

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

June 18, 2015

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, June 4, 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.**

The Missouri Economic Development Council was held at Camden on the Lake June 9<sup>th</sup> – 11<sup>th</sup>. Alderman Olivarri, City Administrator Woods and Mayor Lyons attended this conference. The fourteen breakout sessions had over twenty speakers. The topics included site selection, legislative recap and update, effective leadership, foreign investments, water wars, "Reality" TV and more.

Solid Waste District T met on the 15<sup>th</sup> at our City Hall. We will begin advertising for applicants to apply for grants dealing with recycling and solid waste products this fall.

Keys to the Lake held an open house on the 17<sup>th</sup>. This company has been in business for twelve years. They have sixteen employees. They were pleased to relocate to Osage Beach who appreciates and welcomes businesses.

I have been asked to chair the Missouri Municipal League's Economic and Human Resources Committee on June 24, 2015 to review and update the MML policy recommendations for presentation to the members at the conference in Kansas City this fall.

**Citizens Communications.**

Joanie Walden reported that the west side group met with the three Chambers of Commerce and discussed how to work better together. She reported that a Shop Small campaign is planned for November. Mrs. Walden reported that the social at Mitch & Duffs provided an opportunity for businesses to find out more about the Arrowhead Centre TIF.

**Consent Agenda.**

Alderman Schmitt moved to approve the consent agenda which includes minutes of the regular meeting held on June 4, 2015, the bills list as submitted, liquor licenses as submitted and Special Use Permit 384 for an equipment upgrade for Sprint at 1170 Bluff Drive. Alderman Marose seconded the motion which was voted on and unanimously passed.

**Unfinished Business.**

**Bill No. 15.50.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ANNEXING CERTAIN ADJACENT TERRITORY INTO THE CITY OF OSAGE BEACH, MISSOURI.

It was noted that no objections were received within the fourteen days following the public hearing, therefore, the second reading of Bill 15-50 may be held.

Mayor Lyons presented the second and final reading of Bill No. 15-50 by title only. Alderman Bethurem moved to approve the second and final reading of Bill No. 15-50. Alderman Marose

seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-50 and to pass same into ordinance: "Ayes:" Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem, Alderman Walker. "Nays": None. Bill No. 15-50 was passed and approved as Ordinance No. 15.50.

**New Business.**

**2014 Audit.** Williams Keepers, CPA's

Heidi Chick and Kelly Schwartze were present from Williams Keepers, CPA's and reported that the City has a clean opinion which is the best the City can get. She reported on the two sets of financials one of which contains financial statements and the other a summary report of what happened during 2014. Ms. Chick said the audit contains a great deal of good data which City Treasurer Karri Bell submits to GFOA. She added that Mrs. Bell has received an award for the last fifteen years for her efforts.

Kelly Schwartze reported on the auditor's letter to the Board which summarizes the audit process. She said there was only one audit adjustment and all staff were easy to work with and responded timely to their requests. Mrs. Schwartze also reported on the management letter which contained no material weaknesses.

Mrs. Chick said she appreciated the cooperation from management and staff.

**Resolution 2015-04.** Authorizing Mayor to Execute Power of Attorney to Allow Purchase of Controlled Substances for use on the City Ambulances

City Attorney Ed Rucker said that the license is issued to the City but someone must be appointed who will be responsible for the controlled substances. Floyd Handy is the new ambulance supervisor, who will be responsible for purchasing the drugs. Mayor Lyons presented Resolution 2015-04. Alderman Marose moved to approve Resolution 2015-04 as presented. Alderman Walker seconded the motion which was voted on and unanimously passed.

**Bill No. 15-51.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 215.020 BY ADDING ONE NEW SUBSECTION DEFINING ANY ABANDONED ICEBOX FREEZER, REFRIGERATOR, AIRTIGHT OR SEMI AIRTIGHT CONTAINERS AS A NUSIANCE.

