

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

December 17, 2015

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, December 17, 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.**

Mayor Lyons reported that 2015 has ended with \$13 million in construction including residential and commercial construction; sales tax receipts are 2.9% over 2014 and the budget for next year will have an eight month reserve for most City funds. Mayor Lyons expressed her thanks to all appointed officials and employees for continuing to be under budget. She reported that since 2008, the City has seen more than \$124 million invested in our City. Continued upgrading and maintenance on infrastructure has paid off and 2016 should be a banner year for the City. Mayor Lyons said not only is the new Arrowhead Senior Living Community and the 40 luxury condos proposed at Lands' End, there are numerous inquiries about utility costs, permit fees and appropriate zoning. Mayor Lyons thanked everyone who makes this a great place to live and work. She wished everyone a Merry Christmas and a safe New Year.

**Citizens Communications.**

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

**Consent Agenda.**

Alderman Rucker moved to approve the consent agenda which includes minutes of the special meetings held on October 29 and November 2 and the regular meeting held on December 3, 2015, the bills list as submitted, and a liquor license to La Rocca Club, LLC. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

**Unfinished Business.**

Bill No. 15-93. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CITY OF OSAGE BEACH, MISSOURI.

Mayor Lyons presented the second and final reading of Bill No. 15-93 by title only. It was noted that Bill No. 15-93 has been available for public review. Alderman Bethurem moved to approve the second reading of Bill No. 15-93 as presented. Alderman Walker seconded the motion.

The following roll call vote was taken to approve the second reading of Bill No. 15-93 and to pass same into ordinance: "Ayes": Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt. "Nays": None. Bill No. 15-93 was passed and approved as Ordinance No. 15.93.

Bill No. 15-94. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTIONS 705.300 RELATING TO WATER OF THE OSAGE BEACH CODE OF ORDINANCES.

Mayor Lyons presented the second and final reading of Bill No. 15-94 by title only. It was noted that Bill No. 15-94 has been available for public review. Alderman Rucker moved to approve the second reading of Bill No. 15-94 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-94 and to pass same into ordinance: "Ayes": Alderman Olivarri, Alderman Marose, Alderman Walker, Alderman Schmitt, Alderman Rucker. "Nays": Alderman Bethurem. Bill No. 15-94 was passed and approved as Ordinance No. 15.94.

**Bill No. 15-95.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 710.470 RELATING TO RATES AND CHARGES FOR USE OF THE SEWER SYSTEM

Mayor Lyons presented the second and final reading of Bill No. 15-95 by title only. It was noted that Bill No. 15-95 has been available for public review. Alderman Marose moved to approve the second reading of Bill No. 15-95 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-95 and to pass same into ordinance: "Ayes": Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Olivarri. "Nays": None. Bill No. 15-95 was passed and approved as Ordinance No. 15.95.

**Bill No. 15-97.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016, AND ENDING DECEMBER 31, 2016, AND APPROPRIATING FUNDS PURSUANT THERETO

Mayor Lyons presented the second and final reading of Bill No. 15-97 by title only. It was noted that Bill No. 15-97 has been available for public review. Alderman Rucker moved to approve the second reading of Bill No. 15-97 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-97 and to pass same into ordinance: "Ayes": Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose. "Nays": None. Bill No. 15-97 was passed and approved as Ordinance No. 15.97.

**Bill No. 15-99.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 120.020, CONFLICTS OF INTEREST, ADDING A SECTION TO BE NUMBERED 120.020 (C) ESTABLISHING A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.

Mayor Lyons presented the second and final reading of Bill No. 15-99 by title only. It was noted that Bill No. 15-99 has been available for public review. Alderman Schmitt moved to approve the second reading of Bill No. 15-99. Alderman Marose seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-99 and to pass same into ordinance: "Ayes": Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem. "Nays": None. Bill No. 15-99 was passed and approved as Ordinance No. 15.99.

**New Business.**

**Bill No. 15-96.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING CHAPTER 135, FINANCE AND PURCHASING, AND ENACTING IN LIEU THEREOF A NEW SECTION UNDER THE SAME NUMBER

City Administrator Jeana Woods explained that Bill No. 15-96 proposes comprehensive changes to Chapter 135: Article I. Budget and Finance In General, Article II. Purchasing, Procurement, Transfers, and Sales, Article III. Agency and Trust Fund, and Article IV. Tax Increment Financing Commission. Changes have been made according to the comments from the Board received at the December 3, 2016, meeting. She requested the ordinance to become effective January 1, 2016.

