

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

August 21, 2014

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, August 21, 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.**

Budd Hyde, Airport Manager, announced that he is resigning his position as Airport Manager to relocate with this family to New York. Mr. Hyde introduced Ty Dinsdale, who has been named his replacement. Ty began his employment with the City in 2009 as an airport technician working at both Lee C. Fine and Grand Glaize Airports. Mr. Dinsdale was welcomed.

Budd reported that at the Young Eagles event, 55 young people were given airplane rides. He said it was the biggest Young Eagles event so far and that Ty Dinsdale planned to continue the event.

Mayor Lyons expressed her appreciation to Budd for the work he has done at the airports. She added that all comments she has received have all been positive.

Mayor Lyons reported that she and several aldermen will be attending the Governor's Conference on Economic Development on September 4-5 at Tan-Tar-A. She said this is a great opportunity to hear from speakers and visit with exhibitors.

Mayor Lyons reported that she has had several comments on the plans for a multi-sport outdoor complex at Peanick Park. She addressed those comments by explaining that there are plans to move the current basketball area to provide for additional parking and a new basketball court will be provided which will have the ability to be used for volleyball or tennis. Mayor Lyons said this will not be a sports complex but it will give the City the ability to determine the future need for tennis or volleyball activities by its use. She said there was a misunderstanding and the plan is not to build a sports complex.

Mayor Lyons said there have been complaints from employees at the Veterans Clinic about traffic entering or exiting Executive Drive and the danger those turns pose. She said she forwarded those concerns to Senator Dan Brown who previously served on the Veterans Committee to see if he had any suggestions for funding an outer road.

**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 August 7, 2014, the bill list as submitted, and a liquor license to Shells Pasta Emporium. Alderman Marose seconded the motion which was voted on and unanimously passed.

**Unfinished Business.**

None

**New Business.**

**Bill No. 14.42.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTER 125: HUMAN RESOURCES SYSTEM RULES AND REGULATIONS, SECTIONS 125.020, 125.030, 125.050, 125.110, 125.120, 125.140, 125.150, 125.200, 125.220, AND 125.230, AND CREATING A NEW SECTION 125.035 REPORTING AND DISPOSITION OF CRIMINAL CHARGES

Human Resources Generalist presented the proposed changes to the Human Resources System Rules and Regulations. Bill No. 14.42 proposes amendments to City code Chapter 125: Human Resources System (Personnel) Rules and Regulations as follows:

**Section 125.020** – changes made to include the definition of the Management Team.

**Section 125.030.A.2.** – Changes made to include new section 125.035.

**Section 125.030.K** – changes made to update to the General Provisions, Nepotism, to include the management team.

**Section 125.035 Reporting and Disposition of Criminal Charges.** – New section.

**Section 125.050.G.6 Uniform/Dress** – policy date changed to 08/21/14.

**Section 125.110.E.1 Probationary Period** – verbiage added to include probation as a result of disciplinary action.

**Section 125.120.C.7 Attendance and Leaves** – verbiage added: *in good standing*.

**Section 125.140.A Transfer, Promotion, Demotion, Suspension, and Reinstatement** – clarification added for consistency within the section.

**Section 125.150.B.6 Discipline** – Add misdemeanor and/or felony charge and/or conviction.

**Section 125.200.D.3 Employee Health and Safety** – Change the date of The Safety Policy to 08/21/14. The change to the Safety Policy: Redefined Post-Accident Testing.

**Section 125.220.D Alcohol, Drug, and Controlled Substance Abuse** – Change the date of The Drug Free Workplace Policy to 08/21/14. The change to the Drug Free Workplace Policy is the same as the change to the Safety Policy.

**Section 125.230.A.6 Cell Phone Policy** – Change the date of the policy to 08/21/14. Changes were made to reflect current practice within the current cell phone plan.

Following discussion of the proposed changes, staff was directed to redraft Sections as follows:

Section 125.030 K.6. In the event the City Administrator considers a waiver of any of these rules under Section 125.030K concerning nepotism to be in the best interest of the City, the City Administrator shall refer the matter to the Board of Aldermen for their consideration in a closed session of the Board after proper notice pursuant to Section 610.021(3) of the Revised Statutes of Missouri.

Section 125.035. 5. In the opinion of the City Administrator the crime charged or a conviction reflects on the performance of the employee's job duties, or the City as a whole, the City Administrator may alter the employees' work duties, suspend, and/or terminate. In no event shall any altered work duties and/or suspension be in excess of six months. In the event that the City Administrator considers that an employee's suspension should be extended longer than six months, the City Administrator shall refer the matter to the Board of Aldermen for their consideration in a closed session of the Board held after proper notice pursuant to Section 610.021(3) of the Revised Statutes of Missouri.

