLL TAXES	85,600	81,500	88,800	3.7%
FEDERAL UNEMP TAX	890	900	1,000	12.4%
STATE UNEMPLOY TAX	960	1,300	1,300	35.4%
BENEFITS	122,137	109,500	126,484	3.6%
MAINTENANCE	21,000	27,000	18,738	-10.8%
INSURANCE	35,000	24,000	27,000	-22.9%
UTILITIES	32,040	28,000	22,500	-29.8%
OFFICE OPERATIONS	17,500	14,500	16,795	-4.0%
SYSTEMS OPERATIONS	60,370	58,000	62,421	3.4%
SUPPLIES	3,300	6,800	3,300	0.0%
POSTAGE & SHIPPING	11,000	10,000	10,000	-9.1%
TELEPHONE	27,670	43,000	30,000	8.4%
LEGAL & PROF. FEES	41,357	42,500	41,500	0.3%
PROPERTY TAX	22,889			
VEHICLE EXPENSE	6,500	4,900	6,000	-7.7%
DUES & MEMBERSHIP	826	825	825	-0.1%

CONVENTION AND VISITORS BUREAU  
TAX FUNDED  
2020 BUDGET

CVB REVENUE	2019	2019 Year	2020	% CHANGE
	BUDGET	End	BUDGET	(BUDGET)
		Projection		
ET DUES & MEMBERSHIP	16,000	22,316	16,000	0.0%
ET DUES & MEMBERSHIP - GROUP	4,450	4,483	2,650	-40.4%
ET DUES & MEMBERSHIP - SPORTS	847	795	795	-6.1%
ET DUES & MEMBERSHIP - STUDENT	785	0	785	0.0%
ET DUES & MEMBERSHIP - REUNION	1,600	0	1,000	-37.5%
ET DUES & MEMBERSHIP - MTG CONV	3,200	1,460	1,460	-54.4%
ET DUES & MEMBERSHIP - PUBLIC RELA	1,500	1,495	2,500	66.7%
ET SALES KITS	14,000	13,488	12,000	-14.3%
ET CREDIT CARD FEES	17,000	13,283	14,000	-17.6%
ET PUBLIC RELATIONS- PUBLIC RELATIO	349,500	334,426	345,500	-1.1%
TT HISTORIC DOWNTOWN	75,000	75,000	75,000	0.0%
ET DISPLAYS - SPORTS	1,570	387	1,500	-4.5%
ET DISPLAYS - MTG CONV	600	786	800	33.3%
ET CLIPPING & MONITORING - PUBLIC R	40,000	38,764	25,000	-37.5%
ET FAM TOUR - GROUP	20,000	27,337	18,000	-10.0%
ET FAM TOUR - STUDENT	20,000	14,104	15,000	-25.0%
ET FAM TOUR - REUNION	15,000	11,438	15,000	0.0%
ET FAM TOUR - MTG CONV	0		25,000	#DIV/0!
ET MEDIA FAM TOUR- PUBLIC RELATION	30,000	56,305	45,000	50.0%
ET MEDIA PRESS TRIPS - PUBLIC RELAT	12,000	21,619	15,000	25.0%
TT VETERANS MARKETING	50,000	49,843	50,000	0.0%
ET COMMUNITY MARKETING PRESENTA	1,400	1,086	1,400	0.0%
ET PARTNER SUMMIT	0		10,000	#DIV/0!
TT ADVERTISING - TV	2,414,000	2,404,000	1,850,000	-23.4%
ET ADVERTISING - TV	1,835,635	1,827,007	2,050,009	11.7%
TT CREATIVE SERVICES	300,000	299,809	188,940	-37.0%
ET CREATIVE SERVICES	496,842	424,369	226,297	-54.5%
ET TABLE ROCK PROJECT	588,744	584,474	450,000	-23.6%
TT - TV PRODUCTIONS/DUBS	20,000	18,524	7,000	-65.0%
ET WEBSITE DEVELOPMENT	92,000	92,000	90,000	-2.2%
TT PHOTOGRAPHY	110,000	109,062	75,000	-31.8%
ET WEBSITE SEM/SEO	750,000	943,647	850,000	13.3%
TT ADVERTISING - WEBSITE	100,000	98,184	120,000	20.0%
ET ADVERTISING - WEBSITE	130,000	128,848	100,000	-23.1%
TT SOCIAL MARKETING & OUTREACH	100,000	97,968	160,000	60.0%
ET SOCIAL MARKETING & OUTREACH	20,000	87,454	20,000	0.0%
TT CONTENT & DISTRIBUTION	100,000	96,370	150,000	50.0%
ET CONTENT & DISTRIBUTION	190,000	265,000	150,000	-21.1%
ET ADVERTISING - PRINT	25,000	24,716	60,000	140.0%
ET RESEARCH	191,073	184,205	105,000	-45.0%
ET TRADE MEDIA ADV - GROUP	9,600	14,439	15,000	56.3%
ET TRADE MEDIA ADV - SPORT	23,050	11,635	41,500	80.0%
ET TRADE MEDIA ADV - STUDENT	7,500	10,483	10,007	33.4%
ET TRADE MEDIA ADV - REUNION	31,890	21,695	31,890	0.0%
ET TRADE MEDIA ADV - MTG CONV	20,532	20,739	17,300	-15.7%
ET SPONSORSHIPS	100,000	100,000		-100.0%
ET SPONSORSHIPS - GROUP	98,000	85,592	106,700	8.9%
ET SPONSORSHIPS - SPORTS	116,200	89,280	222,500	91.5%
TT SPONSORSHIPS - STUDENT	1,000	1,000	1,500	50.0%
ET SPONSORSHIPS - STUDENT	-24,900	73,257	73,000	-2.7%

CONVENTION AND VISITORS BUREAU  
TAX FUNDED  
2020 BUDGET

CVB REVENUE	2019 BUDGET	2019 Year End Projection	2020 BUDGET	% CHANGE (BUDGET)
ET SPONSORSHIPS - REUNION	750	377	750	0.0%
ET SPONSORSHIPS - MTG CONV	69,149	66,341	74,100	7.2%
ET SPONSORSHIPS - PUBLIC RELATIONS	20,000	19,000	20,000	0.0%
ET - OPPORTUNITY FUND	89,549	83,247	120,170	34.2%
ET - EVENT SUPPORT	3,700	2,485	2,500	-32.4%
ET ABA CONVENTION	68,600	67,492	80,000	16.6%
ET PUB/COLLATERAL - GROUP	20,607	19,321	8,000	-61.2%
ET PUB/COLLATERAL - SPORT	7,400	158	5,000	-32.4%
ET PUB/COLLATERAL - STUDENT	2,000	0	12,000	500.0%
ET PUB/COLLATERAL - REUNION	700	565	16,000	2185.7%
ET POSTAGE	6,600	1,963	4,000	-39.4%
TT TRAVEL & TRADE SHOW	30,000	29,797	30,000	0.0%
ET TRAVEL & TRADE SHOW	35,000	34,126	35,000	0.0%
ET TRAVEL & TRADE SHOW - GROUP	26,500	22,763	32,500	22.6%
ET TRAVEL & TRADE SHOW - SPORT	27,450	28,432	27,500	0.2%
ET TRAVEL & TRADE SHOW - STUDENT	16,500	13,348	12,000	-27.3%
ET TRAVEL & TRADE SHOW - REUNION	15,000	11,240	16,000	6.7%
ET TRAVEL & TRADE SHOW - MTG CONV	54,320	55,246	94,669	74.3%
ET DIRECT SALES - SPORT	3,000	17,077	3,000	0.0%
ET DIRECT SALES - MTG CONV	86,350	84,447	47,050	-45.5%
ET PROMOTIONS - SPORTS	8,000	3,871	5,500	-31.3%
ET PROMOTIONS - MTG CONVENTIONS	7,000	6,434	7,000	0.0%
ET SPECIALTY ADVERTISING - GROUP	28,000	27,430	20,000	-28.6%
CONSUMER RESPONSE - SALARIES	152,590	110,000	208,377	36.6%
CONSUMER RESPONSE - TAXES	11,500	9,300	11,500	0.0%
CONSUMER RESPONSE - RETIREMENT	6,500	4,400	7,900	21.5%
CONSUMER RESPONSE - BENEFITS	12,000	11,000	25,100	109.2%
CONSUMER RESPONSE - OPERATIONS	5,000	1,794	5,000	0.0%
CONSUMER RESPONSE - 800 PHONE	2,410	144	0	-100.0%
ET WEBSITE EXPENSES	85,000	84,917	100,000	17.6%
ET EMAIL EXPENSES	30,000	36,590	40,000	33.3%
ET MONITORING AND REPORTING	38,000	37,334	35,000	-7.9%
ET WEBSITE FEES	50,000	48,458	50,000	0.0%
BUSINESS/COMMUNITY RELATIONS	6,500	11,000	11,000	69.2%
COMMUNITY TRAVEL AND MEALS	2,000	1,200	2,000	0.0%
HUMAN RESOURCES	2,266	2,500	2,700	19.2%
HUMAN RESOURCES SUNSHINE COMM.	4,995	4,500	4,995	0.0%
EDUCATION & TRAINING	2,000	13,784	3,500	75.0%
MEETINGS & CONFERENCE	10,000	5,000	7,000	-30.0%
TRAVEL & ENTERTAINMENT	23,000	28,500	25,000	8.7%
MISCELLANEOUS	1,000	120	500	-50.0%
BUILDING USAGE FEE	142,800	142,800	142,800	0.0%
TCED REVENUE PAYMENT	1,422,435	1,272,301	1,144,000	-19.6%
PUBLICATIONS EXPENSES	383,800	375,552	375,500	-2.2%
<b>TOTAL EXPENSES</b>	<b>13,398,928</b>	<b>13,226,149</b>	<b>12,486,949</b>	<b>-6.8%</b>
<b>PROFIT CONTRIBUTION</b>	<b>0</b>	<b>117,466</b>	<b>0</b>	<b>#DIV/0!</b>

# STATE OF MISSOURI



**John R. Ashcroft**  
**Secretary of State**

**CORPORATION DIVISION**  
**CERTIFICATE OF GOOD STANDING**

I, JOHN R. ASHCROFT, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

***BRANSON/LAKES AREA CHAMBER OF COMMERCE***  
***B00010525***

was created under the laws of this State on the 27th day of April, 1946, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 3rd day of June, 2020.

  
Secretary of State



Certification Number: CERT-06032020-0033



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL ACCEPTING THE TERMS OF AN AGREEMENT WITH CURRENT MEMBER CITIES OF THE TRI-LAKES REGIONAL BIOSOLIDS COALITION TO FORM THE TRI-LAKES BIOSOLIDS JOINT MUNICIPAL UTILITY COMMISSION AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT.

**INITIATED BY:** UTILITIES DEPARTMENT

**FIRST READING:** AUGUST 11, 2020

**FINAL READING:** AUGUST 25, 2020

**EXECUTIVE SUMMARY:**

- The Cities of Branson, Hollister, Forsyth, Reeds Spring, Kimberling City, Rockaway Beach, Galena, and Sparta are current members of the Tri-Lakes Regional Biosolids Coalition and have recently worked with legal counsel to finalize the terms of an agreement to form the proposed Tri-Lakes Biosolids Joint Municipal Utility Commission (JMUC).
- The purpose of this agreement is for the listed cities to assume ownership and continue operations and maintenance of the existing biosolids drying facilities which are based at the Branson Cooper Creek wastewater treatment plant with additional equipment at the Branson Compton Drive treatment plant and the City of Hollister wastewater treatment plant. These facilities are utilized to meet the biosolids processing needs of the member cities.
- The existing drying facility construction was officially completed in 2015. During the first five years of facility operation, Taney County has been the owner for the facilities but assumes no operational responsibilities including cost of operations. County ownership was a requirement to meet guidelines of a Missouri Department of Natural Resources (MDNR) grant used in conjunction with matching funds from the County sewer sales tax to construct the facilities. Under the guidelines of the MDNR grant, the County agreed and still desires to transfer ownership responsibilities to the member cities. Formation of the member's Joint Municipal Utility Commission must be accomplished prior to the transfer.
- Staff recommends approval of the Tri-Lakes Biosolids Joint Municipal Utility Commission contract to allow the City of Branson to become a co-owner of the facilities and to continue participation in the biosolids drying program.

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year's budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended
- Neutral/None

**COMMUNITY PLAN 2030:** E1-5

**ATTACHED EXHIBITS:**

**ITEM/SUBJECT: READING OF A BILL ACCEPTING THE TERMS OF AN AGREEMENT WITH CURRENT MEMBER CITIES OF THE TRI-LAKES REGIONAL BIOSOLIDS COALITION TO FORM THE TRI-LAKES BIOSOLIDS JOINT MUNICIPAL UTILITY COMMISSION AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT.**

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**DETAILED ANALYSIS:**

The JMUC agreement has been reviewed by City of Branson's attorney; Chris Lebeck and the Tri-Lakes Biosolids Coalition representing attorney; Leland Gannaway.

Following formation of the JMUC, member representatives making up the Commission will hold a public meeting to elect officers and officially form the JMUC. Each member city will have a primary and alternate representative appointed by each city's Board of Aldermen. Each member City has one vote on items being considered by the Commission. Voting guidelines are addressed in the agreement terms.

The JMUC will continue to collect fees from the members utilizing the facilities for drying of their biosolids based on rates established by the Commission from actual costs of operations and processing. Those rates shall be adjusted on an annual basis to assure revenues are adequate to cover costs.

The Commission will acquire all biosolids equipment and facilities currently owned by Taney County. The Commission would continue with operational contracts with the cities of Branson and Hollister to operate and maintain biosolids equipment located at their respective facilities. The City of Branson will also continue to perform administrative and financial management of the facilities. The Commission will also have the ability to utilize other qualified professional service providers to provide these services if it is a benefit and cost savings for the members.

Staff will bring an operations agreement and a lease agreement for the Board of Aldermen's consideration at a future Board meeting. A lease agreement currently exists with Taney County as the biosolids facility at the Cooper Creek plant is situated on City of Branson property. The lease document will be transitioned to the JMUC.

Member cities will continue to pay a unit price for each ton of material which they have processed at the facility. The transition from current ownership and operations has no impact on operational costs. The cities of Branson and Hollister are paid through the Coalition for the actual cost of labor and materials used to operate the facilities. This will change to the biosolids Commission which is made up of the same members.

Should the member Cities elect, at any time, to dissolve the JMUC the agreement includes terms for disposition of the equipment. The Cities of Branson and Hollister will have first right of refusal to purchase the equipment located at facilities on their properties. The biosolids facility building at the Cooper Creek plant would be surrendered to the City of Branson.

BILL NO. 5847

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ACCEPTING THE TERMS OF AN AGREEMENT WITH CURRENT MEMBER CITIES OF THE TRI-LAKES REGIONAL BIOSOLIDS COALITION TO FORM THE TRI-LAKES BIOSOLIDS JOINT MUNICIPAL UTILITY COMMISSION AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT.**

**WHEREAS**, the Cities of Branson, Hollister, Forsyth, Reeds Spring, Kimberling City, Rockaway Beach, Galena, and Sparta all members of the Tri-Lakes Regional Biosolids Coalition have recently finalized the following agreement documents necessary to form the Tri-Lakes Biosolids Joint Municipal Utility Commission (JMUC); and

**WHEREAS**, participation in the Commission and utilization of the Regional Biosolids Dewatering and Drying facility will provide a long term solution for the processing and handling of wastewater sludge generated from the City of Branson’s wastewater treatment facilities; and

**WHEREAS**, the Board of Aldermen desires to approve the contract.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:**

Section 1: The Board of Aldermen hereby approves the Commission Agreement between the Cities of Branson, Hollister, Forsyth, Reeds Spring, Kimberling City, Rockaway Beach, Galena, and Sparta and authorizes the Mayor to execute the contract in the form attached as Exhibit “1”.

Section 2: This ordinance shall be in full force and effect upon and after its passage and approval.

Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
E. Edd Akers  
Mayor

ATTEST:

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

APPROVED AS TO FORM:

*Chris Lebeck #51831 8/5/12*  
\_\_\_\_\_  
Chris Lebeck #51831  
City Attorney

**THE TRI-LAKES BIOSOLIDS JOINT MUNICIPAL UTILITY COMMISSION**

## CONTRACT

This CONTRACT is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_ 2020, by and between the municipalities of Branson, Hollister, Forsyth, Kimberling City, Reeds Spring, Rockaway Beach, Galena and Sparta, all municipalities of the State of Missouri (whose duly authorized representatives names are subscribed hereto) hereinafter referred to as the "Members" acting pursuant to the authority conferred upon them by the Joint Municipal Utility Commission Act, Sections 393.700 to 393.770 RSMo, hereinafter referred to as "the Act".

**WITNESSETH:**

WHEREAS, the Members desire, pursuant to the provisions of the Act, to create and become parties to this contract establishing a Joint Municipal Utility Commission, hereinafter referred to as the "Commission", as a separate governmental entity, constituting a political subdivision and body public and corporate of the State of Missouri, to provide for the planning, development, financing, acquisition, improving, extending, operation, repairing and maintaining facilities for dewatering, drying and disposal of biosolids; and

WHEREAS, by virtue of previous grants the facilities immediately above described have been acquired and are in use by the Members pursuant to a Cooperation Agreement entitled "TRI-LAKES BIOSOLIDS COALITION COOPERATION AGREEMENT", entered into in 2012, a copy of which is attached hereto; and

WHEREAS, the Members, collectively and individually, warrant and represent that they have full authority to enter into this Contract with each other; and

WHEREAS, the Members desire to have a clear understanding as to their responsibilities and rights regarding the acceptance, processing, and disposition of biosolids at the Operating Facilities;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

**SECTION 1: EFFECTIVE DATE**

This Contract shall become effective and the existence of the Commission shall commence when all of the Members have duly executed this Contract.

**SECTION 2: CREATION OF THE TRI-LAKES BIOSOLIDS UTILITY COMMISSION; PURPOSE**

The Members pursuant to the Act, do hereby create a Joint Municipal Utility Commission, as a separate governmental entity, constituting a political subdivision and body

public and corporate of the State of Missouri, to be known as the Tri-Lakes Biosolids Joint Municipal Commission ("Commission"). The purpose of this Contract and the Commission created hereby is, generally, to own, operate and maintain the acquired drying facilities necessary to meet the needs of the Members and the inhabitants they serve, in the most economic and feasible manner. It is the intent of the Members to organize the Commission on a regional basis to efficiently provide for the operation and maintenance of the Members' needs in the most economical and efficient manner.

### **SECTION 3: DURATION OF JOINT CONTRACT: DISPOSITION OF ASSETS ON DISSOLUTION**

The duration of this Contract and the existence of the Commission shall be perpetual unless sooner terminated by a vote, evidenced by resolution of the governing body, of at least three-fourths (3/4) of the Members, provided, however, that the Contract and the existence of the Commission may not, in any event, be terminated so long as the Commission has any bonds, notes or other obligations, outstanding unless sufficient funds have been set aside irrevocably in trust to satisfy all the outstanding bonds, notes or other obligation of the Commission.

Upon termination of the existence of the Commission the equipment assets of the Commission, located at the Branson and Hollister wastewater treatment facilities, shall be sold or distributed as determined by the Commission. Funds from equipment sold shall be divided and distributed among the Members which are then parties to this Contract in proportion to the amount of total user fees paid unless the Members and all project participants have expressly agreed in writing to the contrary. Branson and Hollister shall have first right of refusal for any Commission equipment located on their properties to be distributed for sale and may pay the Commission for the value of the equipment, beyond their proportionate share, based on fair market value.

Biosolids facility building structures located at the City of Branson, Cooper Creek wastewater plant shall be surrendered to the City of Branson, including structures existing at the time of the Biosolids facility construction and the improvements and additions made thereon.

### **SECTION 4: WITHDRAWAL**

Any Member may withdraw from the Commission upon giving one year's written notice to the Commission, evidenced by resolution of its governing body, and payment of all amounts in arrears in its user fees. If the Commission, prior to the receiving of written notice from the Member, shall have incurred indebtedness, in conformity with Section 11 and Section 12, that matures after the effective date of the notice of withdrawal, the withdrawal shall not become effective until that indebtedness shall have been paid by the Commission; or until sufficient funds have been set aside irrevocably in trust to satisfy that indebtedness, or in the alternative until the withdrawing Member shall have paid to the Commission its pro-rata portion thereof, based on their percentage of use in the Commission's Facilities, or until sufficient funds have been set aside irrevocably in trust to satisfy that portion. Any

withdrawing Member's indebtedness obligations may be waived by at least three-fourths (3/4) affirmative vote of the Commission. Any Member that withdraws from the Commission shall not be entitled to any assets of the Commission. Any Member that has given notice of withdrawal, and satisfied the requirement for withdrawal, shall have no further obligation to the Commission.

Any withdrawing Member shall be responsible for any and all costs directly associated with the withdrawal. All expenses which are incurred by the Commission as a result of a Member's withdrawal shall be the responsibility of the withdrawing Member.

#### **SECTION 5: AMENDMENT**

This Contract may only be altered, or amended, by the affirmative vote of each and every Member, except as set forth in this Contract.

#### **SECTION 6: ADDITIONAL CONTRACTING MEMBERS**

Additional municipalities of the State of Missouri formed under the provisions of Chapter 247 RSMo or sewer districts formed under Chapter 204 RSMo, may become additional Members of the Commission under this Contract, pursuant to a supplement to this Contract, subject to any bond resolution or other contract with holders of bonds of the Commission and subject to payment of a pro-rata share of organizational, planning and other expenditures as determined by the Commission.

The supplement shall be executed by the applying entity, which shall ratify and adopt this Contract, and it shall become effective when it has been approved by the affirmative vote of at least two-thirds (2/3) of the Members present and voting at any regular meeting and when duly executed and delivered by such additional Member.

#### **SECTION 7: BOARD OF DIRECTORS**

(A) DUTIES. The business and affairs of the Commission shall be governed by a Board of Directors hereinafter referred to as the "Board". The powers of the Commission shall be exercised by the Board, in which shall be vested all the powers vested in the Commission by this Contract and by the Act. The Board shall have the power to adopt bylaws, not inconsistent with this Contract or the law of Missouri, for the management, administration, and regulation of the business affairs of the Commission and to adopt rates for processing of all materials delivered to the facilities and the cost incurred for processing and the sale of the biosolids end product to contracting parties.

(B) NUMBER. The Board shall consist of one primary representative and an alternate of each Member to represent them when the primary representative is unable to attend a meeting and shall notify the Chair, in writing, of the name and address, including email address, of the member's designated representative and alternate within thirty days prior to the first meeting at which the representative or designated alternate will appear on behalf of the Member. If the Member fails to provide such notice, the Chair may decline the participation of the representative or designated alternate, at the meeting.

The designated alternate shall enjoy the same voting privileges and shall be bound

by the same duties, terms and conditions as the primary representative they are appearing on behalf, except as otherwise provided in this Agreement. However, a designated alternate for a representative who serves as an elected officer shall not be allowed to serve in the capacity as an officer in the elected representative/officer's absence.

Member representatives or their designated alternates must be an employee, legal counsel, or elected official of the Member.

The Chair shall provide each Member with a current list of all primary representatives and their designated alternates.

- (C) APPOINTMENT. Each of the Members shall appoint, by resolution or ordinance, one primary representative and one alternate, who shall be an employee, legal counsel, or elected official of that Member. A certified copy of that resolution or ordinance shall be provided to the Commission Secretary, and he/she shall determine the qualification of each primary of establishing a quorum at meetings of the Board when the primary representative, for which he/she is an alternate, does not attend. Initial appointments shall be made at the time the governing body of a Member authorizes the execution and delivery of this Contract or supplement hereto, in the case of an additional Member.
- (D) TERM. Each primary representative and alternate shall be appointed and shall continue in office until their successor is appointed and qualified.
- (E) VACANCIES. A vacancy occurring in the Board, whether that vacancy is the result resignation, death, removal or disability, shall be filled within forty-five (45) days from the date the vacancy occurs, by appointment by the governing body of the Member that appointed the primary representative and alternate with respect to whom the vacancy occurred. Except as otherwise provided by law, primary representatives and alternates may be reappointed.
- (F) REMOVAL. Any primary representative or alternate may be removed, at will, at any time by the governing body of the Member that appointed the primary representative or alternate.
- (G) COMPENSATION. No member shall receive compensation from this Commission for any service that person may render to it as a primary representative. With approval of the Commission, a Member or a Member's Primary or Alternate Representative may be reimbursed for actual expenses if those expenses are reasonable and incurred in connection with the business and activities of this Commission.
- (H) ACCOUNTING AND AUDITS. The Board shall establish and maintain an appropriate accounting system. A complete audit shall be made of the Commission's accounts, books, and financial conditions as soon as practicable after the close of each fiscal year, and a report thereon shall be submitted to the Board and the governing body of each Member within ninety days after the close of the fiscal year.

