

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

May 7, 2015

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, May 7, 2015, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Jeff Bethurem, 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.

City Treasurer Karri Bell introduced Aubrey Knutson, the new staff auditor who has a banking background with a Bachelor of Science degree, and Tiffany Stark, the new utility clerk who previously worked for the Camdenton School District and whose husband works in the sewer department. Both were welcomed to the City.

Mayor Lyons read Proclamations for National Police Week May 10 to May 16; National Emergency Medical Services Week, May 17 to May 23; and National Public Works Week, May 17 to May 23.

Mayor Lyons thanked everyone involved in responding so quickly when Officer White was injured which has contributed to his positive recovery. She said we are fortunate to live in an area where the businesses and residents continue to support our police and other emergency services so strongly.

Mayor Lyons reported that the Public Works Department continues to do a great job crack sealing the Parkway and she asked motorists to slow down in the work areas and pay attention to the signs. Mayor Lyons reported that the Public Works Department has completed over 365 days' accident free.

Mayor Lyons said that the City has an opportunity to move economic development forward not only for the west side but for future jobs in the Lake area. The Tax Increment Financing Plan for Arrowhead Centre is a "pay as you go" plan, which means there is no risk to any taxing district. Mayor Lyons stated the developer has eight projects within the plan, the first of which is a much needed skilled nursing center. The City is seeing an increase in retirees locating to the area, and studies show there is a need for more senior services. Mayor Lyons asked the Board of Aldermen to pass this application onto the TIF Commission for consideration.

Citizens Communications.

Bob Matula of Lazy Days Road made the Board aware of an abandoned vehicle along Lazy Days Road that until recently had a license plate. He added that it has been there for about a year. He also presented photos of an area where concrete; asphalt and railroad ties are being dumped. He asked the Board of Aldermen to address these problems.

Consent Agenda.

Alderman Rucker moved to approve the consent agenda which includes minutes of the meetings held on April 16, 2015, the bills list as submitted and a liquor license to the City of Osage Beach

for a change in managing officer. Alderman Marose seconded the motion which was voted on and unanimously passed.

Unfinished Business.

None

New Business.

Bill No. 15-38. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH TRAVIS HODGE HAULING, LLC FOR GP 302 AND STORM DRAINAGE

The following two bidders responded:

Moon Construction	Base Bid	\$44,515.80
	Alternate	2,700.00
Travis Hodge Hauling	Base Bid	\$38,300.00
	Alternate	3,000.00

Travis Hodge Hauling was the low bidder in the amount of \$38,500. This project was bid with an alternative bid item in the amount of \$3,000. The Public Works Department recommended approval of this ordinance for the award of the contract to Travis Hodge Hauling in the amount of \$41,500; \$9,000 – Misc. Streets/ Roads, \$32,500 – Lift Station Improvements.

Mayor Lyons presented the first reading of Bill No. 15-38 by title only. It was noted that Bill No. 15-38 has been available for public review. Alderman Marose moved to approve the first reading of Bill No. 15-38. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Alderman Rucker questioned the reason the engineer’s estimate was so much lower than the bids. Public Works Edelman explained the fiberglass barrier will be right up against the building and the contractors were concerned there could be damage to the building.

Mayor Lyons presented the second and final reading of Bill No. 15-38 by title only. Alderman Bethurem moved to approve the second and final reading of Bill No. 15-38. Alderman Walker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-38 and to pass same into ordinance: “Ayes:” Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose. “Nays”: None. Bill No. 15-38 was passed and approved as Ordinance No. 15.38.

Bill No. 15-39. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH PYROTECNICO FIREWORKS, INC. TO PROVIDE A FIREWORKS DISPLAY

Assistant City Administrator Mike Welty explained that different fireworks proposals were considered for the "Welcome to Summer" free concert and fireworks show. Pyrotecnico was chosen because of their reputation and experience doing shows in the lake area and nationwide. They have done the July Fourth fireworks show for Tan-Tar-A for the last twenty years and they

are well known for their shows with U2, Garth Brooks and many other nationally known entertainers. Fred Dehner, General Manager of Tan-Tar-A, and Ed Nicholson, Osage Beach Fire Marshall consider them to be one of top fireworks show providers for the lake area and provided excellent references.

