

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

June 19, 2014

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, June 19, 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 City Clerk, Diann Warner, was present and performed the duties of that office.

**Mayor's Communications.**

Mayor Lyons reported one recurring complaint brought up at the first Citizen Advisory Committee was that the GPS maps were not updated for the lake area. Mayor Lyons expressed her appreciation to staff for researching the issue and producing data on the various GPS services in our area. Nine letters were sent to companies enclosing the results and requesting upgrades. It was noted that users also need to update their subscriptions. Another issue that staff addressed by providing a memo to the committee was a possible need for professional services. There were definitions and job descriptions for an economic developer, a community developer and an events planner.

Mayor Lyons reported there was a lot of input at the Citizens Advisory Committee that had its second meeting on Tuesday. A public forum will be held on July 15 at City Hall at 6:00 p.m. to hear from businesses and residents and to provide space for several groups that have some promotional ideas.

Mayor Lyons reported that the Council of Local Governments met in Osage Beach on Monday. The guest speakers were from the Department of Economic Development regarding energy loans. They are working on sidewalks to schools and other grants for infrastructure and economic development for the four county area. As a member of this organization, the City benefits from many of the economic projects that are processed by this group.

On Tuesday, a meeting for the CVB members met at the Country Club Hotel with a speaker from a Branson tourism organization on how they have increased their income for promoting their area.

This afternoon, Mayor Lyons reported that the Lake of the Ozarks Regional Economic Development Council met to hear a presentation from Joe Zanola. He gave presentations for the Duenke family a few years ago and specializes in housing statistics. The City is a member of this organization which provides the area with in depth information like the quality of labor study, which includes three counties. It covers employment levels, worker demographics, commuting distances, turnover rates, benefits and other statistics vital for businesses locating to the area. By working together this group not only maximizes its resources but shares its results with entities that would never be able to produce this information.

Mayor Lyons said it has been a busy week, especially with several groups working on economic development in the lake area.

Next week on Tuesday, June 24<sup>th</sup>, there will be an important debate at the Camdenton High School between the candidates for Camden County Presiding Commissioner. On June 25<sup>th</sup>, MoDOT will hold an open house here at City Hall between 4:00 p.m. and 6:00 p.m.

### **Citizens Communications.**

Bruce Green, Project Manager from MoDOT's Central District was present to talk about the temporary ¾ cent sales tax to address transportation needs which will produce about \$540 million of which \$480 million will go to MoDOT and \$54 million to cities and counties. The tax has a ten year sunset. A list of projects for the Central District is on MoDOT's website along with other information. Projects were prioritized based on needs and the two projects in Osage Beach include a sidewalk from Mace Road to Route D, including a pedestrian bridge and a new terminal facility and hangar at the Lee C. Fine Airport. Mr. Green listed other projects in nearby communities.

Mr. Green said a meeting to educate the public will be held next week on June 25 at Osage Beach City Hall from 4:00 p.m. to 6:00 p.m. Public comments will be accepted until July 3; the comments will be forwarded to the Commission and then the issue will be on the ballot on August 5. Mr. Green left maps and a list of projects for distribution.

Alderman Kahrs questioned when the cantilever signs would be installed and Mr. Green said they should be done within one month. Alderman Marose questioned the outer road and the cost share program. Mr. Green responded that the outer road was considered but it did not make the priority list. He added that the cost share program has been suspended indefinitely by the Commission.

Carolyn Morris reported that she met with MoDOT as a member of the Pilot's Association. She encouraged everyone to view MoDOT's website and to make comments, and to attend the meeting here at City Hall on June 25. Mrs. Morris said the program has been well thought out by MoDOT.

### **Consent Agenda.**

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on June 5, 2014, the bill list as submitted, liquor licenses to Asia Cuisine, Backwater Jack's, Bandana's BBQ, City Grill & Blue Room, El Charco Azul, Kelly's Port Boat Store, Lil Rizzo's, Quick Stop, and Special Use Cases 377 and 378. Alderman Marose 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

Mayor Lyons presented the second and final reading of Bill No. 14-29. It was noted that Bill No. 14-29 has been available for public review.

Alderman Rucker moved to approve the second and final reading of Bill No. 14-29. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and

final reading of Bill No. 14-29 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Olivarri, Alderman Schmitt, Alderman Marose, Alderman Rucker, Alderman Walker. "Nays": None. Bill No. 14-29 was passed and approved as Ordinance No. 14.29.

