

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

June 5, 2014

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, June 5, 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 and Alderman Tom Walker. Alderman Kevin Rucker was absent. The City Clerk, Diann Warner, was present and performed the duties of that office.

**Mayor's Communications.**

Mayor Lyons presented Mike Welty, staff accountant, with a ten year service award. Mr. Welty was congratulated for his service to the City.

Mayor Lyons expressed her appreciation to the volunteers on the Osage Beach Citizen Advisory Committee for attending the meeting last week. She reported the next meeting will be held on June 17<sup>th</sup>.

Mayor Lyons also read a portion of a letter that will be sent to Governor Nixon asking him to veto SB 584, SB 693, SB 662 and SB 612 all of which will have a significant impact on Missouri cities by diminishing municipal sales tax revenues if they become law.

**Citizens Communications.**

No one was present who wished to speak during this portion of the meeting.

**Consent Agenda.**

Alderman Schmitt moved to approve the consent agenda which includes minutes of the regular meeting held on May 15, 2014, the bill list as submitted, a liquor license to Eddie's Sports Bar and Grill, LLC and Special Use Case No. 375 to allow T-Mobile to upgrade equipment on a communications tower at 5715 Osage Beach Parkway. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

**Unfinished Business.**

**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 the changes to the original draft are a ninety day time period before the procedure may be used and the reference to the secretary is changed to a staff member responsible for draft minutes.

Mayor Lyons presented the first reading of Bill No. 14-29 by title only. It was noted that Bill No. 14-29 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 14-29 as presented. Alderman Marose seconded the motion which was voted on and passed.

**New Business.**

**Bill No. 14-33.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE 13.51 AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT MODIFICATION WITH TRAVIS HODGE HAULING FOR LIFT STATION REPAIRS LS 49-2 & LS 53-1

Public Works Director Nick Edelman explained the modification is for additional work required at Lift Station 53-1 to replace pump #3 guide rail assembly and discharge piping. The existing pump stand and discharge piping was found to be inoperable when the contractor performed the original work of the contract. The fence around the lift station also requires repairs after it was damaged by severe weather earlier this year. This ordinance will approve additional work at Lift Station 53-1 in the amount of \$17,539.44.

Funds are available in Budget Item 35-00-773114 Lift Station Improvements with an uncommitted budget balance of \$405,817.50.

The Public Works Department recommended approval.

Mayor Lyons presented the first reading of Bill No. 14-33 by title only. It was noted that Bill No. 14-33 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 14-33 as presented. Alderman Marose seconded the motion which was voted on and passed with Alderman Kahrs abstaining.

Mayor Lyons presented the second and final reading of Bill No. 14-33. It was noted that Bill No. 14-33 has been available for public review.

Alderman Schmitt moved to approve the second and final reading of Bill No. 14-33. Alderman Walker seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-33 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Schmitt, Alderman Marose, Alderman Walker. "Nays": None. "Abstain": Alderman Kahrs. "Absent": Alderman Rucker. Bill No. 14-33 was passed and approved as Ordinance No. 14.33.

**Bill No. 14-34.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, CREATING A NEW SUBPART C 4, ADDED INTO SECTION 380.140 TO CONFORM TO STATE STATUTES PERMITTING THE DISPLAY OF A PROOF OF INSURANCE ON A MOBILE ELECTRONIC DEVICE AS A DEMONSTRATION OF FINANCIAL RESPONSIBILITY IN ACCORDANCE WITH MISSOURI STATUTES SECTION 303.324.

City Attorney Rucker said Section 303.324 of the Statutes of the State of Missouri enacted in 2013 permits the display of proof of insurance on a mobile electronic device as a demonstration of financial responsibility. Ordinances of the city must, pursuant to Section 71.010 be in conformance with state law.

Mayor Lyons presented the first reading of Bill No. 14-34 by title only. It was noted that Bill No. 14-34 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill No. 14-34 by title only. Alderman Schmitt seconded the motion which was voted on and passed.

**Bill No. 14-35.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH MR. STEVE MAUER AND ZERGER & MAUER LLP FOR THEIR SERVICES AS COUNSEL IN THE KOLB GRADING MATTER

City Attorney Rucker said Mr. Mauer has expertise in the areas of blasting litigation and representing municipalities such as Harrisonville and Peculiar, Missouri in matters relating to the protection of their municipal infrastructure. He is currently representing the Joint Sewer Board in the Magruder litigation. This is a contingent fee contract; therefore, Mr. Mauer is only paid a fee when he recovers damages for the City.

Mayor Lyons presented the first reading of Bill No. 14-35 by title only. It was noted that Bill No. 14-35 has been available for public review.