## **SECTION 8: OFFICERS & EXECUTIVE COMMITTEE**

- (A) GENERAL. The officers of this Commission shall be a Chair, Vice-Chair, and a Secretary/Treasurer. The Secretary/Treasurer shall be the representative of the City of

Branson. For the initial term following formation of the Commission, the Chair shall serve a term of two years, the Vice-Chair shall serve a term of one year. Following the initial term, each elected officer's term shall then be two years. Elections shall be held annually with no restrictions on the number of consecutive terms that an individual may serve as an officer, other than those that apply because of his/her status as a voting member under the terms of this Contract. Voting for all offices will be by secret ballot (unless secret ballot voting is waived by 100% of the Commission Members present and then by show of hands). The ballots will be counted by the Chair and certified by the Secretary, immediately following the conclusion of the voting. The results will be announced and recorded in the minutes of that meeting.

Two months prior to the regularly scheduled meeting of the Commission for the annual or special election, nominations will be taken from the floor for the elected officer position(s) to be filled and the names of the person(s) to be placed on the ballot. Any person nominated shall have seven (7) days to withdraw their name from consideration by giving notice to all other voting Members. If upon notice of the withdrawal of a person's name previously nominated, any member desires to nominate another person for the position, that member representative shall, within seven (7) days of the prior notice of withdrawal, provide the name of its new nominee to be placed on the ballot and that person shall have seven (7) days to provide notice of their request to be taken out of consideration for the position. If at this point there are not persons nominated who wish to serve in the available position(s), the request for nominations shall be made at the next regularly scheduled meeting for additional nominations. This process shall continue until a person accepts the nomination to be placed on the ballot as an officer.

In the event that an elected officer is, for any reason unable to complete his/her term and more than six months is remaining on that term, the Chair or Vice-Chair will call for a Special Election. This election will be conducted following the same procedure set forth for general elections. If the unexpired term of the vacant office is six months or less, the Chair, or Vice-Chair, if the Chair is no longer serving, will appoint a replacement, to fill that office for the remainder of the term.

- (B) RESIGNATION. An officer may resign by delivering a written notice thereof to this Commission. That resignation shall be effective when it is delivered unless a future effective date is specified in the notice.
- (C) REMOVAL. Any officer of this Commission may be removed or discharged for any lawful purpose by the Board at any time, with cause, but that removal or discharge shall not affect the contract rights of the Member represented by the person so removed or discharged, or the officer's status as a primary representative.
- (D) COMPENSATION. No officer shall receive any salary or compensation for serving as an officer. With approval of the Commission, an officer may be reimbursed for actual expenses if those expenses are reasonable and incurred in connection with the business and activities of this Commission.
- (E) VACANCIES. Vacancies caused by the death, incapacity, disqualification, resignation or

removal of an officer of this Commission shall be filled by the Board at any annual or other regular meeting, or at any special meeting called for that purpose, and the person or persons so elected to fill a vacancy shall serve at the pleasure of the Board until the next annual meeting of the Board or until that person's earlier death, incapacity, disqualification, resignation or removal.

(F) DELEGATION OF AUTHORITY. The Board may from time to time delegate any of the functions, powers, duties, and responsibilities of any officer to any other officer. In the event of a delegation, the officer from whom any function, power, duty, or responsibility has been transferred shall thereafter be relieved of all responsibility for the proper performance or exercise thereof.

(G) THE CHAIR. The Chair shall preside at all meetings of the Members and shall have any other duties, powers and authority as may be prescribed elsewhere in this Agreement or in the Commission's bylaws or as the Board may from time to time determine.

The Chair, by and with majority approval of the Commission, shall appoint all committees, including standing committees and special committees.

The Chair may execute, with approval of the Board, all bonds, notes, debentures, mortgages, and other contracts and instruments for and in the name of this Commission.

At each annual meeting of the Board, the Chair (together with the Secretary/Treasurer) shall report on the activities and financial condition of this Commission.

The Chair shall have all other duties, powers and authority as may be prescribed elsewhere in this Agreement or the Commission's bylaws or by the Board and as reflected in writing in the minutes.

(H) THE VICE-CHAIR. The Vice-Chair shall work in cooperation with the chair and shall perform all duties as the Board may assign. In the event of the death or during the absence, incapacity, or inability or refusal to act as the Chair, the Vice-Chair shall be vested with all the powers and perform all the duties of the office of the Chair until the Board otherwise provides.

(I) THE SECRETARY/TREASURER. The Secretary/Treasurer shall attend the meetings of the Board and shall prepare, or cause to be prepared, minutes of all proceedings at those meetings, and shall preserve them in the minute book of this Commission to be kept for that purpose. The Secretary/Treasurer shall perform similar duties for any committee when requested by that committee. The Secretary/Treasurer shall have supervision and custody of all moneys, funds, and credits of this Commission, and shall cause to be kept full and accurate accounts of the receipts and disbursements of this Commission in books belonging to it. The Secretary/Treasurer shall keep or cause to be kept all other books of account and accounting records of this Commission as shall be necessary and shall cause all moneys and credits to be deposited in the name and to the credit of this Commission in such accounts and depositories as may be designated by the

Board. The Secretary/Treasurer shall disburse or permit the disbursement of funds of this Commission in accordance with the authority granted by the Board. The Secretary/Treasurer shall be relieved of all responsibility for any moneys or other valuable property or the disbursement thereof as directed by the Board to the custody of any other person, Accounting Firm, or Commission, or the supervision of which is delegated by the Board to any other officer, agent or employee. In addition, the Secretary/Treasurer shall have the following duties:

- (i) Act as custodian of all the books, papers, and records of this Commission and authenticate records of this Commission.
- (ii) Furnish the Board, upon request, a full, true and correct copy of any books, papers or records in the Secretary/Treasurer's possession;
- (iii) Act as custodian of any seal of this Commission and when authorized to do so shall affix it to any instrument requiring the seal, and when so affixed, shall attest the seal;
- (iv) Give, or cause to be given, notice of the meetings of the Board, but this shall not lessen the authority of others to give such notice as provided in this Agreement;
- (v) Exercise and discharge the general duties, powers, and responsibilities of a Secretary/Treasurer of a Commission; and
- (vi) Exercise and discharge any other or further duties or authority as may be prescribed in this Agreement or in the Commission's bylaws, or from time to time by the Board.
- (vii) The Secretary/Treasurer shall render to the Chair or the Board, whenever requested by him/her or by a majority of the Board, a report on all financial transactions of this Commission and the financial condition of this Commission.
- (viii) At each annual meeting of the Members, the Secretary/Treasurer (together with the Chair) shall report on the activities and financial condition of this Commission.
- (ix) The Secretary/Treasurer shall have the general duties, powers, and responsibilities of a Secretary/Treasurer of a Commission, shall oversee all accounting performed on behalf of this Commission and shall have and perform such other duties, responsibilities and authorities as may be prescribed from time to time by the Board.

(J) EXECUTIVE COMMITTEE. The Executive Committee shall be a standing committee and shall consist of the Chair, Vice-Chair, and the Secretary/Treasurer. This committee will act on behalf of the Commission only in the event of an emergency which does not permit the Commission Members to meet or the business at hand is of a routine nature and has been previously approved by the Commission. The Executive Committee shall adhere to all applicable bid laws and regulations.

## **SECTION 9: MEETINGS AND VOTING**

(A) ORGANIZATIONAL MEETING. The Board shall, promptly following the appointment of its primary representatives, meet in an organizational meeting to elect the officers described in SECTION 8.

- (B) MEETINGS OF THE BOARD. The Board shall adopt such requirements and procedures for annual, regular, and special meetings as it deems appropriate and in accordance with the Statutes of the State of Missouri. Notice of all meetings will be posted by all Members to satisfy the requirements of Section 610.020 of the Revised Statutes of Missouri. The expense of meetings, workshops, retreats, symposia, field trips and the like shall be borne by each Member for its representative unless the Commission, by a majority vote, elects to pay the expenses for a representative to attend a particular seminar of benefit to the conduct of the Commission's business.
- (C) QUORUM. With the exception of the approval of any contract, a simple majority of the voting membership shall constitute a quorum and must be present to conduct business. For the approval of contracts, at least two-thirds (2/3) majority vote, which must include both Branson and Hollister, is required. However, if a representative of Hollister and/or Branson shall fail, or refuse, to attend two consecutive meetings where such contract is presented, then at least two-thirds (2/3) majority vote of those in attendance at the third meeting shall be sufficient for acceptancy or rejection of the subject contract. All members shall make a good faith effort to attend all Commission meetings. Members may attend a Commission meeting via teleconference or videoconference and may vote via teleconference or videoconference. Record of attendance shall be kept by the Secretary to the Commission and presented as part of the minutes.
- (D) DECISIONS AND VOTING. The normal work of the Commission will be conducted and facilitated under Roberts Rules of Order. All votes on issues will be taken and recorded in minutes of each meeting by the Secretary. If a Commission Member or Members reasonably believe, after advice of counsel, that a Missouri statute or law is being violated by any decision or vote taken by the Commission, that Commission Member or Members shall have the right to file a Declaratory Judgement in the Circuit Court of Taney County to have the legality of the decision or vote judicially determined. The subject decision or matter voted on shall not proceed until a final decision by said court has been rendered. The prevailing party(s) shall be entitled to an award of its reasonable attorney fees and expenses.

## **SECTION 10: GENERAL POWERS**

The general powers of the Commission shall be the powers set forth in the Act and shall include the power to:

- (A) Operate, maintain, and repair the Tri-Lakes Regional Biosolids Drying Facilities;
- (B) Plan, develop, acquire, construct, reconstruct, explore, manage, dispose of, participate in, extend or improve under one or more projects related to the Biosolids Drying Facilities, either exclusively or jointly, or by participation with municipalities and counties, or acquire any interest in or any rights to the output of a project related to biosolids drying, within or outside the State of Missouri, and act as an agent, or designate one or more other persons participating in a project to act as its agent, in connection with the planning, acquisition, construction, extension or improvement of that project related to biosolids

drying;

- (C) Acquire, by purchase or lease, construct, install, and operate Biosolids Drying Facilities, and to lease, own and hold any real estate and personal property as may be necessary or convenient to carry out the purpose of the Commission;
- (D) Enter into operating, franchises, exchange, joint purchase, distribution, and other similar agreements with any person or entity;
- (E) Employ agents and employees;
- (F) Contract with any person or legal entity within or outside the state, for the construction of any project or for any interest therein or any right to the use of any facility, prepare final plans and specifications in advance of construction, or secure performance and payment bonds, except to the extent and on the terms as the Board or Executive Committee, if so established, shall determine. A contract entered into pursuant hereto shall contain a provision that the requirements of sections 290.210 to 290.340, RSMo, requiring the payment of prevailing wages on public works, shall apply;
- (G) Sell, distribute biosolids, or any by-product resulting therefrom, within the State of Missouri, in any amount as it shall determine to be necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, and to enter into agreement with any person or entity with respect to the sale or distribution, on terms and for the period of time as the Board shall determine;
- (H) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity or service, or interest therein;
- (I) Exercise the powers of eminent domain as provided by law;
- (J) Incur debts, liabilities or obligations including the issuance of bonds pursuant to the authority granted in Section 27, Article VI of the Missouri Constitution;
- (K) Sue and be sued its own name;
- (L) Have and use a corporate seal;
- (M) Fix, maintain, and revise fees, assessments, rates, rents and charges for functions, services, facilities or commodities provided by the Commission;
- (N) Make, and from time to time, amend or repeal bylaws or regulations not inconsistent with

this Agreement;

- (O) Invest any funds in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in those obligations, securities and other investments as the Board deems proper;
- (P) Join organizations and memberships in which is deemed by the Board to be beneficial to the accomplishment of the Commission's purposes;
- (Q) Exercise any other powers that are deemed necessary and convenient by the Board to effectuate the purpose of the Commission;
- (R) Do and perform any authorized acts and things through or by means of an agent or by contracts with any person or entity; and
- (S) Comply or cause compliance with the Act, the laws of the State of Missouri, and each and every term, provision, and covenant of this Agreement.

#### **SECTION 11: ACQUISITION, CONSTRUCTION, OPERATION, AND MAINTENANCE OF PROJECTS.**

The Commission shall have the responsibility for the acquisition, and construction, operation and maintenance of any of its projects, including any interest in facilities acquired under a co-ownership arrangement with others; provided that, in connection with any co-ownership arrangement, the Commission may act as agent, or designate any other participant therein to act as agent, for the acquisition, construction, operation, and maintenance of projects on behalf of all the participants therein.

#### **SECTION 12: FINANCING OF PROJECTS**

The Commission may finance any of its projects in any manner as the Board shall authorize by resolution, which may include grants or loans from any governmental agency or entity or from any commercial lending institutions and/or including the issuance of revenue bonds. Bonds issued pursuant to sections 393.700 to 393.770 RSMo by the Commission shall be payable as to the principal and interest, solely from the net revenues derived by the Commission from the operation and maintenance of the Commission's projects, or from sources made available to the Commission from sources other than from proceeds of taxation. Revenue bonds and other indebtedness of the Commission shall not be the debt, liability or obligation of the Member municipalities and neither the faith and credit nor the taxing power of the Members shall be pledged to the payment of such indebtedness or revenue bonds (393.725 RSMo). The Commission shall endeavor to maintain revenue streams sufficient to pay the operation and maintenance, principal and interest of projects through contracts as outlined in Section 15, Contracts.

### **SECTION 13: ANNUAL BUDGET; ASSESSMENTS**

The Board shall prepare and submit to each Member, not later than ninety (90) days prior to the commencement of each fiscal year other than the initial fiscal year, an itemized annual budget that shall set forth in reasonable detail the estimated receipts and expenditures relating to

(i) the Commission, (ii) each of its projects, for that year, and (iii) operations and maintenance of the Facilities.

The Board may amend the annual budget at any time during the fiscal year.

### **SECTION 14: INDEMNIFICATION OF DIRECTORS AND OFFICERS**

No primary representative or officer shall be personally liable for any actions or procedure of the Board. Each primary representative or officer of the Commission, whether or not then in office, shall be indemnified by the Commission against all costs and expenses actually and necessarily incurred by him/her in connection with the defense of any action, suit or proceeding in which he/she may be involved or to which he/she may be made a party by reason of his/her being or having been a primary representative or officer except in relation to matters as to which he/she shall be finally adjudged, in an action, suit or proceeding, to be liable for willful or wanton negligence or misconduct in the performance of his/her duty.

The costs and expenses shall include amounts reasonably paid in settlement for the purpose of curtailing the costs of litigation, but only if the Commission is advised in writing by its counsel that it is the counsel's opinion the person indemnified did not commit willful or wanton negligence or misconduct in the performance of duty. The foregoing right of indemnification shall not be exclusive of other rights to which the primary representative or officer may be entitled as a matter of law or by agreement.

### **SECTION 15: CONTRACTS**

Except as otherwise provided by law, the Board may authorize, by resolution, any officer or officers, agent or agents, employee or employees to enter into any contract, execute and deliver any instrument, in the name and on behalf of the Commission. The Commission will ensure that revenue for projects is sufficient to pay all cost of projects including but not limited to engineering, operation and maintenance, principal and interest.

The Commission may contract with the City of Hollister (Contract Operator) for the operations, maintenance, and repair responsibilities for the equipment located at the Hollister Wastewater Treatment Facility (Operating Facilities).

The Commission may contract with the City of Branson (Contract Operator) for the operations, maintenance, and repair responsibilities for the equipment located at the Branson Compton Drive and Cooper Creek Wastewater Treatment Facilities (Operating Facilities).

The Commission may contract with the City of Branson to transport liquid biosolids by tank truck from Member holding tanks located at Member treatment plants.

The Commission may contract with the City of Branson to file and submit all Regulatory reports and maintain all Operational records.

The Commission may contract with the City of Branson to collect all fees from Commission Members utilizing the Operating Facilities, pay all invoices and billings from said collections for all Operating Facilities and perform all financial records keeping for the Commission.

#### **SECTION 16: SERVICES OF MEMBERS**

Except as provided below, the Members agree to use the Operating Facilities for dewatering, drying, and disposal of 100% of their biosolids.

The Members, and each of them individually, further agree that no biosolids from any other source or any other foreign substance shall be intermixed with that Member's biosolids to be deposited at the Operating Facilities, unless it has been tested by the Member wishing to deposit such biosolids for processing and found to be acceptable to the Commission. A copy of the test results will be submitted to the Commission's Contract Operator. If for any reason the Operating Facilities cannot accept the biosolids, the Member receiving the biosolids may utilize other disposal methods.

#### **SECTION 17: SAMPLING AND TESTING**

(A) Each Member shall be responsible for taking samples of its biosolids and performing necessary tests before depositing said biosolids at the Operating Facilities, as the Commission may require from time to time or as required by MDNR or EPA to meet the standards for Class B biosolids as defined in 40 DFR 503. Such sampling and testing shall be reasonably related to determining the character of the biosolids, and may be adjusted based upon the results of particular tests either at the Operating Facilities or at the Member facility, but must meet applicable state and/or federal regulations.

(B) The Members agree that protecting the integrity of the products of the Operating Facilities' process, as well as permitting compliance for the Operating Facilities, are critical priorities for the Operating Facilities, and the Members will promptly comply with all sampling and testing directives from the Commission. The sampling and testing shall be limited to those samples and tests which are related to compliance with this Contract, as well as current state and federal regulations. The biosolids shall be analyzed at least once per year or as required by each Member's NPDES permit.

(C) The costs of sampling and testing of each individual Member's separate biosolids contributions to the Operating Facilities shall be fully borne by that Member.

(D) The Members specifically understand and agree that in the event that any of the tests of its biosolids at the Operating Facilities or at any stage in the processing show levels of contamination of any kind that are unacceptably high under applicable state and/or federal standards or prudent operating procedure for the Operating Facilities, as determined in the sole judgment of the Commission, the Member may be required to perform additional sampling and testing, at its own expense, in order to provide the Commission Secretary with needed information.

#### **SECTION 18: TRANSPORTATION**

(A) The Members acknowledge and agree to use a Commission provided truck to transport

its biosolids. Transportation charges will be calculated and included in the per dry ton Member charge as outlined in Section 21. The Commission shall be responsible for contracting with an appropriately licensed and suitable Contract Operator to provide transportation of biosolids. Furthermore, the Commission's Contract Operator will be responsible for coordinating the transportation needed to reasonably comply with the volume of biosolids processed and the storage capacity to be maintained by the Members.

(B) Responsible personnel of each Member will coordinate transportation schedules at their wastewater treatment facilities. The Commission's Contract Operator will work with the contributing Member for the scheduling and processing of its biosolids. The Commission's Contract Operator shall maintain current and accurate records concerning the quantity of biosolids delivered to the Operating Facilities and to provide such records to each Member upon request. The Commission's Contract Operator will also provide a record of the quantity of biosolids transported to and from the Operating Facilities.

#### **SECTION 19: DISPOSAL & STORAGE:**

##### 1: Disposal

If processed Class A biosolids from the drying facility cannot be sold or distributed for benefit to the Commission then each Member shall be solely responsible for the disposal of an amount of Class A biosolids commensurate with the amount of biosolids brought to the Operating Facilities in a calendar year by each Commission Member, unless agreed upon by a majority vote of Commission Members to utilize an alternative disposal method.

##### 2: Storage

Members shall provide adequate storage for their own liquid biosolids prior to dewatering. Member's existing biosolids storage tanks shall be so modified, at the Member's expense, to allow for the Commission's Contract Operator to remove biosolids from the tank(s). Tank suction line(s) shall be equipped with a four-inch (4") hose quick connect.

#### **SECTION 20: HAZARDOUS MATERIALS**

Members agree not to cause or permit any hazardous material (as defined below) to be brought to the Operating Facilities for processing and/or treatment. If a Member breaches its obligations under this paragraph, or if the presence of hazardous material is found in biosolids brought or delivered by a Member to the Operating Facilities, that Member shall indemnify, defend, and hold the Commission and the Commission's Contract Operator harmless from any and all claims, judgments, damages, penalties, fines, cost, liabilities, or losses whatsoever, including attorney fees that arise during or after the term of this Contract as a result of the introduction of any such hazardous material into the Operating Facilities. As used herein, the term "Hazardous Material" means any hazardous or toxic material or waste which is or becomes regulated by any local governmental authority, the State of Missouri, MDNR, the EPA, or the United States Government. The term "Hazardous Material" includes, without limitation, any material or substance that is

defined as a "hazardous substance" or "hazardous waste" under any local, state, or federal statutory, administrative, or other regulatory authority. Nothing in this Section is meant to, and expressly does not waive, any Members' right to sovereign immunity which exists under Section 537.600 of the Revised Statutes of Missouri.

## **SECTION 21: PROCESSING CHARGES AND FEES**

(A) The Commission shall collect for processing biosolids based upon the quantity of biosolids delivered to the Branson and Hollister Operating Facilities by each Member and the biosolids processing services provided to each Member. Such charges for biosolids processing will be established by the Commission, based on the cost of processing. The Commission shall be paid for cost of biosolids processing based upon the weight of the biosolids contributed by each member measured per dry ton.

(B) The formula used to determine the per dry ton rate for biosolids processing as described above shall be the total projected operating cost for the coming year divided by the projected total quantity of biosolids in dry tons to be delivered to the Operating Facilities for the year. Eligible costs for service include the following:

1. The total projected operation and maintenance costs, plus
2. The total projected administrative cost, including accounting, collection, communication, administration staffing, engineering, legal, training, travel, memberships, insurance miscellaneous office expenses, and other costs approved by the Commission, plus
3. Any projected interest and principal payments to be made, plus
4. Any other reasonable and appropriate costs or expenses agreed upon by the Commission for the coming year; and
5. Debt service payments for capital improvements projects approved by the Commission.

(C) The rates shall be computed annually, at the end of each calendar year, with the newly computed rate being effective January 1 of the following year.

(D) Upon joining the Commission either as an original Member or upon becoming a Member at a later date, each Member shall submit a deposit to the Commission equivalent to three months of projected charges for that Member. The deposit shall be returned to the Member through credits to the Member's final monthly invoices following the provision of notice to not renew this Contract as prescribed in Section 4.

(E) An invoice will be billed to each Member by first class mail, postage prepaid, during the second week of each month and will be due the 10<sup>th</sup> of the following month. At the sole discretion of the Commission, failure to pay past due accounts within 60 days of the invoice date may be cause for termination of the Member's rights under this contract. Late charges will accrue to past due accounts at the maximum rate allowable by law.

(F) Any other notices hereunder required to be given, in writing, shall be mailed by

certified mail, return receipt requested, if not personally delivered, to the address set forth below -and until such said address is changed by notice in writing.

City of Branson  
616 West Pacific  
Branson, MO 65616

City of Hollister  
312 Esplanade Street  
PO Box 638  
Hollister, MO 65673

City of Forsyth  
15405 US Highway 160  
Forsyth, MO 65653

City of Rockaway Beach  
2762 State Highway 176  
Rockaway Beach, MO 65740

City of Galena  
PO Box 234  
Galena, MO 65656

City of Kimberling City  
34 Kimberling Blvd.  
Kimberling City, MO 65686

City of Sparta  
PO Box 246  
Sparta, MO 65753

City of Reeds Spring  
22597 Main Street  
Reeds Spring, MO 65737

## **SECTION 22: GENERAL AND LEGAL**

(A) No party to this Contract may assign its interest to any person or entity without the prior written consent of all parties to this Contract. This Contract may be amended from time to time by written amendment, duly authorized and executed by all of the parties to the Contract.

(B) This Contract shall be governed by and construed in accordance with the laws of the State of Missouri. The Circuit Court of Taney County, Missouri shall be the sole and proper venue for any dispute regarding this Contract.

(C) The parties shall cooperate with one another to accomplish the terms, conditions, and

(D) provisions of this Contract, and to execute such additional documents as are necessary to effectuate the same.

(E) This Contract and the various operational agreements to be entered into with the Cities of Branson and Hollister (Contract Operators) embody the entire agreement between the parties and all previous communications, representations, or agreements, either verbal or written between the parties pertaining to the ownership and operation of Biosolids equipment. This Contract can only be modified in writing, signed by all parties, approved by the passage of ordinances approving the modification, addendum or amendment, or as otherwise required by Missouri law.

(F) Should litigation arise between the parties with regard to any matter contained in this Contract, it is agreed that the prevailing party or parties shall recover from the losing party or parties all costs, litigation expenses, and attorneys' fees incurred in the prosecution or defense of its/their position.

(G) This Contract shall be filed with the County Clerks of Taney County, Stone County, Christian County, and the City Clerks of each Member.

(H) The parties agree that if any part, term, portion, or provision of this Contract is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Missouri, the validity of the remaining parts, terms, portions, or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Contract did not contain the particular part, term, portion, or provision held to be invalid.

(I) In no event shall the language or requirements of this Contract constitute or be construed as a waiver or limitation of the Commission Members' rights or defenses with regard to each entities' applicable sovereign, governmental, or official immunities and protections as provided by law.

#### **SECTION 23: INFORMATION FROM MEMBERS**

Upon request of the Commission, elected and appointed officers and employees of the Member shall promptly furnish information, statistics, and reports under this contract to the Commission and shall otherwise cooperate with the Commission.

#### **SECTION 24: NOTICES**

Any formal notice, demand or request provided for in this Contract shall be in writing and shall be deemed properly served, given or made if delivered in person or sent by regular or e-mail, postage prepaid, to the persons and at the address provided in writing to the Commission.