Current sponsors for the Welcome to Summer free concert and fireworks show are Lake Regional Hospital (\$1,500.00) and Lake of the Ozarks Elks Lodge #2517 (\$700.00). Additionally, Central Bank of Lake of the Ozarks is co-sponsoring the fireworks show (\$3000.00). Additional sponsors are currently in the works.

Staff recommended approval.

Alderman Olivarri asked how much the summer event is estimated to cost. Mr. Welty responded that it is estimated to cost between \$16,000 and \$18,000 with approximately \$5,000 in sponsorships.

Mayor Lyons presented the first reading of Bill No. 15-39 by title only. It was noted that Bill No. 15-39 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 15-39. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-39 by title only. Alderman Rucker moved to approve the second and final reading of Bill No. 15-39. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-39 and to pass same into ordinance: The following roll call vote was taken to approve the second reading of Bill No. 15-39 and to pass same into ordinance: "Ayes:" Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem. "Nays": None. Bill No. 15-39 was passed and approved as Ordinance No. 15.39.

Resolution 2015-02. A RESOLUTION REFERRING THE PROPOSED ARROWHEAD CENTRE TAX INCREMENT FINANCING APPLICATION UNDER THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT TO THE OSAGE BEACH TAX INCREMENT FINANCING COMMISSION FOR A PUBLIC HEARING

Mayor Lyons presented Resolution 2015-02 referring Arrowhead Centre Tax Increment Financing Application to the TIF Commission.

City Attorney Ed Rucker explained that the resolution refers to a request from Arrowhead Center for a TIF project for the old Dogwood Golf Course which consists of 228 acres which will be developed in eight separate projects partnered with a Community Development District. He added the Board will vote on each project and the application is sufficient under the City's policy to refer it to the TIF Commission. A work session will be held with the Board of Aldermen and the TIF Commission.

Alderman Schmitt moved to approve Resolution 2015-02 as presented. Alderman Marose seconded the motion. The following roll call vote was taken to approve Resolution 2015-02: "Ayes:" Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem, Walker. "Nays": None. Resolution 2015-02 referring the Arrowhead Centre TIF application to the TIF Commission was approved.

Bill No. 15-40. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, APPROVING A FUNDING AGREEMENT WITH ARROWHEAD DEVELOPMENT GROUP LLC FOR FUNDING THE CITY'S USE OF PROFESSIONAL, LEGAL, PLANNING AND FINANCIAL CONSULTING SERVICES RELATING TO THE CONSIDERATION OF THE ARROWHEAD CENTRE TAX INCREMENT FINANCING PLAN UNDER THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT.

City Attorney Ed Rucker explained that Bill No. 15-40 authorizes a funding agreement with Arrowhead Development Group LLC, for coverage of the City's costs associated with Arrowhead Centre Tax Increment Financing Plan. This will provide that Arrowhead Development Group LLC will deposit funds with the city which will be used for the services of Gilmore and Bell, and if necessary planners or other experts in evaluating the TIF application.

Mayor Lyons presented the first reading of Bill No. 15-40 by title only. It was noted that Bill No. 15-40 has been available for public review. Alderman Marose moved to approve the first reading of Bill No. 15-40. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-40 by title only. Alderman Bethurem moved to approve the second and final reading of Bill No. 15-40. Alderman Marose seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-40 and to pass same into ordinance: "Ayes": Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt. "Nays": None. Bill No. 15-40 was passed and approved as Ordinance No. 15.40.

Bill No. 15-41. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE LAW FIRM OF GILMORE & BELL FOR SERVICES RELATING TO THE CONSIDERATION OF THE ARROWHEAD CENTRE TAX INCREMENT FINANCING PLAN UNDER THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT.