**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.

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

Alderman Schmitt moved to approve the second and final reading of Bill No. 14-34. Alderman Kahrs seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-34 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Schmitt, Alderman Marose, Alderman Rucker, Alderman Walker, Alderman Kahrs. "Nays": None. Bill No. 14-34 was passed and approved as Ordinance No. 14.34.

**New Business.**

**Bill No. 14-38.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE 2014 ROAD REPAIRS PROJECT WITH APAC-MISSOURI, INC.

Bids were opened on Tuesday, June 10, 2014. APAC-Missouri, Inc. was the only bidder with a bid amount of \$148,856.98. The Public Works Department has worked with APAC-Missouri, Inc., in the past with positive results and recommends awarding the 2014 Road Repairs project to APAC-Missouri, Inc.

There will be an approximate shortfall of \$3,261.07 to complete the Ozark Meadows Road Improvements (20-00-773212). Line item transfers will be made by the end of the year as needed from other line items within the water budget.

Section 3 for Aver Road came in higher than the Osage Beach Special Road District allocated. The Public Works Director discussed this matter with them at their June 12, 2014 meeting. They allocated the additional funds to cover the \$45,172.61 bid amount.

The Public Works Department recommended approval.

Mayor Lyons presented the first reading of Bill No. 14-38 by title only. It was noted that Bill No. 14-38 has been available for public review.

Alderman Walker moved to approve the first reading of Bill No. 14-38 by title only. Alderman Marose seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 14-38 by title only. It was noted that Bill No. 14-38 has been available for public review.

Alderman Schmitt moved to approve the second and final reading of Bill No. 14-38. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 14-38 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Marose, Alderman Rucker, Alderman Walker, Alderman Kahrs, Alderman Olivarri. "Nays": None. Bill No. 14-38 was passed and approved as Ordinance No. 14.38.

**Resolution 2014-02.** A RESOLUTION BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH SUPPORTING THE GOVERNOR'S VETO OF BILLS, SB 584, SB 693, SB 662 AND SB 612 RELATING TO SALES TAX EXEMPTIONS

City Attorney Ed Rucker told the Board that Mayor Lyons sent a letter to the Governor urging him to veto the bills related to sales tax exemptions and Resolution 2014-02 is a follow up to the letter. He added that Governor Nixon has estimated the sales tax exemptions could negatively impact the City by decreasing the sales tax receipts by \$1.1 million.

Alderman Schmitt voiced his disappointment that Representative Rocky Miller was not at the meeting tonight to explain to the City the impact this would have on the City since he attended the Lake Ozark Board of Aldermen meeting last week. Alderman Rucker said he is fed up with the legislature making laws that affect municipal operations. He said the legislators have other things to do and he was in favor of the veto. Mayor Lyons said all area representatives voted for the sales tax exemptions. Alderman Olivarri said that the Tri-County Lodging Association discussed this issue and there is a shortfall for the end of June and the State is delaying issuing refunds that are due.

It was noted that this is the second time in two months that the legislators have made laws that will adversely affect municipalities.

Mayor Lyons presented Resolution 2014-02. Alderman Rucker moved to approve Resolution 2014-02. Alderman Marose seconded the motion which was voted on and unanimously passed.

**Bid Award.** Battery Backups for Servers and Radios

Jim Davis, IT Manager, said the battery backup for the server room was a budgeted item and he requested authorization to purchase two battery backups. The battery backup for the radio system is an emergency item that needs to be added to the budget to remedy the failure of the old battery backup system for the radios. This was discussed at the First Quarter Budget Review and the Board requested this be put out to bid and brought back for approval.

Bids were sent out and the bid opening occurred on May 23, 2014 with only one bidder, D & B Power Associates Inc.

Mr. Davis recommended awarding the bid to D & B Power Associates Inc. The battery backup units are \$15,175 each, and he requested authority to order the optional wall mounted bypass panel for each backup unit, making the total cost per unit \$17,075. Currently there is \$20,000 budgeted for one battery backup unit, leaving a balance of \$14,150 of funds to be allocated to this line item from the General Fund projected ending balance. If approved, a budget amendment will be brought to the Board at the next meeting.

Funds were also budgeted in the Building Maintenance Department for the 3 Phase Power (\$5,500). At this time, Mr. Davis said it is unknown whether or not this would cover the cost or

additional funding will be required. If it is not sufficient, this will be brought to the Board in the near future for approval.

Mr. Davis said maintenance after the one year that comes with the purchase of the product will be budgeted in 2015 for additional years of maintenance. He recommended the bid be awarded to D & B Power Associates Inc., in the amount of \$34,150.

