

MINUTES

REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI JULY 26, 2022

CALL TO ORDER

The Board of Aldermen of the City of Branson, Missouri, met in Regular Session in the Council Chambers of the City Hall on July 26, 2022 at 6:00 PM. Mayor Milton called the meeting to order.

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

City Clerk Lisa Westfall called roll. Present: Mayor Milton, Alderman Ruth Denham, Alderman Clay Cooper, Alderman Chuck Rodriguez, Alderman Marshall Howden, Alderman Ralph LeBlanc. Absent: Alderman Cody Fenton.

AWARDS/RECOGNITIONS:

PROCLAMATIONS:

- A. A PROCLAMATION PROCLAIMING AUGUST 8TH, 2022 AS MEL TILLIS STATESIDERS DAY IN BRANSON, MISSOURI.

Mayor Milton presented the proclamation.

SPECIAL RECOGNITIONS:

- A. RECOGNIZING KATIE MCVICAR AS A RECIPIENT OF THE "YOU'VE BEEN CAUGHT" CITIZEN RECOGNITION AWARD FOR THE MONTH OF JULY, 2022 TO BE PRESENTED BY MAYOR LARRY MILTON.

Mayor Milton presented the award.

Mayor Milton requested a moment of silence for David Strong who passed away July 24th. He was the Vice President and Chief Financial Officer of Cox Health and Alderman Fenton's father.

PUBLIC COMMENT:

Mayor Milton began the Public Comments section of the Board of Aldermen meeting by stating the Board would hear citizens who signed up in the order they are listed.

Gary Groman, 350 S. Wildwood Drive, Branson, Missouri, mentioned submitting a media request to Communications Manager Melody Pettit to interview Human Resources Director Jan Fischer regarding an article he's writing about the timeline and selection process for the City Administrator. He explained he copied the Mayor and Board on his email for informational purposes, but was told it wasn't necessary to do so and to date

he hasn't received a reply to his questions or email. He reported Human Resources Director Jan Fischer called him and did an interview yesterday. He mentioned the Communications Manager sent an email to the Branson Globe and he asked if Acting City Administrator Lisa Westfall authorized such communication and if this type of communication from senior City Staff is acceptable.

Shannon Whitworth, 301 Scott Boulevard, Branson, Missouri, commented she's been a property manager for 16 years and was recently afforded the opportunity to expand that ability. She explained the old Angel Inn was converted into studio and one-bedroom apartments which is a great alternative for people accustomed to living in weekly motels, unable to save up enough money to get into an apartment complex. She reported the facility will have a fitness center, pool and community center with the goal of being a tight-knit community that helps each other. Ms. Whitworth said she's also been blessed with the opportunity to join forces with local non-profit organizations and through these networks she's been able to help people with other things like food. She reported there are a total of 334 units and there are plans to expand into the Hall of Fame Motel.

Ginger Witty, 402 Roark Avenue, Branson, Missouri, introduced herself as a candidate running for Missouri House of Representatives District 156. She's a retired school teacher and public school champion and she feels support of public education needs to have a voice in the Missouri House. She's a moderate democrat and she thinks it's important to come together to find common ground. Ms. Witty explained she's a native of Taney County, she grew up in Forsyth and she's good at working across the aisle, solving problems instead of fighting and she appreciates everyone's consideration and vote. She provided her business cards to the Board. (See attached handout)