Chapter 135 comprehensive changes are summarized as follows:

**Article I. Budget and Finance in General**

- Expanded definitions
- Restates the City's Budget Officer, Fiscal Year, Required Financial Reporting (Budget and Financial Statements), and Audit requirement
- Restates Budget Preparation and Adoption details
- Expanded on Budget Transfers and Budget Amendments

**Article II. Purchasing, Procurement, Transfers, and Sales**

- Restates the City's Purchasing Agent, requisitions and estimate requirement
- Expands on preferences
- Expands on general procedures, payments, and ethics
- Expands on authority and responsibilities, informal and formal competitive bidding, and competitive proposals
- Expands on purchasing and procurement correction, withdrawal, and cancellation
- Expands on cooperative purchasing, sole source procurement, and emergency purchases
- Expands on disposal of city property and seized, unclaimed, or abandoned property

**Article III. Agency and Trust Fund and Article IV. Tax Increment Financing Commission**

- Only restructures section numbers to accommodate sequential flow due to Article I and II changes

Mayor Lyons presented the first reading of Bill No. 15-96 by title only. It was noted that Bill No. 15-96 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 15-96 as presented. Alderman Walker seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-96 by title only. It was noted that Bill No. 15-96 has been available for public review. Alderman Schmitt moved to approve the second reading of Bill No. 15-96 as presented. Alderman Walker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-96 and to pass same into ordinance: "Ayes": Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem, Alderman Walker. "Nays": None. Bill No. 15-96 was passed and approved as Ordinance No. 15.96.

Bill No. 15-101. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH C.E. BERRY JANITORIAL SERVICE TO PROVIDE JANITORIAL SERVICES

Assistant City Administrator Mike Welty explained that pursuant to Board direction at the November 5<sup>th</sup> board meeting, the current contract was cancelled, the appropriate notice was given to the current vendor, and an RFP was drafted that encompassed both City Hall and the Public Works facility.

C.E. Berry Janitorial Services was the low bidder in the amount of \$16,620.00 per year and an hourly rate of \$16.50 for work outside the normal scope of the contract. The contract is annually reviewed with the option to renew in 2017 and 2018 at the same price. Their references have been contacted and were extremely positive. Assistant City Administrator Welty recommended the bid be awarded to C.E. Berry Janitorial Services, the low bidder.

Mayor Lyons presented the first reading of Bill No. 15-101 by title only. It was noted that Bill No. 15-101 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 15-101 as presented. Alderman Marose seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-101 by title only. It was noted that Bill No. 15-101 has been available for public review. Alderman Rucker moved to approve the second reading of Bill No. 15-101 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-101 and to pass same into ordinance: "Ayes": Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt. "Nays": None. Bill No. 15-101 was passed and approved as Ordinance No. 15.101.

Bill No. 15-102. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CRAWFORD, MURPHY AND TILLY, INC. FOR ENGINEERING SERVICES AT THE LEE C. FINE MEMORIAL AIRPORT

Public Works Director Nick Edelman explained that this project is to reconstruct the taxiway at Lee C. Fine Airport. At the June 18<sup>th</sup> Board of Aldermen Meeting, applying for grant funds for the reconstruction of the taxiway was discussed, consequently, approval was given to begin the engineering process for the project.

Public Works Director Edelman said currently there is a 5 year selection with CMT that FAA allows based upon the original scope of work. We have been happy with their work. MoDOT requires that an ICA (Independent Cost Analysis) be done if the engineering work is over \$100,000. This analysis was performed by Hanson and the cost for the engineering was reduced to \$222,072.96.

Non-Primary Entitlement Funds (Funds from FAA thru MoDOT) will be utilized to cover 90 % of this contract. The construction contract will use FAA funds. We will have to go out for bids by late spring. The City's 10% match for the engineering contract was included in the 2015 expenditures and budgeted in 2016. The City's out of pocket for this project will be \$22,072.96.

The Public Works Department recommended approval of this ordinance for the Aviation Project Consultant Agreement.

Mayor Lyons presented the first reading of Bill No. 15-102 by title only. It was noted that Bill No. 15-102 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 15-102 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 15-102 by title only. It was noted that Bill No. 15-102 has been available for public review. Alderman Rucker moved to approve the second reading of Bill No. 15-102 as presented. Alderman Walker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 15-102 and to pass same into ordinance: "Ayes": Alderman Olivarri, Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker. "Nays": None. Bill No. 15-102 was passed and approved as Ordinance No. 15.102.

