

# MINUTES

THE SPECIAL MEETING OF THE  
BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI  
May 4, 2020

## INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri, met for a special meeting in the Council Chambers of the City Hall on May 4, 2020, at 12:00 p.m. Mayor Akers called the meeting to order with the "Pledge of Allegiance" and he gave the invocation.

Mayor Akers read a statement regarding speaker decorum and stated it is my responsibility as Mayor under state law to take care of the ordinances of our City and the state laws relating to our City that they are complied with. Under one of our ordinances, Branson Municipal Code 2-64, I am tasked with the responsibility of being the Presiding Officer of the Board and am required to preserve strict order and decorum at all meetings. Decorum is often defined by the dictionary as propriety and good taste in conduct or appearance. In one of the many definitions of order is a state of peace, freedom from confused or unruly behavior and respect for law and proper authority. In the past we've had abstention votes that were cast and we were elected to represent the citizens of Branson and to vote. We are obligated to vote unless a conflict of interest prevents us from doing so. The common law in the State of Missouri supports this. Although I cannot force any member to vote, 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 at these meetings, that any abstention by any member of the Board during this meeting can be recast as a no vote. Please remember our public response time of five minutes.

In order to give everyone a chance to speak tonight, I would like to ask that if you are speaking on an item that you keep your comments succinct, to the topic and as short as possible. You will be allowed only to speak once on an item and please do not repeat what has already been said by another speaker. Once public discussion has ended on an item and the Board starts their discussion, no additional comments will be taken from the audience. Please remember to speak into the mic, state your name and address for the record. Please adhere to our five minute rule guideline.

## ROLL CALL

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

## REGULAR AGENDA

**BILL NO. 5808**  
**Ord. No. 2020-0053**

**Amending Chapter 58 of the Branson Municipal Code pertaining to personal conduct, enclosed public spaces and the spread of communicable diseases.**

First Reading of Bill No. 5808, an ordinance amending Chapter 58 of the Branson Municipal Code pertaining to personal conduct, enclosed 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. Lisa Marshall, Director of the Taney County Health Department was available via telephone to answer questions.

Discussion. Mayor Akers asked for a motion approving Bill No. 5808. Alderman Clonts so moved, seconded by Alderman Skains. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter.

Amber Thompson, Branson, Missouri, mentioned she represents the Civil Defense Coalition and also prides herself as a citizen of the State of Missouri and United States. She believes anything that passes in Congress, state, federally or even on a city or county level should be presented to the people and be discussed and debated before anything is passed. She commented if the Board's going to pass a fine on individuals in the City and say they have to wear a mask, gloves or personal protective equipment (PPE) around town, she'd like to discuss this. Ms. Thompson provided handouts (see attached) to the City Clerk and said she's the President and founder of the Civil Defense Coalition since 2017. She was born and raised here and ran for office against Jeff Justus, brother of James Justice, the judge here in town. She explained just so everyone knows a little bit about her that the judge took away her children against her belief and federal law. She said to educate those in the audience, genocide is not just the killing of a citizen by the government, but taking a child away from one family and giving it to another family. She added, it's considered the lowest level of moral abuse against its own citizens by the government and has been going on for decades. Non-profits that are child representation advocates do not defend these children and there's a very serious issue with state representatives not wanting to defend this issue. She knows multiple organizations that have tried to end genocide in the United States and regarding the COVID-19 outbreak, there are also multiple civil coalitions across the United States on social media passing information that represents a threat. She explained these are not only social commentary, but commentary showing videos of TEDx talks which are highly regarded by the media and are currently heavily influencing citizens. Ms. Thompson referred to the handout she provided the Board which contains a letter she received from Senator Claire McCaskill in response to her request to end genocide in Missouri. She commented social security is being drained by social services and trivial reasons are created to take children away. She feels this is becoming an ongoing, snowballing joke against the citizens of the State of Missouri. She mentioned Claire McCaskill got voted out, but there's still opposition to citizens speaking to the Governor and Attorney General as no email contacts are available to the public. She reported there's a dead end when calling and people are lucky to get a phone call back even if they're a large representative group. She's also a member of Reopen Missouri which now has 17,000 people trying to protect their rights and keep this country the United States of America. She referenced a letter from the Congress of the United States House of Representatives from her handout to the Board and mentioned running against Billy Long in 2016. She feels he's also been a dead end to citizens trying to speak with him and mentioned having to pay up to \$1,200 for a flight ticket and hotel just to speak with him. She commented this is supposed to be a public servant position and she's speaking today because citizens are being cut off from proper communication with individuals to protect them. She added, Governors are in direct communication and can be with the President of the United States, so she's asking on behalf of the Civil Defense Coalition if the Board would look at her handout. She commented Reopen Missouri requests the Mayor press for a meeting with the Governor and for the citizens of Branson and Taney County to help press for that as well. She commented there's an incessant pressing by the media for tracking citizens as patients which is a constitutional violation for any medical procedure to be enforced or forced upon a citizen, especially demarcation of their flesh. Ms. Thompson hopes there will be a chance for the people running for office to be allowed to speak and be debated as people are not even aware of who they're electing. She mentioned also providing the Mayor with a letter pertaining to ending involuntary demarcation and microchipping of the flesh. Discussion.