Cherry Webster, 118 Country Bluff Drive, Branson, Missouri, discussed the Resolutions passed at the last Board of Aldermen meeting pertaining to the American Rescue Plan Act of 2021 (ARPA) funding through the Department of Natural Resources for 15 projects in the Utilities and Public Works Departments. She expressed the need for another level of accountability when the time comes to submit applications for City sewer projects to the Taney County Sewer District in September. She feels a public hearing on those applications would add another layer of accountability and transparency so Branson residents can see the magnitude of projects the City needs to address and how it proposes to utilize available funding resources. She recalled a low income housing project proposed at 3855 Fall Creek Road in September 2020 which she feels had no transparency for which City leadership applied for an \$85,000 grant for a private developer. She explained the public didn't know anything about the application due to generic wording on the agenda and staff report. She expressed the need for transparency when using tax dollars and outside funding resources, especially on behalf of private developers. She believes a public vote would hold each Alderman accountable for their actions pertaining to funding private development and she proposed presenting projects and priorities for Aldermen approval and public transparency before applications are submitted. She's not a fan of using Sewer District funding to support private development projects and she feels these kinds of considerations should be brought forward during the application process and not behind the scenes.

Richie Zaitz, 12692 Byway 14 West, Omaha, Arkansas, commented the City's come a long way from having the community subject to lock downs and the economy in error and he thanked God for the Board and Mayor. He expressed concern about the future of the children as there's been statements issued regarding inoculating pregnant women which results in a 90% chance of miscarriage. Mr. Zaitz said he'd like to provide an information station before people make such a radical decision. He asked the Board if the City has honored Yakov Smirnoff yet as he's taken a stance against masks and vaccines. He explained Mr. Smirnoff came from a communist country and he honors this country more than anyone.

CONSENT AGENDA:

Mayor Milton asked if there were any citizens who had any items they wished to have removed from the Consent Agenda for further discussion. Cherry Webster requested Item Number 2 be removed from the Consent Agenda and placed as the first item on the Regular Agenda. Mayor Milton asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Hearing none, the following items were read by title:

1. APPROVAL OF BOARD OF ALDERMEN MINUTES FOR THE JULY 12, 2022 STUDY SESSION, JULY 12, 2022 REGULAR MEETING AND JULY 19, 2022 SPECIAL MEETING.
2. ACKNOWLEDGEMENT OF DISBURSEMENTS FOR JUNE 23, 2022 THROUGH JULY 15, 2022.

Item Number 2 has been removed from the Consent Agenda and placed as the first item on the Regular Agenda.

The item was read by title. The floor was opened for a motion approving ACKNOWLEDGEMENT OF DISBURSEMENTS FOR JUNE 23, 2022 THROUGH JULY 15, 2022. Alderman Howden so moved, seconded by Alderman Denham.

Speaker:

Cherry Webster, 118 Country Bluff Drive, Branson, Missouri, provided a handout to the Board (See attached handout) and questioned a disbursement pertaining to a \$40,000 disbursement that appears to occur monthly. She pointed out two line items under the vendor name, HCW Private Development LLC: Fountain Contribution and Maintenance Contribution. She asked what it covered and how many mechanisms the City employs to financially entice developers to bring their product to Branson. She feels the City has surely grown to the status where it's advantageous for developers to bring their product to this town at a profit. She inquired what a contribution is and if this contribution relates to Tax Increment Financing (TIF), Community Improvement District (CID), development agreement or some specific contract. She asked what the City gets in exchange for the half-million dollar contribution a year and asked when the contribution began, how long it has occurred, how much longer it will occur, the total amount or years, the City's return and how the return is measured. Ms. Webster commented she's not sure what the City's getting out of it.

Discussion.

3. FINAL READING OF BILL NO. 6181 AN ORDINANCE AMENDING SECTION 94-11 OF THE BRANSON MUNICIPAL CODE PERTAINING TO TREE PRESERVATION.

Ordinance No. 2022-0062 was duly enacted.

4. FINAL READING OF BILL NO. 6182 AN ORDINANCE OF THE CITY OF BRANSON, MISSOURI, REAFFIRMING THE GROSS RECEIPTS TAX TO BE IMPOSED UPON ELECTRIC CORPORATIONS CONDUCTING BUSINESS WITHIN THE CITY AND MATTERS RELATED THERETO.

Ordinance No. 2022-0063 was duly enacted.

