

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

July 3, 2014

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, July 3, 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 congratulated Tim Taylor on his promotion to Lieutenant. She reported that after several calls and conversations with some residents about the misleading FOCUS headline, "No go on Outer Road" she felt that clarification is needed. Mayor Lyons said that the Cost Share Program has been suspended not killed and this program is one way for MoDOT to maximize their funds.

Mayor Lyons said Osage Beach has worked on the Key Largo/Parkway extension for years and only when the Board of Aldermen divided the problem into two separate issues were we able to see some progress. The Board of Aldermen voted to put funds into the Key Largo area and requested lighting, a specific cantilevered sign and other upgrades; however, safety has been the biggest concern.

The Board of Aldermen also put funds into the 2014 budget for the Parkway extension using the Cost Share Program. The vote was 5-1 and 4-1. The businesses and residents in that area support the extension and it would remove a dead end.

Two Aldermen were quoted in the FOCUS article as wanting to reallocate these funds to other projects. They feel that because the project did not make the Amendment 7 proposal the project is dead. The priorities of Amendment 7 are Interstate 70, Highways 63 and 50, which are heavily traveled roads. The lake area over the last few years received over \$200 million in road improvements and other areas felt they also needed to be funded. Also the fact that we had applied for the Cost Share Program on the extension gave us other opportunities.

Mayor Lyons asked the Board not to reallocate funds at least until the 2015 budget is addressed. She said the Cost Share Program could be reinstated after the August election.

**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 June 19, 2014, the bill list as submitted, and a liquor license to Bella Donna Salon. Alderman Marose seconded the motion which was voted on and unanimously passed.

**Unfinished Business.**

None

**New Business.**

**Public Hearing.** Special Use Case No. 374. A request to construct a single family residence in a C-1, General Commercial Zoning District.

**Department Comments:**

**Applicant:** Kenneth & Suzanne Reasbeck

**Location:** 1300 Case Road

**Petition:** Special Use Permit to build a single-family residence in C-1 District

**Existing Use:** Single Family Dwelling

**Zoning:** C-1 General Commercial

**Lot Size:** 19,560 square feet

**Surrounding Zoning:**

**Surrounding Land Use:**

**North:** C-1 (General Commercial)

Single Family Housing

**South:** C-1 (General Commercial)

Single Family Housing

**East:** C-1 (General Commercial)

Single Family Housing

**West:** C-1 (General Commercial)

Single Family Housing

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

Moderate Density Residential

**Rezoning History**

**Case #**

**Date**

Citywide

May 1984

**Utilities**

**Water:** City

**Gas:**

Summit

**Electricity:** Ameren

**Sewer:**

City

**Analysis:**

1. The property has been used for residential purposes since before zoning was adopted by the City. The applicant is requesting a Special Use Permit to replace an existing single wide mobile home. A site plan and building plans have been submitted illustrating the proposal for a 1000 square foot home on the subject property.
2. Although the property is commercially zoned, the area has developed into a single family area particularly when the Sunshine Point Resort was separated into

individual footprint lots and sold as individual dwellings in 2000. The majority of the area is residence oriented.

3. In accordance with Section 405.420 of the Osage Beach Zoning Code, residences are permitted in C-1 zones with a Special Use Permit.

**Recommendations:**

Unlike many areas around the commercially zoned Glaize Channel where a mixture of use intensities has developed, this particular area has almost completely become the location of a single family type development. It is certainly not uncommon to find existing residential neighborhoods located in commercial zones. This particular property along with the rest of Sunshine Point was zoned C-1 with the original zoning of the City in 1984 because its use at the time was a lake front resort. A fundamental function of zoning is to separate incompatible land uses. With increases in demand for commercial property in the city, land use intensities could increase with such happenings as resort or condo development. Property owners need to be cognizant of this prior to developing such properties residentially or replacing nonconforming uses.