City Attorney Ed Rucker explained that Bill 15-51 will address abandoned airtight or semi-airtight containers that create a safety and health hazard such as iceboxes, freezers or refrigerators. They will be listed as nuisances subject to prosecution and abatement. Mr. Rucker said this is based on Section 577.100 of the Missouri Statutes which makes such abandonment of an air tight container under Missouri law a Class B misdemeanor.

Mayor Lyons presented the first reading of Bill No. 15-51 by title only. It was noted that Bill No. 15-51 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill No. 15-51 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

**Bill No. 15-52.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A MASTER AGREEMENT WITH HDR ENGINEERING, INC. TO PROVIDE ENGINEERING SERVICES FOR THE SAND/ROCKWAY LOW FLOW IMPROVEMENTS

Nick Edelman, Public Works Director, said he would like to proceed with the engineering to solve the odor problems between the Sands Lift Station and Rockway. The department has worked with HDR in the past with good results and they have extensive knowledge of the City's sewer system. This contract is set up with a not to exceed amount of \$85,145.00.

This is broken down into preliminary engineering and final design. There are a few options that should be considered before soliciting bids for construction services.

Mr. Edelman explained the funds from 35-00-773219 Port Lane will be used for this engineering contract. Port Lane has \$140,000 available, some of which are restricted however there are enough unrestricted funds to cover this expense. Port Lane will be done in house next year and by doing so; Port Lane project costs will not be as much as originally budgeted. The budget amendment will follow.

Mr. Edelman said he is looking at this now because there is so much variance in the proposed construction options. By starting this project now, a budgetary number for construction will be available before the budgeting process begins for FY 2016.

The Public Works Department recommended approval.

Mayor Lyons presented the first reading of Bill No. 15-52 by title only. It was noted that Bill No. 15-52 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 15-52. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-52 by title only. Alderman Bethurem moved to approve the second and final reading of Bill No. 15-52. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-52 and to pass same into ordinance: "Ayes:" Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt. "Nays": None. Bill No. 15-52 was passed and approved as Ordinance No. 15.52.

**Bill No. 15-53.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 405.080 DEALING WITH WIRELESS COMMUNICATIONS INFRASTRUCTURE BY ADDING A NEW SUBSECTION C DEFINING AND CLARIFYING THE INTERPRETATION AND EFFECT OF OSAGE BEACH MUNICIPAL CODE SECTIONS 405.440 TO 405.580 IN THE EVENT OF A CONFLICT WITH STATE OR FEDERAL LAW

City Attorney Ed Rucker explained that Bill 15-53 will address the City's obligation to conform to state and federal law concerning the deployment of wireless infrastructure by acknowledging state and federal preemption in the event of a conflict.

Mayor Lyons presented the first reading of Bill No. 15-53 by title only. It was noted that Bill No. 15-53 has been available for public review. Alderman Olivarri moved to approve the first reading

of Bill No. 15-53. Alderman Marose seconded the motion which was voted on and unanimously passed.

**Bill No. 15-54.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH INTRADO TO PROVIDE 911 TELEPHONE EQUIPMENT

It is the recommendation of the Police Department to purchase the Viper as a Service from Intrado, Inc. in the amount of \$232,210.60 from a quote from HGAC-Buy. This will be the most current, updated version of what is currently being used.

Police Chief Todd Davis explained that this will be a (5) five year lease of equipment and services. There will be \$20,710.00 due at contract agreement, then \$3,525.01 due monthly, for (60) sixty months beginning at acceptance of equipment. FY2015 expenditure will be \$41,860.06 (\$20,710 plus six (6) months of service), which is \$14,924.94 under budget due to contract execution mid-year.

Mayor Lyons presented the first reading of Bill No. 15-54 by title only. It was noted that Bill No. 15-54 has been available for public review. Alderman Bethurem moved to approve the first reading of Bill No. 15-54 subject to yearly appropriations. Alderman Rucker seconded the motion which was voted on and unanimously passed

Mayor Lyons presented the second and final reading of Bill No. 15-54 by title only. Alderman Bethurem moved to approve the second and final reading of Bill No. 15-54. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-54 and to pass same into ordinance: "Ayes:" Alderman Olivarri, Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker. "Nays": None. Bill No. 15-54 was passed and approved as Ordinance No. 15.54.

