

MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
OF THE CITY OF OSAGE BEACH, MISSOURI

April 3, 2014

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, April 3, 2014, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Fred Catcott, Alderman Steve Kahrs, Alderman Michelle Myler, Alderman John Olivarri, Alderman Ron Schmitt, and Alderman Kevin Rucker. The City Clerk, Diann Warner, was present and performed the duties of that office.

Mayor's Communications.

During this portion of the meeting, Police Chief Todd Davis presented a letter of commendation to Communications Officer Sean Callahan who was credited for saving the life of a young woman who was in cardiac arrest. Officer Callahan was congratulated for his actions.

Citizens Communications.

No one was present who wished to address the Board at this time.

Consent Agenda.

Alderman Schmitt moved to approve the consent agenda which includes minutes of the regular meeting held on March 20, 2014, and the bill list as submitted. Alderman Myler seconded the motion which was voted on and passed.

Unfinished Business.

Bill No. 14-08. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, CREATING A NEW SUBPART 5, ADDED INTO SECTION 125.030 C TO CONFORM TO STATE STATUTES PERMITTING POLITICAL ACTIVITY BY EMERGENCY SERVICE "FIRST RESPONDERS"

Mayor Lyons presented the second and final reading of Bill No. 14-08 by title only. It was noted that Bill No. 14-08 has been available for public review.

Alderman Rucker moved to approve the second and final reading of Bill No. 14-08. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-08 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Schmitt, Alderman Myler, Alderman Catcott, Alderman Rucker, Alderman Kahrs. "Nays": None. Bill No. 14-08 was passed and approved as Ordinance No. 14.08.

Bill No. 14-09. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 115.120, REMOVAL OF OFFICER, BY ADDING A NEW SUBPART E, TO COMPLY WITH MISSOURI STATUTES REGARDING TERMINATION OF A POLICE CHIEF

Mayor Lyons presented the second and final reading of Bill No. 14-09 by title only. It was noted that Bill No. 14-09 has been available for public review.

Alderman Schmitt moved to approve the second and final reading of Bill No. 14-09. Alderman Catcott seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-09 and to pass same into Ordinance: "Ayes": Alderman Schmitt,

Alderman Myler, Alderman Catcott, Alderman Rucker, Alderman Kahrs, Alderman Olivarri.
“Nays”: None. Bill No. 14-09 was passed and approved as Ordinance No. 14.09.

New Business.

Public Hearing. Rezoning Case No. 372. Langpaul Holdings LLC.

City Planner Cary Patterson presented the following report:

Applicant: Langpaul Holdings and Mike Lynn
Location: On the north side of Passover Road on Robins Circle (old Galva Foam property).
Petition: Entertainment Overlay E-3 for the ability to rent personal water craft on the property.
Existing Use: Vacant Commercial Property
Zoning: C-1
Tract Size: 2.7 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	R-3 Multi Family R-1b Single Family	Mixed uses
<u>South:</u>	C-1 Commercial	Robins Resort
<u>East:</u>	C-1 Commercial	Parkview Bay Condominium
<u>West:</u>	LU Lake Use	Lake of the Ozarks

**The Osage Beach Comprehensive Plan
Designates this area as appropriate for:** Heavy traffic Commercial

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Citywide		May 1984

Utilities

<u>Water:</u> City	<u>Gas:</u> none
<u>Electricity:</u> Ameren	<u>Sewer:</u> City

Access: Property has access off of Passover Road and Robin’s Circle.

Analysis:

1. The applicant is the owner of the 2.7-acre parcel in question. The request is to allow the rental of personal watercraft from a new dock structure that that will be attached to the property once approved by Ameren Missouri.
2. Recognizing past incompatibility problems with similar uses and less intense (residential) uses, the City adopted Ordinance 96.21, which regulates all uses with outdoor entertainment overlay zoning requirements.

Department Comments:

The primary intent of E-zones is to regulate outdoor activities that could adversely affect adjacent properties, both commercial and residential. The city's lake front resorts can probably be defined as lake front entertainment facilities as opposed to simply just hotels or motels. With the subject property's location in a corridor that is predominately commercially zoned, and having its lakefront on the main channel, it lends itself more favorably to this type of use. Another important fact is that the state made the area containing the subject property a no wake zone on weekends during the summer. These cases are sensitive and input from the surrounding property owners is important. Notifications were sent to all of those who own property within 1000 feet of the subject property. This means that it would be reasonable to expect those property owners to be represented at the meeting.