#### **SECTION 25: DUPLICATE ORIGINALS**

This Agreement may be executed in several counterparts, each of which will be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Members have caused this Contract to be executed as of the dates set opposite the respective signatures of their authorized representatives and to be effective the date set out on the first page hereof.

(Separate signature pages of each Member are attached hereto)

CITY OF BRANSON, MISSOURI

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
E. Edd Akers, Mayor

ATTEST: \_\_\_\_\_  
Lisa K Westfall, City Clerk

APPROVED AS TO FORM:

CLL #5181 7/21/20

Chris Lebeck Mo. Bar No. 51831  
City Attorney

CITY OF HOLLISTER, MISSOURI

Dated: \_\_\_\_\_

By: \_\_\_\_\_

David Tate, Mayor

ATTEST: \_\_\_\_\_

Bridgette Epps, City Clerk

CITY OF FORSYTH, MISSOURI

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Kelly Dougherty, Mayor

ATTEST: \_\_\_\_\_

Cheyenne Beasley, City Clerk

CITY OF KIMBERLING CITY, MISSOURI

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Robert Fritz, Mayor

ATTEST: \_\_\_\_\_

Laura Cather, City Clerk

CITY OF REEDS SPRING, MISSOURI

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Steve Rogers, Mayor

ATTEST: \_\_\_\_\_

Jenny Dye, City Clerk

CITY OF ROCKAWAY BEACH, MISSOURI

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Rex Wood, Mayor

ATTEST: \_\_\_\_\_

Jann Clark, City Clerk

CITY OF GALENA, MISSOURI

Dated: \_\_\_\_\_

By: \_\_\_\_\_

John Coones, Mayor

ATTEST: \_\_\_\_\_

Lisa Chambers, City Clerk

CITY OF SPARTA, MISSOURI

Dated: \_\_\_\_\_

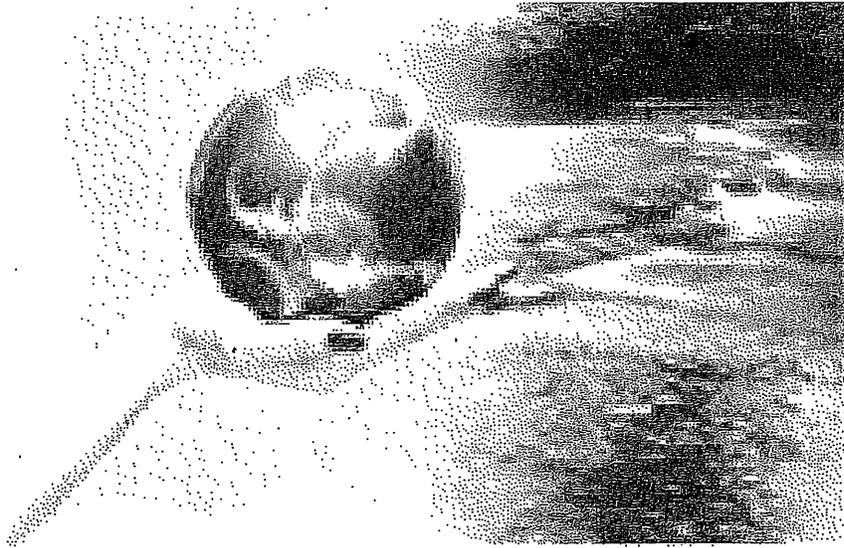
By: \_\_\_\_\_

Jenni Davis, Mayor

ATTEST: \_\_\_\_\_

Beckie Vessar, City Clerk

*“TRI-LAKES BIOSOLIDS COALITION”  
COOPERATION AGREEMENT*



*THE MISSOURI PUBLIC ENTITIES OF  
TANEY COUNTY & CITIES OF  
BRANSON, BRANSON WEST, FORSYTH,  
HOLLISTER, & KIMBERLING CITY*

*Version 121212*

1

THIS COOPERATION AGREEMENT (herein after referred to as "Agreement") is entered into this 22<sup>nd</sup> day of January 2013, by and between Taney County, Missouri (hereinafter referred to as "County") and the Cities of Branson, Branson West, Forsyth, Hollister, and Kimberling City, (hereinafter referred to as a group as "Cities" or the individual named Cities) and collectively all parties shall be known as the "Tri-Lakes Biosolids Coalition" (hereinafter referred to as "Coalition" or "Member").

WHEREAS, the County has received a \$3,000,000.00 Grant from the Missouri Department of Natural Resources (MDNR) and the County is contributing matching funds in the amount of \$3,000,000.00 from local sewer sales tax funds to purchase equipment and construct facilities needed to improve the processing of Biosolids from the treatment of sewage produced by the Cities and County residents and collected and processed by the cities; said equipment to include dewatering centrifuges, a Biosolids (herein after referred to as "Biosolids") dryer, and related facilities.

WHEREAS, the Cities and County desire to enter into an Agreement to utilize the equipment to be purchased by the Grant and County matching funds which would allow for the acceptance and processing of Biosolids from the Cities and County residents (hereinafter referred to as the "Operating Facilities"); and

WHEREAS, the County warrants and represents that it has full authority to enter into this Agreement with the Cities; and

WHEREAS, the Cities, collectively and individually, warrant and represent that they have full authority to enter into this Agreement with the County and each other; and

WHEREAS, on several occasions representatives of the County and the Cities have met to discuss the details, conditions and provisions under which Biosolids would be accepted for processing; and

WHEREAS, the Cities and the County desire to have a clear understanding as to their mutual responsibilities and rights as to the acceptance and processing of Biosolids at the Operating Facilities; and

WHEREAS, the Members intend to form a Joint Municipal Utility Commission (hereinafter referred to as "JMUC") at which time the rights, duties, and responsibilities of the Members shall transfer to the JMUC and the County consents to such transfer; and

WHEREAS, it is to the mutual benefit of the parties hereto to enter into this Agreement;

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

All WHEREAS clauses as stated above are agreed to by the parties and incorporated herein by reference as fully set forth.

**COALITION PROCEDURE GUIDELINES**

**ARTICLE 1 – NAME**

The name of this agreement shall be the Tri-Lakes Biosolids Coalition Agreement (hereinafter referred to as the “Agreement”).

**ARTICLE 2 – PURPOSE**

The purpose of the Agreement is to define the responsibilities for the construction, utilization, ownership, operation and maintenance of facilities for dewatering, drying and disposal of Biosolids.

**ARTICLE 3 – MEMBERSHIP**

**Section 1: Eligibility**

The Cities and the County enter into this Agreement and collectively will be known as the “Coalition” with the initial Coalition members consisting of Taney County, Missouri, and the cities of Branson, Missouri, Branson West, Missouri, Forsyth, Missouri, Hollister, Missouri, and Kimberling City, Missouri.

**Section 2: Membership Application**

The Coalition may consider other public entity involvement. Application to join the Coalition and be bound by this Agreement shall be in writing, on forms provided for that purpose. Applications will be submitted to the Executive Committee (as defined in Article 7, Sec 3) and the application will be given to the Coalition members for their final approval. If approval is given, the new public entity shall comply with Missouri statutes regarding approval for involvement in intergovernmental agreements in general and this Agreement in particular and shall be on the terms and conditions placed on new entity involvement as voted on by a simple majority of the Coalition members in attendance at the time of such vote, provided, however, that a representative of Branson and Hollister are present

for such vote. However, if a representative of Hollister and/or Branson shall fail, or refuse, to attend two consecutive meetings where such vote is presented, then a simple majority of those in attendance at the third meeting shall determine the inclusion or rejection of the new application and if accepted, upon what additional terms the new Member may enter membership with the Coalition. However, the Members agree that the Taney County Regional Sewer District and other Taney County municipalities may enter as a Member upon the same terms and conditions as the initial members.

### **Section 3: Termination of Involvement In Coalition**

Any Coalition member may terminate their involvement in the Coalition as set forth in Article 15 below.

### **Section 4: Conflict of Interest**

Where a Coalition Member or its employees, agents or service, either on their behalf or while acting for, by, with or through another, has any monetary or personal interest, direct or indirect, in any matter bearing on this Agreement, or otherwise has a conflict of interest, as a voting member of the Coalition, they:

- a) Shall disclose their interest and the general nature thereof prior to any consideration of the matter in the meeting of the Coalition; and
- b) Shall not take part in the discussion of or vote on any question in respect of the matter; and
- c) Shall not in any way, whether before, after or during the meeting, influence the voting on any such question.

The monetary or personal interest, direct or indirect, of an immediate family member shall, if known to the voting member, be deemed to be also the monetary interest of the voting member. Every declaration of interest and the general nature thereof shall be recorded in the minutes of the meeting.

- d) This Section 4, shall not, however, affect the ability to speak to or vote on the adoption of any contract between Branson and the Coalition or Hollister and the Coalition.

### **Section 5: Coalition Member Entity Vote**

Subject to specific voting provisions contained in this Agreement, each Coalition Member shall have one vote.

## ARTICLE 4 – MEETINGS

### **Section 1: Regular Meetings**

The Coalition will meet monthly. At the conclusion of each meeting, the date of the next monthly meeting shall be established. Notice of Coalition meetings will be posted by all Members to satisfy the requirements of Section 610.020 of the Revised Statutes of Missouri.

The regular monthly meetings will proceed with the posted agenda, following Roberts Rules of Order.

### **Section 2: Special Meetings**

Notice of special meetings shall be sent to each member at least seven business days prior to such meeting. The expense of additional meetings, workshops, retreats, symposia, field trips and the like shall be borne by each Member for its representative unless the Coalition, by a majority vote, elects to pay the expenses for a representative to attend a particular seminar of benefit to the conduct of the Coalition's business.

### **Section 3: Open Meetings and Notice**

All meetings of the Coalition shall be posted and open to the public in the manner according with §610 RSMo (the Missouri Sunshine Law). The time and place of meetings shall be set to facilitate, to the extent possible, the participation of the public. Copies of all materials presented or discussed, in open session, shall be made available for public inspection.

### **Section 4: Quorum**

With the exception of the approval of any contract, a simple majority of the voting membership constitute a quorum and must be present to conduct business. For the approval of contracts, a two-thirds majority vote, which must include both Branson and Hollister, is required. However, if a representative of Hollister and/or Branson shall fail, or refuse, to attend two consecutive meetings where such vote is presented, then a two-thirds majority vote of those in attendance at the third meeting shall be sufficient for acceptance or rejection of the subject contract.

### **Section 5: Attendance**

All members shall make a good faith effort to attend all Coalition meetings. Record of attendance shall be kept by the secretary to the Coalition and presented as part of the minutes.

#### **Section 6: Electronic Meetings**

Members may attend a Coalition meeting via teleconference or videoconference and may vote via teleconference or videoconference.

#### **Section 7: Designated Representatives and Alternates**

Each Coalition member shall designate one primary representative and an alternate to represent them when the primary representative is unable to attend a meeting and shall notify the Chair (as defined in Article 6, Sec 2), in writing, of any changes to these designations. Each Coalition member must notify the Chair, in writing, of the name and address, including email address, of the Coalition member's designated representative and alternate within thirty days prior to the first meeting at which the representative or designated alternate will appear on behalf of the Coalition member. If the Coalition Member fails to provide such notice, the Chair may decline the participation of the representative or designated alternate, at the meeting.

The designated alternate shall enjoy the same voting privileges and shall be bound by the same duties, terms and conditions as the primary representative they are appearing on behalf, except as otherwise provided in this Agreement. However, a designated alternate for a representative who serves as an elected officer shall not be allowed to serve in the capacity as an officer in the elected representative/officer's absence.

Without prior written approval of a simple majority of the Coalition member entities, the Coalition Member representative or designated alternate must be an employee, legal counsel, or elected official of the Coalition Member.

The Chair shall provide each Coalition member with a current list of all primary representatives and their designated alternates.

#### **Section 8: Decisions and Voting**

The normal work of the Coalition will be conducted and facilitated under Roberts Rules of Order. All votes on issues will be taken and recorded in the minutes of each meeting by the Secretary.

If a Coalition Member or Members reasonably believe, after advice of counsel, that a Missouri statute or law is being violated by any decision or vote taken by the Coalition, that Coalition Member or Members shall have the right to file a Declaratory Judgment in the Circuit Court of Taney County to have the legality of the decision or vote determined. The subject decision or matter voted on shall not proceed until a final decision by all courts with competent jurisdiction, or an Order allowing the matter to proceed has been obtained from the Circuit Court. The prevailing party(s) shall be entitled to its attorney fees and expenses.

### **Section 9: Parliamentary Authority**

The current edition of Roberts Rules of Order shall be the final source of authority in all matters of procedure not specifically covered in this Agreement.

## **ARTICLE 5 -- REMOVAL**

### **Section 1: Conditions for Removal**

A Coalition member representative or alternate may be removed from office by a two-thirds majority vote of the Coalition member representatives at a duly called meeting for that purpose or placed on the agenda for a regular meeting. The Coalition Member shall immediately replace said removed representative or alternate and shall prevent said removed representative from attending future meetings, except as a private citizen, without written permission from a majority of the remaining member representatives.

A Coalition member representative shall automatically cease to hold office when he/she ceases to be a representative or the Coalition member ceases to be a member of the Coalition.

## **ARTICLE 6 -- OFFICERS**

### **Section 1: Election of Officers**

At the first meeting of the Coalition, voting members shall select, from the primary representatives, a Chair and Vice-Chair. The Secretary/Treasurer shall be the representative of the City of Branson. For the initial term following formation of the Coalition, the Chair shall serve a term of two years, and the Vice-Chair shall serve a term of one year. Following the initial term, each elected officer's term shall then be two years. Elections shall be held annually with no restrictions on the number of consecutive terms an individual may serve as an officer, other than those that apply because of his/her status as a voting member under the terms of this Agreement.

Two months prior to the regularly scheduled meeting of the Coalition for the annual or special election, nominations will be taken from the floor for the elected officer position(s) to be filled and the names of the person(s) to be placed on the ballot. Any person nominated shall have seven (7) days to withdraw their name from consideration by giving notice to all other voting members. If upon notice of the withdrawal of a person's name previously nominated, any member wishes to nominate another person for the position, that member representative shall, within 7 days of the prior notice of withdrawal, provide the name of its new nominee to be placed on the ballot and that person shall have seven (7) days to provide notice of their request to be taken out of consideration for the position. If at this point there are no persons nominated who wish to serve in the available position(s), the request for nomination(s) shall be placed on the agenda for the next regularly scheduled meeting for further discussion and additional nominations. This process shall continue until a person accepts the nomination to be placed on the ballot as an officer.

Voting will be by secret ballot. The ballots will be counted by the Chair and certified by the Secretary, immediately following the conclusion of the voting. The results will be announced and recorded in the minutes of that meeting.

In the event that an elected officer is, for any reason, unable to complete his/her term and there is more than six months remaining on that term, the Chair or Vice-Chair will call for a Special Election. This election will be conducted following the same procedure set forth for general elections. If the unexpired term, of the vacant office is six months or less, the Chair (or Vice-Chair, if the Chair is no longer serving) will appoint a replacement, to fill that office for the remainder of the term.

## **Section 2: Duties**

- a) The Chair shall be the official spokesperson for the Coalition. He/she shall preside at all meetings of the Coalition. He/she shall be an ex-officio member of all committees.
- b) The Vice-Chair shall assist the Chair and perform the duties of the Chair in the absence or disability of the Chair. The Vice-Chair shall perform such other duties from time to time that may be requested by the Coalition or the Chair.
- c) The Secretary/Treasurer shall record minutes of all Coalition meetings, to be approved by a vote of the Coalition, shall be responsible for giving notices, shall keep an accurate set of records reflecting all income and

expenses, bill all members and third parties and provide all members with an annual statement within 40 days after the end of the Coalition's year. The Secretary shall perform such other duties from time to time that may be requested by the Coalition or the Chair.

- d) Should the Coalition decide to utilize the services of an Administrator to organize and manage the planning and overall responsibilities of the Coalition, the Administrator will serve as an ex-officio member of the Executive Committee, but will not be entitled to voting rights.

### **Section 3: Compensation**

Coalition member representatives, alternates and officers shall receive no salary or other compensation for services rendered as representatives or officers. All compensation shall be the responsibility of the individual Coalition member pursuant to state and federal law. Board representatives and officers may receive reimbursement for approved expenses that are incurred in conducting Coalition business and these expenses will be included in calculation of fees collected in Article 14 below.

## **ARTICLE 7 – COMMITTEES**

### **Section 1: Appointment and Authority**

The Chair, by and with a majority approval of the Coalition, shall appoint all committees, including standing committees and special committees.

It shall be the function of a committee to make investigations, conduct studies and hearings and make recommendations to the Coalition and to carry on such activities as may be delegated to them by the Coalition.

### **Section 2: Limitation of Authority**

No committee shall take any formal action, or in any way commit the Coalition until approval or ratification by the Coalition.

### **Section 3: Standing Committees**

The following Standing Committees shall be established by the Coalition according to the provisions herein and such other provisions as the Coalition may from time to time determine:

**Executive:** The Executive Committee will consist of the Chair, Vice Chair and the Secretary/Treasurer and the possible inclusion of Administrator in an ex-officio status. This committee will act on behalf of the Coalition only in the event of an emergency which does not permit the Coalition members to meet or the business at hand is of a routine nature and has been previously approved by the Coalition. The Executive Committee shall adhere to all applicable bid laws and regulations.

## **ARTICLE 8 – OWNERSHIP, RESPONSIBILITIES & RIGHTS**

### **Section 1: County Ownership**

The County agrees to remain as the owner of the Operating Facilities for the initial five (5) year term of operation or establishment of Joint Municipal Utility Commission (hereinafter referred to as “JMUC”), whichever is later, which includes the amount of time required to satisfy the conditions of the Missouri Department of Natural Resources (MDNR) \$3,000,000 Grant and the MDNR permit requirements. The Listing of Operating Facilities is attached hereto and incorporated herein by reference as Exhibit A.

### **Section 2: Transfer of Ownership**

- a) During such time as the County must maintain ownership as stated in Article 8, Section 1 above, the County, by execution of this Agreement, hereby conveys its respective duties and responsibilities and right of fee collection to the Coalition specifically and exclusively for the Operating Facilities; however upon formation of the JMUC, the County shall transfer its respective duties and responsibilities and right of fee collection to the JMUC and the Coalition waives its right to such fee collection.
- b) After the initial operation period of five (5) years in Article 8, Section 1 above, the County agrees to convey complete ownership, and all rights and responsibilities of the Operating Facilities to the JMUC. The Coalition agrees to accept such ownership transfer and to acknowledge all respective duties and responsibilities of ownership and MDNR permitting requirements regarding the respective equipment through a contemplated Joint Municipal Utility Commission as defined in RSMo, Chapter 393.

### **Section 3: Responsibilities for Operation**

- a) The County agrees to the following duties and responsibilities regarding the Operating Facilities:
  - 1) During the initial construction warranty, County shall cooperate fully with the Coalition for the replacement or repair of defective Operating Facilities.
  - 2) Perform all of the above listed responsibilities at no cost to the Coalition.
- b) The Coalition agrees to the following duties and responsibilities regarding the Operating Facilities:
  - 1) To Operate, Maintain and Replace (O, M & R) the Operating Facilities, including manufacturer recommended preventative maintenance activities.
  - 2) To replace or repair defective or broken Operating Facilities.
  - 3) To complete, submit, and retain, as required, any MDNR or Environmental Protection Agency (EPA) reporting documentation required for the O, M & R of the Operating Facilities and provide the County with a copy of said documentation during the County's ownership period, as needed.
  - 4) To indemnify and hold harmless the County from any fines or legal expenses resulting from the Coalition's failure to provide the required O, M & R activities or documentation requirements during the County's ownership period.
  - 5) To comply with any applicable requirements in the County's MDNR Biosolids Operating Permit.
  - 6) To perform all of the above listed responsibilities at no cost to the County.
  - 7) To collect all fees associated with the use of the Operating Facilities.
  - 8) To pay all invoices and billing associated with the Operating Facilities.

### **Section 4: Contract Operations**

The Coalition may:

- a) Assign its responsibilities to a Contract Operator with County approval.

- b) Contract with the City of Hollister for the O, M & R responsibilities for the Operating Facilities located at the Hollister Wastewater Treatment Facility.
- c) Contract with the City of Branson for the O, M & R responsibilities for the Operating Facilities located at the Branson Compton Drive and Cooper Creek Wastewater Treatment Facilities.
- d) Contract with the City of Branson to file and submit all reports, maintain all records, collect all fees from Coalition members utilizing the Operating Facilities and pay all invoices and billing from said collections for all operations of the Operating Facilities.

#### ARTICLE 9 – USE OBLIGATION

- a) Except as provided below, the Members agree to use the Operating Facilities for dewatering, drying, and disposal of 100% of their Biosolids.
- b) The Members, and each of them individually, further agree that no Biosolids from any other source or any other foreign substance shall be intermixed with that Member's Biosolids to be deposited at the Operating Facilities, unless it has been tested by the Member wishing to deposit such Biosolids for processing and found to be acceptable to the Coalition. A copy of the test results will be submitted to the Coalition's Contract Operator. If for any reason the Operating Facilities cannot accept the Biosolids, the Member receiving the Biosolids may utilize other disposal methods.

#### ARTICLE 10 – SAMPLING & TESTING

- a) Each Member shall be responsible for taking samples of its Biosolids and performing necessary tests before depositing said Biosolids at the Operating Facilities, as Coalition may require from time to time or as required by MDNR or EPA to meet the standards for Class B Biosolids as defined in 40 CFR 503. Such sampling and testing shall be reasonably related to determining the character of the Biosolids, and may be adjusted based upon the results of particular tests either at the Operating Facilities or at the Member facility, but must meet applicable state and/or federal regulations.
- b) The Members agree that protecting the integrity of the products of the Operating Facilities' process, as well as National Pollutant Discharge Elimination System (NPDES) permit compliance for the Operating

Facilities, are critical priorities for the Operating Facilities, and the Cities will promptly comply with all sampling and testing directives from the Coalition. The sampling and testing shall be limited to those samples and tests which are related to compliance with this Agreement, as well as current state and federal regulations. The Biosolids shall be analyzed at least once per year or as required by each Member's NPDES Permit or the Operating Facility's NPDES Permit for all required parameters. Copies of all test results and data from such monitoring will be sent to the Coalition Secretary within seven days of the results becoming available.

- c) The costs of sampling and testing of each individual Member's separate Biosolids contributions to the Operating Facilities shall be fully borne by that Member.
- d) The Cities specifically understand and agree that in the event that any of the tests of its Biosolids at the Operating Facilities or at any stage in the processing show levels of contamination of any kind that are unacceptably high under applicable state and/or federal standards or prudent operating procedure for the Operating Facilities, as determined in the sole judgment of the Coalition, the Member may be required to perform additional sampling and testing, at their own expense, in order to provide the Coalition Secretary with needed information.

#### ARTICLE 11 -TRANSPORTATION

- a) The Members acknowledge and agree to use the Coalition provided truck to transport its Biosolids, at a rate agreed upon by the Coalition. The rates will be reviewed and adjusted yearly as set forth in Article 14. Transportation charges will be invoiced through the Coalition. The Coalition shall be responsible for contracting with an appropriately licensed and suitable Contract Operator to provide transportation of Biosolids. Furthermore, the Coalition's Contract Operator will be responsible for coordinating the transportation needed to reasonably comply with the volume of Biosolids processed and the storage capacity to be maintained by the Members.
- b) Responsible personnel of each Member will coordinate transportation schedules at their wastewater treatment facility. The Coalition's Contract Operator will work with the contributing Member for the scheduling and processing of their Biosolids. The Coalition's Contract Operator shall maintain current and accurate records concerning the quantity of Biosolids delivered to the Operating Facilities and to provide such records to each Member upon request. The Coalition's Contract Operator will also provide

a record of the quantity of Biosolids transported to and from the Operating Facilities.

## **ARTICLE 12 - DISPOSAL & STORAGE**

### **Section 1: Disposal**

Each Member shall be solely responsible for the disposal of an amount of Class A Biosolids commensurate with the amount of Biosolids brought to the Operating Facilities in a calendar year by the Coalition member, unless agreed upon by a majority vote of Coalition members to utilize an alternative disposal method.

### **Section 2: Storage**

Members shall provide adequate storage for their own liquid Biosolids prior to dewatering. The Member's existing Biosolids storage tanks shall be so modified, at the Member's expense, to allow for the Contract Operator to remove Biosolids from the tank(s). Tank suction line(s) shall be equipped with a four inch (4") hose quick connect.