Alderman Marose moved to approve the first reading of Bill No. 14-35 by title only. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 14-35. It was noted that Bill No. 14-35 has been available for public review.

Alderman Schmitt moved to approve the second and final reading of Bill No. 14-35. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-35 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Marose, Alderman Walker, Alderman Kahrs, Alderman Olivarri. "Nays": None. "Absent": Alderman Rucker. Bill No. 14-35 was passed and approved as Ordinance No. 14.35.

**Bill No. 14-36.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE EL TERRA WELL FENCING PROJECT WITH KEN KAUFFMAN & SONS EXCAVATING, LLC

Public Works Director Edelman said bids were opened on Tuesday, May 27, 2014 and Ken Kauffman & Sons Excavating, LLC was the only bidder with a bid amount of \$18,467.50. The Public Works Department has worked with Ken Kauffman & Sons Excavating, LLC in the past with positive results and recommends awarding the El Terra Well Fencing project to Ken Kauffman & Sons Excavating, LLC.

This project was budgeted under Item No. 30-00-774269 Tower & Well Improvements D&R in the amount of \$23,600. This budget line item included fencing at the Parkview Bay Water Tower and the El Terra Well. There will be an approximate shortfall of \$775.50 to complete both projects, including publication costs. Line item transfers will be made by the end of the year as needed from other line items within the water budget.

The Public Works Department recommended approval.

Mayor Lyons presented the first reading of Bill No. 14-36 by title only. It was noted that Bill No. 14-36 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 14-36 by title only. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Alderman Olivarri moved to approve the second and final reading of Bill No. 14-36. Alderman Kahrs seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-36 and to pass same into Ordinance: "Ayes": Alderman Marose, Alderman Walker, Alderman Kahrs, Alderman Olivarri, Alderman Schmitt. "Nays": None. "Absent": Alderman Rucker. Bill No. 14-36 was passed and approved as Ordinance No. 14.36.

**Bill No. 14-37.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO EXECUTE ON BEHALF OF THE CITY THE NATIONAL PURCHASING COOPERATIVE INTERLOCAL PURCHASING AGREEMENT AND TO ACT AS THE PROGRAM COORDINATOR WITH THAT PROGRAM

Assistant City Administrator Jeana Woods explained the Buy Board National Purchasing Cooperative Purchasing Agreement will give the City another source for purchasing opportunities by enabling the City to benefit by purchasing under previously negotiated government contracts.

Mayor Lyons presented the first reading of Bill No. 14-37 by title only. It was noted that Bill No. 14-37 has been available for public review.

Alderman Walker moved to approve the first reading of Bill No. 14-37 by title only. Alderman Marose seconded the motion which was voted on and unanimously passed.

Alderman Olivarri moved to approve the second and final reading of Bill No. 14-37. Alderman Kahrs seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-37 and to pass same into Ordinance: "Ayes": Alderman Walker, Alderman Kahrs, Alderman Olivarri, Alderman Schmitt, Alderman Marose. "Nays": None. "Absent": Alderman Rucker. Bill No. 14-37 was passed and approved as Ordinance No. 14.37.

**Crack Sealing Machine Rental.**

Public Works Director Nick Edelman said that during the first quarter budget review, he discussed a pilot program to crack seal City streets using Transportation Department personnel. The pilot program will run from July 14, 2014 thru August 15, 2014.

Two bids were received for the rental of the equipment and purchase of the crack sealing material. One bid was received from Paving Maintenance Supply and two bids were received from SASCO Pavement Coatings Inc. SASCO bid two different types of crack sealing material. Crafcoc was contacted to determine which product was best suited for our application and they indicated that all three materials were very similar in nature and all three would work.

Staff recommended the City rent the crack sealing machine and purchase the crack sealing material from SASCO in the amount of \$5,155 which includes one month rental, 2,500 pounds of material, delivery and pick up, and on-site training.

Public Works Director Edelman said they will start with low volume roads. Mayor Lyons questioned if the parking lot at City Hall would be done and Mr. Edelman said it could be considered for crack sealing.

Alderman Olivarri moved to approve renting crack sealing equipment from SASCO, the low bidder, in the amount of \$5,155. Alderman Schmitt seconded the motion which was voted on and passed.

**Disposal of City's Surplus Property.**

Assistant City Administrator Jeana Woods said the silent auction at the Dragon House has concluded and the items sold have been paid for and removed; however, in that process there are two individuals that would like to make the following additional bids on items that did not sell in the original sale.