With this property's location in an area that has almost completely developed residentially, the Planning Department recommends approval of this request with the following conditions:

1. The proposed home will be constructed in accordance with the regulations for development established for the R-1b zoning district. Any future requested additions or changes to the home can be done without an amendment to the SUP provided a building permit is acquired and the proposed changes meet the regulations established by the Building Code (current version at the time of newly proposed addition) and the R-1b zoning district.
2. A building permit must be obtained and all other building and zoning codes must be adhered to.
3. Annual renewal of this SUP will not be required.

The Planning Commission voted unanimously to recommend approval.

No one was present to speak in favor of or in opposition to Special Use Case No. 374.

Alderman Olivarri questioned whether the applicant must sign any documents acknowledging the property is zoned C-1. City Planner Cary Patterson explained that the property owner signs the application asking for a special use to construct a residence in a C-1 zone. He added that they could not come back and say they were not aware of the zoning.

**Approval of Findings of Fact.**

Alderman Marose moved to approve the Findings of Fact as presented by City Planner Cary Patterson. Alderman Walker seconded the motion which was voted on and unanimously passed.

**Vote on Special Use Case No. 374.**

Alderman Kahrs moved to approve Special Use Case No. 374 with the following conditions:

1. The proposed home will be constructed in accordance with the regulations for development established for the R-1b zoning district. Any future requested additions or changes to the home can be done without an amendment to the SUP provided a building permit is acquired and the proposed changes meet the regulations established by the Building Code (current version at the time of newly proposed addition) and the R-1b zoning district.
2. A building permit must be obtained and all other building and zoning codes must be adhered to.
3. Annual renewal of this SUP will not be required.

Alderman Walker seconded the motion which was voted on and unanimously passed.

**Bill No. 14-39.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE NO.13.75 ADOPTING THE 2014 ANNUAL BUDGET, ALLOCATION OF ADDITIONAL FUNDS FOR NECESSARY EXPENSES.

Bill No. 14-39 allocates additional funds for battery backups approved at the last Board of Aldermen meeting.

Mayor Lyons presented the first reading of Bill No. 14-39 by title only. It was noted that Bill No. 14-39 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill No. 14-39. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 14-39 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 14-39. Alderman Marose seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 14-39 and to pass same into ordinance: "Ayes:" Alderman Kahrs, Alderman Rucker, Alderman Olivarri, Alderman Schmitt, Alderman Walker, Alderman Marose. "Nays": None. Bill No. 14-39 was passed and approved as Ordinance No. 14-39.

**Bid Award.** Generator Maintenance

The City currently has nine standby generators for the sewer system and one for City Hall. These generators serve as backup power and are an essential part of the City's facilities. Bids were solicited for the maintenance of the generators. The contract will include an initial maintenance, six month maintenance and an annual maintenance. The following bids were received:

Bidder	First Year Contract Amount	Second Year
Central Power	\$13,090.75	\$23,813.25
Foley Equipment	\$14,858.05	\$25,275.10
Norton Power	\$19,535.00	\$34,196.00
CK Power	\$22,672.00	\$42,408.00
Backup Power	\$32,800.00	\$65,600.00
GRP	\$13,393.61	\$26,787.22
Clifford Power	\$31,752.00	\$60,774.00
MSPE	\$29,631.44	\$59,262.88

Martin Machinery	\$16,295.00	\$26,520.00
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The apparent low bidder is Central Power Systems from Springfield, MO. The project was bid as a two year contract with the option of renewal after the second year. The contract would include the initial maintenance, two six-month maintenances and one annual maintenance resulting in a total contract amount of \$23,813.25.

The budget impact is as follows:

2014 Budget: \$10,640.75

2015 Budget: \$10,722.50

2016 Budget: \$2,450.00

Alderman Rucker questioned if the contract contains language that addresses the amount charged for emergency call outs. Public Works Director Nick Edelman responded in the negative but he would find out the amount Central Power Systems would charge for emergencies.

Alderman Rucker moved to award the bid for generator maintenance in the amount of \$23,813.25 to Central Power Systems. Alderman Walker seconded the motion which was voted on and unanimously passed.