## **ARTICLE 13 - HAZARDOUS MATERIALS**

### **Section 1: Hazardous Material**

Cities agree not to cause or permit any hazardous material (as defined below) to be brought to the Operating Facilities intermixed with Cities' Biosolids. The Coalition shall have the right, in its sole discretion, to refuse to accept any such hazardous material at the Operating Facilities for processing and/or treatment. If a Member breaches its obligations under this paragraph, or if the presence of hazardous material is found in Biosolids brought or delivered by a Member to the Operating Facilities, that Member shall indemnify, defend, and hold the County, Coalition, and Coalition's Contract Operator harmless from any and all claims, judgments, damages, penalties, fines, costs, liabilities, or losses whatsoever, including attorney fees that arise during or after the term of this Agreement as a result of the introduction of any such hazardous material into the Operating Facilities. As used herein, the terms "Hazardous Material" means any hazardous or toxic material or waste which is or becomes regulated by any local governmental authority, the State of Missouri, MDNR, the EPA, or the United States Government. The term "Hazardous Material" includes without limitation, any material or substance that is defined as a "hazardous substance" or "hazardous waste" under any local, state or federal statutory, administrative or other regulatory authority. Nothing in this Section is meant to, and expressly does not

waive, any Members', or the County's, right to sovereign immunity which exists under common law in the State of Missouri pursuant to §537.600 RSMo.

#### ARTICLE 14 - PROCESSING CHARGES AND FEES

- a) The Coalition shall collect for processing Biosolids based upon the quantity of Biosolids delivered to the Branson and Hollister Operating Facilities by each Member and the Biosolids processing services provided to each Member. Such charges for Biosolids processing will be negotiated by the Coalition and the entities performing the processing, based on the cost of processing. There shall be two categories of services available that will each have their own charge and unit of measurement as set forth in the following:
1. *Dewatering*: The Coalition shall be paid and shall reimburse the processing entities for dewatering services based upon the volume of liquid Biosolids measured in gallons
  2. *Drying*: The Coalition shall be paid and shall reimburse the processing entities for drying services based upon the weight of the Biosolids measured in dry tons.
- b) The formula used to determine rates for each service category described above shall be the total projected cost for each service for the coming year divided by the projected total quantity of each service to be provided at the Operating Facilities for the year. Eligible costs for each service include the following:
1. The total projected operation and maintenance costs, plus
  2. The total projected administrative cost, including accounting, collection, communication, administration staffing, engineering, legal, training, travel, memberships, insurance, miscellaneous office expenses, and other costs approved by the Coalition, plus
  3. The projected interest and principle payments to be made, plus
  4. Any other reasonable and appropriate costs or expenses agreed upon by the Coalition for the coming year.

- c) The rates shall be computed annually, at the end of each calendar year, with the newly computed rate being effective January 1 of the following year. During the first year of operation, rates shall be estimated based upon projected operating costs. On all subsequent years the actual, rates shall be determined based upon actual operating history and projected costs. Current Rates are attached hereto and incorporated herein by reference as Exhibit B.
- d) Upon joining the Coalition either as an original Member or upon becoming a Member at a later date, each Member shall submit a deposit to the Coalition equivalent to three months of projected charges for that Member. The deposit shall be returned to the Member through credits to the Member's final monthly invoices following the provision of notice to not renew this Agreement as prescribed in Article 15, Section 2.
- e) An invoice will be billed to each user during the second week of each month and will be due the 10th of the following month. At the sole discretion of the Coalition, failure to pay past due accounts within 60 days of the invoice date may be cause for termination of the Member's rights under this contract. Late charges will accrue to past due accounts at the maximum rate allowable by law.
- f) Invoices shall be mailed by first class mail postage prepaid to each Member, at the address set forth below; unless and until said address is changed by notice, in writing, to the Coalition. Any other notices hereunder required to be given, in writing, shall be mailed by certified mail, return receipt requested, if not personally delivered, to the address set forth below and until such said address is changed by notice in writing.

**If notice to the City of Branson:**

City of Branson  
616 West Pacific  
Branson, MO 65616

**If notice to the City of Branson West:**

City of Branson West  
110 Silver Lady Lane  
PO Box 229  
Branson West, MO 65737

**If notice to the City of Forsyth:**

City of Forsyth  
15405 US Highway 160  
PO Box 545  
Forsyth, MO 65653

**If notice to the City of Hollister:**

City of Hollister  
312 Esplanade Street  
PO Box 638  
Hollister, MO 65673

**If notice to the City of Kimberling City**

City of Kimberling City  
34 Kimberling Blvd  
PO Box 370  
Kimberling City, MO 65686

**If notice to Taney County:**

Taney County Commission  
132 David Street  
Forsyth, MO 65653

**If notice to the Coalition:**

Tri-Lakes Biosolids Coalition  
PO Box 6975  
Branson, MO 65615

**ARTICLE 15 - TERM**

**Section 1: Initial Term**

The Members understand that this Agreement is intended to be a solution to the Members' Biosolids storage and disposal requirements. The initial term of this Agreement shall be for a period of Five (5) years or upon the establishment of a JMUC, whichever is later, at which time the interest of Taney County in the Coalition shall be terminated.

## Section 2: Renewal

One year prior to the end of the initial five (5) year term, if a Member intends to not renew its membership in the Coalition and this Agreement, that Member will notify the Coalition, of such intent not to renew the Agreement, or their membership in the Coalition and this Agreement will automatically renew for an additional period of two (2) years. Thereafter this Agreement shall renew for additional two (2) year terms, and if a Member intends to not renew its membership in the Coalition and this Agreement, the Member must provide at least a one (1) year notice prior to the termination of the renewal date.

## ARTICLE 16 - GENERAL & LEGAL

- a) No party to this Agreement may assign its interest to any person or entity without the prior written consent of all parties to this Agreement. This Agreement may be amended from time to time by written amendment, duly authorized and executed by the parties to the Agreement.
- b) This Agreement shall be governed by and constructed in accordance with the laws of the State of Missouri and Taney County, Missouri shall be the proper venue for any dispute regarding this Agreement.
- c) The parties agree to cooperate with one another to accomplish the terms, conditions and provisions of this Agreement, and to execute such additional documents as are necessary to effectuate the same.
- d) This Agreement and the various operational agreements to be entered into with the Cities of Branson and Hollister embody the entire agreement between the parties and all previous communications, representations, or agreements, either verbal or written between the parties pertaining to the ownership and operation of Biosolids equipment. This Agreement does not supersede in any way the other existing written agreements between the parties, but must be read in conjunction with them. This Agreement can only be modified in writing, signed by all parties, approved by Cities and County with passage of ordinances approving the modification, addendum or amendment, or as otherwise required by Missouri law.
- e) Should litigation arise between the parties with regard to any matter contained in this Agreement, it is agreed that the prevailing party or parties shall recover from the losing party or parties all costs, litigation expenses, and attorneys' fees incurred in the prosecution or defense of its/their position.

- f) This Agreement shall be filed with the County Clerk of Taney County, Missouri and the Clerks of each City.
- g) The parties agree that if any part, term, portion, or provision of this Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Missouri, the validity of the remaining parts, terms, portions, or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, portion, or provision held to be invalid.
- h) In no event shall the language or requirements of this Agreement constitute or be construed as a waiver or limitation of the Coalition Members rights or defenses with regard to each entities applicable sovereign, governmental or official immunities and protections as provided by federal and state constitutions, statutes, and laws.

INTENTIONALLY LEFT BLANK

County of Taney, Missouri

Dated 1-28-2013

By Ronald D. Houseman  
Ronald D. Houseman,  
Presiding Commissioner

ATTEST: I, Donna Neeley, the Clerk of the Taney County Commission hereby attest that the above agreement was executed by the Taney County Presiding Commissioner Ronald D. Houseman, pursuant to a duly passed motion of the Taney County Commission approving the agreement.

Donna Neeley  
County Clerk Donna Neeley

CITY OF BRANSON, MISSOURI

Dated 1/22/13

By: Raeanne Presley  
Raeanne Presley, Mayor

ATTEST:

Lisa K Westfall  
Lisa K. Westfall, City Clerk

APPROVED AS TO FORM:

Leland L. Gannaway  
Leland L. Gannaway  
Representing City Attorney



City of Hollister, Missouri

Dated 12-20-12

By: David G. Tate  
David G. Tate, Mayor

Attest: Bridget Epps  
Bridget Epps, City Clerk



**City of Branson West, Missouri**

Dated \_\_\_\_\_

By: \_\_\_\_\_  
John Rhodes, Mayor

Attest: \_\_\_\_\_  
Stephanie Giese, City Clerk

VERSION 111212

**City of Forsyth, Missouri**

Dated 11-20-2012

By: Michael Chipman  
Michael Chipman, Mayor

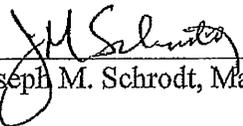
Attest: Cheyenne Beasley  
Cheyenne Beasley, City Clerk



VERSION 110212

**City of Kimberling City, Missouri.**

Dated 12-6-2012

By:   
Joseph M. Schrodt, Mayor

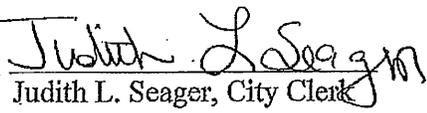
Attest:   
Judith L. Seager, City Clerk

Exhibit A

Listing of Operating Facilities

Location	General Description	Itemized Equipment Listing
Branson Compton Drive WWTP	Fixed Centrifuge	Centrifuge, feed pump, mixers, chemical feed equipment, conveyors, controls, piping, valves, and other appurtanent equipment necessary for the proper operation of the dewatering process provided in the initial Tri-Lakes Biosolids facility construction
Branson Cooper Creek WWTP	Fixed Centrifuge	Centrifuge, feed pump, mixers, chemical feed equipment, conveyors, controls, piping, valves, and other appurtanent equipment necessary for the proper operation of the dewatering process provided in the initial Tri-Lakes Biosolids facility construction
Branson Cooper Creek WWTP	Dryer	Building addition, indirect dryer, sludge receiving station, sludge feed hopper, thermal fluid heater, biofilter, mixers, augers, pumps, conveyors, controls, piping, valves, and other appurtanent equipment necessary for the proper operation of the dewatering process provided in the initial Tri-Lakes Biosolids facility construction
Branson Cooper Creek WWTP	Trucks	Tanker and dump trucks necessary for the transportation of liquid, dewatered, and dried Biosolids provided by the Tri-Lakes Biosolids Contract Operator.
Hollister WWTP	Fixed Centrifuge	Centrifuge, feed pump, mixers, chemical feed equipment, conveyors, controls, piping, valves, and other appurtanent equipment necessary for the proper operation of the dewatering process provided in the initial Tri-Lakes Biosolids facility construction

EXHIBIT "B" CURRENT RATES  
Tri-Lakes Biosolids Coalition Cooperation Agreement - Version 121212

Itemized Projected Costs for Operations			Based on 1070 Dry Tons / Year
Item	Unit Cost	Annual Cost	Comments
<b>Labor:</b>			
Branson			
Liquid Transport		\$19,224.66	
Dewatering		\$69,707.73	
Dewatered Transport		\$8,222.50	
Drying		\$85,252.61	Labor based on actual wage rates and estimated time requirements
Dry Material Transport		\$6,000.00	
Hollister			
Dewatering		\$13,533.00	
Dewatering Transport		\$6,210.00	
<b>Vehicle Operation:</b>			
Branson			
Tank Truck		\$14,106.58	Based on 32 % of use
Dump Truck		\$11,817.00	Based on 71 % of use
Dry Spreader		\$2,000.00	Based on 100 % of use
Hollister			
Dump Truck		\$7,909.58	Based on 45 % of use
<b>Utilities:</b>			
Natural Gas	\$5.88 MMBTU	\$60,588.11	@ 1070 tons - based on engineer's per dry ton estimate
Electric	\$0.0979 kWh	\$23,730.74	@ 1070 tons - based on engineer's per dry ton estimate
Water	\$2.25 /1000 gal	\$4,050.00	Estimate 1,800,000 gallons/month
Sewer	\$1.92 /1000 gal	\$5,184.00	Estimate 1,800,000 gallons/month ~.9 MG dewatering
Telephone	\$60.00	\$720.00	Estimate
<b>Chemicals:</b>			
Polymer	\$0.309 /lb	\$73,212.69	@ 1070 tons - based on engineer's per dry ton estimate
<b>Insurance:</b>			
Property			
Damage/Loss		\$1,525.36	Quote from Connell Insurance
<b>Equipment:</b>			
Parts/Tools/Supplies			
Replacement		\$20,000.00	
Replacement			
Replacement		\$107,000.00	
<b>Third Party Services:</b>			
Laboratory			
Laboratory		\$5,000.00	
<b>Total</b>		<b>\$544,994.57</b>	
<b>Per Dry Ton Unit Price</b>		<b>\$509.34</b>	
<b>City</b>	<b>Estimated Tons / Year</b>	<b>Estimated Annual Cost</b>	<b>Initial Deposit (25% of Annual Costs)</b>
Branson	702	\$357,557.19	\$89,389.30
Hollister	757	\$128,351.86	\$32,088.47
Forsyth	49	\$19,864.29	\$4,966.07
Kimberling City	59	\$30,051.10	\$7,512.78
Branson West	18	\$9,168.13	\$2,292.03



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL APPROVING THE WELLNESS PLAN FOR CITY OF BRANSON EMPLOYEES TO COMPLETE IN 2021 FOR TIER DETERMINATION FOR DISCOUNTED MEDICAL INSURANCE IN 2022.

**INITIATED BY:** HUMAN RESOURCES

**FIRST READING:** AUGUST 11, 2020

**FINAL READING:** AUGUST 25, 2020

**EXECUTIVE SUMMARY:**

- This bill is an update to the employee Wellness Plan established in 2018, updated for 2021 tier determination for insurance discounts in 2022.
- The update involves one significant change, which is the elimination of coaching for an employee’s biometric parameters being in the high risk range. Primarily because of the unknown factors associated with COVID-19, it is recommended to relax the biometric coaching for 2021. However, since the prohibition of using nicotine to get the best discount on insurance still exists, to comply with requirements of the Affordable Care Act, it is recommended that we continue to offer coaching to employees who test positive for nicotine.
- The Wellness Plan is still based on three basic parameters:
  - Be nicotine free (or receive coaching to quit using nicotine);
  - Complete a Health Risk Assessment, either through the ones the City will provide in late January and early February, or through an employee’s primary care physician; and
  - Establish/Maintain a relationship with a primary care physician by having him or her perform an annual wellness exam or other regular appointment

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year’s budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended
- Neutral/None

**COMMUNITY PLAN 2030:** GENERAL COMMUNITY HEALTH: 4.1.3 Continue to promote health and wellness to employees and the community.

**ATTACHED EXHIBITS:** Exhibit A: Draft Human Resources Committee meeting minutes 7/22/2020

**ITEM/SUBJECT: READING OF A BILL APPROVING THE WELLNESS PLAN FOR CITY OF BRANSON EMPLOYEES TO COMPLETE IN 2021 FOR TIER DETERMINATION FOR DISCOUNTED MEDICAL INSURANCE IN 2022.**

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**DETAILED ANALYSIS:**

The impact on the budget will be based on employee participation in the Wellness Plan and that can vary. Those that complete all aspects and qualify for Tier 1 will receive better discounts than those who do not complete the program. This City will absorb the costs for discounts, while employees absorb more of the costs for not completing the program.

# MINUTES

HUMAN RESOURCES COMMITTEE  
CITY OF BRANSON, MISSOURI  
July 22, 2020

**1) Call to Order**

The Human Resources Committee met in the Council Chambers of City Hall, Wednesday, July 22, 2020. The meeting was called to order by Mayor Edd Akers at 9:33 a.m.

**2) Roll Call**

Committee Members present: City Administrator Stan Dobbins, Mayor Edd Akers, Alderman Bill Skains, Alderman Jeff Seay and Kenn Tilus which provided a quorum.

Also present: Assistant City Administrator John Manning, Human Resources Director Jan Fischer, Kimberly Cooper, Gina Stech, Sonya Seitz, Chena Simmons, Melody Pettit, Jamie Rouch, Marcia Chapman, John Akers and Erica Gaynor.

**3) Acknowledgement of February 19, 2020 Minutes.**

Motion to approve: City Administrator Stan Dobbins; Second: Alderman Jeff Seay; Vote: 5 yes, 0 no.

**4) Discussion of New Hires/Promotions/Reclassifications.**

Discussion led by Human Resources Director Jan Fischer.

**5) Discussion on Insurance Premium Refunds.**

Discussion led by Jan Fischer and John Akers.

Jan stated the purpose of this discussion was to determine allocation of insurance refunds given by Anthem, Delta Dental and DeltaVision due to COVID-19.

John Akers gave an overview of refund allocation and also stated the possibility of groups receiving more refunds in the future. He stated that most groups are allocating the refunds to the 2021 benefit year.

Jan asked that the Human Resources Committee make a recommendation for the allocation of the refunds.

A motion was made by Jeff Seay to recommend that the refunds received by the City be allocated to 2021 premiums. Second was made by: Stan Dobbins; Vote: 5 yes, 0 no.

**6) Discussion of 2021 Employee Insurance Benefits.**

Discussion led by John Akers.

John informed the Committee of the timeline for the process of establishing the 2021 Insurance Benefits. In August, the Committee will review the proposal from Anthem and give Staff recommendation on next steps for the insurance (for example, whether to go to bid or make plan changes). The September meeting will be the meeting in which the Committee will need to make a final recommendation to the Board of Alderman (BOA) so that the BOA can approve the recommendations during the October BOA Meetings. This timeline allows for the "build out" of the benefits portal, Open Enrollment, and the distribution of the 2021 insurance cards.

John also informed the Committee that Ollis, Akers, Arney had been communicating with American Fidelity regarding employee meetings. Due to the COVID-19 pandemic, physical group meetings will likely not be allowed and the American Fidelity enrollment meetings will likely be held remotely.

# MINUTES

HUMAN RESOURCES COMMITTEE  
CITY OF BRANSON, MISSOURI  
July 22, 2020

John stated that 2020 claims will most likely be lower than usual, due to COVID-19. He stated that since people have likely delayed their procedures, the rate for medical insurance may be based on the expected 2021 year costs rather than solely looking at past claims data.

He asked for possible recommendations for the September decision. Stan Dobbins responded that recommendations would be delayed until more information is available. John asked for the committee to be considering what their recommendations may be in the future.

## **7) Recommendation on Completion of the 2020 Employee Wellness Plan.**

Discussion led by Jan Fischer.

Jan reviewed requirements for the 2020 Employee Wellness Plan and the ability for employees to complete them due to the COVID-19 pandemic. He asked for recommendation on whether to forgive the requirements or keep the requirements in place and follow the appeal process. By keeping the requirements in place, determination could be made case by case as to why they could not be met.

Stan Dobbins asked for the number of employees as of now that have not completed the requirements. Kimberly Cooper stated that of the employees that are requiring coaching, 76 have started or completed the process and 6 employees have not started any coaching. Based on this information, Stan recommended that the requirements stay in place with the appeal process. Kenn Tilus also acknowledged that the requirements may be difficult to complete, however, agreed that the requirements should stay in place with appeal due to the small number of employees that have not started coaching.

Motion to keep the 2020 Health and Wellness plan as is and allow employees who had challenges due to the pandemic to utilize the appeal process was made by: Stan Dobbins; Second: Bill Skains; Vote: 5 yes, 0 no.

## **8) Recommendation on the 2021 Employee Wellness Plan.**

Discussion led by Jan Fischer.

Jan reviewed the tiers for medical insurance and the proposal to modify the requirements for employees to receive the best discount by eliminating the coaching element. Mayor Akers gave accolades to Jan and the Human Resources staff for their part in making employees aware of their part in staying or becoming healthy and keeping costs down. A discussion was held on the history and present status of the wellness plan.

Motion was made to move forward with the 2021 Health and Wellness plan as presented to the Committee by: Bill Skains; Second: Jeff Seay; Vote: 5 yes, 0 no.

## **9) Human Resources Director's Report.**

Update given by Jan Fischer.

The Employee Compensation Structure Change will resume in the near future after being delayed by the COVID-19 pandemic. The study will involve all departments.

Per the Assistant City Administrator's direction, the task of leveling evaluations is being addressed and training, beginning with Directors, will be implemented.

# MINUTES

HUMAN RESOURCES COMMITTEE

CITY OF BRANSON, MISSOURI

July 22, 2020

Health Savings Accounts are currently provided through HSA Central and they had a cost implemented without notification to the City's Human Resources Department. American Fidelity provides Health Savings Accounts at no cost and the accounts can be opened when the employee is enrolling in their insurance benefits. A contract with American Fidelity will be presented to the City Administrator soon.

Rule 27 is being created regarding employee safety and copies will be given to both the Human Resources Committee Members and the Employee Human Resources Committee Members. Input on the policies is appreciated.

## **10) Adjourn.**

Motion to adjourn: Alderman Bill Skains; Second: Kenn Tilus; Vote: 5 yes, 0 no.

Time Adjourned: 10:30 a.m.

BILL NO. 5848

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING THE EMPLOYEE WELLNESS PLAN FOR CITY OF BRANSON EMPLOYEES TO COMPLETE IN 2021 FOR TIER DETERMINATION FOR DISCOUNTED MEDICAL INSURANCE IN 2022.**

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**WHEREAS**, the basic parameters of the employee Wellness Plan was adopted in 2018; and

**WHEREAS**, the Human Resources Committee has approved such updates; and

**WHEREAS**, the Board of Aldermen desires to amend the City of Branson's Wellness Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, AS FOLLOWS:**

Section 1: The Board of Aldermen hereby approves the City of Branson's Employee Wellness Plan attached hereto as Exhibit "1".

Section 2: This ordinance shall be in full force and effect upon and after its passage and approval.

Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
E. Edd Akers  
Mayor

ATTEST:

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

APPROVED AS TO FORM:

CEL #51831 8/3/20  
Chris Lebeck #51831  
City Attorney

## 2021 EMPLOYEE WELLNESS PROGRAM

### SECTION 1. OVERVIEW

The Employee Wellness Program is designed to incentivize qualifying full-time employees to get healthy or to remain healthy by providing additional discounts on the employee-only portion of their base medical insurance plans. This incentive will be awarded after employees complete the program on time, as outlined below in the Outline of the Primary Elements to the Wellness Program.

The Wellness Program plan year will run from October 1, 2020 through September 30, 2021, and because of the availability of time to complete various elements, the program will have different requirements based on each employee's date of hire. Those employees hired later in the plan year will have less to fulfill than those employed for the entire year. Details are outlined below in the Wellness Plan Application for Employees section.

The Board of Aldermen has established that, irrespective of any Wellness Program participation, all employees who participate in the medical insurance benefit will receive at least a 70% discount on the employee-only portion of the base plan. However, any employee wanting an additional discount must complete some or all of the requirements of the Wellness Program. The percentage of discounts will correlate to the completion of the Wellness Program as outlined in the Tier Level Determination section, below.

The Wellness Program will be administered by CoxHealth Wellness Department, based in Springfield, Missouri. Employees must submit all forms, all data and direct all Wellness Program communications to CoxHealth Wellness. The Human Resources Department will not send, accept or monitor employee health data.

This is a voluntary program. Hiring, promotional, transfer or other employment decisions shall not be affected by any employee's participation, or lack of participation, in the Wellness Program. Neither shall an employee be disciplined for participating or not participating in the Wellness Program. The only discipline that would occur is if it is found that an employee tried to turn in falsified documents or provided false information in regard to his or her submission of information to complete the Wellness Program.

Additionally, employees need not incur any out-of-pocket expenses for participating in the Wellness Program as the City will provide all employees with at least one Employer-directed no-cost resource to complete all elements of the Wellness Program, as described below. Employees may, of their own volition and expense, choose to use health care providers or resources that are out-of-network or utilize testing services that are not covered by the City's medical insurance plan or paid for by the City. The City bears no responsibility for costs or reimbursement in these kinds of discretionary expenses.

### SECTION 2. OUTLINE OF THE PRIMARY ELEMENTS TO THE WELLNESS PROGRAM

1. Be nicotine free, or complete the nicotine cessation coaching as outlined in the Being Nicotine Free section, below;
2. Complete a Health Risk Assessment; and
3. Establish/Maintain a Relationship with a Primary Care Physician, on at least an annual appointment with a primary care physician, to have an annual Wellness Examination.

## SECTION 3. WELLNESS PROGRAM DETAILS

### A. BEING NICOTINE FREE

To qualify for the first element of the Wellness Program, Being Nicotine Free, employees must show evidence that they are nicotine free through testing by the prescribed due date, preferably performed by CoxHealth Wellness. However, the testing may be performed by the employees' primary care physicians if the test/methodology is of a standard protocol approved by CoxHealth Wellness. Tests may be through urine tests, oral swabs or blood draws.

If an employee tests non-negative (positive) for nicotine, he or she may still qualify for the being nicotine free element of the Wellness Program (as well as the discount), provided that the employee successfully completes the nicotine cessation coaching and submits such certification of completion to CoxHealth Wellness by the prescribed due date.

If an employee discloses that he or she is a nicotine user, such employee need not take a nicotine test, but must still complete the nicotine cessation coaching in order to qualify for the nicotine free element of the wellness program.

Testing outcomes and completion (or not completing) on time of coaching can have an effect on the 2021 medical insurance premiums and may affect the 2022 premiums paid by employees.