Discussion also was held on the cell phone policy. Alderman Rucker believed personal phones should be phased out and employees should use only City owned phones to avoid disruption when an employee leaves the City. Assistant City Administrator Jeana Woods said there are approximately 30 employees who have City owned phones but more employees use their personal phone because of the updated technology. She added that it would be a significant economic impact if the City had to pay for smart phone technology. Aldermen Rucker and Olivarri agreed that technology is a cost of doing business.

Due to the redrafting, City Attorney Ed Rucker asked that Bill No. 14-42 be postponed. Alderman Rucker moved to postpone Bill No. 14-42. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

**Bill No. 14-43.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE 14.14 AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT MODIFICATION WITH HUTCHINS TELECOM, INC FOR THE CITY PARK CONTROLLERS 2014 PROJECT IN THE ADDITIONAL AMOUNT OF \$825.00.

Director of Public Works Nick Edelman explained this modification is for additional work required to complete the City Park Irrigation Controllars 2014 project. There were a total of seven solenoids that required replacement instead of the four that were anticipated. The contractor replaced them in order to test the new controllers.

Funds are available in Budget Item 10-00-773278 Park Improvements with an uncommitted budget balance of \$571,886.00. Insurance has agreed to fund the additional \$825.00.

Mayor Lyons presented the first reading of Bill No. 14-43 by title only. It was noted that Bill No. 14-43 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 13-43. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 14-43. Alderman Walker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 14-43 and to pass same into ordinance: "Ayes:" Alderman Schmitt, Alderman Walker, Alderman Marose, Alderman Kahrs, Alderman Rucker, Alderman Olivarri. "Nays": None. Bill No. 14-43 was passed and approved as Ordinance No. 14.43.

**Bill No. 14-44.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING AND REENACTING THE SECTIONS OF THE CODE OF ORDINANCES

**ESTABLISHING A PROCEDURE FOR EVENT PERMITS AND SETTING OUT THE DUTY OF THE CHIEF OF POLICE IN ISSUING SUCH PERMITS**

City Attorney Edward Rucker explained the current ordinance references both the Chief of Police and the City Administrator. As large events are public gatherings in which the police department is the first point of contact, and the Chief is the City official directly responsible for public peace and safety, the Chief should be responsible for the permit process. He explained other issues that are clarified in Bill No. 14-44.

Alderman Rucker stated that the rates for additional officers, ambulance staff and fire crews should be established so that the applicant will know the amount of the charges. City Attorney Rucker suggested that a memo establishing the rates be sent from the Police Chief to the Board on an annual basis. Chief Davis agreed to provide such memo.

Mayor Lyons presented the first reading of Bill No. 14-44 by title only. It was noted that Bill No. 14-44 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill No. 13-44. Alderman Marose seconded the motion which was voted on and unanimously passed.

**Bill No. 14-45.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH HUTCHINS TELECOM, LLC FOR THE CITY STORM DAMAGE REPAIRS AT OSAGE BEACH CITY PARK.

The following bids were received:

Travis Hodge Hauling, LLC		\$308,316.38
	Alternate 1	\$308,316.38
Hutchins Telecom, LLC		\$229,432.00
	Alternate 1	\$227,932.00

**10-10-773278 Park Improvements**

Original Budgeted Amount	\$625,000.00
Current Uncommitted Balance	\$571,061.00

Public Works Director Nick Edelman explained this project is to restore the Osage Beach City Park. This project includes removal and replacement of the asphalt parking lot, repair of the earthen dam, possible construction of an emergency spillway, installation of a cable system to keep debris out of the intake structure, removal of debris from the creek, placement of fill material where the storm water washed out a new drainage patch, and other repairs.

Mr. Edelman said there was an alternate bid for this project. The alternate bid is to construct an emergency overflow for the pond. The storm water will be allowed to drain out of the pond if the intake structure is clogged or there is too much water for the intake structure to handle. The material that is excavated for spillway is planned to be used for fill to repair the dam. FEMA will only pay to repair the City Park to previous conditions unless it is cheaper to use onsite material. The bids showed that it is cheaper for the contractor to use the material onsite and build an emergency spillway than it is to bring material in; therefore, Mr. Edelman recommended awarding the alternate bid.

Other items that FEMA will not reimburse are the cable buoy type system which is labeled as Floating Debris Boom in the bid tabulation. This is similar to what AmerenUE has in front of Bagnell Dam and the purpose is to catch debris before it gets to the intake structure in the pond. The Concrete Headwall, Including Removing and Replacing Existing Pipe is an item that will improve the creek situation but may not be covered by FEMA. The total for these two items is \$31,000.

