

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

October 2, 2014

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, October 2, 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 that several elected officials attended the dedication and grand opening of the Walter Sokoll Memorial Building and the Osage Beach Senior Center. It is a large facility that will be a great contribution to the citizens of the area. Mayor Lyons said not only will they provide meals; they also plan to hold many activities at the center. They have already planned a dance for this Saturday.

Mayor Lyons reported that she spent most of the morning at the Miller County Courthouse as Chairman of the Joint Sewer Board and heard testimony before Judge Connelly. Judge Connelly will take the testimony under advisement.

Citizens Communications.

Joni Walden addressed the Board on the success of the Passport to the Parkway program. She expressed her appreciation to the City for their support and for the use of the electronic sign.

Representative Rocky Miller expressed his support of Resolution 2014-03 which is a proposed rule expanding the authority of the Army Corps of Engineers and the Environmental Protection Agency. The resolution opposes the expansion of the federal definition of waters of the United States to include non-navigable and storm water flows.

Representative Miller said there is also a proposed rule change regarding carbon dioxide which would also be disastrous. The proposed rule is an expansion of the Clean Water Act of 1970.

Representative Miller announced that on October 14, a public hearing will be held at City Hall in the board room to gather information on the Highway Patrol and Water Patrol merger. He said the committee had five hours of hearings yesterday and five members from the Water Patrol Division were questioned.

Jim Morris thanked everyone for purchasing raffle tickets for the television that was given away at the recent airshow in Camdenton.

Consent Agenda.

Alderman Rucker moved to approve the consent agenda which includes minutes of the regular meeting held on September 18, 2014, and the bill list as submitted. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Unfinished Business.

None

New Business.

Public Hearing. Amendments to the Sewer Development Charges

Public Works Director Nick Edelman explained that the SDCs were created with estimated costs for various upgrades that were needed at the time. Over time, the City has completed these SDC projects. These projects vary from the 24" Sewer Bypass Force Main to upgrading LS 22-3 on Sunset.

The SDC project of upgrading LS 22-3 is complete and the original SDC was based upon an estimated value. Actual data is available and Mr. Edelman said he would like to update the Sewer Development Charge based upon this information. This project is in Benefit Area 4. The current SDC for this area is \$1,410 and the request is to increase the SDC for this area to \$1,457.

No one was present who wished to speak in favor of or in opposition to the amendments to the Sewer Development Charges.

Mayor Lyons closed the public hearing at 6:40 p.m.

Bill No. 14-47. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING APPENDIX A OF SECTION 710.410: SEWER SYSTEM DEVELOPMENT CHARGE.

Mayor Lyons presented the first reading of Bill No. 14-47 by title only. It was noted that Bill No. 14-47 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 14-47. Alderman Marose seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 14-47 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 14-47 as presented. Alderman Walker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 14-47 and to pass same into ordinance: "Ayes": Alderman Kahrs, Alderman Schmitt, Alderman Olivarri, Alderman Marose, Alderman Walker, Alderman Rucker. "Nays": None. Bill No. 14-47 was passed and approved as Ordinance No. 14.47.

Bill No. 14-53. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH UTILITY SOLUTIONS, LLC FOR MANHOLE REHABILITATION

Public Works Director Edelman explained bids were opened September 23, 2014 and the apparent low bidder was Utility Solutions, LLC with a bid of \$14,664.00. This project will repair six damaged manholes from Lift Station 53-1 to Dude Ranch Road.

Utility Solutions has not previously performed work for the City of Osage Beach but their references were contacted and the company received outstanding reviews. The Public Works Department recommended approval of Bill No. 14-53 for the award of this contract to Utility Solutions, LLC in the amount of \$14,664.00.

Mayor Lyons presented the first reading of Bill No. 14-53 by title only. It was noted that Bill No. 14-53 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 14-53. Alderman Walker seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 14-53 by title only. Alderman Rucker moved to approve the second and final reading of Bill No. 14-53 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 14-53 and to pass same into ordinance: "Ayes": Alderman Schmitt, Alderman Olivarri, Alderman Marose, Alderman Walker, Alderman Rucker, Alderman Kahrs. "Nays": None. Bill No. 14-53 was passed and approved as Ordinance No. 14.53.

Bill No. 14-54. AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CENTURY LINK AND OTHER DEFENDANTS IN CASE NO. 12SL-CC 01723, CIRCUIT COURT OF ST. LOUIS COUNTY AND ASSIGNING A PERCENTAGE OF THE SETTLEMENT PROCEEDS TO THE MISSOURI MUNICIPAL LEAGUE.