The floor was opened for a motion to approve all items on the Consent Agenda as amended. Alderman Howden so moved, seconded by Alderman LeBlanc.

Voting aye: Cooper, Rodriguez, Howden, LeBlanc, Denham. Nays: none. Motion Carried.

REGULAR AGENDA:

5. FINAL READING OF BILL NO. 6143 AN ORDINANCE APPROVING THE SUBLEASE AGREEMENT WITH BAR-O-W, LLC FOR THE OPERATION OF A COMMERCIAL BOAT DOCK AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT. (POSTPONED FROM THE MAY 24, 2022 REGULAR MEETING)

**July 26, 2022 – Staff Report Exhibit 1 – Redlined Version of Sublease Agreement was added

The item was read by title. The floor was opened for a motion approving FINAL READING OF BILL NO. 6143 AN ORDINANCE APPROVING THE SUBLEASE AGREEMENT WITH BAR-O-W, LLC FOR THE OPERATION OF A COMMERCIAL BOAT DOCK AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT. City Clerk Lisa Westfall stated this item was postponed on its Final Reading during the April 26, 2022 Regular Board of Aldermen Meeting and again during the May 24, 2022 Meeting. It has had a motion and second and is ready for additional discussion and a vote.

Alderman Cooper moved to amend Bill No. 6143 by replacing Exhibit 1 – Sublease Agreement with Exhibit 1 Redlined Version of Sublease Agreement – Revision Date July 26, 2022, seconded by Alderman Howden.

Vote on the amendment. Voting aye: Denham, Cooper, Rodriguez, Howden, LeBlanc. Nays: none. Motion Carried.

Vote on Bill No. 6143 as amended. Voting aye: Denham, Cooper, Rodriguez, Howden, LeBlanc. Nays: none. Motion Carried.

Ordinance No. 2022-0064 was duly enacted.

6. DISCUSSION BY PEARL HAINING FROM BRANSON U REGARDING PUBLIC COMMENT.

A presentation was provided by Pearl Haining of Branson U.

Discussion.

7. PRESENTATION ON MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT ARPA FUNDS.

A presentation was provided by Mayor Milton.

No discussion.

8. DISCUSSION OF THE PROCESS FOR RECOMMENDING EMPLOYEES' 2023 HEALTH INSURANCE PLANS.

A presentation was provided by Human Resources Director Jan Fischer.

Discussion.

9. FIRST READING OF BILL NO. 6183 AN ORDINANCE AMENDING THE ADOPTED 2022 BUDGET FOR THE CITY OF BRANSON TO ADJUST MONIES IN THE CAPITAL PROJECTS FUND.

The item was read by title. The floor was opened for a motion approving FIRST READING OF BILL NO. 6183 AN ORDINANCE AMENDING THE ADOPTED 2022 BUDGET FOR THE CITY OF BRANSON TO ADJUST MONIES IN THE CAPITAL PROJECTS FUND. Alderman Denham so moved, seconded by Alderman Howden.

Voting aye: Denham, Cooper, Rodriguez, Howden, LeBlanc. Nays: none. Motion Carried.

Alderman Cooper moved to read Bill No. 6183 for its final reading due to timing, seconded by Alderman Howden.

Voting aye: Denham, Cooper, Rodriguez, Howden, LeBlanc. Nays: none. Motion Carried.

The item was read by title. The floor was opened for a motion approving FINAL READING OF BILL NO. 6183 AN ORDINANCE AMENDING THE ADOPTED 2022 BUDGET FOR THE CITY OF BRANSON TO ADJUST MONIES IN THE CAPITAL PROJECTS FUND. Alderman Howden so moved, seconded by Alderman Denham.

Voting aye: Denham, Cooper, Rodriguez, Howden, LeBlanc. Nays: none. Motion Carried.

Ordinance No. 2022-0065 was duly enacted.

No discussion.