Beginning in 2019, employees who tested non-negative for nicotine (or who disclosed that they used nicotine) for three consecutive years, will in that third year not earn the nicotine free requirement of the wellness program and will only receive the base 70% discount on base medical or the health savings account insurance plan. Irrespective of the plan, they will be at Tier 3 and be required to pay 30% of the premium from payroll deductions or their personal funds. If they are participating in the High Deductible insurance plan, they will receive the Tier 3 level of employer contribution to their Health Savings Account (HSA).

Other rules also apply for those who fail to qualify for one of three categories in the sections, below.

### B. COMPLETE A HEALTH RISK ASSESSMENT

Meeting the second element – completing a health risk assessment – of the Wellness Program was designed to help employees identify dangerous health measures, dependent upon the specific Biometric Factor, listed below.

Metabolic Syndrome is a cluster of conditions that occur together, that can increase one's risk of heart disease, stroke and type 2 diabetes. These conditions include increased high blood sugar, excess body fat around the waist, high blood pressure and abnormal cholesterol and/or triglyceride levels.

To be clear, the Non-high Risk Numbers are not optimal for good health, but having numbers greater than the Non-High Risk Numbers substantially increases a person's chances for having the conditions described as Metabolic Syndrome.

Biometric Factor	Non-High Risk Numbers	High Risk Numbers
1. Blood Hemoglobin A1C	<=6.0%	>=6.1%
2. Waist to Height Ratio	>=.35 or <=.62	<=.34 or >=.63
3. Blood Pressure	Systolic <=135 or Diastolic <=90	Systolic >=136 or Diastolic >=91
4. Total Cholesterol	<=249	>=250
5. Triglycerides	<=199	>=200

Non-high Risk Numbers are mostly easily affected by heredity, diet, exercise, medication or a combination thereof. Whichever means (outside of heredity factors) that an employee is able to affect these numbers would be to his or her benefit.

To test for these biometric factors and to qualify for completing this part of the Wellness Program, employees may participate at no cost in the City-sponsored **Health Risk Assessments (HRAs) planned for January 29 and February 5, 2021**. Rather than participating in the City HRAs, employees may choose to have their primary care physicians perform the biometric testing. When a personal physician performs the testing, the employee is responsible for ensuring that the physician completes and signs a form provided by CoxHealth Wellness. The employee is responsible for ensuring such form is delivered to CoxHealth Wellness by the prescribed due date as list in the Wellness Program Required Dates, below.

An acceptable HRA will be one that measures the five biometric factors listed above; incomplete HRAs will not meet the standard to qualify for this part of the Wellness Plan. Completion (or not completing) of the HRA can have an effect on the 2022 medical insurance premiums paid by employees.

### C. ESTABLISH/MAINTAIN A RELATIONSHIP WITH A PRIMARY CARE PHYSICIAN

Establishing a relationship with a primary care physician is the most effective means for reducing a person's need for other, more invasive and expensive healthcare interventions, according to Dr. Jay Moore, Senior Clinical Director for Anthem Blue Cross Blue Shield of Missouri in his report to the Branson Board of Aldermen study session in June 2016. Based on Dr. Moore's recommendation, the Board of Aldermen chose to adopt this factor as one of the three primary elements of the Wellness Program.

To keep it simple, employees need only schedule and attend an appointment with a primary care physician for a wellness checkup (no charge under the current medical insurance plan) or for any other primary care physician office visit. At this visit, the employee is responsible for ensuring that the physician complete and sign a form provided by CoxHealth Wellness. The employee is responsible for ensuring such form is delivered to CoxHealth Wellness by the prescribed due date.

A visit to an Emergency Room physician, an Urgent Care physician or to a Live Health Online physician does not meet the requirements of this element of the Wellness Program to enable the employee to achieve a discount on medical insurance.

Providing proof of a primary care physician visit (or not providing proof) on time can have an effect on the 2022 medical insurance premiums paid by employees.

**SECTION 4. ESTABLISHMENT OF TIER LEVELS FOR EMPLOYEE MEDICAL INSURANCE DISCOUNTS**

There are three tier levels associated with employee discounts to medical insurance premiums for employees in this Wellness Program. All discounts are equivalent based on a dollar amount, but the percentage of the discount may vary based on the insurance coverage level chosen by the employee.

The actual percentage of discount provided is based on the current cost of the base medical insurance plan. The percent of discount may be less for more expensive plans and greater for less expensive plans.

**EMPLOYEES MUST NOT TURN IN ANY CERTIFICATES OF COMPLETION (NICOTINE TESTING, NICOTINE CESSATION OR HRA COMPLETION) TO HUMAN RESOURCES;** these are qualifying medical examinations and it is a violation of HIPAA standards for the employer to know the employee’s specific health information. The must be turned in **BY THE EMPLOYEE** to directly to CoxHealth. Human Resources will not accept any certificates of completion.

Did you test negative for nicotine OR complete coaching*?	Do you have evidence that you completed a Health Risk Assessment through CoxHealth or your primary care physician?	Have you provided a certificate of an annual physical exam through your primary care physician?	If your answers all correspond to a set of responses in a horizontal line below, you qualify for that Tier level for 2022.	Your additional discount for 2022 employee-only medical insurance is...
Yes	Yes	Yes	Tier 1	30%
Yes	No	Yes	Tier 2	15%
Yes	Yes	No	Tier 2	15%
Yes	No	No	Tier 3	0%
No	Yes	Yes	Tier 3	0%
No	Yes	No	Tier 3	0%
No	No	Yes	Tier 3	0%
No	No	No	Tier 3	0%
Yes or No*	Yes or No*	Yes or No*	Tier 3	0%

\* Test non-negative for nicotine and complete the coaching  
 Anyone who tests non-negative for nicotine and does not complete the nicotine cessation coaching will be in Tier 3 for 2022.  
 Additionally, for what began in 2019, employees who test non-negative for nicotine for three consecutive years, will earn the Tier 3 level starting that the third year.

*The City of Branson is committed to helping you achieve your best health. Rewards for participating in a wellness program are available to all employees. If you think you might be unable to meet a standard for a reward under this wellness program, you might qualify for an opportunity to earn the same reward by different means. Contact Human Resource to direct you the Wellness Program provider who will work with you (and, if you wish, with your doctor) to find a wellness program with the same reward that is right for you in light of your health status.*

CoxHealth Wellness will collect all employee wellness information and determine Tier levels based on the chart above. Human Resources will collect these designations from CoxHealth Wellness and enter the corresponding tier level information for each employee into the City's payroll system.

#### **SECTION 4. WELLNESS PLAN APPLICATION FOR EMPLOYEES**

##### **A. EMPLOYEES HIRED MARCH 1, 2021 AND EARLIER**

Employees who test non-negative for nicotine testing at the 2021 HRAs who are at Tier 1 or Tier 2 during the HRA time frame will remain at that Tier level through the end of the wellness plan year and processing time period. These employees will have until September 30, 2021 in order to finish their coaching to continue on with their Tier level.

If they do not complete the coaching, they will move to Tier 3 effective November 1, 2021. When they test at the 2022 HRAs, if they test negative, they will have an opportunity to take a second test to confirm that they remain negative between March 1, 2022 and March 15, 2022. If they have the second confirmed test as negative, they can then be moved to the appropriate qualifying Tier (1 if they completed the Wellness Program portion, 2 if they did not) effective April 1, 2022.

Employees who are at Tier 3 during the HRA time frame and test negative at the 2021 HRAs, will have an opportunity to take a second test to confirm that they remain negative between March 1, 2021 and March 15, 2021. If they have the second confirmed test as negative, they can then be moved to the appropriate qualifying Tier (1 if they completed the Wellness Program portion, 2 if they did not) effective April 1, 2021.

Employees who are at Tier 3 during the HRA time frame and test non-negative at the 2021 HRAs, will continue on Tier 3 through December 31, 2021. If they complete the coaching by September 30, 2021, they will have met the nicotine portion of the Wellness Program and could move to the appropriate qualifying Tier (1 if they completed the Wellness Program portion, 2 if they did not) effective January 1, 2022.

##### **B. EMPLOYEES HIRED BETWEEN MARCH 1, 2021 AND SEPTEMBER 30, 2021**

Employees in this category will only be required to take a nicotine test to qualify for the incentivized rates for insurance through December 31, 2022.

If they test negative for nicotine, they will be placed on Tier 1 through December 31, 2022.

If they test, non-negative for nicotine, they will be placed on Tier 2 throughout the 2022 plan year or until they complete the nicotine cessation coaching. When they complete the offered coaching, they will be able to move to Tier 1 at the beginning of the month following completion. Otherwise, the next opportunity to change Tiers will be during the 2022 HRAs.

If an employee who tested non-negative during pre-employment testing, did not complete the coaching prior to the 2022 HRAs, and subsequently tests negative at the 2022 HRAs, he or she will have the opportunity to take a second nicotine test between March 1, 2022 and March 15, 2022 to confirm that they have remained negative. If the second test in 2022 is negative, they will then be moved to Tier 1 effective April 1, 2022; if they test non-negative, they will then be moved to Tier 3 effective April 1, 2022.

If those who tested non-negative for nicotine in their pre-employment testing again test non-negative at the 2022 HRAs, they will be moved to Tier 3 effective April 1, 2022. If they complete the coaching between February 8, 2022 and September 30, 2022, they will have met the nicotine portion of the program and could move to the appropriate qualifying Tier (Tier 1 if they completed the other Wellness Program portion; Tier 2 if they did not) effective January 1, 2023.

## **SECTION 6. WELLNESS PROGRAM IMPORTANT DATES**

### **A. ALL EMPLOYEES**

#### **Wellness Plan Year**

October 1, 2020 to September 30, 2021

#### **Medical Insurance Plan Year**

January 1, 2021 to December 31, 2021

#### **HRA Dates offered at Branson RecPlex**

January 29, 2021 and February 5, 2021 (two days only)

#### **HRA performed by employee's Primary Care Physician Completion Dates**

January 1, to February 29, 2021

#### **HRA performed by the CoxHealth Wellness Department Completion Dates**

1011 East Montclair, Springfield, MO 65807

February 8, to February 29, 2021

#### **Primary Care Physician HRA Certificate Due to CoxHealth Wellness Department**

(if not performed at the Branson RecPlex or by CoxHealth Wellness)

January 2, to March 13, 2021

#### **Nicotine Coaching**

Latest start date: June 1, 2021

Latest completion date delivered to CoxHealth Wellness: September 30, 2021

#### **CoxHealth Wellness Reports Employee Tier Levels to Human Resources**

October 15, 2021

## **SECTION 7. APPEAL OF WELLNESS TIER DETERMINATION**

Any employee participating in the Health and Wellness Incentive Program who does not agree with the final results reported by the City's wellness program provider may make an appeal to the City Administrator through the Human Resources Committee.

However, testing non-negative (positive) for nicotine cannot be appealed through this process. It can only be retested one time within two days of the initial testing.

If an employee makes an appeal, it must be done on the appropriate form through Human Resources. The Human Resources Director will ensure the name of the employee is not disclosed to the Human Resources Committee so it can impartially consider the appeal solely on the facts presented in writing by the employee.

The Human Resources Committee will make its decision on the appeal and render a recommendation to the City Administrator for final disposition of the matter. The Human Resources Director will notify the employee in writing the results of the appeal process.

Petitioning the City Administrator directly is the final possible appeal after the employee is notified by the Human Resources Director of an appeal declined by the Human Resources Committee.



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL AMENDING CHAPTER 86 SECTION 123 OF THE BRANSON MUNICIPAL CODE PERTAINING TO HELMET REQUIREMENT WHILE OPERATING A MOTORIZED BICYCLE.

**INITIATED BY:** LEGAL DEPARTMENT

**FIRST READING:** AUGUST 11, 2020

**FINAL READING:** AUGUST 25, 2020

**EXECUTIVE SUMMARY:**

- House Bill 1963 which included a provision repealing the helmet law to require only people under the age of 26, or older than 26 and driving it with a permit, to wear a helmet when riding in or driving a motorcycle or motor tricycle was passed by the State Legislature.
- On July 14, 2020 Governor Parson signed House Bill 1963 into law effective August 28, 2020.
- The revised Sec 302.020, RSMo states in part that "...No political subdivision of this state shall impose a protective headgear requirement on the operator or passenger of a motorcycle or motortricycle."
- This ordinance removes the requirement for protective headgear for motorized bicycle riders within city limits.

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year's budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended
- Neutral/None

*SD*

**COMMUNITY PLAN 2030:** C-1: Public Safety

**ATTACHED EXHIBITS:**

2  
3  
4 AN ORDINANCE AMENDING CHAPTER 86 SECTION 123 OF THE BRANSON  
5 MUNICIPAL CODE PERTAINING TO HELMET REQUIREMENT WHILE  
6 OPERATING A MOTORIZED BICYCLE  
7

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8  
9 WHEREAS, House Bill 1963 which included a provision repealing the helmet law to require only  
10 people under the age of 26, or older than 26 and driving it with a permit, to wear a helmet when  
11 riding in or driving a motorcycle or motor tricycle was passed by the State Legislature; and

12  
13 WHEREAS, on July 14, 2020 Governor Parson signed House Bill 1963 into law effective August  
14 28, 2020; and

15  
16 WHEREAS, the revised Sec 302.020, RSMo states in part that "...No political subdivision of this  
17 state shall impose a protective headgear requirement on the operator or passenger of a motorcycle  
18 or motortricycle."

19  
20 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE  
21 CITY OF BRANSON, MISSOURI, THE FOLLOWING:

22  
23 Section 1: It is the intention of the Board, and it is hereby ordained, that the provisions of this  
24 ordinance shall become and be made a part of the Branson Municipal Code, and the  
25 sections of this ordinance may be renumbered to accomplish such intention.

26  
27 Section 2: That *Sec. 86-123. - Operation of motorized bicycles* of the Branson Municipal Code  
28 is hereby amended to read as follows:

29  
30 NOTE: LANGUAGE WHICH IS **ADDED** HAS BEEN ADDED; LANGUAGE  
31 WHICH IS ~~BRACKETED, STRICKEN~~ HAS BEEN REMOVED.

32  
33 Sec. 86-123. - Operation of motorized bicycles.

34  
35 The following is a list of requirements to be adhered to in operation of a motorized bicycle in the  
36 city:

- 37 (1) *Proof of age.* Every operator of a motorized bicycle in the city shall be 16 years of  
38 age and have proof of age.  
39 (2) *Driver's license required.* Every operator of a motorized bicycle in the city shall  
40 have a valid automobile operator's license. This will serve as proof of age.  
41 ~~[(3) *Helmet required.* Every person operating or riding as a passenger on a moped on~~  
42 ~~any highway in the city shall wear protective headgear at all times the vehicle is in~~  
43 ~~motion. The headgear shall meet applicable state standards and specifications.]~~  
44 [(4) (3) *Compliance with laws.* Every operator of a motorized bicycle in the city shall  
45 comply with all state and local laws, including traffic laws.  
46  
47

48 Section 3: This ordinance shall be in full force and effect after its passage by the Board of  
49 Aldermen and approval by the Mayor at 12:01am on August 28, 2020.

50

51

52 Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

53

54

55 Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of  
56 Branson, Missouri on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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\_\_\_\_\_  
E. Edd Akers

62

Mayor

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64

65 ATTEST:

APPROVED AS TO FORM:

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 7/23/20

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\_\_\_\_\_  
Lisa K Westfall

\_\_\_\_\_  
Chris Lebeck #51831

City Clerk

City Attorney

73



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL AMENDING CHAPTER 58 SECTION 125 OF THE BRANSON MUNICIPAL CODE PERTAINING TO PRESCRIPTIONS FOR METHAMPHETAMINE PRECURSOR DRUGS.

**INITIATED BY:** LEGAL DEPARTMENT

**FIRST READING:** AUGUST 11, 2020

**FINAL READING:** AUGUST 25, 2020

**EXECUTIVE SUMMARY:**

- HB 1682 amended Section 195.417, RSMo to add: “[a]ny local ordinances or regulations enacted by any political subdivision of the state prior to August 28, 2020, requiring a prescription for the dispensation, sale, or distribution of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an amount within the limits described in subsections 2, 3, and 4 of this section shall be void and of no effect and no such political subdivision shall maintain or enforce such ordinance or regulation.”
- On, July 13, 2020 Governor Parson signed HB 1682 into law after passage by the Missouri Legislature.
- As a result of the new law, the Branson Municipal Code Sec. 58-125(b)(1) needs to be changed to remove the prescription requirement for the sale of methamphetamine precursor drugs.

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year’s budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended
- Neutral/None

**COMMUNITY PLAN 2030:** C-1 PUBIC SAFETY

**ATTACHED EXHIBITS:**

2  
3  
4 **AN ORDINANCE AMENDING CHAPTER 58 SECTION 125 OF THE BRANSON**  
5 **MUNICIPAL CODE PERTAINING TO PRESCRIPTIONS FOR METHAMPHETAMINE**  
6 **PRECURSOR DRUGS**  
7

---

8  
9 **WHEREAS**, HB 1682 amended Section 195.417, RSMo to add: “[a]ny local ordinances or  
10 regulations enacted by any political subdivision of the state prior to August 28, 2020, requiring a  
11 prescription for the dispensation, sale, or distribution of any drug product containing any detectable  
12 amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical  
13 isomers, or salts of optical isomers, in an amount within the limits described in subsections 2, 3,  
14 and 4 of this section shall be void and of no effect and no such political subdivision shall maintain  
15 or enforce such ordinance or regulation.”; and

16  
17 **WHEREAS**, on July 13, 2020 Governor Parson signed HB 1682 into law after passage by the  
18 Missouri Legislature.

19  
20 **NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE**  
21 **CITY OF BRANSON, MISSOURI, THE FOLLOWING:**  
22

23 Section 1: It is the intention of the Board, and it is hereby ordained, that the provisions of this  
24 ordinance shall become and be made a part of the Branson Municipal Code, and the  
25 sections of this ordinance may be renumbered to accomplish such intention.  
26

27 Section 2: That *Section 58-125 - Prohibition of sale of methamphetamine precursor drugs* of  
28 the Branson Municipal Code is hereby amended to read as follows:  
29

30 Sec. 58-125. - Prohibition of sale of methamphetamine precursor drugs.  
31

32 (a) General. It shall be illegal for any person to sell, deliver or distribute ephedrine,  
33 pseudoephedrine or any other methamphetamine precursor drugs, except as set forth in the specific  
34 exceptions contained in this article.

35 (b) Exceptions. The below shall be excepted from the provisions of subsection (a) of this section:

36 (1) Ephedrine, pseudoephedrine or other methamphetamine precursor drugs may be sold  
37 by a state-licensed pharmacist [~~after being authorized to do so by a written prescription~~  
38 ~~from a physician or other healthcare professional licensed by the state to write~~  
39 ~~prescriptions~~].

40 (2) Ephedrine, pseudoephedrine or other methamphetamine precursor drugs may be  
41 distributed by a licensed physician within the physician's office, clinic, nursing home or  
42 other licensed healthcare facility.

43 (3) This section regulating ephedrine, pseudoephedrine or other methamphetamine  
44 precursor drugs shall not apply to the sale of animal feed containing ephedrine or dietary  
45 supplement products containing naturally occurring or herbal ephedra or extracts of herbal  
46 ephedra.

- 47 (4) Any compound, mixture, or preparation, which is in liquid or liquid-filled gel capsule  
48 form, containing any detectable quantity of ephedrine, pseudoephedrine,  
49 methamphetamine precursor drug.
- 50 (c) Prima facie evidence. It shall be prima facie proof that a substance is regulated by this section  
51 if the substance is contained in its original packaging and is labeled as being ephedrine,  
52 pseudoephedrine or other methamphetamine precursor drugs.
- 53 (d) Reporting theft of methamphetamine precursor drugs.
- 54 (1) All thefts, shortages, disappearances, miscounts or other losses of ephedrine,  
55 pseudoephedrine or other methamphetamine precursor drugs shall be reported to the  
56 police department of the city within 24 hours of discovery.
- 57 (2) Any person selling ephedrine, pseudoephedrine or other methamphetamine precursor  
58 drugs shall report any difference between the quantity of the aforementioned drugs shipped  
59 and the quantity received to the police department of the city within 24 hours of discovery.
- 60 (e) Injunctive relief. The city may seek injunctive relief against any person who is in violation  
61 of this section.

62  
63 NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE  
64 WHICH IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.

65  
66 Section 3: This ordinance shall be in full force and effect at 12:01am on August 28, 2020 after  
67 its passage by the Board of Aldermen and approval by the Mayor

68  
69 Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

70  
71  
72 Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of  
73 Branson, Missouri on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

74  
75  
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78 \_\_\_\_\_  
79 E. Edd Akers  
80 Mayor

81 ATTEST: APPROVED AS TO FORM:

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86 \_\_\_\_\_  
87 Lisa K Westfall  
88 City Clerk

89  
\_\_\_\_\_  
Chris Lebeck #51831  
City Attorney

 7/23/20



# STAFF REPORT

**ITEM/SUBJECT:** AN ORDINANCE AMENDING CHAPTER 78 SECTION 219 OF THE BRANSON MUNICIPAL CODE PERTAINING TO THE SUNSET CLAUSE OF SMALL WIRELESS FACILITIES

**INITIATED BY:** LEGAL DEPARTMENT

**FIRST READING:** AUGUST 11, 2020

**FINAL READING:** AUGUST 25, 2020

**EXECUTIVE SUMMARY:**

- Chapter 78, Article V – Small Wireless Facilities was approved by the Board of Aldermen in Ord. No. 2019-0017 on February 26, 2019 and related to the deployment of 5G wireless services.
- House Bill 2120 extended the effective dates of the Uniform Small Wireless Facility Deployment Act of Sections 67.5110 to 67.5122, RSMo from January 1, 2021 to January 1, 2025.
- House Bill 2120 was signed into law by Governor Mike Parson on July 2, 2020.
- The authority and provisions of Chapter 78, Article V – Small Wireless Facilities are based on the Uniform all Small Wireless Facility Act which has now been extended to January 1, 2025.

**FINANCIAL IMPACT:**

- No impact/Not applicable
- Budgeted in the current year’s budget
- Other (see additional explanation)

**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended
- Neutral/None

**COMMUNITY PLAN 2030:** EI Strategy 1.1 Sustainable Growth. Continuously improve infrastructure services to adequately serve existing residents while planning for future growth.

**ATTACHED EXHIBITS:**

**ITEM/SUBJECT:** AN ORDINANCE AMENDING CHAPTER 78 SECTION 219 OF THE BRANSON MUNICIPAL CODE PERTAINING TO THE SUNSET CLAUSE OF SMALL WIRELESS FACILITIES

1 BILL NO. 5851

ORDINANCE NO. \_\_\_\_\_

2  
3  
4 AN ORDINANCE AMENDING CHAPTER 78 SECTION 219 OF THE BRANSON  
5 MUNICIPAL CODE PERTAINING TO SUNSET CLAUSE OF SMALL WIRELESS  
6 FACILITIES  
7

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8  
9 WHEREAS, House Bill 2120 extended the effective dates of the Uniform Small Wireless Facility  
10 Deployment Act of Sections 67.5110 to 67.5122, RSMo from January 1, 2021 to January 1, 2025;  
11 and

12  
13 WHEREAS, House Bill 2120 was signed into law by Governor Mike Parson on July 2, 2020; and

14  
15 WHEREAS, Chapter 78, Article V – Small Wireless Facilities was approved by the Board of  
16 Aldermen in Ord. No. 2019-0017 on February 26, 2019; and

17  
18 WHEREAS, the authority and provisions of Chapter 78, Article V – Small Wireless Facilities are  
19 based on the Uniform all Small Wireless Facility Act.

20  
21 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE  
22 CITY OF BRANSON, MISSOURI, THE FOLLOWING:  
23

24 Section 1: It is the intention of the Board, and it is hereby ordained, that the provisions of this  
25 ordinance shall become and be made a part of the Branson Municipal Code, and the  
26 sections of this ordinance may be renumbered to accomplish such intention.  
27

28 Section 2: That *Section 78-219. – Sunset clause* of the Branson Municipal Code is hereby  
29 amended to read as follows:  
30

31 Sec. 78-219. - Sunset clause.  
32

33 This article goes into effect upon passage and with a sunset date of January 1, ~~[2021]~~  
34 **2025**, except that for small wireless facilities already permitted or collocated on city poles prior  
35 to such date the fees set forth in section 78-211 and appendix A will remain in effect.  
36

37  
38 NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE  
39 WHICH IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.  
40

41  
42 Section 3: This ordinance shall be in full force and effect after its passage by the Board of  
43 Aldermen and approval by the Mayor at 12:01am on August 28, 2020.  
44

45 Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
46  
47

48 Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of  
49 Branson, Missouri on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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\_\_\_\_\_  
E. Edd Akers  
Mayor

ATTEST:

APPROVED AS TO FORM:

 7/22/20

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

\_\_\_\_\_  
Chris Lebeck #51831  
City Attorney

PREPARED 07/02/2020 9:08:10  
PROGRAM: GM339L

EXPENDITURE APPROVAL LIST  
REPORT PARAMETER SELECTIONS

EAL DESCRIPTION: EAL: 07022020 BRSNSDB

PAYMENT TYPES

Checks . . . . . Y  
EFTs . . . . . Y  
ePayables . . . . . Y

VOUCHER SELECTION CRITERIA

Voucher/discount due date . . . . . 07/16/2020  
Bank code . . . . . 01 OZARK MOUNTAIN BANK VENDOR

REPORT SEQUENCE OPTIONS:

Vendor . . . . . X One vendor per page? (Y,N) . . . . . N  
Bank/Vendor . . . . . One vendor per page? (Y,N) . . . . . N  
Fund/Dept/Div . . . . . Validate cash on hand? (Y,N) . . . . . N  
Fund/Dept/Div/Element/Obj . . . . . Validate cash on hand? (Y,N) . . . . . N  
Proj/Fund/Dept/Div/Elm/Obj . . . . .