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

Alderman Schmitt. Ron Schmitt reported on a letter to the editor that addressed the many activities that are available on the West side of the Grand Glaize Bridge. The interesting facts are eight attractions in Osage Beach East of the Bridge and twenty West of the Bridge which Alderman Schmitt said was a different viewpoint than those presented before.

Alderman Marose. Phyllis Marose said she is cognizant of the literature and the information accentuates the positives of the attractions. She reported that the traffic counts have been taken and it is time to address Nichols Road for the new school being constructed and she thought there was to be a report of the cost to straighten the curves.

Alderman Marose said she has been in tourism for 40 years and she applauded Alderman Walker and Linda Craig who have spoken in favor of hiring an economic development director. She added that more options are needed for increasing the traffic flow and interest in our area. She said it is time to look at Osage Beach as a whole.

Alderman Marose questioned if a decision had been made where the holiday lights would be installed – in the park or on Osage Beach Parkway. Assistant City Administrator Jeana Woods said placement of the holiday lights will be discussed at the Special Board of Aldermen meeting scheduled for July 14<sup>th</sup>.

Alderman Kahrs. Steve Kahrs expressed his thanks to City Administrator Nancy Viselli for taking care of a situation at Conway Cemetery. He asked City Administrator Viselli to speak to David Silvester of MoDOT about the Cost Share program. He added that the speed limit on Nichols Road is 30 and not 25 as noted in the newspaper. Alderman Kahrs stated that he had asked for an estimate of what it would cost for some improvements on Nichols Road and he would have preferred to have seen the costs before he read about it in the newspaper. Following discussion, Alderman Kahrs said he is trying to relay the concerns of constituents on Nichols Road since the road has been the same since 1953.

Alderman Marose said the biggest concern is the new school.

Alderman Schmitt recognized Representative Rocky Miller and asked him to address the Board regarding the bills recently passed by the legislature. Representative Miller said there were four bills that were passed to give relief to the working poor by eliminating sales tax on vehicles over 10 years old and to those that are ill by eliminating taxes on experimental drugs. He said he believes in less taxes and getting by on what you have. Other bills would eliminate taxes on marine gasoline for use in boats and eliminate taxes on data centers to spur growth.

Alderman Rucker. Kevin Rucker asked Public Safety Director Edelman to provide a report estimating the cost to improve Nichols Road and the time frame for improvements.

**Staff Communications.**

City Planner. Cary Patterson City Planner Cary Patterson said that in an attempt to clarify Nichols Road, he said he can see how people think the road is dangerous because of the curves and because people drive too fast. He added that there is a perception that Nichols Road is dangerous.

Assistant City Administrator. Jeana Woods reported that the Direct Connection will have a flyer about the Fall Festival. She reported that this year there will be afternoon entertainment and a live band in the evening.

Park Manager. Brian Willey reported that the Parks Department hosted the largest tournament with over 40 teams. He compared 2013 numbers with 2014 numbers and said that 2014 shows a 90% increase. Mr. Willey reported that addressing parking at Peanick Park, trash and upgrades to the restrooms are things he will be working on as activity increases at the parks. He added that he is working with a promoter in 2015 to increase tournament play.

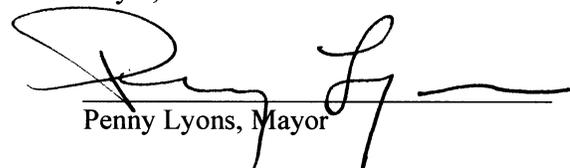
Alderman Olivarri commented that increasing tournament play is a part of economic development and he commended Brian and staff for stepping up and bringing activity to the City Parks.

Alderman Schmitt questioned the status of the repairs that need to be done at the Park. Director of Public Works Edelman said FEMA was contacted and bids will be solicited July 25 for repairs at the park as a result of the August 2013 storm with a bid opening in August.

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 July 3, 2014.

  
Diann Warner, City Clerk

  
Penny Lyons, Mayor

**APPROVED**  
7/17/14