Camille Lombardi-Olive, introduced herself as a candidate for Congress in the 7<sup>th</sup> District. She explained her concern and the reason she's here looking like she's wearing clown getup is because she's worked 10 disasters including Hurricane Katrina, the Joplin tornado and Hurricane Hugo. She's familiar with the idea of cross-contamination, especially in a field where it's unknown what could potentially contaminate the public or how it's spread. She shared her concerns for the use of masks and assumes the ordinance for the masks is to prevent people from giving the virus to someone else. She mentioned testing negative for the virus last week and reported medical studies have shown cloth masks will not stop the virus from getting to people, especially if they don't wear goggles either. She expressed concern for the City telling citizens they have to wear a mask and asked who is going to decontaminate these masks every night. She added, because when people go out in public wearing a mask and somebody is coughing or sneezing who has COVID-19, the potential for cross-contamination is high and likely. The City's going to have an ordinance which she understands is for public concern and safety, but if people aren't

decontaminating their masks every night it creates a potential for cross-contamination. She pointed out people touch their masks, go into a store and touch things, someone comes behind them later and they touch their nose which is cross-contamination. She asked if the Board knew contaminants can be carried on the bottom of people's feet and explained when she works a disaster field shoes aren't worn from the field into the building. Shoes are taken off outside because people don't know what's on the bottom of them and she expressed her concern over the City's main reason for enforcing this. Ms. Lombardi-Olive explained if it's to protect other people it's not so good, unless the City's going to inform the public that they need to take their mask home every night and wash, dry or steam it or do something else to decontaminate it. She knows a lot of people who don't do this, wear it for weeks on end and people don't know what's on that mask or what they're touching with their hands. She commented gloves are also another Petri dish of cross-contamination as people sneeze or touch something and it's on their gloves. She explained people can decontaminate everything and still get sick and she shared her concerns about what the mask ordinance denies the average citizen and feels the City's not keeping them safe by enforcing it. Discussion.

Kelly Slabaugh, mentioned she grew up in Branson, moved away and came back because it's such a great place. She thanked the Mayor and Board for responding to her email and she expressed her appreciation for the work they do and their desire to represent the City and keep it in good standing. She didn't find churches mentioned in the ordinance and explained while many have made the decision out of love for their congregations to close down for the time being, there's a lot of confusion. She added, pastors desire to be law-abiding, but they don't know what to do because there is no clear language saying churches are protected. If churches are added to the language, she'd like to remind the Board that restricting assembly to worship is against the First Amendment to the Constitution and should be taken seriously. When she looks around, she sees a lot of choices that have been made today which is what she'd like to address. She pointed out most of the people here this evening, including herself, have chosen not to wear a face mask and others have chosen to wear a face mask. She shared her personal preference for wearing a face mask when she's going to be in close proximity to others out of respect for them and feels choice is what's so valuable and the one thing that sets this nation apart. Ms. Slabaugh commented by putting this ordinance into effect it removes citizens' ability to choose, for something that has not really been proven either way by reproducible data. She mentioned there's a lot of first-level data coming in and a lot of opinions, but there's not a lot of reproducible data showing this is actually effective to the desired end. She reminded the Board part of its job is to protect citizens' God-given, constitutionally-protected rights to choose for themselves and their families what's best. She knows most of the people in Branson, if given the right to choose, will choose to put their neighbors first and do the right thing. She also knows there's a strong vein of patriotism that if pressured and put under an ordinance that will punish people by arresting or fining, the City's going to see a lot of resistance. She would hate to see this because that's not what Branson's about. She thanked the Board for the job they do and encouraged them to make sure the City keeps the rights of citizens in mind when doing these things. Discussion.

Pearl Haney, Branson, Missouri, said she's not a healthcare provider or lawyer, but as someone with an easily compromised immune system her responsibility to be informed and vigilant in the protection of her health and consideration for the health of others is something she takes very seriously. She's also very familiar with the Constitution, because it's that document that attributes God-given value to every individual including handicapped individuals like herself. This is not the case in many other places and she's very aware of that and grateful for it. Ms. Haney stated a lot of the decisions that have been made in recent months were motivated by fear due to a lack of data, but as more data becomes available the less cause for fear. She shared two important statistics, the first being the initial reason that any restrictive measures were enacted was to lessen the potential burden on hospitals. She reported that effort was so successful that tens of thousands of employees at hospitals and clinics across the country have now been furloughed or had their hours cut, including in the Branson Community due to a drastic reduction in patient volume. The second statistic being officials were extremely cautious because health authorities didn't know the exact danger this virus posed, but as of May 1<sup>st</sup> the Centers for Disease Control and Prevention (CDC) has now said that the hospitalization rate of COVID-19 is consistent with recent heavy flu seasons. She explained people should continue to vigilantly care for their health, but actions do not need to be guided by fear any longer. Ms. Haney commented, with those two things in mind she'd like to quickly mention her immediate concerns for the Branson community going forward. She stated, although well-intentioned, mandating face coverings for asymptomatic individuals is ill-advised. Regardless of the CDC's recent

condoning of that concept, there is significant data showing negative effects associated with incorrect and/or prolonged usage of face coverings. She explained if an individual cannot wear a mask for legitimate reasons, to force them to publicly disclose those reasons at any retail establishment is a violation of both the Health Insurance Portability and Accountability Act (HIPAA) and the Americans with Disabilities Act (ADA). She stated several individuals have asked her to communicate how much they love Branson, but how adamantly they would refuse to visit under these conditions. Furthermore, mandatory signage is not necessary as most individuals are acutely aware of their health right now, so the vast majority of people who choose to visit Branson will be unusually healthy and cautious, but eager to experience some degree of normality. Whether or not to wear a mask should be an individual decision and while social distancing may offer good guidelines for this situation, it cannot legally or practically be mandated. Ms. Haney commented, if healthy individuals want to have a conversation they have an inalienable right, basic constitutional freedoms of speech and assembly to do so at any distance. She explained if social distancing guidelines were strictly enforced, it would make it a potential misdemeanor for anyone not living with or directly related to individuals like herself, to offer them any physical assistance at any time during the next month. That is not only impractical, but is highly discriminatory. Her final concern is that Branson must lift its restrictions on so-called non-essential businesses before May 15<sup>th</sup>. Most of Branson's main attractions will not be opening until June at the earliest, so we're not worried about being immediately overrun by crowds, but the current restrictions are prohibiting many businesses and shows from beginning necessary planning, training and rehearsal as they respond to this situation. She believes how and when to wear a mask, to distance and to reopen requires an individual approach. Ms. Haney believes Branson is historically a strong community of individuals who care for each other and many of Branson's visitors genuinely love her, and want to help her safely recover from the last couple of months.

