

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

January 8, 2015

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, January 8, 2015, at 4:30 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. Diann Warner, City Clerk, was present and performed the duties of that office.

Mayor's Communications.

Mayor Lyons read a proclamation declaring Law Enforcement Appreciation Day to be Friday, January 9, 2015. She urged citizens to express their appreciation to police officers.

Mayor Lyons congratulated Corporal Pete Leyva on receiving the Community Impact Award last night. Officer Leyva is involved with the Special Olympics and he began the Polar Bear Strut. Corporal Leyva and his family also plunge with some unique costumes. Mayor Lyons invited everyone to come out next month to participate or observe the runners, plungers and Cops on Top for the Special Olympics.

Mayor Lyons announced that she has asked Alderman Olivarri and Alderman Marose to represent the City on Joe Roeger's committee that will be working on enhancing the overpasses on the expressway.

Citizens Communications.

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

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the meetings held on December 4, 2014 and the bill list as submitted. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Unfinished Business.

Bill No. 14-67. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING A PROCEDURE FOR PUBLIC FESTIVALS WHEREIN BEER OR WINE MAY BE CONSUMED IN PUBLIC UNDER A TEMPORARY OUTDOOR CONSUMPTION PERMIT

Mayor Lyons presented the second and final reading of Bill No. 14-67 by title only. Alderman Kahrs moved to approve the second and final reading of Bill No. 14-67. Alderman Walker seconded the motion.

Alderman Olivarri asked that Bill No. 14-67 be amended by adding service animals to Section 1, C.2C to read as follows: The Applicant may prohibit bringing animals, except recognized service animals, into the permit area.

The following roll call vote was taken to approve the second reading of Bill No. 14-67 as amended and to pass same into ordinance: "Ayes:" Alderman Kahrs, Alderman Walker, Alderman Rucker,

Alderman Schmitt, Alderman Olivarri, Alderman Marose. "Nays": None. Bill No. 14-67 was passed and approved as Ordinance No. 14.67.

New Business.

Presentation by Gary Mitchell.

Gary Mitchell and Matt Duenke were present and Mr. Mitchell presented their proposal to construct a road through the former Dogwood Hills Golf Course to Nichols Road. He said that by engineering standards, the proposed route makes sense because it follows elevation lines, it will provide an access for emergency vehicles, there will be less construction because the road will be flat and it provides a back door access to the new elementary school. Mr. Mitchell said this route is better than a road through Salt Hollow that was previously proposed due to the topography.

Mr. Mitchell said he and Mr. Duenke are willing to donate the right of way for the road, construct the road on an accelerated schedule and the City could reimburse them for the construction when the City's budget allows. He added that they would fund the construction and try to complete it prior to school opening in the fall of 2015. Mr. Mitchell said both the school and the community need the road.

Alderman Olivarri applauded the Mitchell and Duenke families for their offer, however he has questions and wants to make sure the proposed road meets the City's needs. There were no objections to obtain more information. Alderman Olivarri will send his questions to the Mayor, Board members and the City Administrator and he asked for further comments and questions. City Administrator Jeana Woods will assemble the information for discussion at a later date.

Mr. Mitchell and Mr. Duenke asked for the Board's support.

Bill No. 15.01. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SALE AND PURCHASE OF REAL ESTATE WITH TAHOE-OZARK LAND INVESTMENTS, LLC

Public Works Director Nick Edelman explained that Bill No. 15-01 approves a contract for land purchase in the amount of \$250,000, at Grand Glaize Airport for the hangar property originally budgeted in FY2014 and approved for purchase by the Board at the February 6, 2014 Board of Aldermen meeting.

Mr. Edelman said there are a few things that have to be done before the transaction closes to satisfy all of FAA requirements. He anticipated closing within 60 days.

MoDOT Aviation has agreed to reimburse the City for 90% (\$225,000) of this cost. The cost to the City is 10% (\$25,000).

Mayor Lyons presented the first reading of Bill No. 15-01 by title only. It was noted that Bill No. 15-01 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 15-01, further, staff is authorized to spend up to \$100 for legal costs in Item 12 if necessary to close the sale. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-01 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 15-01. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-01 and to pass same into ordinance: "Ayes:" Alderman Walker, Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Marose, Alderman Kahrs. "Nays": None. Bill No. 15-01 was passed and approved as Ordinance No. 15.01.