**Bill No. 15-55.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE NO. 14.62 ADOPTING THE 2015 ANNUAL BUDGET, TRANSFER OF FUNDS FOR NECESSARY EXPENSES.

Public Works Director Nick Edelman explained Bill 15-55 amends the budget for the engineering work to be completed between Rockway and the Sands lift station.

Mr. Edelman recommended funds from Port Lane be used since the Port Lane project will not be complete this year. He said the project was to upgrade the sewer force main on Port Lane which is an operational and maintenance issue that can be delayed.

The Public Works Department recommended approval.

Mayor Lyons presented the first reading of Bill No. 15-55 by title only. It was noted that Bill No. 15-55 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 15-55. Alderman Marose seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-55 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 15-55. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second reading of Bill

No. 15-55 and to pass same into ordinance: “Ayes:” Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Olivarri. “Nays”: None. Bill No. 15-55 was passed and approved as Ordinance No. 15.55

**Authorize Tow Truck Operator Agreement.**

Police Chief Todd Davis said this draft will regularize and govern our relationship with tow truck operators listed on the tow truck rotation agreement and it will establish standards to create a level playing field for all providers. The City Attorney and Police Chief recommend adoption.

Alderman Marose moved to approve the draft agreement with tow truck operators. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

**Lee C. Fine Memorial Airport Parallel Taxiway Project Grant Application.**

Public Works Director Nick Edelman explained this item is to apply for FAA Funds for the rehab of the taxiway at Lee C. Fine Airport. He said he recently heard about various aviation funding sources. We have always used Non-Primary Entitlement Funds for Airport Improvements. At a recent conference, we learned that FAA has funds that go thru MoDOT that city/airport sponsors have the ability to apply for.

Mr. Edelman said he met with MoDOT in January to introduce the new airport manager and talk about various projects, one of which was the rehab and upgrade of the Lee C. Fine Taxiway Project. This project is listed in the Airport Layout Plan (ALP) for Lee C. Fine. MoDOT said that there is a pavement analysis being completed and they shared with us the condition of the pavement. The results of this testing showed that work needed to be done on the taxiway.

MoDOT asked us recently if we would like the project scored for FAA funds. We asked them to include it to get an idea where it was at in relation to other airport projects. We scored well and there is potential that we could receive FY2016 Funds. The Federal Fiscal Year starts October 1, 2016.

The total project is estimated to cost approximately \$5 million dollars. The City’s out of pocket cost would be a 10% match. Due to the size of the project we looked at splitting this project into 2 phases. Phase I – Total \$3 M; City’s out of pocket \$300,000 – Timeframe of FY2015-FY2017, Phase II – Total \$2 M; City’s out of pocket \$200,000 – Timeframe of FY2017-FY2018.

It is estimated that there will be money in this year’s FY2015 LCF budget to begin Phase I of the project, the engineering – estimated at \$300,000. The City’s out of pocket cost would be \$30,000 in local match. If you would like to proceed with this project, it will need to be designed and bid using NPE (Non-Primary Entitlement Funds) no later than May 1, 2016. The bids will need to be finalized by the end of June. It is possible that this project starts construction in FY2016 but more than likely it would start in FY 2017. We would have to start the design for this project this year, as stated above.

*Estimated Budget for Phase I*

	<u>Total Project</u>	<u>City Cost (10%)</u>
FY2015	\$ 300,000	\$ 30,000
FY2016	\$1,350,000	\$135,000
FY2017	<u>\$1,350,000</u>	<u>\$135,000</u>
	\$3,000,000	\$300,000

If construction is started and finished in 2016, Mr. Edelman said we will have to budget all of the construction in 2016 not some in 2016 and 2017. Additional details will be worked out during the FY2016 budget process.

Both the Public Works and Airport Departments would like to proceed with this grant application.