With this property's location in the commercial corridor away from any concentration of residential uses, and the fact that its lake front is on a high traffic portion of the main channel, City Planner Patterson recommended that this request be approved subject to the following provisions and conditions:

Permitted Uses: The ability to rent personal watercraft from the subject property.

Parking: A new parking facility will need to be built in conformance with City Code.

Signage: The applicant will be required to get a sign permit for any additional signage that will be needed.

Exterior Lighting: Any additional lighting proposed as part of this activity must be shielded to direct light inward and not increase light intensity within adjoining properties.

Landscaping: A minimum of 5 percent of the areas devoted to parking must be left in open lawn or landscaped areas.

Final Development Plan: The site plan submitted with the application is sufficient for the final development plan.

The Planning Commission unanimously recommended approval at their meeting held on March 11, 2014.

No one was present who wished to speak in favor of or in opposition to Rezoning Case No. 372. Mayor Lyons closed the public hearing at 6:40 p.m.

Bill No. 14-15. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR CITY HALL SIDEWALK/CURB REPAIR AND INSTALLATION OF PARKING BLOCKS WITH MOON CONSTRUCTION

Public Works Director Nick Edelman explained that age and weathering has led to the degradation of various portions of the sidewalks around City Hall resulting in a need for repair/replacement.

Sidewalk Repair/Replacement is budgeted for 2014 in the amount of \$10,000. Parking Blocks are budgeted for 2014 in the amount of \$2,700.

Age and weathering, in conjunction with impact from snow removal equipment has damaged (beyond repair) a concrete drop inlet in the rear (West) parking lot of City Hall.

Remove and Replace Concrete Drop Inlet Lid is not a planned budget item, but the expense could be covered under the City's Maintenance and Repair account.

Bids were solicited and the following four bids were received:

Moon Construction	\$12,530.43
Stockman Construction	\$17,152.00
Travis Hodge Hauling	\$17,365.00
American Pride Hauling	\$18,989.24

Moon Construction is the apparent low bidder. The City has experience with this company with favorable results.

The Building Department recommended the City Hall sidewalk and curb repair and parking block installation contract be awarded to Moon Construction in the amount of \$12,530.43 of which \$2,890 will be charged to 10-09-743100, Maintenance and Repair and \$9,640.43 will be charged to 10-09-774256, Building Improvements.

Mayor Lyons presented the first reading of Bill No. 14-15 by title only. It was noted that Bill No. 14-15 has been available for public review.

Alderman Myler moved to approve the first reading of Bill No. 14-15 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 14-15. It was noted that Bill No. 14-15 has been available for public review.

Alderman Schmitt moved to approve the second and final reading of Bill No. 14-15. Alderman Catcott seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-15 and to pass same into Ordinance: "Ayes": Alderman Myler, Alderman Catcott, Alderman Rucker, Alderman Kahrs, Alderman Olivarri, Alderman Schmitt. "Nays": None. Bill No. 14-15 was passed and approved as Ordinance No. 14.15.

Bill No. 14-16. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CITY OF OSAGE BEACH, MISSOURI.

Mayor Lyons presented the first reading of Bill No. 14-16 by title only. It was noted that Bill No. 14-16 has been available for public review.

Alderman Catcott moved to approve the first reading of Bill No. 14-16 as presented. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Bill No. 14-17. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ARTICLE V. CROSS-CONNECTION AND BACKFLOW CONTROL PROGRAM BY UPDATING DEFINITIONS, UPDATING PERSONNEL TITLES, UPDATING INSPECTION AND MAINTENANCE REQUIREMENTS, AND UPDATING VIOLATIONS TO THE ARTICLE.

Assistant City Administrator Jeana Woods explained that staff is recommending changes to Article V. Cross-Connection and Back Flow Control Program to update the definitions, personnel titles, and to update the inspection, reporting, and violations sections to mirror MDNR and internal practice of this policy.

Mayor Lyons presented the first reading of Bill No. 14-17 by title only. It was noted that Bill No. 14-17 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 14-17 as presented. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 14-17. It was noted that Bill No. 14-17 has been available for public review.

Alderman Schmitt moved to approve the second and final reading of Bill No. 14-17. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-17 and to pass same into Ordinance: "Ayes": Alderman Catcott, Alderman Rucker, Alderman Olivarri, Alderman Kahrs, Alderman Schmitt, Alderman Myler. "Nays": None. Bill No. 14-17 was passed and approved as Ordinance No. 14.17.

Commendations.

Police Chief Todd Davis presented commendations to Sergeant Jeff Stout, Officer Shawn Glenn, Senior Officer Joel Shelton and Officer Bobby McCrorey for their actions taken during a recent fire at Parkview Bay. The officers were congratulated for their actions.