City Attorney Ed Rucker explained that Bill No. 14-54 approves a settlement agreement with CenturyLink and other defendants in Case No. 12SL-CC01723, Circuit Court of St. Louis County, Missouri and assigning a percentage of the proceeds to the Missouri Municipal League. He said this is much like the settlement agreements the City has seen in the last few years with communications companies.

Mayor Lyons presented the first reading of Bill No. 14-54 by title only. It was noted that Bill No. 14-54 has been available for public review.

Alderman Walker moved to approve the first reading of Bill No. 14-54. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 14-54 by title only. Alderman Walker moved to approve the second and final reading of Bill No. 14-54. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 14-54 and to pass same into ordinance: "Ayes:" Alderman Walker, Alderman Rucker, Alderman Kahrs, Alderman Schmitt, Alderman Olivarri, Alderman Marose. "Nays": None. Bill No. 14-54 was passed and approved as Ordinance No. 14.54.

Resolution 2014-03. A resolution of the Board of Aldermen concerning the proposed expansion of the authority of the Army Corps of Engineers and Environmental Protection Agency and opposing the expansion of the federal definition of "waterways of the United States" to include non-navigable ditches and storm water flows.

City Attorney Rucker said the proposed new definition of the phrase "waterways of the United States" will expand the responsibility and authority of the Army Corps of Engineers and Environmental Protection Agency by adding non-navigable ditches and storm water flows in a new

definition of the phrase "Waters of the United States" which is so broadly written that it may include privately or City maintained common roadside ditches and storm water channels. This will impact the ability of the City to perform normal maintenance of road ditches and could affect routine maintenance of municipal infrastructure. The rule should be redrafted to specifically exclude the roadside ditches and storm water channels that the City maintains today. If the Board desires to adopt the resolution, staff will prepare a letter to transmit with the resolution.

Discussion followed on the proposed EPA rules and Alderman Kahrs asked City Attorney Rucker to conduct research to determine where the proposed rules started. Mayor Lyons commented that rules like these are not unusual in California where even puddles cannot be disturbed.

Alderman Kahrs moved to approve Resolution 2014-03 as presented. Alderman Marose seconded the motion which was voted on and unanimously passed.

Authorization to Apply for Transportation Alternative Program Funds.

Public Works Director Edelman explained that MoDOT has issued a Call for Projects for TAP Funding. This funding can be used for sidewalk improvements, trail construction, historic transportation facilities, scenic overlooks, and outdoor advertising management and bike lanes. He said he would like to apply for these funds for a sidewalk project that will be the Osage Beach Parkway Improvements Phase 4. Sidewalks from Passover Road to the One Way Couple and from State Route KK to Nichols Road have been upgraded. The next phase would be at a location near Arby's easterly to Case Road where he hopes to improve the intersection with a pedestrian crossing because of the motels, attractions, and restaurants in this area. This would be a continuation of the current project.

The maximum amount of grant award for this project is \$500,000. This is an 80/20 grant which means the City will have to come up with the 20%. The City's portion would be \$125,000. The design would be included in the 2015 budget with construction occurring in 2016.

Alderman Rucker moved to authorize Public Works Director Nick Edelman to apply for Transportation Alternative Program Funds as requested. Alderman Marose seconded the motion which was voted on and unanimously passed.

Bid Award. Dragon House Demolition.

Public Works Director said bids were opened on September 18, 2014; however, MoDOT recommended all bids be rejected because the lowest and the second low bidder excluded asbestos removal. Bids for demolition will be solicited at a later date.

Alderman Kahrs moved to reject all bids as recommended. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Bid Award. Deicing Salt.

Public Works Director Edelman explained the deicing salt was previously bid but no bids were received. Subsequently, several companies were contacted and they indicated they did not have the ability to supply salt. A potential bidder contacted the City and indicated they could supply the salt.

This was re-bid with the caveat that the City would accept all 600 tons of material by December 31st and the salt storage facility will hold an additional 600 tons of material. Bids were opened on September 25, 2014 and Kansas Salt was the only bidder in the amount of \$111/ton. Staff recommended the bid be awarded to Kansas Salt in the amount of \$66,600.

The account breakdown is as follows: 20-00-761600 - \$66,600.00

Alderman Rucker moved to award the bid for deicing salt to Kansas Salt in the amount of \$66,600 as recommended. Alderman Marose seconded the motion which was voted on and unanimously passed.

Bill No 14-55. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE NO. 13.75 ADOPTING THE 2014 ANNUAL BUDGET, TRANSFERRING APPROPRIATIONS FOR NECESSARY EXPENSES.