Mayor Lyons said that jets cannot land at Grand Glaize Airport and the airport cannot be expanded. She commented that the City will have to budget \$135,000 for the project two years in a row. City Administrator Jeana Woods commented that \$135,000 is not a big financial burden from what the City has done in the past. Alderman Bethurem commented there is a bad crosswind when landing at Grand Glaize Airport but Alderman Marose said it is more convenient to use Grand Glaize because of the location. Alderman Schmitt questioned whether anyone had looked at how long it would take to recoup the City's investment.

Alderman Bethurem moved to authorize Public Works Director to apply for grant funds to improve the taxiway at Lee C. Fine Airport. Alderman Rucker seconded the motion which was voted on and passed with Alderman Marose and Aldermen Schmitt expressing negative votes.

**Authorize Well Plugging Grant.**

Public Works Director Mr. Edelman explained that at the May 7<sup>th</sup>, Board of Aldermen meeting, he had asked to apply for well capping grant funds thru the Missouri Department of Natural Resources. MDNR notified staff that there will not be a limit on how much a City can receive. Mr. Edelman asked for authorization to apply for an additional well plugging grant to cap the well owned by the City located near Ledges Condominiums.

The application for capping the two wells on Mace Road has been submitted. We would like to apply for funds to cap the well that the City owns near Ledges Condos. We are estimating that this project will cost approximately \$10,000.

This grant is 100 %. We do have funds available to use if we don't receive 100 % of the funds required. We have an additional \$15,000 in 30-00-774269 Tower & Well Improvements D&R. Mr. Edelman recommended approval.

Alderman Rucker moved to authorize Public Works Director Edelman to apply for a grant to plug the well located near Ledges Condominiums. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

**Communications from Members of the Board of Aldermen.**

Alderman Marose. Phyllis Marose inquired about security at City Hall and City Administrator Woods responded that this matter would be discussed during the 2016 budget process.

Alderman Bethurem. Jeff Bethurem mentioned that the hospital is doing a good job of improving their campus and the improvements are encouraging others to do the same.

**Staff Communications.**

City Administrator. Jeana Woods introduced Matt Vandevoort, the new Park and Recreation Manager who came to the City from the Missouri State Parks.

Police Department. Todd Davis reported that Officer Austin White returned to work today on light duty.

City Treasurer. Karri Bell reported that Williams Keepers C.P.A.'s are at the end of their contract and she will be issuing a request for proposals in the near future.

Assistant City Administrator. Mike Welty reported that he has been busy with the "Welcome to Summer" event at the park.

Airport Manager. Ty Dinsdale reported that State Park employees removed two trees that the FAA had determined were penetrating the safety area for the runway 04 instrument approach.

Building Official. Ron White congratulated City Treasurer Karri Bell and her staff for the excellent report on the 2014 Audit. He reported that Eric Hibdon has been a good construction manager during the remodel project at the public works facility. Mr. White welcomed Parks Manager Matt Vandevoort to the City.

Public Works Director. Nick Edelman reported that a reimbursement request had been submitted for the hangar purchase at the Grand Glaize Airport.

Parks Manager. Matt Vandevoort said he is glad to be here. He said he spent the last four years with the park service and has some contacts there.

**Executive Session.**

Alderman Schmitt moved to close the meeting as allowed by RSMo. Section 610.021(1), Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. Alderman Marose seconded the motion. The following roll call vote was taken to close the meeting: "Ayes": Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose. "Nays": None. The meeting was therefore closed.

CLOSED SESSION

Alderman Bethurem moved to open the meeting. Alderman Marose seconded the motion. The following roll call vote was taken to open the meeting: "Ayes": Alderman Walker, Alderman

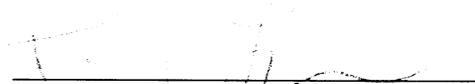
Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem. "Nays": None. The meeting was therefore opened.

No announcements were made following closed session.

There being no further business to come before the Board, the meeting adjourned at 7:50 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 June 18, 2015.

  
Diann Warner, City Clerk

  
Penny Lyons, Mayor

**A** APPROVED **D**  
7/16/15  
DW