Bill No. 14-18. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING AND REENACTING SECTION 117.020 OF THE CODE RELATING TO OPEN RECORDS TO PROTECT DISCLOSURE OF OPERATIONAL GUIDELINES AND POLICIES OF THE POLICE DEPARTMENT IN RESPONDING TO ANY INCIDENT THAT MAY BE TERRORIST IN NATURE AND PROVIDE A MECHANISM TO ENSURE THAT FINANCIAL RECORDS RELATING TO SUCH GUIDELINES, SHALL BE PUBLIC UNLESS THAT DISCLOSURE WOULD IMPAIR THE SECURITY OR SAFETY OF PERSONS OR REAL PROPERTY, AND TO PROTECT FROM DISCLOSURE ACCESS CODES OR AUTHORIZATION CODES FOR SECURITY SYSTEMS OF REAL PROPERTY

City Attorney Ed Rucker explained that Bill No. 14-18 will conform to state statutes as follows:

1. Protect disclosure of operational guidelines and policies of the police department for use in responding to or preventing any critical incident that is or appears to be terrorist in nature.
2. Provide a mechanism to ensure that financial records relating to such guidelines, shall be public unless that disclosure would impair the security or safety of persons or real property,
3. Protect from disclosure access codes or authorization codes for security systems of real property.

Mayor Lyons presented the first reading of Bill No. 14-18 by title only. It was noted that Bill No. 14-18 has been available for public review.

Alderman Schmitt moved to approve the first reading of Bill No. 14-18 as presented. Alderman Myler seconded the motion which was voted on and unanimously passed.

Bill No. 14-19. DIRECTOR TO EXECUTE THE FEDERAL EMERGENCY MANAGEMENT E-GRANT DOCUMENTS TITLED SUBGRANT APPLICATIONS FOR THE AUGUST 2013 OSAGE BEACH CITY PARK STORM DAMAGE REIMBURSEMENT

Public Works Director Nick Edelman explained that the documents are required in order to receive reimbursement for the August, 2013 storm damage to the Osage Beach City Park.

Mayor Lyons presented the first reading of Bill No. 14-19 by title only. It was noted that Bill No. 14-19 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 14-19 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 14-19. It was noted that Bill No. 14-19 has been available for public review.

Alderman Schmitt moved to approve the second and final reading of Bill No. 14-19. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-19 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Olivarri, Alderman Kahrs, Alderman Schmitt, Alderman Myler, Alderman Catcott. "Nays": None. Bill No. 14-19 was passed and approved as Ordinance No. 14.19.

Authorize Renewal Contract with Vaisala for Maintenance of Localizer at Lee C. Fine Airport.

Budd Hyde, Airport Manager explained that this is a FAA mandated maintenance service agreement for the airport "Localizer" instrument approach system at the Lee C. Fine Airport. This service has been provided to the City of Osage Beach since 1999. There is a rate increase of \$50.00 for the upcoming year with increases of \$100.00 per year for the following two years for this service. The company is based in Lenexa, KS and maintains over 60 airport instrument approach systems nationwide. They will perform the FAA required monthly inspections and attend all FAA facility visits and scheduled FAA flight checks at a cost of \$2499.00 per quarter. The rates have been researched and found to be competitive with other vendors nationwide. This item is budgeted

annually in account #45-00-733000. Airport Manager Budd Hyde recommended approval of this contract.

Alderman Schmitt moved to authorize the contract renewal with Vaisala as recommended. Alderman Myler seconded the motion which was voted on and unanimously passed.

Bid Award. Chemicals for Use by Water and Sewer Departments.

Public Works Director Nick Edelman explained that this award is for the annual chemical purchase for the Water Department and Sewer Department. The Water Department uses Hydrofluosilicic Acid (fluoridation) and Sodium Hypochlorite (disinfection) and the Sewer Department uses Sodium Hypochlorite and Sodium Hydroxide Solution which is for the air scrubber at Sands Pump Station. Two bids were received from Brenntag Mid-South and DPC Enterprises

This year it was decided to have chemicals shipped to Swiss Village Tower and Sands Pump Station. By shipping to these locations it will free up room in one of the buildings at Public Works and it will also reduce the amount of time required to haul chemicals to their respective sites. Brenntag Mid-South qualified their bid with a fuel surcharge and made it contingent upon getting their truck to Swiss Village Water Tower.

DPC Enterprises only submitted a bid for the Hydrofluosilicic Acid and Sodium Hypochlorite. They cannot supply the Sodium Hydroxide Solution.

