

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

May 15, 2014

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, May 15, 2014, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Steve Kahrs, Alderman Phyllis Marose, Alderman John Olivarri, Alderman Ron Schmitt, Alderman Kevin Rucker, and Alderman Tom Walker. The Deputy City Clerk, Dorothy Urlicks, performed the duties of the office in the absence of the City Clerk.

Mayor's Communications.

Mayor Lyons issued a proclamation for National Public Works Week from May 18 to May 24, 2014.

On May 5, 2014, Presiding Commissioner Kris Franken and I testified on behalf of the Arrowhead Retirement project for Midwest Health. The Missouri Health Facilities Review Committee voted 5-2 to issue a Certificate of Need for 90 assisted living apartments and 80 skilled nursing beds. This facility will be located on KK. The cost is projected to be \$25,800,000.00 and they plan to employ 125 people. Midwest Health owns and manages 48 senior living centers in Kansas, Oklahoma and Iowa. This will be a great addition to the west side of Osage Beach.

On May 7, 2014, Lake Lifestyles Best of the Lake for 2014 was held at our Grand Glaize Airport. Both of the hangars were filled with the winners and friends. The airport grounds looked great. This was a good way to show off one of our many city services.

I am requesting the Citizens Advisory Committee to meet and consider several issues relating to the economic future of the City, in particular the business area along the Osage Beach Parkway west of the Grand Glaize Bridge. Since the opening of the Expressway and with concerns about safety at the Key Largo intersection, the Board of Aldermen and I have been concerned about the level of activity and the economic conditions in this area. Input from this committee and the public on what the City can do to increase activity in this area should be considered in their report. The request is made pursuant to Section 111.050 B of the Osage Beach City Code. An initial agenda is attached to the request for the committee's use under Section 111.050 C. The scope and complexity may require several meetings. A well-advertised public forum could be a resource in providing important information. The Assistant City Administrator Jeana Woods will attend all the meetings to facilitate the committee with City information and available resources. She has extensive knowledge on the planning and organization of the City's Fall Festival as well as other events hosted by and held in the City. She has been directly involved in obtaining vendors, recruiting volunteers and aligning the activities and resources for the festival since 2005. Mrs. Woods also has a "hands-on" input on the City's budget. Suggestions from the committee that may have a budgetary impact in the following year will have to be considered during the budget process this fall. The committee's report will need to be completed by September 1, 2014. The first meeting is scheduled for Tuesday, May 27 at 6:00 P.M.

It looks like 2014 is shaping up to be a very busy year for the city. As of April 28th we have issued 24 new business licenses. The residential and commercial permits total almost \$7.3 million. Sales tax year to date is 3.67% more than last year.

Citizens Communications.

Dan Field of Lake Media thanked the City for hosting the Best of the Lake for 2014, and a special thanks to Airport Manager Budd Hyde for all of his help.

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on May 1, 2014, the bill list as submitted, liquor license renewals and Special Use Case No. 373 to allow T-Mobile to upgrade equipment on a communications tower on Bluff Drive. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Unfinished Business.

None

New Business.

Bill No. 14-28. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ACCEPTING AN EXISTING STREET LIGHT LOCATED ON HICKORY LANE INTO CITY INVENTORY

Public Works Director Nick Edelman told the Board that the residents submitted all necessary documents. The residents wish to have an existing street light accepted into City inventory. This street light is on Hickory Lane near the Cul-de-sac.

The existing street light meets the requirements of the Osage Beach Design Guidelines. This light will be maintained by Ameren Missouri. The cost to the City for this light is \$17.04 per month.

Mayor Lyons presented the first reading of Bill No. 14-28 by title only. It was noted that Bill No. 14-28 has been available for public review.

Alderman Schmitt moved to approve the first reading of Bill No. 14-28 as presented. Alderman Marose seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 14-28. It was noted that Bill No. 14-28 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill No. 14-28. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-28 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Rucker, Alderman Olivarri, Alderman Schmitt, Alderman Marose, Alderman Walker. "Nays": None. Bill No. 14-28 was passed and approved as Ordinance No. 14.28.