This budget amendment of \$46,191 is needed to purchase all proposed deicing salt for this winter season. We received only one bidder, and the terms were that we would purchase all of the salt this year. Public Works Director Edelman recommended approval.

Mayor Lyons presented the first reading of Bill No. 14-55 by title only. It was noted that Bill No. 14-55 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 14-55. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 14-55 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 14-55. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 14-55 and to pass same into ordinance: "Ayes:" Alderman Rucker, Alderman Kahrs, Alderman Schmitt, Alderman Olivarri, Alderman Marose, Alderman Walker. "Nays": None. Bill No. 14-55 was passed and approved as Ordinance No. 14.55.

Remodel of Public Works Building.

Public Works Director Nick Edelman said modifications to the Public Works Building was discussed at the April 15, Board of Aldermen meeting. It was presented to remodel the building to make a lobby concept and other improvements to improve safety and other benefits. We have recently been informed that Lee Schuman has decided to take a position elsewhere and this has emphasized the need for additional changes.

Mr. Edelman said he has been exploring the idea of moving all of the previous engineering department employees to the Public Works Facility but there is no office space available for them. He is proposing to build offices upstairs for the engineering department employees. This will be included in the overall remodel of the Public Works Facilities.

Public Works Director Edelman gave the following benefits to relocating the department:

- 1) The design and maintenance staff works well when they are able to communicate issues or problems that are occurring.
- 2) It is easier to supervise employees when they are under one roof.

- 3) We are looking at doing maintenance related projects in house with City Staff. For example – we are looking into budgeting for a pavement marking machine this year. This will allow the transportation employees to work on pavement markings instead of going out of house for it. Design time can be used on what needs to be marked but instead of going out for bids the design team can work with the Transportation Department on their needs. This will save design and inspection time.
- 4) It is easier to cross train employees when they work closely. There are times when additional inspection staff is needed for vacation or other activities. Sewer and Water Department employees can help cover inspection but they have to be trained before the work can occur.

Public Works Director Edelman said they had planned to include the design and construction activities for the Public Works Building in the 2015 Budget; however, with the changes in personnel he would like to start this process immediately. Once an architect is selected and a contract is negotiated, the contract will be brought to the Board. Alderman Rucker said he is in favor of proceeding with the remodel and he believes there is a benefit of having employees in one place. Alderman Kahrs said he favors some renovations to make it comfortable and safe for employees but he would like to know the costs before proceeding.

Alderman Kahrs moved to ask for two proposals; one for the original plan and the second for the additional work to expand the office space at the Public Works Facility. Alderman Marose seconded the motion which was voted on and unanimously passed.

Communication from Board Members.

Alderman Kahrs. Steve Kahrs asked for an update on the connecting road on Nichols Road. Public Works Director Edelman said the draft budget includes different projects for the Board to discuss. Alderman Kahrs asked Mr. Edelman to contact MoDOT to see what they plan to do about the dead trees. He added that the trees are unsightly and they could fall into the right of way.

Alderman Rucker. Kevin Rucker said he was involved in emergency services and he has worked with the Water Patrol in the past and he supported improving the Water Patrol Division. Alderman Rucker questioned the business on the other side of town that was selling mulch that now has U-Hauls on the property. Mayor Lyons responded that City Planner Cary Patterson assured her that the use was acceptable. Building Official Ron White said the U- Haul business must have appropriate facilities if they operate in that location for more than 180 days.

Staff Communications.

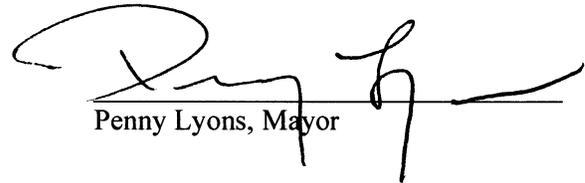
Police Department. Lieutenant Tim Taylor reported that Joel Shelton was promoted to Sergeant and Michael Hutzler and Travis Morley were promoted to Senior Officers. He reported that over \$3,200 was raised at the golf tournament for Special Police Projects.

City Treasurer. Karri Bell updated the Board on the purchasing card program. The bank sent a contract; however, there are liability issues that cannot be resolved. The bank said that a different contract would not be available until July 2015. City Treasurer Bell said the City could wait for a new contract in July 2015 or execute the current contract and proceed. City Attorney Ed Rucker said the program sounds great if it is accurately described but there are liability issues and he did not like the risk to the City.

There being no further business to come before the Board, the meeting adjourned at 8:05 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 October 2, 2014.


Diann Warner, City Clerk


Penny Lyons, Mayor

APPROVED
10/23/14
DeW