This report is by: Vendor

Process by bank code? (Y,N) . . . . . Y  
Print reports in vendor name sequence? (Y,N) . . . . . Y  
Calendar year for 1099 withholding . . . . . 2020  
Disbursement year/per . . . . . 2020/07  
Payment date . . . . . 07/02/2020

*SUM*  
*7/2/20*

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0006001	00	AFFINITY CHEMICAL, LLC						
2563276		PI2258 034590	01	06/04/2020	620-4420-570.40-15	ALUMINUM SULFATE SOLUTION	3,705.60	
						VENDOR TOTAL *	3,705.60	
0004917	00	AMERICAN ROCK & CONCRETE LLC						
RM10517		PI2257 034580	01	06/18/2020	105-4121-530 40-20	CONCRETE-STOCKSTILL LN	107.00	
						VENDOR TOTAL *	107.00	
0006038	00	ANTHEM LIFE INSURANCE COMPANY						
6365423		003995	01	06/30/2020	501-0000-201.10-21	JUL 2020 LIFE INS PREMIUM	5,031.74	
						VENDOR TOTAL *	5,031.74	
0001414	00	BALLPARKS OF AMERICA						
0013416		OL	01	06/04/2020	101-0000-201.08-01	OL REFUNDS	CHECK #: 140727	50.00-
0013416		OL	01	06/04/2020	240-0000-220.01-07	OL REFUNDS	CHECK #: 140727	200.00-
						VENDOR TOTAL *	.00	250.00-
8888888	00	BALLPARKS OF AMERICA						
000045775	UT		01	06/04/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	CHECK #: 140728	400.00-
000045775	UT		01	06/04/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	CHECK #: 140728	75.00-
000045775	UT		01	06/04/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	CHECK #: 140728	400.00-
000045775	UT		01	06/04/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	CHECK #: 140728	75.00-
000045775	UT		01	06/04/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	CHECK #: 140728	175.00-
000045775	UT		01	06/04/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	CHECK #: 140728	75.00-
000045775	UT		01	06/04/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	CHECK #: 140728	5,000.00-
000045775	UT		01	06/04/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	CHECK #: 140728	140.00-
000045775	UT		01	06/04/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	CHECK #: 140728	800.00-
000045775	UT		01	06/04/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	CHECK #: 140728	140.00-
000045775	UT		01	06/04/2020	620-0000-202.11-05	MANUAL CHECK	CHECK #: 140728	77.76-
000045775	UT		01	06/04/2020	620-0000-202.11-05	MANUAL CHECK	CHECK #: 140728	13.58-
						VENDOR TOTAL *	.00	7,371.34-
0001414	00	BALLPARKS OF BRANSON LLC						
0013416		OL	01	07/02/2020	101-0000-201.08-01	OL REFUNDS	50.00	
0013416		OL	01	07/02/2020	240-0000-220.01-07	OL REFUNDS	200.00	
						VENDOR TOTAL *	250.00	
8888888	00	BALLPARKS OF BRANSON LLC						
000045775	UT		01	07/02/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	400.00	
000045775	UT		01	07/02/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	75.00	
000045775	UT		01	07/02/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	400.00	
000045775	UT		01	07/02/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	75.00	
000045775	UT		01	07/02/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	175.00	
000045775	UT		01	07/02/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	75.00	
000045775	UT		01	07/02/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	5,000.00	
000045775	UT		01	07/02/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	140.00	
000045775	UT		01	07/02/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	800.00	
000045775	UT		01	07/02/2020	620-0000-202.11-05	MANUAL DEPOSIT REFUND	140.00	
000045775	UT		01	07/02/2020	620-0000-202.11-05	MANUAL CHECK	77.76	

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND- ISSUED
NO	NO	NO						AMOUNT
8888888	00	BALLPARKS OF BRANSON LLC						
000045775		UT	01	07/02/2020	620-0000-202.11-05	MANUAL CHECK	13.58	
						VENDOR TOTAL *	7,371.34	
0005142	00	BLUE VALLEY PUBLIC SAFETY, INC.						
14911		003997	01	06/30/2020	263-3031-520.20-99	STORM SIREN MAINTENANCE	1,707.00	
						VENDOR TOTAL *	1,707.00	
0005642	00	BRAND, MICHAEL D						
06222020		003999	01	06/30/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	160.00	
						VENDOR TOTAL *	160.00	
0004657	00	BRANSON COLLISION CENTER LLC						
13402		PI2270 034912	01	06/02/2020	105-4110-530.20-54	UNIT 436 BODY REPAIRS	667.80	
13360		PI2271 034913	01	06/02/2020	105-4110-530.20-54	UNIT 410 BODY REPAIRS	3,844.11	
						VENDOR TOTAL *	4,511.91	
0001414	00	BRANSON HELICOPTER TOURS						
0010387		OL	01	07/01/2020	240-0000-220.01-07	TOURISM BOND REFUND	1,750.00	
						VENDOR TOTAL *	1,750.00	
0001414	00	CHINA WOK SUPPER BUFFET						
0014489		OL	01	07/01/2020	240-0000-220.01-07	TOURISM BOND REFUND	200.00	
						VENDOR TOTAL *	200.00	
0001197	00	COX HEALTH SYSTEMS						
WI 768		003996	01	06/30/2020	101-0600-510.40-66	MAY 2020 WELLNESS COACHNG	28.50	
						VENDOR TOTAL *	28.50	
0000105	00	ED ROEHR RADIO CO. INC.						
507479		PI2264 034738	01	06/05/2020	260-2022-520.40-03	PD TACTICAL GEAR	33,522.28	
						VENDOR TOTAL *	33,522.28	
0000875	00	FEDERAL SIGNAL CORP						
7497636		PI2255 034529	01	07/01/2020	260-3011-520.70-99	FI1902-OTDR WRNING SIRENS	20,748.00	
						VENDOR TOTAL *	20,748.00	
0003954	00	HCW PRIVATE DEVELOPMENT LLC.						
0420-FNTRMB		PI2251 034685	01	04/01/2020	101-1095-510.20-50	APR 2020 FOUNTAIN CONTRIB	28,638.50	
0420-FNTRMB-A		PI2252 034685	01	04/01/2020	101-1095-510.20-50	APR 2020 MAINT CONTRIBTN	11,281.83	
0520-FNTRMB		PI2253 034685	01	05/01/2020	101-1095-510.20-50	MAY 2020 FOUNTAIN CONTRIB	28,638.50	
0520-FNTRMB-A		PI2254 034685	01	05/01/2020	101-1095-510.20-50	MAY 2020 MAINT CONTRIBTN	11,281.83	
0620-FNTRMB		PI2261 034685	01	06/01/2020	101-1095-510.20-50	JUN 2020 FOUNTAIN CONTRIB	28,638.50	
0620-FNTRMB-A		PI2262 034685	01	06/01/2020	101-1095-510.20-50	JUN 2020 MAINT CONTRIBTN	11,281.83	
0720-FNTRMB		PI2275 034685	01	07/01/2020	101-1095-510.20-50	JUL 2020 FOUNTAIN CONTRIB	28,638.50	
0720-FNTRMB-A		PI2276 034685	01	07/01/2020	101-1095-510.20-50	JUL 2020 MAINT CONTRIBTN	11,281.83	
						VENDOR TOTAL *	159,681.32	
0006386	00	HESIK, WILLIAM						

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND- ISSUED
NO	NO	NO						AMOUNT
0006386	00	HESIK, WILLIAM						
06222020		003999	01	06/30/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	70.00	
VENDOR TOTAL *							70.00	
8888888	00	JENKINS, WILLIAM						
000048757		UT	01	06/25/2020	620-0000-202.11-05	Final Bill Over Payment	9.07	
VENDOR TOTAL *							9.07	
0000212	00	KIMBERLING CITY TIRE CO						
1-GS55089		PI2249	01	06/17/2020	101-0000-130.60-04	TIRE INV/MOUNT/DISPOSAL	1,508.68	
1-GS55089		PI2267 034797	01	06/17/2020	105-4110-530.20-04	TIRE INV/MOUNT/DISPOSAL	20.00	
1-GS55089		PI2268 034797	01	06/17/2020	105-4110-530.20-59	TIRE INV/MOUNT/DISPOSAL	84.00	
VENDOR TOTAL *							1,612.68	
0006192	00	KUTAK ROCK, LLP						
2725862		PI2260 034660	01	06/17/2020	101-0510-510.20-17	CC1701-GENERAL LEGAL SRVC	38.50	
2725872		PI2265 034762	01	06/17/2020	101-0510-510.20-17	CC1706-SUNSHINE LAW	655.50	
2725860		PI2266 034765	01	06/17/2020	101-0510-510.20-17	CC1902-TASK9 LLC	2,210.20	
VENDOR TOTAL *							2,904.20	
0005456	00	LLOYDS DRY CLEANERS						
06262020		PI2259 034635	01	06/26/2020	262-2022-520.20-99	PD UNIFORM DRY CLEANING	12.36	
VENDOR TOTAL *							12.36	
0003181	00	MAC PUBLICATIONS GROUP, INC.						
3396		PI2269 034904	01	06/25/2020	101-1095-510.20-44	DPR SHEETS	298.00	
VENDOR TOTAL *							298.00	
0001414	00	MICHAEL SAN FILIPPO						
0015141		OL	01	07/01/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
VENDOR TOTAL *							100.00	
0006382	00	MILLER, RALPH						
06222020		003999	01	06/30/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	60.00	
VENDOR TOTAL *							60.00	
0000320	00	PIPPIN WHOLESALE CO						
N829366		PI2256 034553	01	07/06/2020	263-3041-520.40-03	FD CLEANING SUPPLIES	165.71	
VENDOR TOTAL *							165.71	
0002167	00	POWER PLAN/MURPHY TRACTOR EQUIP						
1396426		PI2250	01	06/26/2020	101-0000-130.60-04	BULB	64.56	
1396426		PI2272 034919	01	06/26/2020	105-4110-530.40-41	BULB	18.25	
VENDOR TOTAL *							82.81	
0000349	00	RADIOPHONE ENGINEERING INC						
CI31683		003998	01	06/30/2020	262-2022-520.20-55	MOSWIN RADIO PROGRAMMING	2,460.00	
VENDOR TOTAL *							2,460.00	
0006287	00	SANDERS, BUCK LAYTON						

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND- ISSUED
NO	NO	NO						AMOUNT
0006287	00	SANDERS, BUCK LAYTON						
06222020	003999		01	06/30/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	90.00	
						VENDOR TOTAL *	90.00	
0006383	00	SEYMOUR, JOE						
06222020	003999		01	06/30/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	100.00	
						VENDOR TOTAL *	100.00	
0001414	00	SNO BIZ						
0015971	OL		01	07/01/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
						VENDOR TOTAL *	100.00	
0006272	00	SWIFT, AMANDA						
06222020	003999		01	06/30/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	120.00	
						VENDOR TOTAL *	120.00	
0000399	00	TANEY CO HEALTH DEPT						
2000497	PI2263	034704	01	06/02/2020	101-1095-510.20-99	JUN 2020 ENV SRV AGREEMNT	15,000.00	
						VENDOR TOTAL *	15,000.00	
0000811	00	TANEY CO SHERIFF						
05162020	PI2278	034632	01	05/16/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51137	45.00	
05162020A	PI2279	034632	01	05/16/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51135	45.00	
05222020	PI2280	034632	01	05/22/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51169	45.00	
05242020	PI2281	034632	01	05/24/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51174	45.00	
05242020A	PI2282	034632	01	05/24/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51171	45.00	
05282020	PI2283	034632	01	05/28/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51197	45.00	
05312020	PI2284	034632	01	05/31/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51211	45.00	
06012020	PI2286	034632	01	06/01/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51220	45.00	
06012020A	PI2287	034632	01	06/01/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51219	45.00	
06062020	PI2288	034632	01	06/06/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51248	90.00	
06062020A	PI2289	034632	01	06/06/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51245	45.00	
06112020	PI2290	034632	01	06/11/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51285	45.00	
06132020	PI2291	034632	01	06/13/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51293	90.00	
						VENDOR TOTAL *	675.00	
0006270	00	TICNOR, BRANDON J.						
06222020	003999		01	06/30/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	132.00	
						VENDOR TOTAL *	132.00	
0000461	00	TRI-LAKES MOTORS, INC						
412877	PI2273	034924	01	06/15/2020	105-4110-530.20-54	UNIT 417 SERVICE	59.20	
413078	PI2274	034924	01	06/18/2020	105-4110-530.20-54	UNIT 331 SERVICE	43.95	
413409	PI2294	034928	01	06/24/2020	620-4320-570.20-54	UNIT 355 SRVC & INPECTION	51.90	
413092	PI2293	034927	01	06/18/2020	620-4420-570.20-54	UNIT 320 SERVICE	52.55	
						VENDOR TOTAL *	207.60	
0003515	00	TYLER TECHNOLOGIES, INC.						
025-300658	PI2277	034735	01	07/31/2020	101-1012-510.20-57	JUL 2020 MONTHLY MNT FEE	125.00	

PREPARED 07/02/2020, 9:08:10  
 PROGRAM: GM339L  
 CITY OF BRANSON, MISSOURI  
 OZARK MOUNTAIN BANK VENDOR

EXPENDITURE APPROVAL LIST  
 AS OF: 07/16/2020 PAYMENT DATE: 07/02/2020

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND- ISSUED
NO	NO	NO						AMOUNT
0003515	00	TYLER TECHNOLOGIES, INC.						
						VENDOR TOTAL *	125.00	
						HAND ISSUED TOTAL ***		7,621.34-
						TOTAL EXPENDITURES ****	263,099.12	7,621.34-
						GRAND TOTAL *****		255,477.78

PREPARED 07/09/2020 9:09:36  
PROGRAM: GM339L

EXPENDITURE APPROVAL LIST  
REPORT PARAMETER SELECTIONS

EAL DESCRIPTION: EAL: 07092020 BRSNSDB

PAYMENT TYPES

Checks . . . . . Y  
EFTs . . . . . Y  
ePayables . . . . . Y

VOUCHER SELECTION CRITERIA

Voucher/discount due date . . . . . 07/23/2020  
Bank code . . . . . 01 OZARK MOUNTAIN BANK VENDOR

REPORT SEQUENCE OPTIONS:

Vendor . . . . . X One vendor per page? (Y,N) . . . . . N  
Bank/Vendor . . . . . One vendor per page? (Y,N) . . . . . N  
Fund/Dept/Div . . . . . Validate cash on hand? (Y,N) . . . . . N  
Fund/Dept/Div/Element/Obj . . . . . Validate cash on hand? (Y,N) . . . . . N  
Proj/Fund/Dept/Div/Elm/Obj . . . . .

This report is by: Vendor

Process by bank code? (Y,N) . . . . . Y  
Print reports in vendor name sequence? (Y,N) . . . . . Y  
Calendar year for 1099 withholding . . . . . 2020  
Disbursement year/per . . . . . 2020/07  
Payment date . . . . . 07/09/2020

*SUM*  
*7/9/20*

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0006258	00	AMERICAN FIDELITY - FLEX						
20200708		PR0708	01	07/08/2020	501-0000-201.10-31	PAYROLL SUMMARY	3,102.01	
						VENDOR TOTAL *	3,102.01	
0006380	00	BALLPARKS OF AMERICA, LLC						
1032		PI2403 034916	01	07/01/2020	101-1095-510.20-99	JUL 2020 STORAGE FEE	700.00	
						VENDOR TOTAL *	700.00	
0006039	00	BEN E. KEITH FOODS, INC						
64787736		PI2330 034545	01	06/19/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	400.12	
64793409		PI2331 034545	01	06/24/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	259.14	
						VENDOR TOTAL *	659.26	
0005912	00	BOWLING, LUKE ALEXANDER						
06232020		004015	01	07/07/2020	230-1554-540.20-13	YTH PICKLEBALL INSTRUCTOR	80.00	
						VENDOR TOTAL *	80.00	
0006390	00	DONALD A. HOROWITZ,						
20200708		PR0708	01	07/08/2020	501-0000-201.10-19	PAYROLL SUMMARY	87.32	
						VENDOR TOTAL *	87.32	
0006172	00	ENTERPRISE FM TRUST						
FBN3992317		PI2397 034627	01	07/03/2020	601-1095-510.70-10	JUL 2020 LEASE CHARGES	8,859.26	
FBN3992317		PI2398 034627	01	07/03/2020	602-2000-510.70-10	JUL 2020 LEASE CHARGES	9,629.90	
FBN3992317		PI2399 034627	01	07/03/2020	602-3000-510.70-10	JUL 2020 LEASE CHARGES	911.70	
FBN3992317		PI2400 034627	01	07/03/2020	603-1095-510.70-10	JUL 2020 LEASE CHARGES	1,542.53	
FBN3992317		PI2401 034627	01	07/03/2020	604-1095-510.70-10	JUL 2020 LEASE CHARGES	4,225.19	
FBN3992317		PI2402 034627	01	07/03/2020	605-1095-510.70-10	JUL 2020 LEASE CHARGES	1,063.82	
						VENDOR TOTAL *	26,232.40	
0001655	00	FAMILY SUPPORT PAYMENT CENTER						
20200708		PR0708	01	07/08/2020	501-0000-201.10-19	PAYROLL SUMMARY	1,820.01	
						VENDOR TOTAL *	1,820.01	
0000577	00	FIREMAN'S FUND						
20200708		PR0708	01	07/08/2020	501-0000-201.10-18	PAYROLL SUMMARY	111.64	
						VENDOR TOTAL *	111.64	
0000003	00	HOSKINS, DONNA						
07022020		004025	01	07/07/2020	230-1581-427.50-00	FUN DAY CAMPS REFUND	110.00	
						VENDOR TOTAL *	110.00	
0005678	00	LAUBER MUNICIPAL LAW, LLC						
20108		004009	01	07/07/2020	101-0100-510.20-43	CITY OFF TRAINING-LEBECK	20.00	
20108A		004010	01	07/07/2020	101-0400-510.20-43	CITY OFF TRAINING-SEAY	20.00	
20108B		004011	01	07/07/2020	101-0400-510.20-43	CITY OFF TRAINING-WHITEIS	20.00	
20105		004012	01	07/07/2020	101-0400-510.20-43	CITY OFF TRAINING-DOBBINS	20.00	
20105A		004013	01	07/07/2020	101-0400-510.20-43	CITY OFF TRAINING-MANNING	20.00	
20105B		004014	01	07/07/2020	101-0400-510.20-43	CITY OFF TRAINING-SIMMONS	20.00	

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0005678	00	LAUBER MUNICIPAL LAW, LLC						
						VENDOR TOTAL *	120.00	
0006382	00	MILLER, RALPH						
06292020	004020		01	07/07/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	72.00	
						VENDOR TOTAL *	72.00	
0000238	00	MO DEPT OF NATURAL RESOURCES						
44622009457	004007		01	07/07/2020	620-0000-205.10-00	MAY 2020 PRIMACY FEE	1,630.01	
44622009457A	004008		01	07/07/2020	620-0000-480.50-01	MAY 2020 PRIMACY FEE	24.76	
						VENDOR TOTAL *	1,654.77	
0006367	00	OFFICE OF CHILD SUPPORT ENFORCEMENT						
20200708	PR0708		01	07/08/2020	501-0000-201.10-19	PAYROLL SUMMARY	252.00	
						VENDOR TOTAL *	252.00	
0006316	00	PEPSICO, INC						
85482959	PI2309	034550	01	07/01/2020	230-1582-540.40-60	PARKS CONCESSION DRINKS	1,337.50	
85352213	PI2332	034550	01	06/17/2020	230-1582-540.40-60	PARKS CONCESSION DRINKS	485.50	
99673209	PI2333	034550	01	06/19/2020	230-1582-540.40-60	PARKS CONCESSION DRINKS	501.50	
86881362	PI2334	034550	01	06/24/2020	230-1582-540.40-60	PARKS CONCESSION DRINKS	381.50	
74075317	PI2335	034550	01	06/29/2020	230-1582-540.40-60	PARKS CONCESSION DRINKS	455.50	
						VENDOR TOTAL *	3,161.50	
0000320	00	PIPPIN WHOLESALE CO						
X826165	PI2311	034553	01	05/22/2020	230-1580-540.40-03	CLEANING SUPPLIES	167.26	
X826165A	PI2329	034917	01	05/22/2020	230-1580-540.40-03	CLEANING SUPPLIES	493.82	
R827591	PI2345	034553	01	06/12/2020	230-1580-540.40-03	PARKS CLEANING SUPPLIES	52.80	
R829818A	PI2346	034553	01	07/10/2020	230-1580-540.40-03	PARKS CLEANING SUPPLIES	352.15	
N829238	PI2391	034917	01	07/03/2020	230-1580-540.40-03	HAND SANITIZER FOAM	185.72	
R827593	PI2336	034552	01	06/12/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	434.07	
R828474	PI2337	034552	01	06/22/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	186.98	
C5718	PI2338	034552	01	06/26/2020	230-1582-540.40-60	PARKS CONC FOOD CREDIT	84.82	
X828760	PI2339	034552	01	06/26/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	50.42	
X828989	PI2340	034552	01	06/28/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	165.46	
R829083	PI2341	034552	01	06/29/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	269.96	
R829331	PI2342	034552	01	07/03/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	134.93	
X829650	PI2343	034552	01	07/05/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	262.57	
R829818	PI2344	034552	01	07/10/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	193.85	
						VENDOR TOTAL *	2,865.17	
0006287	00	SANDERS, BUCK LAYTON						
06292020	004019		01	07/07/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	90.00	
						VENDOR TOTAL *	90.00	
0006383	00	SEYMOUR, JOE						
06292020	004021		01	07/07/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	120.00	
						VENDOR TOTAL *	120.00	
0004495	00	SUMMIT MAILING & SHIPPING SYSTEMS						

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0004495	00	SUMMIT MAILING & SHIPPING SYSTEMS						
INST220249	004005		01	07/07/2020	101-0710-510.20-60	FLDR/INSERTER MAINT 2020	1,742.40	
						VENDOR TOTAL *	1,742.40	
0006272	00	SWIFT, AMANDA						
06292020	004018		01	07/07/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	150.00	
						VENDOR TOTAL *	150.00	
0000403	00	TANEY CO TREASURER						
1812	PI2425	034610	01	07/01/2020	105-4121-530.20-04	GENERAL/MISC WASTE	200.16	
						VENDOR TOTAL *	200.16	
0006270	00	TICNOR, BRANDON J.						
06292020	004017		01	07/07/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	132.00	
						VENDOR TOTAL *	132.00	
0000461	00	TRI-LAKES MOTORS, INC						
413259	PI2392	034932	01	06/22/2020	105-4110-530.20-54	UNIT 409 SRVC & INSPCTION	58.90	
						VENDOR TOTAL *	58.90	
0005155	00	UNITED WAY OF THE OZARKS						
20200708	PR0708		01	07/08/2020	501-0000-201.10-30	PAYROLL SUMMARY	37.10	
						VENDOR TOTAL *	37.10	
0002637	00	US POSTAL SERVICE						
07072020	004024		01	07/07/2020	101-0000-130.60-03	JUNE 2020 POSTAGE USAGE	5,481.05	
						VENDOR TOTAL *	5,481.05	
0004301	00	WILLIAMS & CAMPO, P.C.						
96	004006		01	07/07/2020	175-1095-510.20-17	EN1301-CID PROJECT SRVCS	1,068.75	
						VENDOR TOTAL *	1,068.75	
0006393	00	WILSON, JEFFERY LEE						
06292020	004022		01	07/07/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	64.00	
						VENDOR TOTAL *	64.00	
0006160	00	WRIGHT, LUCAS						
06292020	004016		01	07/07/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	70.00	
						VENDOR TOTAL *	70.00	
						TOTAL EXPENDITURES ****	50,242.44	
						GRAND TOTAL *****		50,242.44

PREPARED 07, /2020 10:48:31  
PROGRAM: GM339L

EXPENDITURE APPROVAL LIST  
REPORT PARAMETER SELECTIONS

EAL DESCRIPTION: EAL: 07172020 BRSNSDB

PAYMENT TYPES

Checks . . . . . Y  
EFTs . . . . . Y  
ePayables . . . . . Y

VOUCHER SELECTION CRITERIA

Voucher/discount due date . . . . . 07/31/2020  
Bank code . . . . . 01 OZARK MOUNTAIN BANK VENDOR

REPORT SEQUENCE OPTIONS:

Vendor . . . . . X      One vendor per page? (Y,N) . . . . . N  
Bank/Vendor . . . . .      One vendor per page? (Y,N) . . . . . N  
Fund/Dept/Div . . . . .      Validate cash on hand? (Y,N) . . . . . N  
Fund/Dept/Div/Element/Obj . . . . .      Validate cash on hand? (Y,N) . . . . . N  
Proj/Fund/Dept/Div/Elm/Obj . . . . .