City Attorney Ed Rucker explained that Bill No. 15-41 authorizes the Mayor to execute a professional services contract with Gilmore & Bell Attorneys at Law to advise the City and the TIF Commission in preparing a TIF Plan for the Arrowhead Centre TIF Application. Mr. David Bushek and this firm have represented the City before as expert counsel in these matters with excellent results. City staff has confidence in him and his firm's abilities and professionalism. The City Attorney recommended approval of this contract.

Mayor Lyons presented the first reading of Bill No. 15-41 by title only. It was noted that Bill No. 15-41 has been available for public review. Alderman Walker moved to approve the first reading of Bill No. 15-41. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-41 by title only. Alderman Rucker moved to approve the second and final reading of Bill No. 15-41. Alderman Bethurem seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-41 and to pass same into ordinance: "Ayes": Alderman Olivarri, Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker. "Nays": None. Bill No. 15-41 was passed and approved as Ordinance No. 15.41.

Bill No. 15-42. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, APPROVING A TAKEOVER AGREEMENT WITH BERKELY INSURANCE COMPANY SURETY ON THE OSAGE BEACH SIDEWALK IMPROVEMENT PROJECT.

City Attorney Rucker explained that Bill No. 15-42 authorizes Mayor Lyons to sign a contract for the Berkely Insurance as surety to J.C. Industries, to furnish all labor and material and perform all work for the Osage Beach Parkway Sidewalk Improvement Project in accordance with the terms and provisions of the Performance Bond which is a part of the Original Contract. As required by law and under the terms of the Original Contract JC Industries and Berkely made, executed and delivered to the Owner a Performance Bond and J.C. Industries is in default and financially unable to complete and has terminated its performance of the Original Contract through a voluntary letter of default. The City has called upon the Surety to fulfill its obligations as surety under the terms of the Performance Bond.

It was noted that the project is 95% complete and the City will pay Berkely to finish the job. Alderman Bethurem questioned whether this would also include backfilling. Public Works Nick Edelman responded there is a list for the bonding company to complete and he would follow up on it. Upon a question from Alderman Rucker about payment to subcontractors, City Attorney Rucker said it is Berkely's responsibility to make sure the subcontractors are paid.

Mayor Lyons presented the first reading of Bill No. 15-42 by title only. It was noted that Bill No. 15-42 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 15-42. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-42 by title only. Alderman Bethurem moved to approve the second and final reading of Bill No. 15-42. Alderman Walker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-42 and to pass same into ordinance: "Ayes": Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Olivarri. "Nays": None. Bill No. 15-42 was passed and approved as Ordinance No. 15.42.

Bill No. 15-43. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI AMENDING SECTION 610.110 REGARDING THE SIZE OF THE NAME AND PHONE NUMBER REQUIREMENTS FOR TAXI VEHICLES OPERATING WITHIN THE CITY, INCLUDING VEHICLES WHICH OPERATE UPON THE ACCEPTANCE OF DONATIONS OR GRATUITIES AND TAXICAB SERVICE

City Attorney Rucker explained that Bill No. 15-43 amends Section 640.110 Signage regarding the taxi service. This deletes the requirement that the name of the taxi service and the business phone number appear on the side of the vehicle in six inches letters. In all other respects the ordinance remains the same.

Mayor Lyons presented the first reading of Bill No. 15-43 by title only. It was noted that Bill No. 15-43 has been available for public review. Alderman Marose moved to approve the first reading of Bill No. 15-43. Alderman Walker seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-43 by title only. Alderman Bethurem moved to approve the second and final reading of Bill No. 15-43. Alderman Schmitt

seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-43 and to pass same into ordinance: "Ayes": Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose. "Nays": None. Bill No. 15-43 was passed and approved as Ordinance No. 15.43.

Authorize Application for Well Plugging Grant to Cap Existing Wells on Mace Road.