Jeff Seifried, President and CEO of the Branson/Lakes Area Chamber of Commerce and Convention and Visitor's Bureau felt Ms. Haney's comments were very well done. He thanked the business community that really took a leadership role prior to the City adopting an ordinance to mandate a shutdown. He feels a lot of the business community knows their customers and employees best, knows how to protect them and many of them, if not almost all, took immediate action before the legal body mandated a closure for the safety of guests and employees. He wants to say thank you because they made the very hard decision at that time. He thanked the groups of people who have been meeting in the community, whether official or unofficial. Mr. Seifried thanked Lisa Marshall, Director of the Taney County Health Department, and her Emergency Services Group she's been leading and City Staff for being a part of developing guidelines. He mentioned the Chamber Task Force and other groups have been meeting to discuss how to protect visitors and employees and what types of best practices can be implemented into the business community. He commented this is going to take some time; some are further along than others as some were expecting to open this week and some are not planning to open for a number of weeks and that's the businesses' choice. He added, based on the Chamber Task Force's discussion on Thursday and the subsequent phone calls afterward of general feedback and concern, he'd like to recommend the Board take option number two; repeal the ordinance and basically mirror the Governor's language. He explained that's a pretty big change from the Chamber's stance about two weeks ago as he probably wouldn't have said this then based on the feedback he was getting. At this point, recommending to the business community that they advise every employee and guest to wear face coverings of some kind, he knows many businesses whether the City mandates it or not, they're going to do it. They'll figure out how to do it to the best of their ability. He reported a lot of people have taken issue with the signage which he thinks comes from their creative nature of wanting to be welcoming. It's about a great experience in Branson and welcoming guests, not throwing guests into jail or getting into an altercation. He's heard from a number of businesses that are prepared to open next week under these types of guidelines, the Governor's guidelines specifically, and they're taking extra precautions beyond those guidelines. He encouraged the Board to move forward with option number two and get the businesses that have the ability to protect their guests and employees open with all of the understandings under the Governor's guidelines. He reiterated a number of people and other businesses are going to take extra time to figure out when they want to open and begin to engage the public based on their business model. He added, it's the business community that will lead the way out of this just as they led the way into it and he thanked everyone who put a lot of work into the documentation. He feels it's easy to criticize, but this issue moves so quickly and every day something new develops. Looking back, that made a lot of sense to him, but today and based on the feedback received

from the Chamber Task Force meeting on Thursday, option number two makes the most sense to him today.

Chris Meyer, 269 State Highway 248, Branson, Missouri, concurred with Mr. Seifried's comments and said after seeing the three options, he would agree that option two makes the most sense. He explained it makes the most sense for the City to be in alignment with the state because as things are changing, it's easier to communicate than two different policies. At some point, people have to trust State leaders and it sounds like there are some cases of ambiguity, and sometimes there's ambiguity for that very reason. He said this would be his encouragement, but if the Board is going to pass this existing ordinance, he thinks there's some problems with it. Mr. Meyer pointed out under definitions, it talks about enclosed public spaces, amusement parks and attractions and he inquired if that includes mini golf, go karts and those types of outdoor things. He added, obviously those are not enclosed and he thinks this language presents some ambiguity. Section 58-387 talks about being seated, eating, drinking and smoking and people don't have to have a face mask, but if they're just seated they have to have the face mask which doesn't make much sense just from a logical standpoint. Mr. Meyer pointed out there's some confusion about the enclosed areas which don't make sense; if a business has a bigger area it can have 10% occupancy, but if it's a smaller area it can have 25%. He understands that's part of the state law and the City might not be able to do anything with that, but it doesn't make a lot of sense. He commented he doesn't think people really need signage because no one is really going to learn something they already don't know and he believes it would be an unnecessary, undue expense. Mr. Meyer expressed this was all to try to reduce the curve initially, but this virus is not going away and it's not going away anytime soon. He explained citizens have to become responsible for themselves as the City cannot be responsible for everyone. People have to be able to make intelligent decisions individually, as businesses and people must have the freedom to do that. People who are high-risk may have to say, maybe I need to stay at home, but other people that aren't high-risk shouldn't. Mr. Meyer reported there are 50,000 people in Taney County with 12 cases of COVID-19 according to Missouri's website. He calculated this is .00024% which is a pretty small number and he clarified this doesn't mean it's not bad, but people aren't doing this for other stuff either. He thinks people have to figure out the risk factor and he doesn't think the Board can figure that out for everybody since that's not what they were elected to do. He mentioned looking at this from a tourism perspective and if Branson opens tomorrow, a lot of people still aren't going to open as it's going to take a while for people to travel. Even if Branson opens, it's still going to be suffering as the tourism industry for quite some time. He commented he doesn't think people have even put numbers to this and explained it has a trickle-down effect in the economy. He mentioned looking at March, April and May for just the four categories of hotels, theaters, attractions and restaurants to come up with estimates based on what he knows in the industry. He hopes he's wrong, but he estimated about a \$79 million decrease in revenues. He understands some people might say all he cares about is money. He clarified he doesn't just care about money, but it's a fact of life people need to fund their mortgages and they need to stay in business. He reported people have already heard about people who are going out of business and at the end of the day, this still comes back to individual responsibility. He thinks the Board has a great opportunity and a great challenge ahead and he thanked them for being leaders and working on this. He trusts the Board will make the right decision.