Alderman Rucker moved to award the bid for battery backups to D & B Power Associates, Inc. in the amount of \$34,150. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

**Bid Award.** Holiday Displays

Assistant City Administrator Jeana Woods said bids were solicited for a grouping of holiday lights with various specifications such as size, theme, construction material, type of lights, etc. for a purchase amount not to exceed \$25,000.

Assistant City Administrator Woods said there were two memos depicting the events from last year's project and staff's recommendation for the future of the light displays. Subsequent to the first memo dated February 5, 2014, she met with Mayor Lyons, Alderman Schmitt, Brian Willey and Nick Edelman, to discuss the recommendation and to work out some details/concerns in opening a light park at the Osage Beach City Park in 2014. The consensus from that meeting was to proceed to the next step with the change.

As a result, the memo dated February 17, 2014, was sent to the Board asking for input by March 6, 2014. Only one additional Board member responded and said to have it at the park, therefore, staff proceeded with plans. At this point staff needs direction on display purchase and a final consensus that the light park will be held at the Osage Beach City Park.

The following bids were received:

**Holiday Light Display Bid Tab**  
**Bids Issued 5/16/14**  
**Bids Opened 06/13/14**

<u>Company</u>	<u>Total Bid</u>	<u># of Displays</u>	<u>Animated</u>	<u>Price Each</u>	<u>Ave. sq. ft. ea.</u>	<u>Total Linear Ft.</u>	<u>Ave. Ln. Ft.</u>	<u>Ave. Height</u>
Christmas Done Bright, INC	\$24,973.00	128	43	\$195.10	23.1	450.9	3.5	3.9
Temple Display, LTD #1	\$25,000.00	21	5	\$1,190.48	37.7	115.0	5.5	6.7
Temple Display, LTD #4	\$25,000.00	20	6	\$1,250.00	49.3	124.5	6.2	7.0
Temple Display, LTD #5	\$25,000.00	18	6	\$1,388.89	57.8	128.0	7.1	7.3
Temple Display, LTD #2	\$25,000.00	16	4	\$1,562.50	51.2	106.5	6.7	7.6
Temple Display, LTD #3	\$25,000.00	10	6	\$2,500.00	84.1	93.5	9.4	10.4
Creative Displays, INC	\$24,335.00	6	6	\$4,055.83	200.7	143.0	23.8	9.3

Staff recommends purchasing 128 displays from Christmas Done Bright, Inc. for \$24,973. The City purchased displays last year from Christmas Done Bright, Inc. and there were no issues regarding the quality of the displays. This grouping will make a nice presentation in the park.

Alderman Olivarri said it was his understanding that there were problems last year with the quality of the displays and thought perhaps if more money were spent, the quality of the displays would be better. Mrs. Woods explained that there were problems with two of the animated displays but it

was determined to be operator error. She added that larger displays are probably stronger but the electric is inadequate to handle those. The decision to place the displays in the park was made due to an inadequate source of electricity and due to theft and damage to the displays last year on Osage Beach Parkway.

Alderman Olivarri said he was not in favor of placing the displays in the Park because the displays were purchased to make a visual environment and it defeats the original purpose. Alderman Marose was in favor of placing the displays on the Parkway however, with the issues from last year, she is in favor of keeping the displays secure at the Park. Alderman Olivarri questioned whether it has been determined that there are problems with the electric on the Parkway. Assistant City Administrator Woods said originally the displays were to be placed on the Parkway but because of damage to some of the displays and theft of others it was determined that the best place would be in the Park.

Mayor Lyons commented that only one alderman responded to the memo sent in February asking for input. One comment was that the displays could not be seen last year on the Parkway. She said the event will be free and the concession stand would be open which will create opportunities for other activities. Alderman Kahrs said there will be more traffic if the displays are in a concentrated area like the Park. He added that the reality is that on the west side of the bridge, 15 or 20 light displays will not make a difference until there is more traffic on the west side.

Alderman Walker questioned if the lights would be only on one side of the Parkway and the response was yes. Alderman Schmitt commented that to be able to see them, the street lights have to be turned off and if the Board wants to do the displays based on last year, they have to be mounted on poles which is a major effort requiring a bucket truck. He added that perhaps one third of the displays could be installed on the Parkway and two thirds at the Park.

Alderman Kahrs moved to award the bid for the Holiday Displays to Christmas Done Bright, Inc. in the amount of \$24,973.00. Alderman Rucker seconded the motion.