Public Works Director Nick Edelman explained that several grants have been received to cap four abandoned well over the past two years. Funds are available through the Missouri Department of Natural Resources for capping wells. Mr. Edelman said there are two existing wells on Mace Road; one owned and maintained by the City and the other is owned and maintained by Holiday Shores. The reason we are looking at capping their well is the proximity of the wells. It is possible that while we are capping the City's well, we could inadvertently grout in their pump inside the casing. If this happens, it would be difficult to remove their pump to cap it. We are proposing to cap both of these existing wells simultaneously.

This project is estimated to cost \$20,000. Holiday Shores will be demolishing their existing well house and this grant will pay for 100% of the cost. Funds are available if the grant is not received or if the grant does not cover the entire cost of capping both wells. Additional funds in the amount of \$15,000 are available in 30-00-774269 Tower & Well Improvements D&R.

The Public Works Department recommended approval.

Alderman Marose questioned how long it takes to get approval. Mr. Edelman responded that it takes a few months after the application is submitted for approval and he added the last time wells were plugged the cost was less than \$20,000. Alderman Rucker questioned whether the wells at Dierbergs had been plugged. Mr. Edelman responded in the affirmative and stated that Dierbergs demolished the well house, abandoned the well and had it plugged. He added that everyone is currently on City water.

Alderman Schmitt moved to authorize the Public Works Director to apply for grant funds to cap two wells located on Mace Road. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Authorize Purchase of Road Striping Paint from MoDOT State Bid.

Public Works Director Edelman said this purchase is for striping paint from the MODOT state bid. He said that road striping paint has a relatively short shelf life (3-months) before the solids start separating from the paint. It is anticipated that the quantity of paint will be purchased in amounts that will complete a specific project, thus resulting in multiple purchases throughout the year.

The Public Works Department requested authorization to purchase up to \$15,000 worth of paint from Ennis Paint.

Alderman Rucker moved to authorize the purchase of road striping paint in an amount up to \$15,000 from Ennis Paint from the MoDOT state bid. Alderman Marose seconded the motion which was voted on and unanimously passed.

Authorize Purchase of Pump Parts from Sewer Department.

Public Works Director said this is a request to purchase two impellers, one volute and corresponding seals and appurtenances for two pumps at LS 29-5 located at the intersection of Passover and the Expressway. This station has three pumps and two of them are working. One pump has a broken volute and needs a new impeller. It is also anticipated that a second pump will need an impeller as well.

Municipal Equipment was contacted for a price because they are the only distributor for ABS pumps for the City's area. The price for these parts is \$11,444.27.

Alderman Schmitt moved to authorize the purchase of pump parts from Municipal Equipment in the amount of \$11,444.27 as requested. Alderman Marose seconded the motion which was voted on and unanimously passed.

Bid Award. Electrical Parts

Bids were submitted as follows:

CED	\$12,296.25
Reinhold Electric	\$15,267.20

The low bidder is CED in the amount \$12,296.25. Public Works Director Edelman recommended awarding the bid to CED.

Alderman Schmitt moved to award the bid for electrical parts to the low bidder, CED, in the amount of \$12,296.25. Alderman Walker seconded the motion which was voted on and unanimously passed.

Appointment to the Board of Adjustment.

Mayor Lyons asked the Board to confirm the appointment of Louis Mayer to the Board of Adjustment for a five year term ending 2020.

Alderman Marose moved to approve the appointment of Louis Mayer to the Board of Adjustment as requested. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Appointment to the Board of Appeals.

Mayor Lyons asked the Board to confirm the appointment of Terry Ross to the Board of Appeals for a five year term ending 2020.

Alderman Bethurem moved to approve the appointment of Terry Ross to the Board of Appeals as requested. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Appointments to the Citizen Advisory Committee.

Mayor Lyons asked the Board to approve the reappointments of Rebecca Green, Don Chisholm, Pat Cantwell, Diana Dorhauer and Linda Melton to two year terms ending 2017.

Alderman Marose moved to approve the appointments as requested. Alderman Walker seconded the motion which was voted on and unanimously passed.

Appointments to the Planning Commission.