Clarke McBratney, introduced himself as a lifetime resident of Branson and a veteran who believes in freedom first, even to a certain degree above safety. A lot of lives have been given with that concept in mind and when he hears laws that were written in 1909 being quoted and about violation of people's rights in Gallup, New Mexico, he would just encourage the Board to narrow the margins of its power, not broaden them. He asked the Board to give grown people the right to operate their businesses and their personal space. Mr. McBratney expressed he believes people have overreacted to this as there are only 12 cases in Taney County. He reminded the Board that even if it has the power from some archaic law, all of this is going to come back around someday as there's probably going to be legal action and a lot of things happened as a result of this. He reiterated the Board should consider narrowing its power rather than trying to broaden it.

Mark Pearman, introduced himself as the owner of Branson Craft Mall and Pickin' Porch Grill and he'd like to reiterate what some of the others have said. He encouraged the Board to vote for option number two as he thinks option number two, the guidelines from the state, are what people need to follow and adhere to. He asked for clarification on City Attorney Chris Lebeck's comments regarding this ordinance

affecting up to five miles from City limits and he inquired about the results of the COVID-19 testing from the Taney County Health Department conducted last week of about 400 people. Discussion.

Lisa Marshall, Director of the Taney County Health Department, was available via telephone and explained the COVID-19 tests conducted were in partnership with the Department of Health and Senior Services (DHSS) at a mobile testing unit. The partners included Cox Branson, City of Branson, Mercy, Jordan Valley and the Taney County Health Department. They tested 340 individuals largely from Taney County and there were some Stone and Christian County residents as well. Ms. Marshall announced, of those tests none came back positive at this moment in time and the Health Department is currently editing a press release to go out today. She shared the parameters of the tests and explained these were regular COVID-19 tests which basically tested whether somebody had COVID-19 at that point in time. She clarified they were not antibody or serology tests, but strictly to see who has COVID-19 right now. She announced the Health Department is considering this to be a public health win and she feels when public health does its job, people don't see bad things happen. Ms. Marshall believes the number of 12 cases is due to the community being very aggressive and proactive in taking precautionary measures and she reiterated this is considered a public health win.

Tom Roten, introduced himself as the owner of the Branson Café and a lifelong resident of Branson whose family has been involved in the food service business in Branson. His family has been involved since the 1960s and he and his wife since 1983. He's acutely aware of all of the current health guidelines he has to observe with regard to training and certification for their employees, owners and people who come into his business and work. Anecdotally, he can tell everyone his experience out in public is that not everybody observes the same level of hygiene. He's seen gloves misused and feels the mask issue is a real issue. Mr. Roten said he would reiterate what several other people have said as it seems like everyone is pretty much on the same side here. He believes people have overreacted in this particular situation and he supposes people could argue that if people had not done what they did, the consequences would have been much more dire or severe. He commented, that's all speculation at this point and it would seem that the level of infection and the real danger is over. He added, people need to exercise caution, good hygiene and civility, but remove the limitations on all businesses. Mr. Roten stated, let us go back to work and provide for employees, their families, truck drivers, the pop company and grocery salesmen. The cure cannot be worse than the disease and he's afraid that's what this has become. He expressed the need for backing off some of this Draconian legislation in other locations which is going on and he encouraged the Board to give operators in town credit for being reasonable and conscientious. He urged the Board to let people go back to work and own their businesses like they own their businesses.

Jonathan Edwards, mentioned he has the *Absolutely Country* and *Definitely Gospel* shows here in town and he pointed out the inconsistency with the City's proposed ordinance that talks about theaters and operators having to do certain things. He explained he's been the eighth speaker at this podium which hasn't been disinfected once while his theatre would be expected to do so and he emphasized the importance of consistency. He mentioned talks about flattening the curve, the purpose for doing something, and asked if when a purpose has been fulfilled if that means the purpose is done. He provided an example of the purpose to build a building and once the building is completed, he asked if people should continue on with that or stop. Mr. Edwards inquired when does this stop and feels there's not one on the Board that can answer that question. He said he's asked and reported Mayor Akers responded to his email about testing and what it was going to prove. Mr. Edwards stated testing proved that there's zero cases today and he asked if those same people are tested in six days, what the response would be. He inquired why Branson's doing what it's doing and why it's shutting down. He feels the fact has been well stated that it's going to be a while for Branson to come back due to the nature of most of its businesses. The sooner it gets rolling the better off it will be, otherwise you can kiss 2020 goodbye. He asked when personal responsibility is supposed to start and explained it starts when people wake up every morning. There are people who don't take responsibility, but should that be affected on those who do. He explained he definitely doesn't want people coming to his theater and getting sick and asked the Board if it didn't think he'd go above and beyond to make sure his guests are taken care of. Mr. Edwards commented the problem is in many cases, people rely on government in general to take the responsibility of the individual. He added, the truth is most of the Board doesn't know him, have never met him or really cares what his business does; but he does and their business is the same way. He commented, nothing against the second step, but the

problem with going with what the state says is that the state is a big state and Kansas City and St. Louis have proven to be totally different than Branson. He cautioned the Board about going with what the state says and asked if there's another outbreak in Kansas City, if Branson would shut down again as he doesn't believe one size fits all in the State of Missouri. He encouraged the Board to take a look at this, find out why it's doing what it's doing and if the date for this being over has passed. He expressed his belief COVID-19 will be around as long as the flu is around from now on and there likely won't be a vaccine. Mr. Edwards mentioned there are not vaccines for viruses in most cases, but people live their lives. He reported each fall busses with elderly folks come to this town and when he worked at Sight and Sound Theatre part-time, the ambulance was called out seven times in one week due to the flu. He inquired if the next time a flu outbreak happens on those busses, if the town should be shut down and he urged the Board to be consistent in whatever it does. Mr. Edwards encouraged the Board to take Branson totally separately from any other place and do what's right for Branson; not for the state or politicians. Discussion.