This report is by: Vendor

Process by bank code? (Y,N) . . . . . Y  
Print reports in vendor name sequence? (Y,N) . . . . . Y  
Calendar year for 1099 withholding . . . . . 2020  
Disbursement year/per . . . . . 2020/07  
Payment date . . . . . 07/17/2020

*Sum*  
*7/17/20*

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND- ISSUED
NO	NO	NO						AMOUNT
0006001	00	AFFINITY CHEMICAL, LLC						
2563699		PI2457 034590	01	06/22/2020	620-4420-570.40-15	ALUMINUM SULFATE SOLUTION	3,574.40	
						VENDOR TOTAL *	3,574.40	
0001011	00	AFLAC						
587896		004674	01	07/14/2020	501-0000-201.10-30	JULY 2020 PREMIUMS	708.50	
						VENDOR TOTAL *	708.50	
0006039	00	BEN E. KEITH FOODS, INC						
64799021		PI2430 034545	01	07/01/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	577.41	
64775662		PI2441 034545	01	06/08/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	296.81	
64763236		PI2465 034545	01	05/27/2020	230-1582-540.40-60	PARKS CONC FOOD/SUPPLIES	394.47	
64805944		PI2529 034545	01	07/08/2020	230-1582-540.40-60	CONCESSION FOOD/CANDY	315.97	
64808537		PI2530 034545	01	07/10/2020	230-1582-540.40-60	CONCESSION FOOD	14.88	
64808539		PI2531 034545	01	07/10/2020	230-1582-540.40-60	CONCESSION FOOD	179.37	
						VENDOR TOTAL *	1,778.91	
0000042	00	BRANSON CHAMBER OF COMMERCE						
06292020		PI2484 034754	01	06/29/2020	240-1620-510.20-32	JUNE 2020 PARTIAL BILLING	92,040.53	
						VENDOR TOTAL *	92,040.53	
0002402	00	BRENNTAG MID-SOUTH						
BMS616563		PI2458 034592	01	07/30/2020	620-4320-570.40-15	LIQUID CHLORINE	1,575.00	
BMS620961		PI2439 034592	01	08/06/2020	620-4420-570.40-15	LIQ CHLORINE/SLFR DIOXIDE	1,372.80	
						VENDOR TOTAL *	2,947.80	
0005617	00	CHEMTRADE CHEMICALS CORPORATION						
92923018		004677	01	07/14/2020	620-4320-570.40-15	WT PAC TRIALS,TOC REMOVAL	693.00	
						VENDOR TOTAL *	693.00	
0005518	00	COXHEALTH FITNESS CENTER						
2020FITCTR		004675	01	07/14/2020	101-0600-510.20-99	2020 EMP FITNSS CNTR FEES	5,000.00	
						VENDOR TOTAL *	5,000.00	
0006396	00	CURBELO, DANQY J.						
07062020		004699	01	07/17/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	36.00	
						VENDOR TOTAL *	36.00	
9999999	00	EDDY, CHAD						
13-791		004680	01	07/14/2020	533-0000-220.40-03	ADDTL TREE DEPOSIT REFUND	20.00	
						VENDOR TOTAL *	20.00	
0000094	00	EMPIRE DISTRICT ELECTRIC COMPANY						
06262020		PI2480 034701	01	06/26/2020	101-4142-530.20-01	ELECTRIC BILLING 6/26/20	78.20	
07012020		PI2497 034701	01	07/01/2020	101-4142-530.20-01	ELECTRIC BILLING 7/1/20	8,806.20	
07092020		PI2512 034701	01	07/09/2020	101-4142-530.20-01	ELECTRIC BILLING 7/9/20	30.49	
06262020		PI2481 034701	01	06/26/2020	105-4121-530.20-06	ELECTRIC BILLING 6/26/20	201.20	
07012020		PI2498 034701	01	07/01/2020	105-4121-530.20-06	ELECTRIC BILLING 7/1/20	34,031.96	
07012020		PI2499 034701	01	07/01/2020	175-1095-510.40-01	ELECTRIC BILLING 7/1/20	31.62	

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VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0000094	00	EMPIRE DISTRICT				ELECTRIC COMPANY		
07012020	PI2500	034701	01	07/01/2020	230-1510-540.20-01	ELECTRIC BILLING 7/1/20	5,356.05	
07012020	PI2501	034701	01	07/01/2020	230-1520-540.20-01	ELECTRIC BILLING 7/1/20	1,437.46	
07012020	PI2502	034701	01	07/01/2020	230-1579-540.20-01	ELECTRIC BILLING 7/1/20	10,059.66	
07012020	PI2503	034701	01	07/01/2020	230-1580-540.20-01	ELECTRIC BILLING 7/1/20	10,814.08	
07012020	PI2504	034701	01	07/01/2020	263-3041-520.20-01	ELECTRIC BILLING 7/1/20	1,690.76	
07012020	PI2505	034701	01	07/01/2020	620-4310-570.20-01	ELECTRIC BILLING 7/1/20	91.66	
07072020	PI2510	034701	01	07/07/2020	620-4310-570.20-01	ELECTRIC BILLING 7/7/20	296.00	
07012020	PI2506	034701	01	07/01/2020	620-4320-570.20-01	ELECTRIC BILLING 7/1/20	24,196.41	
07072020	PI2511	034701	01	07/07/2020	620-4410-570.20-01	ELECTRIC BILLING 7/7/20	296.00	
06262020	PI2482	034701	01	06/26/2020	620-4415-570.20-01	ELECTRIC BILLING 6/26/20	35.28	
07012020	PI2507	034701	01	07/01/2020	620-4415-570.20-01	ELECTRIC BILLING 7/1/20	10,716.46	
07012020	PI2508	034701	01	07/01/2020	620-4420-570.20-01	ELECTRIC BILLING 7/1/20	42,963.45	
07012020	PI2509	034701	01	07/01/2020	620-4500-570.20-01	ELECTRIC BILLING 7/1/20	88.88	
						VENDOR TOTAL *	131,102.50	
0005996	00	EMPIRE ENERGY, LLC						
07082020	PI2442	034577	01	06/16/2020	105-4110-530.40-40	FUEL 6/16/20 - 6/30/20	9,425.36	
138391	PI2544	034577	01	07/07/2020	230-1579-540.40-27	PARKS FUEL 7/7/20	478.75	
07082020	PI2443	034577	01	06/16/2020	620-4310-570.40-40	FUEL 6/16/20 - 6/30/20	959.85	
07082020	PI2444	034577	01	06/16/2020	620-4320-570.40-40	FUEL 6/16/20 - 6/30/20	436.12	
07082020	PI2445	034577	01	06/16/2020	620-4410-570.40-40	FUEL 6/16/20 - 6/30/20	510.53	
07082020	PI2446	034577	01	06/16/2020	620-4415-570.40-40	FUEL 6/16/20 - 6/30/20	332.12	
07082020	PI2447	034577	01	06/16/2020	620-4420-570.40-40	FUEL 6/16/20 - 6/30/20	1,681.27	
07082020	PI2448	034577	01	06/16/2020	620-4500-570.40-40	FUEL 6/16/20 - 6/30/20	40.70	
						VENDOR TOTAL *	13,864.70	
0006284	00	ESO SOLUTIONS, INC.						
ESO-36140	PI2576	034954	01	06/02/2020	263-3041-520.20-88	ANNL FIREHOUSE SOFTWARE	7,846.54	
						VENDOR TOTAL *	7,846.54	
0000995	00	FISHER SCIENTIFIC						
0200016	PI2464	034703	01	06/08/2020	620-4320-570.40-08	WT SUPPLIES	138.60	
9965642	PI2463	034703	01	06/03/2020	620-4420-570.40-08	INV 1873117 & 2453947 CR	43.81	
1873117	PI2468	034703	01	02/20/2020	620-4420-570.40-08	WWT SUPPLIES	172.61	
2453947	PI2469	034703	01	02/25/2020	620-4420-570.40-08	WWT SUPPLIES	60.92	
						VENDOR TOTAL *	328.32	
9999999	00	FRENCH QUARTER RESORT						
MR Refund	MR		01	07/15/2020	620-0000-220.30-01	FRENCH QUARTER RESORT	60.00	
MR Refund	MR		01	07/16/2020	620-0000-220.30-01	FRENCH QUARTER RESORT	103.01	
						VENDOR TOTAL *	163.01	
0000212	00	KIMBERLING CITY TIRE CO						
1-55363	PI2562		01	07/08/2020	101-0000-130.60-04	TIRE DISPOSAL	180.00	
						VENDOR TOTAL *	180.00	
0005615	00	KIRK'S EXCAVATION, INC.						
06162020	PI2483	034733	01	06/16/2020	146-5010-510.90-11	WS2001-HARMONY LN SWR EXT	32,558.90	

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VEND NO	SEQ#	VENDOR NAME	INVOICE NO	VOUCHER NO	P.O. NO	BNK CHECK/DATE	DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0005615	00	KIRK'S EXCAVATION, INC.									
									VENDOR TOTAL *	32,558.90	
0006192	00	KUTAK ROCK, LLP									
2725874		PI2478 034660	01	06/17/2020		101-0510-510.20-17			CC1701-GENERAL LEGAL SRVC	4,262.50	
2725871		PI2479 034661	01	06/17/2020		101-0510-510.20-17			CC1801-COMPTON OIL SPILL	2,653.50	
2725868		PI2485 034842	01	06/17/2020		101-0510-510.20-17			CC2001-BRSN HWY 76 CID	3,078.00	
									VENDOR TOTAL *	9,994.00	
0001982	00	LARSON FARM & LAWN INC									
10758993		PI2561	01	06/09/2020		101-0000-130.60-04			INVENTORY RPLCMNT PARTS	627.24	
10758993		PI2575 034949	01	06/09/2020		105-4110-530.40-41			INVENTORY RPLCMNT PARTS	45.49	
									VENDOR TOTAL *	672.73	
0005535	00	MISSOURI-AMERICAN WATER COMPANY									
06252020		PI2454 034586	01	06/25/2020		620-4415-570.20-03			WATER SRVC 241 ILLINOIS	41.05	
									VENDOR TOTAL *	41.05	
0001871	00	MO ASSOC OF MUNICIPAL UTIL									
7109		004678	01	07/14/2020		620-4420-570.20-18			HAZWOPER TRAINING-D CARR	20.00	
									VENDOR TOTAL *	20.00	
0000514	00	MO DEPT OF REVENUE SALES TAX									
07102020		004672	01	07/14/2020		620-0000-206.10-00			JUNE 2020 SALES TAX	12,810.93	
07102020A		004673	01	07/14/2020		620-0000-480.50-01			JUNE 2020 SALES TAX	195.57	
									VENDOR TOTAL *	12,615.36	
0000880	00	MO VOCATIONAL ENTERPRISES									
609498 RI		004676	01	07/14/2020		263-3041-520.40-99			FI1903-BOAT TRAILER PLATE	21.27	
									VENDOR TOTAL *	21.27	
0004402	00	MOTLEY LAW FIRM, P.C., THE									
07082020		PI2440 034647	01	07/08/2020		101-1012-510.20-11			JUDGE SERVICES 7/8/20	1,200.00	
07152020		PI2579 034647	01	07/15/2020		101-1012-510.20-11			JUDGE SERVICES 7/15/20	1,200.00	
									VENDOR TOTAL *	2,400.00	
0006340	00	NELSON SWAG									
4030		PI2547 034605	01	07/01/2020		230-1555-540.40-01			CONCESSION/UMP SHIRTS	40.80	
4031		PI2549 034605	01	07/01/2020		230-1555-540.40-01			TBALL SHIRTS	604.80	
4032		PI2550 034605	01	07/01/2020		230-1555-540.40-01			BASEBALL SHIRTS	793.10	
4028		PI2545 034605	01	07/01/2020		230-1557-540.40-01			SP SOCCER SHIRTS	1,665.90	
4029		PI2546 034605	01	07/01/2020		230-1557-540.40-01			PEEWEE SOCCER SHIRTS	632.85	
4030		PI2548 034605	01	07/01/2020		230-1582-540.40-01			CONCESSION/UMP SHIRTS	129.20	
4033		PI2551 034605	01	07/01/2020		230-1590-540.40-01			CHEER SHIRTS	81.65	
									VENDOR TOTAL *	3,948.30	
0005057	00	OZARKS VANGUARD ADA SOLUTIONS LLC									
2085		PI2527 034952	01	06/19/2020		105-4121-530.20-50			DOME DETECTABLE WARNINGS	594.00	
2085		PI2528 034952	01	06/19/2020		105-4121-530.20-66			DOME DETECTABLE WARNINGS	864.00	

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VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0005057	00	OZARKS VANGUARD ADA SOLUTIONS LLC						
						VENDOR TOTAL *	1,458.00	
0006316	00	PEPSICO, INC						
80562262	PI2532	034550	01	07/08/2020	230-1582-540.40-60	PARKS CONCESSION DRINKS	338.50	
85179362	PI2533	034550	01	07/10/2020	230-1582-540.40-60	PARKS CONCESSION DRINKS	454.00	
						VENDOR TOTAL *	792.50	
0000320	00	PIPPIN WHOLESALE CO						
N829237	PI2526	034917	01	07/03/2020	230-1580-540.40-03	CLEANING SUPPLIES	928.50	
R830299	PI2534	034552	01	07/13/2020	230-1582-540.40-60	CONCESSION FOOD	187.55	
X830723	PI2535	034552	01	07/17/2020	230-1582-540.40-60	CONCESSION FOOD/CANDY	237.14	
R830990	PI2536	034552	01	07/20/2020	230-1582-540.40-60	CONCESSION FOOD/CANDY	778.69	
						VENDOR TOTAL *	2,131.88	
9999999	00	RESIDENCE AT THOUSAND HILLS HO						
MR Refund	MR		01	07/15/2020	620-0000-220.30-01	RESIDENCE AT THOUSAND HIL	73.99	
						VENDOR TOTAL *	73.99	
0006383	00	SEYMOUR, JOE						
07062020	004699		01	07/17/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	96.00	
						VENDOR TOTAL *	96.00	
0006089	00	SPECIALTY AIR CONDITIONING SERVICES						
920	PJ2473	034439	01	06/26/2020	140-5010-510.90-11	NE1901-ROOFTOP AIR COND	11,801.05	
						VENDOR TOTAL *	11,801.05	
0006272	00	SWIFT, AMANDA						
07062020	004699		01	07/17/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	114.00	
						VENDOR TOTAL *	114.00	
0006270	00	TICNOR, BRANDON J.						
07062020	004699		01	07/17/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	135.00	
						VENDOR TOTAL *	135.00	
0005278	00	TOMO DRUG TESTING						
CI_11752	PI2474	034544	01	06/30/2020	101-0600-510.20-25	RANDOM DRUG/ALCHL TESTING	595.00	
						VENDOR TOTAL *	595.00	
0005624	00	TRI-LAKES BIOSOLIDS COALITION						
7741	004670		01	07/14/2020	620-4420-570.20-99	JUN 2020 BIOSDS PRDCT CMP	18,854.42	
7741A	004671		01	07/14/2020	620-4420-570.20-99	JUN 2020 BIOSDS PRDCT CPR	3,442.56	
						VENDOR TOTAL *	22,296.98	
0000461	00	TRI-LAKES MOTORS, INC						
172084	PI2563		01	07/07/2020	101-0000-130.60-04	NOZZLE & HOSE WASHER	43.61	
413597	PI2571	034944	01	06/29/2020	105-4110-530.20-54	UNIT 449 SRVC, INSPECTION	54.90	
413652	PI2572	034944	01	06/29/2020	105-4110-530.20-54	UNIT 412 SRVC, INSPECTION	58.90	
413313	PI2573	034945	01	06/23/2020	105-4110-530.20-54	UNIT 292 SRVC, INSPECTION	47.95	

PREPARED 07/20/2020,10:48:31  
 PROGRAM: GM339L  
 CITY OF BRANSON, MISSOURI  
 OZARK MOUNTAIN BANK VENDOR

EXPENDITURE APPROVAL LIST  
 AS OF: 07/31/2020 PAYMENT DATE: 07/17/2020

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0000461	00	TRI-LAKES MOTORS, INC						
413749		PI2574 034945 01 06/30/2020			105-4110-530.20-54	UNIT 406 SRVC, INSPECTION	47.95	
414061		PI2583 034945 01 07/07/2020			105-4110-530.20-54	UNIT 175 SRVC, INSPECTION	55.67	
VENDOR TOTAL *							308.98	
0003515	00	TYLER TECHNOLOGIES, INC.						
025-297363		PI2486 034953 01 07/01/2020			101-1012-510.20-57	COURT CASE MNGMNT SRVCS	5,877.08	
VENDOR TOTAL *							5,877.08	
0005879	00	US BANK EQUIPMENT FINANCE						
418902920		PI2492 034537 01 07/08/2020			101-1095-510.20-44	LEASE PAYMENT COPIERS	1,418.32	
418902920		PI2493 034537 01 07/08/2020			620-4500-570.20-55	LEASE PAYMENT COPIERS	425.49	
VENDOR TOTAL *							1,843.81	
0006393	00	WILSON, JEFFERY LEE						
07062020		004699 01 07/17/2020			230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	80.00	
VENDOR TOTAL *							80.00	
0004542	00	YARNELL, PHILIP E						
2020-0703		004679 01 07/14/2020			262-2022-520.20-99	K9 COBRA SCR/TRN 6/27-7/3	175.00	
VENDOR TOTAL *							175.00	
TOTAL EXPENDITURES ****							370,335.09	
GRAND TOTAL *****								370,335.09

PREPARED 07/17/2020 10:51:05  
PROGRAM: GM339L

EXPENDITURE APPROVAL LIST  
REPORT PARAMETER SELECTIONS

EAL DESCRIPTION: EAL: 07172020 BRNSNDB

PAYMENT TYPES

Checks . . . . . Y  
EFTs . . . . . Y  
ePayables . . . . . Y

VOUCHER SELECTION CRITERIA

Voucher/discount due date . . . . . 07/31/2020  
Bank code . . . . . 01 OZARK MOUNTAIN BANK VENDOR

REPORT SEQUENCE OPTIONS:

Vendor . . . . . X      One vendor per page? (Y,N) . . . . . N  
Bank/Vendor . . . . .      One vendor per page? (Y,N) . . . . . N  
Fund/Dept/Div . . . . .      Validate cash on hand? (Y,N) . . . . . N  
Fund/Dept/Div/Element/Obj . . . . .      Validate cash on hand? (Y,N) . . . . . N  
Proj/Fund/Dept/Div/Elm/Obj . . . . .

This report is by: Vendor

Process by bank code? (Y,N) . . . . . Y  
Print reports in vendor name sequence? (Y,N) . . . . . Y  
Calendar year for 1099 withholding . . . . . 2020  
Disbursement year/per . . . . . 2020/07  
Payment date . . . . . 07/17/2020

*SUN*  
*7/17/20*

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
8888888	00	A&R RENTAL						
000052157		UT	01	07/10/2020	620-0000-202.11-05	FINAL BILL REFUND	56.92	
						VENDOR TOTAL *	56.92	
8888888	00	BLAHUTA, LEW						
000023019		UT	01	07/10/2020	620-0000-202.11-05	FINAL BILL REFUND	31.24	
						VENDOR TOTAL *	31.24	
8888888	00	DIESTMANN, TINA						
000054725		UT	01	07/10/2020	620-0000-202.11-05	FINAL BILL REFUND	28.43	
						VENDOR TOTAL *	28.43	
8888888	00	DUNKMANN, DIANA C						
000037285		UT	01	07/10/2020	620-0000-202.11-05	Final Bill Over-payment	8.71	
						VENDOR TOTAL *	8.71	
8888888	00	HELDSTAB, CHARLES H						
000041651		UT	01	07/10/2020	620-0000-202.11-05	FINAL BILL REFUND	28.43	
						VENDOR TOTAL *	28.43	
8888888	00	MICHALIK, MARLEEN A						
000053667		UT	01	07/10/2020	620-0000-202.11-05	FINAL BILL REFUND	51.41	
						VENDOR TOTAL *	51.41	
8888888	00	RIDER, CRAIG						
000054205		UT	01	07/10/2020	620-0000-202.11-05	FINAL BILL REFUND	28.43	
						VENDOR TOTAL *	28.43	
8888888	00	SANCHEZ, JOSE						
000045457		UT	01	07/10/2020	620-0000-202.11-05	FINAL BILL REFUND	9.36	
						VENDOR TOTAL *	9.36	
8888888	00	TALBOT, CHRISTINE						
000055399		UT	01	07/10/2020	620-0000-202.11-05	FINAL BILL REFUND	28.43	
						VENDOR TOTAL *	28.43	
8888888	00	THOUSAND HILLS REALTY						
000005985		UT	01	07/10/2020	620-0000-202.11-05	FINAL BILL REFUND	36.25	
						VENDOR TOTAL *	36.25	
8888888	00	VEGA, MARIBEL						
000047897		UT	01	07/10/2020	620-0000-202.11-05	FINAL BILL REFUND	26.41	
						VENDOR TOTAL *	26.41	
8888888	00	VINEYARDS CONDOS LLC						
000051107		UT	01	07/10/2020	620-0000-202.11-05	FINAL BILL REFUND	28.93	
						VENDOR TOTAL *	28.93	
8888888	00	WALL, MELISSA						

PREPARED 07/17/2020,10:51:05  
PROGRAM: GM339L  
CITY OF BRANSON, MISSOURI  
OZARK MOUNTAIN BANK VENDOR

EXPENDITURE APPROVAL LIST  
AS OF: 07/31/2020 PAYMENT DATE: 07/17/2020

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
8888888	00	WALL, MELISSA						
000054475	UT		01	07/10/2020	620-0000-202.11-05	MANUAL CHECK	66.00	
000054475	UT		01	07/14/2020	620-0000-202.11-05	Over payment Final Bill	47.32	
						VENDOR TOTAL *	113.32	
						TOTAL EXPENDITURES ****	476.27	
						GRAND TOTAL *****		476.27

PREPARED 07/23/2020 10:38:57  
PROGRAM: GM339L

EXPENDITURE APPROVAL LIST  
REPORT PARAMETER SELECTIONS

EAL DESCRIPTION: EAL: 07232020 BRSNSDB

PAYMENT TYPES

Checks . . . . . Y  
EFTs . . . . . Y  
ePayables . . . . . Y

VOUCHER SELECTION CRITERIA

Voucher/discount due date . . . . . 08/06/2020  
Bank code . . . . . 01 OZARK MOUNTAIN BANK VENDOR

REPORT SEQUENCE OPTIONS:

Vendor . . . . . X      One vendor per page? (Y,N) . . . . . N  
Bank/Vendor . . . . .      One vendor per page? (Y,N) . . . . . N  
Fund/Dept/Div . . . . .      Validate cash on hand? (Y,N) . . . . . N  
Fund/Dept/Div/Element/Obj . . . . .      Validate cash on hand? (Y,N) . . . . . N  
Proj/Fund/Dept/Div/Elm/Obj . . . . .