REPORTS

Alderman Denham expressed heartfelt condolences to Alderman Fenton for the loss of his father. She appreciates Pearl Haining's presentation tonight and she thanked Cherry Webster for caring so much about the City and for preparing thought-out presentations with specific goals in mind. She feels this is a fantastic community and it's blessed to have everyone here.

Alderman Cooper offered thoughts and prayers for Alderman Fenton and his family for the loss of his father. He complimented Pearl Haining for doing a great job on her presentation and he thanked Cherry Webster for her comments which he felt were eye-opening. He discussed getting an item on an upcoming agenda regarding requiring deposits or bonds for theaters and shows.

Alderman Howden commented on the Mel Tillis Statesiders Day Proclamation which was a fantastic honor for his family. He mentioned starting this process last year with Shoji Tabuchi Day and he shared the desire to make the actual days special. He's happy to say the City's done that and he shared there will be a concert for his grandpa, Mel Tillis, on August 8th. He feels it's important to honor people who have played an important role in the community for many years and he announced the passing of Charlie Earls of Earls Family Broadcasting.

Alderman LeBlanc gave his condolences to Alderman Fenton and his family for the loss of his father. He thanked the community and everyone who participates in public comment and mentioned hearing from people in the community that they're happy with the job this Board is doing. He mentioned attending a meet and greet for some representatives running for office in the August 2nd primaries and he heard similar comments there and he feels this Board is a good team. While the Board doesn't always see eye-to-eye, he feels it's definitely open to each others opinions and makes decisions that better the community.

Acting City Administrator Lisa Westfall expressed condolences for the Fenton Family for the loss of Alderman Fenton's father. She introduced Cheryl Harrison of the Public Works and Engineering Department who provided an update for the Board on the White House Theater. She discussed the need for a budget meeting on October 6th and cancellation of the September 13th meeting due a conflict with the Missouri Municipal League (MML) conference.

Mayor Milton thanked Cherry Webster and Pearl Haining and said he's a proud Mayor because Branson is a great City. He feels it's exciting looking at the spirit and heart of the Board and to make a lot of positive changes for the community. He echoed Alderman LeBlanc's comments and mentioned also receiving positive feedback from the community. He encouraged more community input, he appreciates the support and he appreciates Department Directors more and more each day.

ADJOURN INTO EXECUTIVE SESSION:

CLOSED EXECUTIVE SESSION PURSUANT TO 610.021.1 RSMO FOR LITIGATION AND 610.021.2 RSMO FOR REAL ESTATE.

The floor was opened for a motion to adjourn into Executive Session.

Alderman Howden moved to go into Closed Executive Session pursuant to 610.021.1 RSMo for litigation and 610.021.2 RSMo for real estate, seconded by Alderman LeBlanc.

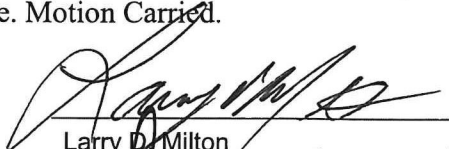
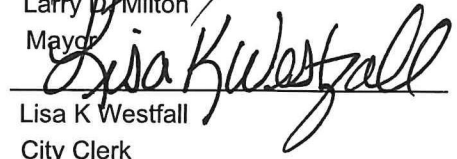
Voting aye: Denham, Cooper, Rodriguez, Howden, LeBlanc. Nays: none. Motion Carried.

ADJOURN

The floor was opened for a motion to adjourn. Alderman Howden so moved, seconded by Alderman Cooper.

Voting aye: Denham, Cooper, Rodriguez, Howden, LeBlanc. Nays: none. Motion Carried.

Meeting was adjourned at 8:12 p.m.


Larry D. Milton
Mayor

Lisa K Westfall
City Clerk



Ginger's
website



*register to vote
*check voter reg
*polling place



Cherry Webster - Item #2

2022-7-26 BOA Consent Agenda Item #2 - Disbursements 6/23/22 thru 7/15/22

Good evening, again. My name is Cherry Webster. I live at 118 Country Bluff Dr. Thank you for pulling down this Agenda Item.