Alderman Olivarri moved to amend the motion to place one third of the displays on the Parkway and two thirds in the Park. Alderman Marose seconded the motion. Following discussion, the motion to amend the original motion was withdrawn as well as the second to the motion.

The motion to award the bid to Christmas Done Bright, Inc. in the amount of \$24,973 was voted on and passed with Alderman Olivarri expressing a negative vote.

Mayor Lyons directed staff to come back with the cost of placing one third of the displays on the Parkway and two thirds in the Park. She added that the Park Department has staff available but the Transportation Department does not.

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

Alderman Marose. Phyllis Marose thanked the City for the opportunity to attend the MML Elected Officials Conference in Columbia which was both intense and educational. She told the Board 220 people attended and not all were newly elected.

Alderman Marose said the Citizen Advisory Committee has come up with many ideas and she believes the public forum is a good idea. She brought up the condition of the entrance to the Post Office which she said is getting worse. City Administrator Nancy Viselli said that Public Works

Director Nick Edelman spoke with Mrs. Thomas about dedicating the road to the City and asking the Osage Beach Special Road District to fund the improvements. Alderman Marose responded that she was talking about the road on the Tallman side of the Post Office. City Administrator Viselli said that road is private property. It was noted that Mr. Edelman is on vacation but will be present at the next Board meeting.

Alderman Walker. Tom Walker reported that the sessions at the MML Conference were excellent and he said that many cities have full time economic developers as a result of the recession and primarily municipalities that exist on sales tax.

Alderman Walker reported that he attended the Osage Beach Citizen Advisory Committee meeting on Tuesday.

Alderman Kahrs. Steve Kahrs commented that he agrees with budgeting for an economic developer. He said that he would like to see the money set aside for the Parkway extension to be reallocated since MoDOT no longer has the cost share program.

Alderman Rucker. Kevin Rucker said he appreciated the work the Citizen Advisory Committee has done but due to a medical condition, Alderman Rucker said he has been unable to attend. He added that the Committee has done a great job with good information and he commends the group.

Alderman Olivarri. John Olivarri said it appears that MoDOT will not do the Parkway Extension project. He said that due to the possible retirement of a key employee, he asked the Board to consider a search to replace this key employee. Alderman Olivarri added that he believes a process to identify both internal and external candidates should be started to fill the position.

City Administrator Nancy Viselli responded that she would like the Board to wait until she has given official notice of her retirement because she would hate for the City to spend time and money when something might happen to change her plans to retire. Alderman Olivarri said he appreciates all that City Administrator Viselli has done and he is not trying to accelerate her retirement, however he did not think a lot of money has to be spent but there are things to be done that are time consuming. He said that the City Administrator makes the decision of when to give notice but there are preliminary actions that should be taking place. He added that his primary concern is to fill the position and to make sure the best candidate is found.

Alderman Rucker stated that his position is the City can lose employees by any means at any time, but until notice is given, no action should be taken by the Board. He added that until that time, the City has a City Administrator.

#### **Staff Communications.**

City Attorney. Ed Rucker said that Camden County hired Kim Willey as their Planning and Zoning Administrator. He said she was a big help to him and he would miss her.

Police Chief. Todd Davis introduced Holly Starnes a new police officer. He reported that the department scored outstanding on an audit conducted on the Mules Computer System and he commended records and communications officers for that achievement. He reported that the ambulance license was renewed last week and is good for another five years.

City Planner. Cary Patterson reported that Kim Willey was an amazing team member and he

wished her luck in her new position as Camden County Planning Administrator.

Public Works Director. Lee Schuman was present in the absence of Nick Edelman. He reported that the slurry seal is approaching completion and the pavement marking contract will begin soon. He reported that next Tuesday, bids for Phase 3 of the Sidewalk Project are due.

Park Manager. Brian Willey reported that 46 teams will utilize both parks for a tournament that will be held next week. Approximately 2,500 people will attend.

**Executive Session.**

Alderman Kahrs moved to close the meeting pursuant to RSMo. Section 610.021.2 Leasing, purchase, or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. Alderman Rucker seconded the motion.

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

CLOSED SESSION

Alderman Kahrs moved to open the meeting. Alderman Olivarri seconded the motion. The following roll call vote was taken to open the meeting: "Ayes:" Alderman Kahrs, Alderman Rucker, Alderman Olivarri, Alderman Schmitt, Alderman Walker, 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 8:00 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 19, 2014.

  
Diann Warner, City Clerk

  
Penny Lyons, Mayor

**APPROVED**  
7/3/14