Bill No. 14-29. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, CREATING A NEW SECTION 117.180 RELATING TO MINUTES OF MEETINGS OF THE PLANNING COMMISSION, THE BOARD OF ZONING ADJUSTMENT, THE TAX INCREMENT FINANCING COMMISSION, AND THE CITIZENS ADVISORY COMMITTEE OR ANY OTHER CITY COMMITTEE OR COMMISSION CONTAINING A PROCEDURE FOR SUBMISSION OF DRAFT MINUTES, ACKNOWLEDGMENT OF THOSE MINUTES IN LIEU OF A FORMAL MEETING AND A REBUTTABLE PRESUMPTION OF

CORRECTNESS TO ENABLE THOSE MINUTES TO BE APPROVED AT A LATER MEETING

City Attorney Ed Rucker said Bill 14-29 creates Section 117.180 of the City Code relating to minutes of meetings when the business of the Planning Commission, the Board of Zoning Adjustment, the Tax Increment Financing Commission, and the Citizens Advisory Committee or any other City commission or committee is such that their meetings are widely separated in time, a procedure is necessary to permit the approval in routine circumstances of the minutes of the previous meeting through the issuance of draft minutes and the creation of a rebuttable presumption of accuracy for those draft minutes;

After a discussion among the Board Members, City Attorney and City Planner regarding which committees and how long a time frame between meetings this bill would apply. It was agreed that the City Attorney would redraft this Bill.

Alderman Rucker moved to postpone the first reading of Bill No. 14-29. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Bill No. 14-30. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR ELECTRICAL REPAIR PARTS

Bill No. 14-30 authorizes the award of electrical repair parts for the sewer department. Public Works Director Nick Edelman said there was only one bidder for the Electrical Capacitor and Floats from CED in the amount of \$10,713.75. CED submitted the only bid for Electrical Contactor and Overloads in the amount of \$8,961.50.

Public Works Director Edelman recommended the bid be awarded to CED for both bids totaling \$19,675.25 from line item Repair of System 35-00-743300.

Mayor Lyons presented the first reading of Bill No. 14-30 by title only. It was noted that Bill No. 14-30 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill No. 14-30 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. 14-30. It was noted that Bill No. 14-30 has been available for public review.

Alderman Kahrs moved to approve the second and final reading of Bill No. 14-30. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-30 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Olivarri, Alderman Schmitt, Alderman Marose, Alderman Walker, Alderman Kahrs. "Nays": None. Bill No. 14-30 was passed and approved as Ordinance No. 14.30.

Bill No. 14-31. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR PLUMBING PARTS FOR THE WATER AND SEWER DEPARTMENTS

Public Works Director Edelman said bids were advertised for miscellaneous sewer and water plumbing parts which will replenish our inventory of small diameter sewer and water parts. Five

bids were received, however only one bidder was able to bid all items. Taking this into consideration it is recommended to award the bid to HD Supply in the amount of \$31,119.21.

The account breakdown is as follows:

30-00-743300 \$26,981.64
35-00-743300 \$4,137.57

Mayor Lyons presented the first reading of Bill No. 14-31 by title only. It was noted that Bill No. 14-31 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill No. 14-31 by title only. Alderman Marose seconded the motion which was voted on and unanimously passed.

Alderman Kahrs moved to approve the second and final reading of Bill No. 14-31. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-31 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Schmitt, Alderman Marose, Alderman Walker, Alderman Kahrs, Alderman Rucker. "Nays": None. Bill No. 14-31 was passed and approved as Ordinance No. 14.31.

Bill No. 14-32. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE WATER WELL PLUGGING 2014 PROJECT

30-00-743300 Repair of System \$130,000

Public Works Director Edelman said one bid was received from Midwest Hydro Drilling in the amount of \$9,711.00 to remove the pumps and camera the wells.

At the June 6 Board of Aldermen meeting, the Board approved the application for a grant to plug the two wells in front of Buddy's 54 Diner that are on City Property. The grant will cover 100 % of the project cost.