Doreen White, said she's a 21-year veteran and resident of Branson for five and a half years. She thinks the Board did a good job and people in Branson are safe to move on and they're in that mode. She mentioned she's a native New Yorker and she thanked the police and first responders. Ms. White explained she's worked in nursing homes and feels they could get appointments for meeting residents outside or make exceptions for those on their deathbed, unless there's a contact of COVID-19 in the nursing home. She mentioned visiting Fort Leavenworth and noticed people go single file and wear masks and she believes following the rules now will give leniency in the future. She explained she was listening to the meeting on the radio and feels the comments made about civil liberties and kids was inappropriate and could have been addressed somewhere else. She thanked the Board for all it does and thinks if people do this now, they'll have more in the future. Discussion.

Lisa Marshall, Director of the Taney County Health Department, explained the Department's recommendation would be a phased approach as discussed. She mentioned working quite a bit with a local task force involving emergency responders and healthcare partners. The Chamber of Commerce sat in on those as well, as did several other partners to work through a phased approach to reopening. She feels there are certainly some criteria that need to be met in order to move forward and thinks one of the biggest concerns is largely around the occupancy load specific to retail sales. She believes this should be expanded beyond just retail sales, because ultimately this virus can be transmitted anywhere people are. Though they want the City to be open and business to resume, a more stepped approach is preferred to allow time to see how the community responds to people coming to it. She restated the recommendation would be to expand that beyond just retail sales which is probably the largest concern with what the Governor has at this point in time. She responded to the Board's questions regarding the Governor's square footage guidelines and clarified the preference would be for them to apply to all indoor businesses and mentioned being a big proponent of the disinfection piece of the proposed ordinance. She expressed these are really key components and she advocated for a layered approach, because people can't just do one of these things and expect to continue on a path of good numbers and good health for the community. Ms. Marshall explained this layered approach includes key components of the disinfection process, occupancy loads for a short period of time, face masks and social distancing. She explained the 10% and 25% occupancy guidelines comes from the Department of Health and Senior Services (DHSS) and the Governor at the state level. It's not something that can be changed on a local level, except for being more restrictive. She explained they're limiting it to retail and the six feet social distancing number would be perfect if people stayed in one static spot, but the fact is people move around and touch things. The more people move around, the more opportunities there are for transmission of the virus. She added, that's where the occupancy piece comes into play and she explained the more people in an indoor, confined space the more opportunity for transmission of the virus. Ms. Marshall emphasized the importance of layering these interventions and thinks limiting the number of people inside businesses, recommending people wear face masks and disinfecting at frequent intervals decreases the risk of transmission. She reported Taney County's numbers are in a good spot and it has not seen a spike. She mentioned it will probably see a few cases here and there which is not surprising as it's unrealistic to think it will never have a case. She expressed concerns over bringing people in from places outside the community because it's opening the door to what people bring here unknowingly. She feels the struggle is asymptomatic people with no symptoms, who don't feel sick, act sick and have no idea they're sick and she expressed her concerns for this. She reiterated layering these interventions helps keep the community safe and the goal is to not

overburden the healthcare system. She explained the reason for that is if it's overburdened with COVID-19 patients, then it's not capable of taking care of heart attacks, strokes and accidents that occur on a daily basis in the County. She thinks it's very important to have some triggers and gate criteria, so if a spike in cases is seen there might be a need to pull back a little bit. Ms. Marshall shared some of the things the Health Department will be monitoring such as the percentages of those tested, how many come back positive and Taney County's footprint. She explained the Taney County footprint is keeping an eye on other locations where individuals come to Taney County from in order to know what's going on with their case counts and how quickly they increase. In addition, watching the capacity of its ability to test everybody who needs a test and the capacity to do contact tracing. She explained contact tracing means anytime somebody tests positive, a disease investigation is launched to find out where they've been, who they've been in contact with and alert people who may have been exposed and ask them to take appropriate measures. She believes another really important piece to this is hospital capacity; do they have enough vents, ICU beds and a decent patient count so if there is a spike they can manage it. She commented those are all pieces that will be looked at moving forward from the Taney County Health Department's perspective. If it feels those items are getting overrun such as large percentages of people testing positive, no capacity to take care of people needing hospitalization or an ability to complete disease investigations for everybody who has a case, then those are problematic and means public health and the healthcare systems are overrun. At that point in time, the Health Department might want to take a step back so it can regain a better sense of control before moving forward again. She hasn't seen any DHSS guidelines yet pertaining to theatres, but feels it's incredibly important to look at occupancy, spacing and disinfection of highly utilized spaces. Discussion.

**The meeting recessed at 1:45 p.m. and returned at 1:55 p.m.**

Alderman Milton moved to amend Bill No. 5808 as follows [changes indicated in red]:

Sec. 58-1 – Definitions.

~~[[Public gathering or social gathering means for purposes of this Chapter only a planned or spontaneous event with a number of people in attendance in a single space that could facilitate the spread of a communicable disease.]~~

~~Enclosed public [place]space means for purposes of this Chapter an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, convention facilities, enclosed common areas, enclosed shopping malls, common areas of hotels and motels, laundromats, museums, reception areas, restaurants, retail establishments, retail stores, schools, spas, sports arenas, theaters, waiting rooms, **amusement parks and attractions**.~~

~~[Essential businesses means for purposes of this Chapter only day care facilities which serve employees of essential businesses, health care facilities, grocery stores, convenience food stores, service stations, drug stores, pharmacies, public service or telecommunication facilities, financial institutions, law firms, accounting firms, government offices and facilities, lodging establishments, and restaurants or other businesses as deemed essential by the Emergency Management Director or the City Administrator.]~~

~~**Occupant load means for purposes of this Chapter the total number of persons including employees that might occupy a building or portion thereof at any one time as determined by fire code.**~~