Funding for this project is available in 10-10-773278 Park Improvements in the budgeted amount of \$625,000. We have utilized \$60,992.90 of this as of July 31<sup>st</sup>. It was Mr. Edelman's understanding that FEMA will reimburse 75% of the project costs. If the City receives 75% from FEMA the City's share of the project with the \$31,000 mentioned above included would be \$80,233.

Total Project Costs	\$227,932.00
City's Share	\$80,233 (\$31,000 + 25% of (\$227,932 - \$31,000))
FEMA	\$147,699 (75 % of (\$227,932 - \$31,000))

HDR, the City's consultant on this project, recommends awarding the bid to Hutchins Telecom. The Public Works Department recommends awarding the project to Hutchins Telecom, LLC with the Alternate Bid in the amount of \$227,932.00.

Alderman Kahrs said the debris boom seems to be very expensive and he believed it could be obtained at a more reasonable cost. Mr. Edelman said another bid will be solicited in January and he may delete the debris boom from this contract and add it to the dredging contract. Mayor Lyons said if the debris boom is removed, the City's portion will decrease. Mr. Edelman said removing the boom will not delay the process with FEMA and Hutchins Telecom plans to begin the work once FEMA has reviewed and approved the documents.

Mayor Lyons presented the first reading of Bill No. 14-45 by title only. It was noted that Bill No. 14-45 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 14-45. Alderman Walker seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading by title only. Alderman Rucker moved to approve the second and final reading of Bill No. 14-45. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 14-45 and to pass same into ordinance: "Ayes:" Alderman Marose, Alderman Kahrs, Alderman Rucker, Alderman Olivarri, Alderman Schmitt, Alderman Walker. "Nays": None. Bill No. 14-45 was passed and approved as Ordinance No. 14.45.

**Communication from Board Members.**

Alderman Schmitt. Ron Schmitt reported on a historical fact that occurred this day fifty-five years ago.

Alderman Kahrs. Steve Kahrs thanked Ron Dugan and all volunteers for their participation in the Shootout this weekend. He said it is a big event to showcase Lake of the Ozarks.

Alderman Olivarri. John Olivarri reported on information he received when he attended the Tri-

County Lodging Association meeting. Reports are that the Governor's veto of the sales tax exemption bills will not be overridden. Alderman Olivarri reported that the state was disappointed in the revenues received in July. He reported on major events that are coming to the lake that will have a significant economic impact on the area, one of which is 7 Springs Winery has teamed up with Main Street Poverty Flats for a food and wine event. He added that this is part of the "Wine Travel" that has been advertised in magazines.

Upon a question from Alderman Rucker about the sales tax legislation, Alderman Olivarri said the legislature is reviewing all vetoed bills and he was told they will probably not override the veto of those bills. Mayor Lyons reported that she had an opportunity to thank Representative Diane Franklin for her response at the LOREDC meeting today.

### **Staff Communications.**

City Attorney. In response to questions regarding the maintenance of sidewalks, Ed Rucker reported that the City has a right to require property owners to mow the grass between the street and the sidewalk and keep the sidewalks clean. He added there is a 1918 case requiring owners to shovel snow and ice, however there are no ordinances in Osage Beach City requiring property owners to maintain the sidewalks. He added that enforcement of such an ordinance would apply equally to commercial, residential, second homeowners as well as full time residents if an ordinance is enacted.

Park Manager. Brian Wiley reported on activities taking place in the City parks in the coming weeks such as a free movie in the park on August 31 and a girls' softball tournament. He also reported that more area is being cleared for additional picnic areas.

HR Generalist. Cindy Leigh reported on activities of the Missouri Extension Council and the programs that they provide to citizens. She said one of the activities was a visit to Osage Catfisheries by University of Missouri staff members. Mrs. Leigh also thanked everyone for donations to the 4-H club that allowed club members to attend summer camp.

**Executive Session.** Alderman Olivarri 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 Kahrs, Alderman Rucker, Alderman Olivarri, Alderman Schmitt, Alderman Walker, Alderman Marose. "Nays": None. The meeting was therefore closed.

### CLOSED SESSION

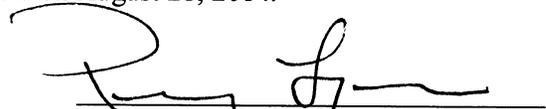
Alderman Kahrs moved to open the meeting. Alderman Marose seconded the motion. The following roll call vote was taken to open the meeting: "Ayes:" Alderman Rucker, Alderman Olivarri, Alderman Schmitt, Alderman Walker, Alderman Marose, Alderman Kahrs. "Nays": None. The meeting was therefore opened.

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 August 21, 2014.

  
Diann Warner, City Clerk

  
Penny Lyons, Mayor

**APPROVED**  
9/4/14  
DW