Director Chad, are you able to pull up the last Staff Report Exhibit 1 - Disbursements dated 7-15-2022? It's the last one on the list of Exhibits. The subject of my questions is on page 4.

Let me start with this: A year ago in July 2021, I just happened to stumble across a list of Accounts Payable checks having a minimum amount of \$15,000 - which is the dollar threshold requiring BOA approval. All the line items looked normal except for one that was for over \$40K. At the time, I just tucked it away in the back of my head to think about it later.

Then in January of this year, I stumbled upon a disbursements report that had the same line item, & again, it was for over \$40,000. I didn't know if this was something that was paid out annually or quarterly. But then I came across it again in March & in June. And last week I noticed it's on tonight's agenda. So, now it's looking like it occurs monthly & I'm really curious as to what the service is for this \$40,000/month disbursement.

[check screen for the slide]

Thank you for putting up the slide. At the top of page 4, there are two line items that are under the Vendor Name, *HCW Private Development LLC*. The first entry is labelled, "FOUNTAIN CONTRIB" for an amount of \$31,217. The second entry is for \$12,297 labelled, "MAINT CONTRIB". The total is \$41,515 for the combined line items. The five months that I've happened to see disbursements to HCW over the last year were all for over \$40,000 each month. The wording — "contribution" — was what caught my attention.

The Missouri Secretary of State Business Registration lists the registered agent of this Vendor Name as Rick Huffman, who we know is the CEO of HCW, the developer of the Branson Landing. I was hoping to get some insight into what these monthly payments actually cover.

I ask for this insight because, over the last 12 months at these hearings, there has been a documenting of how County officials & prior City elected officials & City leadership made — "Contributions" in various ways — on behalf of another private developer: Dan Ruda & Kendall Combs, Mark Ruda & Mike Combs, with respect to their Fountains On Fall Creek project at 3855 Fall Creek Rd.

Yes, municipalities do utilize economic development programs. In the Study Session before tonight's hearing, we heard of a TDD, the Transportation Development District for the Branson Landing. From time-to-time, we also hear of TIFs & CIDs. We see Sewer District grants for developers, such as the \$85,000 grant for the Rudas & Combs. We've even seen Building Permit Fees waived — in fact \$38,000 for one & only one select developer over the last three years — the Combs & the Rudas. How many mechanisms does the City employ to financially entice developers to bring their product to Branson? Surely, this City has grown to the status where it is advantageous for developers to bring their product to this town — at a profit - and without the City giving away the store. Believe it or not, in other jurisdictions, it's the developers that give up proffers & concessions, not the municipality.

what she wants to know
Here are my specific Questions for these recurring contributions:

1. Would you define what a "Contribution" is?
2. Does this "HCW Contribution" relate somehow to a TIF or CID or a Development Agreement or some specific contract?
3. Are these two recurring "contributions" for The Branson Landing?
4. Is the \$31K disbursement for the fountain itself at The Landing?
5. If it is, at the rate of \$31,000/month, it looks like a new fountain could be built every year.

6. What does the City get in return for this half a million dollar a year contribution?
7. What "*maintenance*" is provided for or reimbursed by the City for the \$12K/month?
8. When did these two "*Contributions*" begin? The Landing was in full operation when we moved here 13 years ago in 2009.
9. How many months or years has the City been contributing \$40K month?
10. How many more months or years are these "*Contributions*" scheduled to continue?
11. What will the be the total # of years of these monthly contributions?
12. What will the be the total dollar\$ amount over the lifespan of these contributions?
13. What will be the expected return on the total \$amount contributed?
14. How is that return measured?

Mr Mayor, whatever insight you and this body can provide to enlighten us would be appreciated.