Staff recommended the purchase of Hydrofluosilicic Acid and Sodium Hypochlorite from DPC Enterprises in the amount of \$23,932.50 and the Sodium Hydroxide Solution be purchased from Brenntag Mid-South in the amount of \$3,249.60.

The account breakdown is as follows:
30-00-761600 Chemicals - \$21,404.50
35-00-762700 Odor Control - \$5,777.60

Alderman Catcott moved to award the bid for chemicals as recommended. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Bid Award. Sewer Pump Truck with Pressure Washer

Public Works Director Edelman explained that this purchase is for a new pump truck with pressure washer. The budgeted amount is \$78,000. Two bids were received as follows:

Imperial Industries Incorporated	\$74,891.31
Key Equipment	\$92,325.00.

Staff recommends the bid be awarded to Imperial Industries Incorporated in the amount of \$74,891.31. This is under budget in the amount of \$3,108.69.

Alderman Kahrs moved to award the bid for the sewer pump truck with pressure washer to the low bidder, Imperial Industries Inc. in the amount of \$74,891.31. Alderman Catcott seconded the motion which voted on and unanimously passed.

Communication from Board Members.

Alderman Myler. Michelle Myler wished good luck to everyone running for elected office on Election Day next Tuesday.

Alderman Catcott. Fred Catcott stated that the commendations presented tonight would not occur without good leadership.

Alderman Kahrs. Steve Kahrs questioned how engineering services are bid out. Public Works Director Nick Edelman responded that a Request for Qualifications is solicited and the selection process is based on qualifications and not on cost.

Alderman Kahrs asked Public Works Director Edelman to speak with MoDOT about the conditions on the bridges on Case and Passover Roads. He also said there is also a large hole on a portion of the expressway.

Alderman Kahrs reported that heavy traffic on Nichols Road continues to concern him and what will happen when the new school opens. He hoped the City would take a look at the area where MoDOT improvements end and he added that the roads have deteriorated over the winter and there is deterioration in the area of the golf course.

Alderman Myler stated that the traffic counts are for the current amount of traffic and are not relevant to the amount of traffic after the school opens. Director of Public Works Nick Edelman responded that the current traffic counts are used to forecast future traffic counts. Alderman Rucker stated that he was surprised when the engineer from Camdenon Schools said the existing road would not need to be upgraded. City Planner Cary Patterson stated that it is not necessarily the number of vehicles on the road but the condition of the road due to the lack of shoulders. He added that the school said they were not worried about the number of vehicles but the road conditions are a concern. Alderman Kahrs said that the police department controls speed but it is not always speed that causes problems but road conditions.

Alderman Rucker. Kevin Rucker reported that recently there were minutes that were not approved for a long time and he asked that the Sunshine Law be researched and a legal opinion issued on this matter. He added that when decisions are made and actions are taken they need to be recorded properly and sometimes members are asked to approve minutes when they might not have been present at the meeting. Alderman Rucker said that possibly minutes should be approved within 30 to 60 days.

Mayor Lyons stated that the Planning Commission and the Board of Adjustment have not met very often in the recent past and there are some individuals who are no longer members. City Planner Patterson said he has asked in the past about teleconferencing but it is not legal to conduct a meeting in this manner. He added that he did not think members would attend a meeting just to approve minutes.

Staff will research the matter and report to the Board.

Staff Communications.

City Attorney. Ed Rucker stated that the way engineers and architects are selected is governed by state statute and cannot be competitively bid.

City Planner. Cary Patterson reported that the Planning Commission work session for last Tuesday was cancelled due to the lack of a quorum. He said a regular meeting is scheduled for 6:00 p.m. on Tuesday, April 8 and the work session would be scheduled in May.

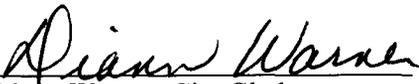
Mr. Patterson reported that the larger format scanner arrived today.

Public Works Director. Nick Edelman reported that many bids have been solicited for various items.

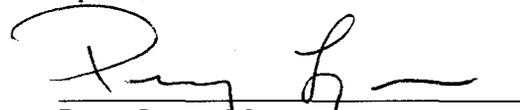
Airport Manager. Budd Hyde reported that State Aviation Day is April 8 in Jefferson City.

There being no further business to come before the Board, the meeting adjourned at 7:10 p.m.

I, Diann Warner, City Clerk of the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Board of Aldermen of the City of Osage Beach, Missouri, held on April 3, 2014.



Diann Warner, City Clerk



Penny Lyons, Mayor

APPROVED
4/12/14
DW