Bill No. 15-02. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE NO.14.62 ADOPTING THE 2015 ANNUAL BUDGET, ALLOCATION OF ADDITIONAL FUNDS FOR NECESSARY EXPENSES.

Public Works Director Nick Edelman said Bill No. 15-02 is necessary due to the original FY2014 purchase of the GG Hangar carried over into FY2015.

Mayor Lyons presented the first reading of Bill No. 15-02 by title only. It was noted that Bill No. 15-02 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 15-02. Alderman Marose seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-02 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 15-02. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-02 and to pass same into ordinance: "Ayes:" Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Marose, Alderman Kahrs, Alderman Walker. "Nays": None. Bill No. 15-02 was passed and approved as Ordinance No. 15.02.

Bill No. 15-03. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE INTER-GOVERNMENTAL COOPERATIVE AGREEMENT WITH THE TRI-COUNTY LODGING ASSOCIATION TO PROVIDE AN ADVERTISING PROGRAM

City Attorney Ed Rucker explained that there was a discussion about who would produce the 30 second spots. Alderman Schmitt said he would like Mike Shannon to produce the spots but he did not want to spend more money. He added that when the presentation was made, Mike Shannon's name was mentioned because Cardinal fans would pay more attention to his voice.

Mayor Lyons presented the first reading of Bill No. 15-03 by title only. It was noted that Bill No. 15-03 has been available for public review.

Alderman Walker moved to approve the first reading of Bill No. 15-03 approving the agreement using Mike McClaughlin as the announcer for the 30 second spots at no additional cost. Alderman Kahrs seconded the motion.

Mr. Jim Divincen of the Tri-County Lodging Association asked that portions of the agreement be amended to include acts of God such as storm damage to one of the two digital billboards, and that whatever marketing products that had actually been received by the City be prorated to the actual cost. He said that he reads the contract to say that if all marketing activities are not received, then no payment from the City would be forthcoming. Additionally, Mr. Divincen said that no funds

may be accepted before July 1, 2015. Mr. Divincen asked that on Page 3 of the agreement, change the date from September 30, 2015 to December 31, 2015 and from October 1, 2015 to December 31, 2015. Mr. Divincen also asked the Board for leniency to make the verbiage fit into a 30 second radio commercial.

Mr. Divincen said that last year Mike Shannon was paid \$10,000 for four commercials; however, Mr. Shannon has agreed to do the Osage Beach spots at no cost. There are 69 nine commercials and this add will rotate in every fifth spot.

City Attorney Ed Rucker said he would like another draft of the agreement. Mr. Divincen will meet with City Attorney Rucker to develop an amended contract for the next meeting.

Alderman Walker and Alderman Kahrs withdrew the motion and the second approving the first reading of Bill No. 15-03.

Discussion of Proposed Comment on Change in MoDOT Rule on Tourist Generator Signs.

City Attorney Ed Rucker said that he heard from three different sources that MoDOT has withdrawn their proposed rule however he was unable to find it on MoDOT's website. Alderman Olivarri appreciated the City Attorney's work on this matter.

Alderman Rucker instructed staff to send the letter to MoDOT on January 14, 2015 if MoDOT's withdrawal of the proposed rule cannot be verified. Alderman Walker seconded the motion. Alderman Marose asked that the word grandfathered be added to the end of the sentence in No. 3. The motion was voted on and unanimously passed.

Communication from Board Members.

Alderman Marose. Phyllis Marose congratulated the Community Impact Award Recipients. Alderman Marose distributed information regarding regulating taxi companies that she asked the Board to review.

Alderman Walker. Tom Walker congratulated Corporal Pete Leyva for being a recipient of the Community Impact Award.

Staff Communications.

City Administrator. Jeana Woods reported that the budget books are complete and the sales tax report for January had been distributed.

City Attorney. Ed Rucker said the attack in Paris yesterday was an attack on free press and free people everywhere.

Public Works Director. Nick Edelman reported that the City has received a grant for \$382,000 for sidewalk construction from Arby's to Case Road and he expressed his appreciation to the members of the Lake of the Ozarks Council of Local Governments for the grant. He added that the design would be done in 2015 and construction in 2016. Other cities receiving grants were Camdenton, Sunrise Beach and Iberia.

Mayor Lyons said that Public Works Director Nick Edelman has been a great asset to the Transportation Advisory Committee (TAC).

There being no further business to come before the Board, the meeting adjourned at 5:20 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 January 8, 2015.


Diann Warner, City Clerk


Penny Lyons, Mayor

APPROVED
1/8/15
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