### ~~ARTICLE III – COMMUNICABLE DISEASE~~

~~Sec. 58-386 – Purpose.~~

~~This article is enacted to mandate restrictions on conduct to prevent the introduction and spread of contagious diseases in the City by restricting [non-essential] business operations, [public and social gatherings], **requiring face masks** and forcing social distancing amongst individuals in the City.~~

~~Sec. 58-387~~ — [Public or Social Gatherings Prohibited] **Personal Conduct Prohibited**

~~(a) [It is unlawful for any person to take part in or allow a public gathering or social gathering of more than ten people.] **It is unlawful for any person to be in an indoor enclosed public space without a particulate mask or fabric covering of the nose and mouth secured to the face with ties or loops unless that person is seated and eating, drinking or smoking or unless that person is performing entertainment on a physical stage.**~~

~~[(b) It is unlawful for any person to operate an enclosed public place in a manner that exceeds twenty-five percent of the established occupant load of the enclosed public space. This is not applicable to day care facilities, health care facilities, and within lodging establishments is only applicable to the common areas.]~~

~~[(c) **b**] It is unlawful for any person to fail to maintain at least six feet (6') of distance between individuals that are not family members **or do not reside together. This provision shall not apply to individuals performing job duties that requires contact with other people that are not family members closer than six feet (6').**~~

~~Section 58-388~~ — ~~Operation of Enclosed Public Spaces [Non-Essential Businesses Prohibited]~~

~~(a) [Only essential business operations are permitted to operate in the city.] **It is unlawful for any person to operate an enclosed public space in a manner that exceeds twenty-five percent of the established occupant load of the enclosed public space if the enclosed public space is under ten thousand square feet (10,000).**~~

~~(b) [Non-essential businesses may continue operations consisting exclusively of employees, contractors, or other agents of those businesses performing activities at their own residences.] **It is unlawful for any person to operate an enclosed public space in a manner that exceeds ten-percent of the established occupant load of the enclosed public space if the enclosed public space is ten-thousand square feet (10,000) or more.**~~

~~(c) [Non-essential businesses may allow no more than ten people of the business on the premises if the premises are closed to the public.] **Any person operating an enclosed public space shall disinfect using an EPA-registered disinfectant, diluted bleach solution or 70% alcohol solution all high-touch surfaces including but not limited to tabletops, countertops, point-of-sale devices, points of ingress, door handles, toilets, faucets, and sinks a minimum of once per hour during business hours.**~~

~~[(d) The Emergency Management Director or City Administrator are authorized to allow other people on the premises of any non-essential business as needed.] **Any person operating an enclosed public space shall maintain a log of hourly disinfections under this Section at their place of business.**~~

~~[Section 58-389~~ — ~~Eating or Drinking on the Premises Prohibited]~~

~~(a) [It shall be unlawful to take part in or allow eating or drinking on the premises of any restaurant or business open to the public.]~~

~~(b) [Operating an existing drive-thru or providing pickup or delivery options from any restaurant shall not be a violation of this Section.]~~

~~Section 58-389~~ — ~~Signage Required for Business Operations~~

~~(a) **It shall be unlawful for any business to be open to the public unless at the points of ingress and egress to the premises there is prominently displayed a sign no smaller than**~~

11 inches tall by 14 inches wide which shall contain the following in red lettering at least one-half inch high on white background:

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

2. PLEASE DO NOT CONGREGATE IN GROUPS OF MORE THAN TEN PEOPLE.

3. IT IS A VIOLATION OF THE LAW TO FAIL TO MAINTAIN AT LEAST SIX FEET (6') OF DISTANCE BETWEEN INDIVIDUALS THAT ARE NOT FAMILY MEMBERS OR DO NOT RESIDE TOGETHER.”

(b) A business shall be in compliance with this Section if they display signage that has been provided to the business by the City of Branson.

Section 58-390 – Visitation of Long-term Care Facilities or Retirement Homes Prohibited

[(a)] It shall be unlawful to visit nursing homes, long-term care facilities, retirement homes, or assisted living homes or any other facility where of guests or residents over the age of sixty outnumber those under the age of sixty unless that visit is to provide critical assistance or care.]

Seconded by Alderman McConnell. 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.

Lisa Marshall, Director of the Taney County Health Department, explained as it pertains to theaters, the Health Department typically only inspects where food is served such as concession stands, not the theater where people are seated. It doesn't have jurisdiction to inspect retail places that don't serve food, but anywhere that serves food it will inspect. She explained the Health Department doesn't have the ability to enforce disinfecting on an hourly basis or particular cleaning methods, but will be looking at general practices within the food and other codes that require disinfection and cleaning. Ms. Marshall mentioned the Health Department offers business toolkits of general practices specific to different industries on its website. These walk people through how to assess risk for COVID-19 at their businesses, how to keep people safe and stresses the importance of disinfection. The Health Department's preference is to leave the disinfection piece in the ordinance and plans to continue to push its education on disinfection practices and appropriate cleaners. She believes this is a very key piece, especially as people start coming from outside the community. It's something that will be pushed very heavily and she hopes businesses continue that practice. She clarified this is a little bit different than a normal cleaning routine because the virus is very contagious. She feels the business community has been proactive and hopes it continues to reach out to the Health Department for advice. Discussion.

Mayor Akers called for a vote on the amendment: Voting aye: McConnell, Clonts, Simmons, Skains, Milton and Castillon. Nays: none. Motion carried.

Mayor Akers called for a vote on Bill No. 5808 as amended. Voting aye: McConnell, Clonts, Simmons, Skains, Milton and Castillon. Nays: none. Motion carried.

Alderman Skains moved to read Bill No. 5808 for its final reading due to recent State of Missouri guidelines surrounding COVID-19, seconded by Alderman McConnell.

Mayor Akers asked for anyone wishing to speak regarding this matter.