Mayor Lyons asked the Board to approve the reappointments of Susan Ebling and Roger Rand to the Planning Commission for terms ending 2019. She also asked the Board to approve the appointment of Nancy Viselli to the Planning Commission to a term ending 2019.

Alderman Schmitt moved to approve the appointments of Susan Ebling, Roger Rand and Nancy Viselli to the Planning Commission. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Appointment to the TIF Commission.

Mayor Lyons asked the Board to approve the reappointment of Randy Winburn to the TIF Commission for a four year term ending 2019.

Alderman Rucker moved to approve the appointment of Randy Winburn to the TIF Commission. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

Board Representation on Boards and Commissions.

The Board must select a member to serve on the Planning Commission, the Joint Sewer Board and on the Liquor Control Board.

Alderman Schmitt moved that Alderman Rucker serve on the Liquor Control Board. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

Alderman Schmitt moved that Alderman Walker serve on the Planning Commission. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Alderman Schmitt moved that Alderman Bethurem serve on the Joint Sewer Board. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Selection of Artwork for Swiss Village Water Tower.

Public Works Director Nick Edelman explained the painting of Swiss Village Water Tower was included in the 2015 budget. This tower is one of the first things residents and visitors see when entering the City on the west side and the Public Works Department wanted a unique design placed on the tower. Mr. Edelman said they approached the art departments at Camdenton and School of the Osage to discuss the design concept and asked students to submit drawings of their ideas for the tower. Students from both schools submitted 27 different drawings and they were reviewed by staff. The six finalists were submitted for the Board to consider.

Discussion followed on the cost and other designs and ideas that could be depicted on the tower. Alderman Bethurem moved to table the selection of artwork for further information. Alderman Marose seconded the motion which was voted on and unanimously passed.

Alderman Rucker said the Board should consider keeping what is currently on the tower.

Ratify City's Mission Statement

The City Clerk asked the Board to ratify the City's Mission Statement indicating Alderman Bethurem replacing Alderman Kahrs.

Alderman Marose moved to ratify the City's Mission Statement. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Bill No. 15-44. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED RELEASING AN UNNECESSARY AND UNUSED SEWER EASEMENT ON THE SITE OF THE PROPOSED CASEY'S GENERAL STORE

City Attorney Rucker explained that Bill 15-44 authorizes the Mayor to execute a quit claim deed for Casey's store. This quit claim deed removes an unnecessary and unused sewer easement on the spot where Casey's needs to build part of the building. Mayor Lyons directed that this be added to the agenda to facilitate the development of the Casey's store. The public works department has mapped the easement and confirmed it is not necessary or useful and may be released by the City.

Mayor Lyons presented the first reading of Bill No. 15-44 by title only. It was noted that Bill No. 15-44 has been available for public review. Alderman Marose moved to approve the first reading of Bill No. 15-44. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-44 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 15-44. Alderman Marose seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-44 and to pass same into ordinance: "Ayes:" Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem. "Nays": None. Bill No. 15-44 was passed and approved as Ordinance No. 15.44.

Communications from Members of the Board of Aldermen.

Alderman Marose. On behalf of the Board and staff, Phyllis Marose wished Officer Austin White a speedy recovery. She said she welcomed the challenge of the new TIF development being proposed.

Alderman Bethurem. Jeff Bethurem agreed with Alderman Marose stating that he looks forward to the TIF project proposed by Arrowhead Development Group.

Alderman Rucker. Kevin Rucker expressed his appreciation to Central Bank of Lake of the Ozarks for the National Day of Prayer they had at the bank today.

Staff Communications.

Police Department. Todd Davis reported that Officer White was released from the hospital Saturday and he is expected to make a full recovery. He said the support from the community has been great. Recovery time for Officer White according to Chief Davis is at least six months.

There being no further business to come before the Board, the meeting adjourned at 7:30 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 May 7, 2015.



Diann Warner, City Clerk



Penny Lyons, Mayor

APPROVED
A 5/21/15 D