Jim Davis:

- \$5.00 Remaining doors, wood of any type, and lighting of any type remaining in the building
- \$5.00 Rock on the front of the building and remaining windows in front

Rick Arnall

- \$10.00 French doors with multi-glass panes located inside the building
- \$2.00 Lot #23 VCRs
- \$10.00 Lot #25 Copier & Fax
- \$5.00 Lot #27 Modems and Laptop Computer

Since there is one item, the French doors, that both bids include, the recommendation would be to award Rick Arnall the items he has stated above, which includes the French doors, (Rick's bid price for the set of doors trumps the bid price by Jim Davis for all the doors) and award Jim Davis the items he has stated above, less the French doors.

City Attorney Rucker said the bids are minimal but it was decided that the Board should approve them since the bids are from City employees.

Alderman Olivarri moved to approve the bids as recommended. Alderman Schmitt seconded the motion which was voted on and passed.

**Appointment of Municipal Judge.**

City Administrator Nancy Viselli said the judge has to be reappointed and it is staff's recommendation to reappoint William Washburn. Alderman Marose moved to approve the appointment of William Washburn to a two year term as Municipal Judge. Alderman Schmitt seconded the motion which was voted on and passed.

**Authorize Purchase of Tractor.**

Airport Manager Budd Hyde explained this tractor would replace an aging tractor currently in use. The current equipment that is being utilized now is property of DNR and is costly to maintain. Funds were approved in the 2014 budget in the Operating Capital Account #45-00-774255 in the

amount of \$43,759. The purchase amount is \$39,720. This equipment is purchased using the Missouri State Bid Program.

Alderman Olivarri moved to approve the purchase of a tractor from the state bid for maintenance at the Lee C. Fine Airport in the amount of \$39,720. Alderman Kahrs seconded the motion which was voted on and passed.

#### **Communication from Board Members.**

Alderman Schmitt. Ron Schmitt congratulated Lisa Woodson-Hudson, the new accounts receivable clerk. He reported that the roads in Prewitt's Point have been repaired by the Prewitt Point Transportation Development District.

Alderman Marose. Phyllis Marose said she is looking forward to attending the MML Newly Elected Officials Conference next week in Columbia. She commented that there are so many vehicles using the road by the Post Office, the City should consider repairing the potholes.

Alderman Walker. Tom Walker said he did not attend the Osage Beach Citizens Advisory Committee; however he was impressed with the comments made. He also said he hopes the Board will consider hiring a person whose only responsibility is economic development.

Alderman Kahrs. Steve Kahrs agreed with Alderman Walker that the position of an economic developer should be addressed immediately, however he did not know whether adding this responsibility to someone already on staff or hiring another person would be better.

Alderman Kahrs questioned the placement of the traffic counter on Nichols Road. Public Works Director Nick Edelman said he wanted to compare current counts with those taken in 2008, but he did not want construction traffic to be counted but he wanted to get average daily traffic compared to 2008. Alderman Kahrs commented that the placement of the traffic counter eliminates two businesses and a maintenance shed out of the count. Alderman Walker said that there is considerable traffic from delivery trucks that should be counted once the school opens.

Alderman Olivarri. John Olivarri moved to direct staff to prepare a resolution for the next agenda as a follow up to the letter sent to Governor Nixon. Alderman Kahrs seconded the motion which was voted on and passed.

#### **Staff Communications.**

Assistant City Administrator. Jeana Woods reported that the Osage Beach Citizen Advisory Committee met and they discussed various topics and Geniece Tyler was elected chairman. She added that an agenda will be sent out next week for the June 17<sup>th</sup> meeting. Mrs. Woods said she has started working on the Fall Festival and suggestions are welcome.

Public Works Director. Nick Edelman reported that MoDOT is working with LOCLG to create a list of projects for voters to consider for the 3/4 cent sales tax that will be on the August ballot. He said the central district list should be out within the next two weeks.

Parks Department. Brian Willey reported that the fields are full with practice and tournaments for the next five weeks. Alderman Olivarri said that Brian does a great job by bringing activity into the City where people are not only using the parks but eating and shopping. He added that Brian

did a study last year and the tournaments have a significant impact on the economy. Mayor Lyons commented that she received a letter complimenting staff.

Airport Manage.

Budd Hyde reported that Leonard Shelton, an airport employee, received his fifteen year service award today.

Mayor Lyons announced that the executive session will be deferred until the next meeting when all Board members are in attendance.

There being no further business to come before the Board, the meeting adjourned at 7:15 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 June 5, 2014.

  
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Diann Warner, City Clerk

  
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Penny Lyons, Mayor

**APPROVED**  
6/19/14  
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