Marshall Howden, 106 Rose Oneill Drive, Branson, Missouri, expressed his concerns for reading this bill for a final reading and asked for clarification on City Attorney Chris Lebeck's comments regarding DHSS guidelines about theaters opening. He asked if what Mr. Lebeck was saying is that it would be up to the state to keep theaters closed until possibly June 15<sup>th</sup>. City Attorney Chris Lebeck clarified the state's

regulations. Mr. Howden reported there was some confusion in the audience, so he retracted his statement and said he's for a second reading.

Mayor Akers asked for comments from the Board. Discussion. Voting aye: McConnell, Clonts, Simmons, Skains, Milton and Castillon. Nays: none. Motion carried. Final Reading of Bill No. 5808, an ordinance amending Chapter 58 of the Branson Municipal Code pertaining to personal conduct, enclosed public spaces and the spread of communicable diseases was read by title by City Clerk Lisa Westfall. Mayor Akers asked for a motion approving Bill No. 5808. Alderman McConnell so moved, seconded by Alderman Skains. Discussion.

Alderman Milton moved to amend Bill No. 5808 as follows [changes indicated in red]:

Section 3: This ordinance shall be in full force and effect **immediately [at 12:01 AM on Tuesday, May 5, 2020** after its passage by the Board of Aldermen and approval by the Mayor. **and remain in effect until 11:59 PM, Sunday May 31, 2020 at which time the Sections above will be repealed in their entirety unless extended by the Board of Aldermen.]**

Seconded by Alderman McConnell. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter.

Camille Lombardi-Olive, asked for clarification on the mask requirement, because she believes it's not a state requirement. Discussion.

Kelly Slabaugh, questioned if it was wise to leave this ordinance open-ended and mentioned she didn't see a date for this or the state's ordinance ending. She inquired if the Board should set an end date. Discussion.

Mayor Akers called for a vote on the amendment. Voting aye: McConnell, Clonts, Simmons, Skains, Milton and Castillon. Nays: none. Motion carried.

Mayor Akers asked for additional comments from the Board. No discussion. Mayor Akers called for a vote on Bill No. 5808 as amended. Voting aye: McConnell, Clonts, Simmons, Skains, Milton and Castillon. Nays: none. Motion carried. Discussion. Ordinance No. 2020-0053 was duly enacted.

## ADJOURN

Mayor Akers asked for a motion to adjourn. Alderman Skains moved to adjourn, seconded by Alderman Castillon. Voting aye: McConnell, Clonts, Simmons, Skains, Milton and Castillon. Nays: none. Motion carried. Meeting adjourned at 2:42 p.m.



E. Edd Akers  
Mayor



Lisa Westfall  
City Clerk

Handout provided by Amber Thompson for Item #1

5-4-20 Special Mtg. Handout for Item #1

**INVOLUNTARY DEMARCATION ON or WITHIN HUMAN FLESH including IMPLANTATION OF MICROCHIP OR PERMANENT IDENTIFICATION MARKER Penalty; definitions.**

1. It is unlawful for any entity or person including those described in paragraphs (a) to (d), to require another person to undergo physical demarcation of any kind to include the implantation of a microchip or other permanent identification marker of any kind or nature with:
  - (a) An officer or employee of this State or any political subdivision thereof &/or affiliate;
  - (b) An employer as a condition of employment to include social workers, mental health, &/or medical health professionals &/or affiliate;
  - (c) A person licensed to sell or provide insurance pursuant, or
  - (d) A person licensed to participate in a business related to ball.
  - (e) A person who is a member of NATO or other world health organization &/or affiliate.
  - (f) Any form of law enforcement to include Federal, local, county, or State police (citizen or non-citizen) &/or affiliate;
  - (g) Any form of military officer &/or affiliate (citizen or non-citizen).
  - (h) A person who is employed by &/or affiliated with a national organization such as NIH (National Institute of Health), the CDC (Center for Disease Control), or a subcategorized organization such as NIAID (National Institute of Allergies & Infectious Diseases).
2. A person who violates the provisions of this section is guilty of a category C felony & shall be punished.
3. If inducement, incentive, or threat of punishment is applied to the offense described in 1. of this section, the person is guilty of a category B felony & shall be punished.
4. The individuals mentioned in 1 (a) - (g) of this section shall include both citizen & non-citizens of the country of the United States of America.
4. As used in this section:
  - (a) "Microchip" means a device that is subcutaneously implanted in a person and that is passively or actively capable of transmitting personal information to another device using radio frequency technology. The term does include a device that is implanted in a person if the device:
    - (1) Is capable or incapable of passively or actively transmitting personal information to another device using radio frequency technology and the device:
      - (I) Is used in the diagnosis, monitoring, treatment or prevention of a health condition; and
      - (II) Only transmits such information as is necessary to carry out the diagnosis, monitoring, treatment or prevention of the health condition; or
    - (2) Is any type of hearing aid or hearing implant device.
  - (b) "Voluntarily" means without an incentive or other inducement.
  - (c) "Permanent identification marker" means a demarcation of or within the flesh to include the following:
    - (1) a non-digital tattoo created from the burning or imprinting upon the flesh via an outside means such as usage of branding iron, fire, or laser application or otherwise.
    - (2) a digital tattoo consisting of any kind used or not used for tracking humans or other purpose.
    - (3) an injection of any kind used or not used for tracking humans or other purpose.
    - (4) a transfusion of any kind used or not used for tracking humans or other purpose.
    - (5) a radiofrequency identification device (also known as R.F.I.D.) of any kind used for tracking humans or otherwise.
    - (6) a radiofrequency identification device (also known as R.F.I.D.) of any kind not used for tracking humans or otherwise.
  - (d) "World health organization" means a group of people or individual associated with an international medical or non-medical force including NATO (North Atlantic Treaty Organization), WHO (World Health Organization), United Nations, or otherwise.