The Public Works Department recommends approval of this ordinance for the award of this contract to Midwest Hydro Drilling and Service, Inc. in the amount of \$9,711.00 from line item 30-00-743300 Repair of System.

Mayor Lyons presented the first reading of Bill No. 14-32 by title only. It was noted that Bill No. 14-32 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill No. 14-32 by title only. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Alderman Kahrs moved to approve the second and final reading of Bill No. 14-32. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-32 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Marose, Alderman Walker, Alderman Kahrs, Alderman Rucker, Alderman Olivarri. "Nays": None. Bill No. 14-32 was passed and approved as Ordinance No. 14.32.

Appointment to the Board of Appeals.

Mayor Lyons asked the Board to confirm the appointment of Dave Krehbiel to the Board of Appeals for a five-year term. His term expires in May and he has indicated a willingness to continue to serve.

Alderman Kahrs moved to approve the appointment of Dave Krehbiel to the Board of Appeals for a five-year term. Alderman Marose seconded the motion which was voted on and unanimously passed.

Appointment to the Board of Adjustment.

Mayor Lyons asked the Board to confirm the appointment of Larry Jones to the Board of Adjustment to a five-year term.

Alderman Kahrs moved to approve the appointment of Larry Jones to the Board of Adjustment for a five-year term. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Appointment to the Osage Beach Citizen Advisory Committee.

Geniece Tyler, Jim Morris, Roger Rand, and Brian Schuester have indicated they want to continue to serve on the Citizen Advisory Committee. Mayor Lyons asked the Board to confirm the reappointments as well as approve the appointment of Gloria O'Keefe to replace Becky Dow who is moving out of the area. The committee is required to have at least eight and not more than fifteen members. If all five are appointed, there will be ten members on the committee. These are for two-year terms.

Alderman Kahrs moved to approve the appointments of Geniece Tyler, Jim Morris, Roger Rand, Brian Schuester and Gloria O'Keefe to the Osage Beach Citizen Advisory Committee. Alderman Marose seconded the motion which was voted on and unanimously passed.

Appointments to the Planning Commission.

Mayor Lyons asked the Board to confirm the reappointments of Judith Cloyd and Jerry Fox to the Planning Commission for terms ending May 2018. She also asked for confirmation to appoint Michelle Myler to the Planning Commission for a term ending May 2018.

Alderman Rucker moved to approve the appointments of Judith Cloyd, Jerry Fox and Michelle Myler to the Planning Commission for terms ending May 2018. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Appointments to the Osage Beach TIF Commission.

Dan Fry and Geniece Tyler have terms expiring in May. They have indicated a willingness to continue serving. Mayor Lyons asked the Board to approve the reappointments of the two members to serve four-year terms and requesting the Board to approve the appointment of Fred Catcott to a four-year term.

Alderman Kahrs moved to approve the appointments of Dan Fry, Geniece Tyler and Fred Catcott to the TIF Commission for four-year terms. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Authorize Change Order for Hangar Construction at Lee C. Fine Memorial Airport.

Public Works Director Nick Edelman told the Board that all of the unsuitable material under the slab for the Hangar Construction has been removed and the contractor proceeded on a time and material basis after it was approved at the April 17 Board of Aldermen meeting. The cost of the work was estimated to be \$59,599. The work has been completed and the costs are less than \$43,000 which results in a savings of 28%

Mr. Edelman said that the contractor encountered another issue while excavating for the footings. Some of the footings have highly plastic clay underneath them and some have rock. The issue is that the building will not settle at the same rate with the different types of material underneath it. We would like to proceed with removal of both the rock and clay. The rock will be over excavated and have a lean concrete placed in the ditch. The clay material will be removed and have the same lean concrete placed in the ditch.

The cost estimate from the contractor for this work is \$38,595.59. We do not agree on the price and would like to proceed on a time and material basis with a not to exceed amount of \$38,595.59. We have talked with MoDOT Aviation about removal of this material. They are good with proceeding with removal of this material. The City is being reimbursed for this project from MoDOT Aviation in the amount of 90 %. They will be reimbursing us in the same percentage for this work. The City's cost for this work based upon the original estimate would be approximately \$3,860.