This report is by: Vendor

Process by bank code? (Y,N) . . . . . Y  
Print reports in vendor name sequence? (Y,N) . . . . . Y  
Calendar year for 1099 withholding . . . . . 2020  
Disbursement year/per . . . . . 2020/07  
Payment date . . . . . 07/23/2020

*CFM*  
*7/23/20*

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND- ISSUED
NO	NO	NO						AMOUNT
0006128	00	ADVANTICA ADMINISTRATIVE SERVICES						
08012020	004712		01	07/21/2020	501-0000-201.10-22	AUG 2020 VISION PREMIUMS	1,609.92	
						VENDOR TOTAL *	1,609.92	
0006258	00	AMERICAN FIDELITY - FLEX						
20200722	PR0722		01	07/22/2020	501-0000-201.10-31	PAYROLL SUMMARY	3,102.01	
						VENDOR TOTAL *	3,102.01	
0006217	00	AMERICAN FIDELITY ASSURANCE COMPANY						
D187369	004713		01	07/21/2020	501-0000-201.10-31	JULY 2020 PREMIUMS	10,095.49	
						VENDOR TOTAL *	10,095.49	
0002122	00	ANTHEM BLUE CHOICE						
661948C	004714		01	07/21/2020	501-0000-201.10-19	AUG 2020 HEALTH PREMIUMS	279,533.03	
						VENDOR TOTAL *	279,533.03	
0004952	00	CENTURY LINK						
130632578	PI2599	034663	01	07/08/2020	101-1095-510.20-09	LONG DISTANCE 6/8-7/7/20	371.87	
						VENDOR TOTAL *	371.87	
0000071	00	DELTA DENTAL OF MO						
08012020	004715		01	07/21/2020	501-0000-201.10-20	AUG 2020 DENTAL PREMIUMS	18,972.88	
						VENDOR TOTAL *	18,972.88	
0006390	00	DONALD A. HOROWITZ,						
20200722	PR0722		01	07/22/2020	501-0000-201.10-19	PAYROLL SUMMARY	87.32	
						VENDOR TOTAL *	87.32	
0000094	00	EMPIRE DISTRICT ELECTRIC COMPANY						
07102020	PI2600	034701	01	07/10/2020	620-4500-570.20-01	ELECTRIC BILLING 7/10/20	727.57	
						VENDOR TOTAL *	727.57	
0005996	00	EMPIRE ENERGY, LLC						
07162020	PI2591	034577	01	07/16/2020	105-4110-530.40-40	FUEL 7/1/20 - 7/15/20	1,501.59	
07162020	PI2592	034577	01	07/16/2020	620-4310-570.40-40	FUEL 7/1/20 - 7/15/20	139.86	
07162020	PI2593	034577	01	07/16/2020	620-4320-570.40-40	FUEL 7/1/20 - 7/15/20	66.26	
07162020	PI2594	034577	01	07/16/2020	620-4410-570.40-40	FUEL 7/1/20 - 7/15/20	152.12	
07162020	PI2595	034577	01	07/16/2020	620-4415-570.40-40	FUEL 7/1/20 - 7/15/20	38.86	
07162020	PI2596	034577	01	07/16/2020	620-4420-570.40-40	FUEL 7/1/20 - 7/15/20	327.46	
07162020	PI2597	034577	01	07/16/2020	620-4500-570.40-40	FUEL 7/1/20 - 7/15/20	18.39	
						VENDOR TOTAL *	2,244.54	
0001655	00	FAMILY SUPPORT PAYMENT CENTER						
20200722	PR0722		01	07/22/2020	501-0000-201.10-19	PAYROLL SUMMARY	1,796.93	
						VENDOR TOTAL *	1,796.93	
0000577	00	FIREMAN'S FUND						
20200722	PR0722		01	07/22/2020	501-0000-201.10-18	PAYROLL SUMMARY	111.64	
						VENDOR TOTAL *	111.64	
0006394	00	FREED, EZECKUAL A.						

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0006394	00	FREED, EZECKUAL A.						
07132020		004711	01	07/21/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	36.00	
						VENDOR TOTAL *	36.00	
0006382	00	MILLER, RALPH						
07132020		004708	01	07/21/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	96.00	
						VENDOR TOTAL *	96.00	
0000487	00	MO STATE HWY PATROL ISD						
812HP032002601		PI2603 034636	01	08/09/2020	262-2022-520.20-30	CIRCUIT CHARGES JUL-SEP	1,830.00	
						VENDOR TOTAL *	1,830.00	
0006367	00	OFFICE OF CHILD SUPPORT ENFORCEMENT						
20200722		PR0722	01	07/22/2020	501-0000-201.10-19	PAYROLL SUMMARY	252.00	
						VENDOR TOTAL *	252.00	
0006281	00	ONLINE SOLUTIONS LLC						
3375		PI2598 034628	01	07/01/2020	101-6010-560.70-99	PARTIAL SETUP FEE	3,200.00	
						VENDOR TOTAL *	3,200.00	
0006287	00	SANDERS, BUCK LAYTON						
07132020		004707	01	07/21/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	140.00	
						VENDOR TOTAL *	140.00	
0005965	00	SENTINEL EMERGENCY SOLUTIONS, LLC						
69538		PI2585 034528	01	05/12/2020	260-3011-520.70-99	FI1901-FD SCBA EQUIPMENT	5,302.31	
69751		PI2586 034528	01	05/21/2020	260-3011-520.70-99	FI1901-FD SCBA EQUIPMENT	9,198.36	
69754		PI2587 034528	01	05/21/2020	260-3011-520.70-99	FI1901-FD SCBA EQUIPMENT	240,172.03	
69880		PI2588 034528	01	05/28/2020	260-3011-520.70-99	FI1901-FD SCBA EQUIPMENT	713.82	
70358		PI2589 034528	01	06/22/2020	260-3011-520.70-99	FI1901-FD SCBA EQUIPMENT	71,824.10	
70889		PI2590 034528	01	07/16/2020	260-3011-520.70-99	FI1901-FD SCBA EQUIPMENT	3,389.37	
						VENDOR TOTAL *	330,599.99	
0006383	00	SEYMOUR, JOE						
07132020		004709	01	07/21/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	100.00	
						VENDOR TOTAL *	100.00	
0006082	00	SO MO PROFESSIONAL FIREFIGHTERS						
20200708		PR0708	01	07/08/2020	501-0000-201.10-40	PAYROLL SUMMARY	845.00	
20200722		PR0722	01	07/22/2020	501-0000-201.10-40	PAYROLL SUMMARY	845.00	
						VENDOR TOTAL *	1,690.00	
0006083	00	SO MO PROFESSIONAL FIREFIGHTERS PAC						
20200708		PR0708	01	07/08/2020	501-0000-201.10-41	PAYROLL SUMMARY	38.50	
20200722		PR0722	01	07/22/2020	501-0000-201.10-41	PAYROLL SUMMARY	38.50	
						VENDOR TOTAL *	77.00	
0003301	00	SW MO POLICE CHIEFS TASK FORCE						
07172020		004704	01	07/21/2020	262-2022-520.20-30	2020-2021 ANNUAL DUES	25.00	

PREPARED 07/23/2020,10:38:57  
 PROGRAM: GM339L  
 CITY OF BRANSON, MISSOURI  
 OZARK MOUNTAIN BANK VENDOR

EXPENDITURE APPROVAL LIST  
 AS OF: 08/06/2020 PAYMENT DATE: 07/23/2020

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0003301	00	SW MO POLICE CHIEFS TASK FORCE						
						VENDOR TOTAL *	25.00	
0006272	00	SWIFT, AMANDA						
07132020	004706	01	07/21/2020	230-1555-540.20-13		YOUTH BASEBALL OFFICIAL	70.00	
						VENDOR TOTAL *	70.00	
0000399	00	TANEY CO HEALTH DEPT						
2000541	PI2601	034704	01	07/01/2020	101-1095-510.20-99	JUL 2020 ENV SRV AGREEMNT	15,000.00	
						VENDOR TOTAL *	15,000.00	
0006270	00	TICNOR, BRANDON J.						
07132020	004705	01	07/21/2020	230-1555-540.20-13		YOUTH BASEBALL OFFICIAL	132.00	
						VENDOR TOTAL *	132.00	
0005155	00	UNITED WAY OF THE OZARKS						
20200722	PR0722	01	07/22/2020	501-0000-201.10-30		PAYROLL SUMMARY	37.10	
						VENDOR TOTAL *	37.10	
0006393	00	WILSON, JEFFERY LEE						
07132020	004710	01	07/21/2020	230-1555-540.20-13		YOUTH BASEBALL OFFICIAL	90.00	
						VENDOR TOTAL *	90.00	
						TOTAL EXPENDITURES ****	672,028.29	
						GRAND TOTAL *****		672,028.29

PREPARED 07/29/2020 11:29:14  
PROGRAM: GM339L

EXPENDITURE APPROVAL LIST  
REPORT PARAMETER SELECTIONS

EAL DESCRIPTION: EAL: 07292020 BRSNSDB

PAYMENT TYPES

Checks . . . . . Y  
EFTs . . . . . Y  
ePayables . . . . . Y

VOUCHER SELECTION CRITERIA

Voucher/discount due date . . . . . 08/12/2020  
Bank code . . . . . 01 OZARK MOUNTAIN BANK VENDOR

REPORT SEQUENCE OPTIONS:

Vendor . . . . . X      One vendor per page? (Y,N) . . . . . N  
Bank/Vendor . . . . .      One vendor per page? (Y,N) . . . . . N  
Fund/Dept/Div . . . . .      Validate cash on hand? (Y,N) . . . . . N  
Fund/Dept/Div/Element/Obj . . . . .      Validate cash on hand? (Y,N) . . . . . N  
Proj/Fund/Dept/Div/Elm/Obj . . . . .

This report is by: Vendor

Process by bank code? (Y,N) . . . . . Y  
Print reports in vendor name sequence? (Y,N) . . . . . Y  
Calendar year for 1099 withholding . . . . . 2020  
Disbursement year/per . . . . . 2020/07  
Payment date . . . . . 07/29/2020

*SUM*  
*7/29/20*

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0001414	00	AFFORDABLE TOWING						
0014644		OL	01	07/23/2020	101-0000-421.10-00	1 TIME WAIVE-REF LATE FEE	360.00	
						VENDOR TOTAL *	360.00	
0004917	00	AMERICAN ROCK & CONCRETE LLC						
RM10793		PI2658 034580	01	07/21/2020	105-4121-530.20-66	CONCRETE-WONDERWORKS	120.00	
						VENDOR TOTAL *	120.00	
9999999	00	BARBARA COLE						
04-00000835		BONBP	01	07/27/2020	101-0000-220.01-03	FOOTING & FOUNDATION BOND	2,000.00	
						VENDOR TOTAL *	2,000.00	
0006039	00	BEN E. KEITH FOODS, INC						
64777109		PI2681 034545	01	06/10/2020	230-1582-540.40-60	CONCESSION FOOD/CANDY	181.26	
						VENDOR TOTAL *	181.26	
8888888	00	BIG O TIRES						
000044993		UT	01	07/20/2020	620-0000-202.11-05	CREDIT BALANCE REFUND	289.57	
						VENDOR TOTAL *	289.57	
0000042	00	BRANSON CHAMBER OF COMMERCE						
07202020		PI2671 034754	01	07/20/2020	240-1620-510.20-32	JULY 2020 PARTIAL BILLING	22.73	
						VENDOR TOTAL *	22.73	
0001414	00	BRANSON CITY DINER						
0015171		OL	01	07/23/2020	101-0000-201.08-01	TOURISM TAX OVRPMT REFUND	.69	
0015171		OL	01	07/23/2020	101-0000-201.08-01	TOURISM TAX OVRPMT REFUND	.10	
0015171		OL	01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
						VENDOR TOTAL *	100.79	
0002402	00	BRENNTAG MID-SOUTH						
BMS632515		PI2617 034592	01	08/20/2020	620-4420-570.40-15	LIQ CHLORINE/SLFR DIOXIDE	1,372.80	
						VENDOR TOTAL *	1,372.80	
0005598	00	C & C SALES, INC						
34488		PI2655 034558	01	07/06/2020	101-4142-530.20-50	AIR COND CNTRLS PRV MAINT	3,422.00	
						VENDOR TOTAL *	3,422.00	
0004952	00	CENTURY LINK						
07042020		PI2650 034538	01	07/04/2020	101-1095-510.20-09	PHONE SRVC 7/4-8/3/20	2,050.62	
07042020A		PI2670 034663	01	07/04/2020	101-1095-510.20-09	LONG DIST 7/4-8/3/20	12.69	
07042020		PI2651 034538	01	07/04/2020	620-4310-570.20-09	PHONE SRVC 7/4-8/3/20	47.24	
07042020		PI2652 034538	01	07/04/2020	620-4320-570.20-09	PHONE SRVC 7/4-8/3/20	47.29	
07042020		PI2653 034538	01	07/04/2020	620-4410-570.20-09	PHONE SRVC 7/4-8/3/20	37.78	
07042020		PI2654 034538	01	07/04/2020	620-4420-570.20-09	PHONE SRVC 7/4-8/3/20	172.55	
						VENDOR TOTAL *	2,368.17	
0000470	00	CITY OF BRANSON						
07272020		004719	01	07/28/2020	230-0000-210.10-00	JUNE 2020 CAMPGROUND TT	4,295.12	

BANK: 01

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND- ISSUED
NO	NO	NO						AMOUNT
0000470	00	CITY OF BRANSON						
07272020A	004720		01	07/28/2020	230-1510-480.60-00	JUNE 2020 CAMPGROUND TT	11.53-	
						VENDOR TOTAL *	4,283.59	
0004262	00	COCHRAN HEAD VICK & CO., P.C.						
1046352	004721		01	07/28/2020	101-0710-510.20-15	2019 AUDIT PRGRSS BILLING	7,500.00	
						VENDOR TOTAL *	7,500.00	
0001197	00	COX HEALTH SYSTEMS						
WI 779	004724		01	07/28/2020	101-0600-510.40-66	JUN 2020 WELLNESS COACHNG	60.00	
						VENDOR TOTAL *	60.00	
8888888	00	CRINNION, DANIEL						
000054517	UT		01	07/24/2020	620-0000-202.11-05	Utility Refund	1.50	
000054517	UT		01	06/26/2020	620-0000-202.11-05	FINAL BILL REFUND	CHECK #: 140931	36.00-
000054517	UT		01	07/29/2020	620-0000-202.11-05	FINAL BILL REFUND	36.00	
						VENDOR TOTAL *	37.50	36.00-
0006137	00	ELEVATE BRANSON						
07152020	PI2668 034642		01	07/15/2020	101-1095-510.20-99	2020 EXP REIMB PER CNTRCT	2,535.70	
						VENDOR TOTAL *	2,535.70	
0001414	00	FLANAGAN PROPERTIES LLC						
0013716	OL		01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
						VENDOR TOTAL *	100.00	
0006394	00	FREED, EZECKUAL A.						
07202020	004725		01	07/28/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	20.00	
						VENDOR TOTAL *	20.00	
0001414	00	G & J RENTALS LLC						
0013952	OL		01	07/23/2020	101-0000-201.08-01	TOURISM TAX OVRPMT REFUND	2.03	
0013952	OL		01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
						VENDOR TOTAL *	102.03	
0001414	00	GITL PROPERTIES 401K						
0014289	OL		01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
						VENDOR TOTAL *	100.00	
8888888	00	GOOD, ALAN						
000050769	UT		01	07/16/2020	620-0000-202.11-05	FINAL BILL REFUND	42.18	
						VENDOR TOTAL *	42.18	
0004739	00	HDR ENGINEERING, INC.						
1200275245	004726		01	07/28/2020	145-5010-510.90-11	WS2007-CMP WWTP WALL DSGN	500.00	
						VENDOR TOTAL *	500.00	
0001414	00	JOHN GRAVES						
0015655	OL		01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	

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VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0001414	00	JOHN GRAVES						
						VENDOR TOTAL *	100.00	
0001414	00	KELLY ANNS						
0013822	OL		01	07/23/2020	101-0000-201.08-01	TOURISM TAX OVER PMT REF	.64	
0013822	OL		01	07/23/2020	101-0000-201.08-01	TOURISM TAX OVRPMT REFUND	.83	
0013822	OL		01	07/23/2020	101-0000-201.08-01	TOURISM TAX OVRPMT REFUND	.09	
0013822	OL		01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
						VENDOR TOTAL *	101.56	
0000212	00	KIMBERLING CITY TIRE CO						
1-GS55322	PI2619		01	07/06/2020	101-0000-130.60-04	TIRE INVENTORY	4,507.48	
						VENDOR TOTAL *	4,507.48	
0001414	00	KTK VACATION RENTALS LLC						
0015193	OL		01	07/23/2020	101-0000-201.08-01	TOURISM TAX OVRPMT REFUND	3.21	
0015193	OL		01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
						VENDOR TOTAL *	103.21	
0001414	00	KTL INVESTMENTS, LLC						
0013908	OL		01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
						VENDOR TOTAL *	100.00	
8888888	00	LACY, KAREN						
000040479	UT		01	07/24/2020	620-0000-202.11-05	Utility Refund	41.66	
000040479	UT		01	06/11/2020	620-0000-202.11-05	FINAL BILL REFUND	CHECK #: 140818	20.84-
000040479	UT		01	07/29/2020	620-0000-202.11-05	FINAL BILL REFUND	20.84	
						VENDOR TOTAL *	62.50	20.84-
0001414	00	LAURA'S CONDO						
0015328	OL		01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
						VENDOR TOTAL *	100.00	
8888888	00	LONG, LAURIE						
000037865	UT		01	07/24/2020	620-0000-202.11-05	Utility Refund	18.23	
						VENDOR TOTAL *	18.23	
0001414	00	LUXEMMEIER						
0015939	OL		01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
						VENDOR TOTAL *	100.00	
0001414	00	MICHELLE DENNISTON						
0014180	OL		01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
						VENDOR TOTAL *	100.00	
0006382	00	MILLER, RALPH						
07202020	004725		01	07/28/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	72.00	
						VENDOR TOTAL *	72.00	
0001211	00	MO POLICE CHIEFS CHARITABLE FC						

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VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND- ISSUED
NO	NO	NO						AMOUNT
0001211	00	MO POLICE CHIEFS CHARITABLE FO						
03132020	001815		01	03/17/2020	260-2022-520.20-43	SRO TRAINING REG-WILCOX	CHECK #: 140083	450.00-
VENDOR TOTAL *							.00	450.00-
0006316	00	PEPSICO, INC						
99493668	PI2604	034550	01	06/10/2020	230-1582-540.40-60	CONCESSION DRINKS	588.00	
80939358	PI2682	034550	01	07/14/2020	230-1582-540.40-60	CONCESSION DRINKS	1,112.50	
82397803	PI2683	034550	01	07/17/2020	230-1582-540.40-60	CONCESSION DRINKS	806.00	
24847470	PI2684	034550	01	07/22/2020	230-1582-540.40-60	CONCESSION DRINKS	342.00	
97106211	PI2685	034550	01	07/24/2020	230-1582-540.40-60	CONCESSION DRINKS	869.00	
VENDOR TOTAL *							3,717.50	
0000320	00	PIPPIN WHOLESALE CO						
N832035	PI2607	034553	01	07/31/2020	105-4121-530.40-03	CLEANING SUPPLIES	94.95	
VENDOR TOTAL *							94.95	
0002167	00	POWER PLAN/MURPHY TRACTOR EQUIP						
1271235	PI2623		01	07/25/2020	101-0000-130.60-04	SKID SHOE	276.80	
VENDOR TOTAL *							276.80	
0006207	00	PRIME GOVERNMENT SOLUTIONS LLC						
2020-223	PI2680	034930	01	01/31/2020	101-1014-510.20-70	ANNL HSTNG12/2019-12/2020	8,167.00	
VENDOR TOTAL *							8,167.00	
0001414	00	RELIABLE CONDO RENTALS						
0015930	OL		01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
VENDOR TOTAL *							100.00	
0001414	00	RICKMAN R&R BRANSON CONDOS						
0014406	OL		01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
VENDOR TOTAL *							100.00	
0006287	00	SANDERS, BUCK LAYTON						
07202020	004725		01	07/28/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	90.00	
VENDOR TOTAL *							90.00	
8888888	00	SCHWARTZKOPF, KAECEE						
000052713	UT		01	07/24/2020	620-0000-202.11-05	Utility Refund	38.58	
VENDOR TOTAL *							38.58	
0006383	00	SEYMOUR, JOE						
07202020	004725		01	07/28/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	40.00	
VENDOR TOTAL *							40.00	
0000662	00	SPFLD FIN DEPT/LANDFILL FEES						
116233	PI2605	034587	01	06/30/2020	620-4420-570.20-04	GRIT	123.25	
VENDOR TOTAL *							123.25	
8888888	00	SUDBROCK, CAROLINE						

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VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND- ISSUED
NO	NO	NO						AMOUNT
8888888	00	SUDBROCK, CAROLINE						
000052365	UT		01	07/24/2020	620-0000-202.11-05	Utility Refund	40.64	
000052365	UT		01	06/11/2020	620-0000-202.11-05	FINAL BILL REFUND	CHECK #: 140827	42.18-
000052365	UT		01	07/29/2020	620-0000-202.11-05	FINAL BILL REFUND	42.18	
						VENDOR TOTAL *	82.82	42.18-
0006115	00	SUPERION, LLC						
282421	004722		01	07/28/2020	620-4500-570.20-94	MAY 2020 CLICK2GOV TRANS	116.38	
285299	004723		01	07/28/2020	620-4500-570.20-94	JUNE 2020 CLICK2GOV TRANS	118.14	
						VENDOR TOTAL *	234.52	
0006272	00	SWIFT, AMANDA						
07202020	004725		01	07/28/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	70.00	
						VENDOR TOTAL *	70.00	
0000384	00	TABLE ROCK ASPHALT CONST.						
276152	PI2656	034569	01	07/22/2020	105-4121-530.40-20	2-6" CLEAN ROCK,0-6" ROCK	148.12	
276171	PI2657	034569	01	07/22/2020	105-4121-530.40-20	0-6" ROCK	82.64	
276026	PI2608	034569	01	07/16/2020	620-4310-570.40-21	1" CLEAN ROCK	804.48	
						VENDOR TOTAL *	1,035.24	
0000811	00	TANEY CO SHERIFF						
06152020	PI2625	034632	01	06/15/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51305	45.00	
06162020	PI2626	034632	01	06/16/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51311	90.00	
06172020	PI2627	034632	01	06/17/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51325	90.00	
06172020A	PI2628	034632	01	06/17/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51324	135.00	
06182020	PI2629	034632	01	06/18/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51332	90.00	
06192020	PI2630	034632	01	06/19/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51340	45.00	
06192020A	PI2631	034632	01	06/19/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51339	90.00	
06202020	PI2632	034632	01	06/20/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51345	45.00	
06202020A	PI2633	034632	01	06/20/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51346	45.00	
06232020	PI2634	034632	01	06/23/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51370	45.00	
06232020A	PI2635	034632	01	06/23/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51365	45.00	
06232020B	PI2636	034632	01	06/23/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51364	45.00	
06232020C	PI2637	034632	01	06/23/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51362	90.00	
06272020	PI2638	034632	01	06/27/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51396	45.00	
06302020	PI2639	034632	01	06/30/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51402	45.00	
07012020	PI2659	034632	01	07/01/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51412	45.00	
07022020	PI2660	034632	01	07/02/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51415	45.00	
07022020A	PI2661	034632	01	07/02/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51418	45.00	
07022020B	PI2662	034632	01	07/02/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51414	45.00	
07032020	PI2663	034632	01	07/03/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51420	45.00	
07042020	PI2664	034632	01	07/04/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51427	45.00	
07052020	PI2665	034632	01	07/05/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51429	45.00	
07052020A	PI2666	034632	01	07/05/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51430	45.00	
07112020	PI2667	034632	01	07/11/2020	262-2022-520.20-67	PRISONER BRDNG-INMT 51451	45.00	
						VENDOR TOTAL *	1,395.00	
0006355	00	TANEYHILLS COMMUNITY LIBRARY						

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VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0006355	00	TANEYHILLS COMMUNITY LIBRARY						
07152020		PI2669 034645	01	07/15/2020	101-1095-510.20-99	2020 EXP REIMB PER CNTRCT	1,597.77	
						VENDOR TOTAL *	1,597.77	
0006270	00	TICNOR, BRANDON J.						
07202020		004725	01	07/28/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	132.00	
						VENDOR TOTAL *	132.00	
0001414	00	TREY NORAN						
0015987		OL	01	07/23/2020	240-0000-220.01-07	TOURISM BOND REFUND	100.00	
						VENDOR TOTAL *	100.00	
0000461	00	TRI-LAKES MOTORS, INC						
172391		PI2621	01	07/14/2020	101-0000-130.60-04	PAD SET, PAD KIT, ROTOR	568.48	
172402		PI2622	01	07/14/2020	101-0000-130.60-04	BRAKE PADS, ROTOR ASSY	472.77	
414335		PI2675 034965	01	07/13/2020	105-4110-530.20-54	UNIT 425 SERVICE	54.90	
414362		PI2676 034965	01	07/13/2020	105-4110-530.20-54	UNIT 413 SERVICE	58.90	
414588		PI2677 034965	01	07/16/2020	105-4110-530.20-54	UNIT 362 SERVICE	59.20	
414690		PI2678 034965	01	07/20/2020	105-4110-530.20-54	UNIT 411 SERVICE	59.20	
414747		PI2679 034965	01	07/20/2020	105-4110-530.20-54	UNIT 418 SERVICE	58.90	
413635		PI2640 034958	01	06/29/2020	620-4310-570.20-54	UNIT 432 SRVC, INSPECTION	47.95	
414191		PI2674 034958	01	07/09/2020	620-4320-570.20-54	UNIT 443 SRVC, INSPECTION	47.95	
413800		PI2672 034958	01	07/01/2020	620-4415-570.20-54	UNIT 179 SRVC, INSPECTION	47.95	
414049		PI2673 034958	01	07/07/2020	620-4500-570.20-54	UNIT 378 SRVC, INSPECTION	60.09	
						VENDOR TOTAL *	1,536.29	
0005301	00	UTECH PRODUCTS INC						
7004566-IN		PI2618 034619	01	07/14/2020	620-4420-570.40-08	THERMOMETER	87.86	
						VENDOR TOTAL *	87.86	
8888888	00	VOGEL, ROBERT						
000055233		UT	01	07/16/2020	620-0000-202.11-05	FINAL BILL REFUND	42.18	
						VENDOR TOTAL *	42.18	
0006393	00	WILSON, JEFFERY LEE						
07202020		004725	01	07/28/2020	230-1555-540.20-13	YOUTH BASEBALL OFFICIAL	80.00	
						VENDOR TOTAL *	80.00	
						HAND ISSUED TOTAL ***		549.02-
						TOTAL EXPENDITURES ****	50,025.06	549.02-
						GRAND TOTAL *****		49,476.04