In Missouri Law, Medical Personnel Forcing a Patient as a hostage is a FELONY (Class A for non-violent & Class B if terrorizing the victim). DEMAND THIS LAW BE reviewed & ENFORCED with medical personnel! End IHT (Institutional Human Trafficking). If Dr. Fauci, the American Psychiatric Association, & Missouri psychological associations are not defending us from being medical slaves, they are against us! If Dr. Fauci's 'digital certification' involves GPS trafficking humans & demarcating them, it is unConstitutional & inhumane as a reinstatement of slavery. Block medical slavery at the highest level of authority.

\*\*\*\*\*Additional Legislation Proposal for adding to the current MO Statute 565.110. Kidnapping:

**INVOLUNTARY HOSTAGE** Inducement, first degree, penalty in regards to medical professional, mental health professional, & social workers (& affiliates):

1. A social worker, medical professional, mental health professional, &/or their affiliate(s) commit the offense of kidnapping in the first degree if he or she unlawfully removes another person without his or her consent (both verbal & written) from the place where he or she is found (in residence, patient room, or otherwise) &/or unlawfully confines another person without his or her consent for any time period, for the purpose of:

- (1) Using the person to perform a medical procedure;
- (2) Using the person as a medical hostage;
- (3) Inflicting physical injury on or terrorizing the victim or another present.
- (4) Holding a person hostage longer than he or she desires no matter how short the time period.

2. The provisions of this section shall not be construed to prohibit a natural person from voluntarily electing to undergo medical procedures by will.

3. At any time, a person should be allowed to disengage consent solitarily with verbal notification or if unable to speak – with written notification – even if electing to go A.M.A. (against medical advice).

4. The presence of psychological labels of the person &/or psychiatric/psychological treatment procedures shall not be exempt of the law described in this section.

5. The attempt of a social worker, medical professional, mental health professional, &/or their affiliate(s) to coerce an individual in effort to obtain a signature &/or verbal permission to hold the person hostage as described in section 1 shall be guilty of a misdemeanor unless following through with this offense which results in a class C felony.

4. As used in this section:

- (a) 'Consent' means permission from the individual themselves to allow something to happen.
- (b) 'Confines' means keep or restrict someone or something within certain limits (space, scope, or time)

4. The provisions of this section shall include a penalty of kidnapping class A felony for offense in subsection (4), class C felony for offense subsection (1), (2), & (3).

In Missouri Law, **Medical**

# **Personnel Forcing a Patient as a hostage** is a **FELONY (Class A for non-violent & Class B if terrorizing the victim)**

**565.110. Kidnapping, first degree, penalty.** — 1. A person commits the offense of kidnapping in the first degree if he or she unlawfully removes another person without his or her consent from the place where he or she is found or unlawfully confines another person without his or her consent for a substantial period, for the purpose of:

(1) Holding that person for ransom or reward, or for any other act to be performed or not performed for the return or release of that person; or

(2) Using the person as a shield or as a hostage; or

(3) Interfering with the performance of any governmental or political function; or

(4) Facilitating the commission of any felony or flight thereafter; or

(5) Inflicting physical injury on or terrorizing the victim or another.

2. The offense of kidnapping in the first degree is a class A felony unless committed under subdivision (4) or (5) of subsection 1 of this section in which cases it is a class B felony.

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Nationwide! \*The above referenced material is found in the Missouri Revised Statutes: @  
<https://revisor.mo.gov/main/OneSection.aspx?section=565.110&bid=29315&hl=hostage%u2044>

**WHY IS THIS LAW NOT BEING ENFORCED? MANDATE THIS & SPEAK TO YOUR POLITICIAN TODAY!**

senator claire mccaskill

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Senator Claire McCaskill <senator@mccaskill.senate.gov>

to me

April 9, 2015

Dear Ms. Thomsen,

Thank you for contacting me regarding child abuse and the performance of child protective agencies. I appreciate hearing from you, and welcome the opportunity to discuss this further.

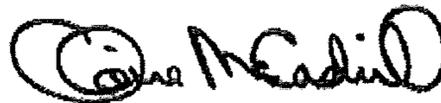
As a mother and a former prosecutor, I share your concerns and your desire to protect our children from abuse. During my years as a Missouri State Representative, I conducted performance audits on state programs, including the Social Services and Missouri's Child Abuse Hotline. Currently, I continue to support child protective agencies at the federal level, but as your U.S. Senator I no longer have jurisdiction over state programs.

You may be interested to know, however, that I supported providing funding to state child abuse training programs for judicial personnel, child abuse enforcement assistance and \$22.5 million for programs in the Consolidated Appropriations Act of 2010 (H.R. 3288). This funding was intended to promote proper family reunification. I was proud to support such important issues.

I recognize, however, that funding alone will not stop child abuse. I encourage you to contact your Missouri state representative or visit [http://www.senate.mo.gov/lookup/leg\\_lookup.aspx](http://www.senate.mo.gov/lookup/leg_lookup.aspx) to voice your concerns to child protective agencies. I appreciate and share your concerns for our children and I will continue to work on behalf of this vulnerable population here in the U.S. Senate.

Again, thank you for contacting me. Please do not hesitate to contact me if you need further assistance to you on this or any other issue.

Sincerely,



Claire McCaskill  
United States Senator

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2454 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
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FAX (202) 225-3334

Congress of the United States  
House of Representatives  
Washington, DC 20515-2507

November 20, 2019

Ms. Amber Thomsen  
113 North Sunshine Street  
Branson, MO 65616-2362

Dear Ms. Thomsen:

My Congressional Office has received your email regarding your issue with CPS. Unfortunately, we cannot offer any legal advice and cannot become involved as this is ultimately a legal matter.

If I can be of service in regards to another issue, please feel free to contact my office.

Sincerely,



Billy Long

3237 EAST RIDGEVIEW STREET

2727 EAST 32ND STREET, Suite 2