The Public Works Department recommends proceeding on a time and material basis in an amount not to exceed \$38,595.59.

Alderman Kahrs moved to approve the change order for hangar construction at the Lee C. Fine Memorial Airport in an amount not to exceed \$38,595.59. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Communication from Board Members.

Alderman Walker. Tom Walker said he attended the Planning Commission meeting Tuesday evening and found it interesting and he learned a lot.

Alderman Marose. Phyllis Marose thanked Nancy Viselli for her time and showing her the Sewer Treatment Plant. She found it interesting.

Alderman Kahrs. Steve Kahrs thanked Penny Lyons for getting the Citizens Advisory Committee involved and feels that Jeana Woods is a top notch choice to be in charge of this. Mayor Lyons said she would like to get sponsors and volunteers.

Alderman Kahrs said he is also concerned about Nichols Road. Nichols Road is dangerous and this needs to be addressed before the new school opens. Nick Edelman said there was a traffic count in 2008 that showed potential for this amount of traffic. There is a capital project list to look at Mace Road, Dude Ranch Road and Nichols Road.

Alderman Kahrs said he feels there is no bigger priority than Nichols Road. When school starts there will be busses and 250 parents, and traffic is increasing. He would like a current traffic count, it doesn't have to be a traffic study-just use a counter. He said to spend the money budgeted for the Parkway extension to Y Road. At this time Alderman Rucker said he disagreed with this idea. Nichols Road is dangerous. He added this will have to be done quickly and there has been a lack of attention to roads on the west side. He said a traffic count would be a good start.

Alderman Kahrs said he had dinner with friends that use Lee C. Fine Airport who complimented Budd Hyde about the airport.

Alderman Olivarri. John Olivarri said times along with traffic count would be good on Nichols Road. He said he attended the Planning Commission Tuesday night, and he was pleased with Cary Patterson's presentation. He liked that Cary used actual cases and found it informative.

Staff Communications.

City Planner. Cary Patterson was excited about Planning Commission training because of the interaction of the Board and the Commission.

Assistant City Administrator. Jeana Woods reported that the Dragon House is almost empty. She will have a list of remaining items at the next meeting.

Public Works Director. Nick Edelman attended a meeting with the Transportation Advisory Committee and Lake of the Ozarks Council of Local Governments to review road and bridge projects that will be evaluated at MoDOT's central district level.

He also said the House approved the Senate Bill to approve a ¾ cent sales tax increase which will be used for transportation projects. Alderman Olivarri asked if it is not approved would the projects not happen. Nick said that is correct.

Executive Session.

Alderman Kahrs moved to close the meeting pursuant to RSMo. Section 610.021.1, Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. Alderman Marose seconded the motion.

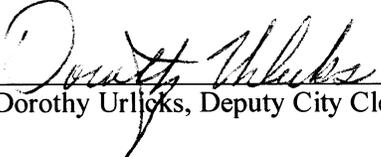
The following roll call vote was taken to close the meeting: "Ayes:" Alderman Marose, Alderman Walker, Alderman Kahrs, Alderman Rucker, Alderman Olivarri, Alderman Schmitt. "Nays": None. The meeting was therefore closed.

Alderman Kahrs moved to open the meeting. Alderman Marose seconded the motion. The following roll call vote was taken to open the meeting: "Ayes:" Alderman Walker, Alderman Kahrs, Alderman Rucker, Alderman Olivarri, Alderman Schmitt, Alderman Marose. "Nays": None. The meeting was therefore opened.

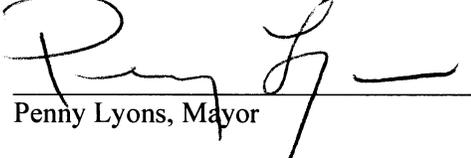
No announcements were made following closed session.

There being no further business to come before the Board, the meeting adjourned at 7:55 p.m.

I, Dorothy Urlicks, Deputy 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 May 15, 2014.



Dorothy Urlicks, Deputy City Clerk



Penny Lyons, Mayor

APPROVED
6/5/14