Bill No. 15-103. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A COMMUNICATIONS SYSTEMS AGREEMENT WITH THE LAKE OZARK FIRE PROTECTION DISTRICT.

Police Chief Todd Davis explained that the Osage Beach Communications Center provides dispatch services for the Lake Ozark Fire Protection District. This renewal period is on a month to month basis for the 2016 calendar year and includes a 3% increase in the base fee, raising it to \$20,078.00 yearly or \$1,673.00 monthly.

City Administrator Woods said Lake Ozark Fire Protection District notified the City on November 20, 2015, that they would not be renewing the annual contract, current one ends December 31, 2015, with us for dispatch services due to the fact they are switching to Miller County Dispatch effective January 1, 2016.

Since that notice, it has become apparent to LOFPD the switch will need to be later than expected due to various reasons. To maintain effective dispatch services, we are offering LOFPD a month to month contract, with an advance notice of 48 hours, specifically for these circumstances, beginning January 1, 2016, to allow them time to manage the transition.

Mayor Lyons presented the first reading of Bill No. 15-103 by title only as amended. Following discussion, Alderman Rucker moved to amend Bill No. 15-103 to include the Lake Ozark Fire Protection District will submit a hand delivered written notice to the City Administrator 48 hours in advance of the date of termination. Alderman Bethurem seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 15-103 by title only. Alderman Rucker moved to approve the second reading of Bill No. 15-103. Alderman Marose seconded the motion.

The following roll call vote was taken to approve the second reading of Bill No. 15-103 and to pass same into ordinance: "Ayes": Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Olivarri. "Nays": None. Bill No. 15-103 was passed and approved as Ordinance No. 15.103.

Bid Award. Grinder Pumps.

Municipal Equipment Company was the only bidder in the amount of \$128,925.00 since they are the only dealer for ABS pumps.

The Public Works Department recommended awarding the bid to Municipal Equipment Company in the amount of \$128,925.00. This is a budgeted purchase in the 2016 budget. The pumps will be delivered and invoiced in 2016.

Alderman Schmitt moved to award the bid for grinder pumps to Municipal Equipment in the amount of \$128,925.00 as recommended. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Authorization to Reduce Accounts Receivable.

City Treasurer Karri Bell explained that although some accounts will be written off the City's books, we will continue to pursue collections through liens and collection services with the exception of bankruptcies. All-Cal Collection Services Inc. has collected \$8,313.07 from Ambulance accounts.

City Treasurer Bell recommended the write off's as follows: Ambulance Fund receivables by \$65,401.62 and the Water & Sewer Fund receivables by \$1,511.47, sewer system damage by \$449.79, Grand Glaize Airport by \$0, Lee C. Fine Airport by \$0.

History of Ambulance Write-offs for the last five years:

2014	\$ 62,178
2013	\$ 75,816
2012	\$ 58,234
2011	\$ 58,521
2010	\$ 82,562

City Treasurer Bell recommended approval of the requested write-offs.

Alderman Olivarri moved to authorize the reduction in accounts receivable as recommended. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Communications from Members of the Board of Aldermen.

Alderman Schmitt. Ron Schmitt wished everyone a Merry Christmas.

Alderman Marose. Phyllis Marose reported that Osage Beach Elementary is closing school at 12:30 p.m. tomorrow and she said additional patrol might be needed. She reported that the school will be installing the flashing school sign in the near future. Alderman Marose suggested that signs be installed to remind drivers that right turns on red are allowed. She asked the status of the policy regarding funding for different events like the Bike Fest, the Lake Race and the Festival of Speed. She said the Bike Fest brought in \$7 million to the area. City Administrator Woods explained that she is creating a policy with guidelines for the Board to consider in January.

Alderman Walker. Tom Walker wished everyone happy holidays.

Alderman Rucker. Kevin Rucker commented that the legislative reception at Tan-Tar-A on January 7, 2016 conflicts with a Board meeting; therefore, he moved to change the time of the Board meeting to 5:00 p.m. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

Alderman Rucker wished everyone a Merry Christmas.

Alderman Olivarri. John Olivarri thanked the City Administrator for the meeting on the Osage Beach Parkway West on Monday. He said it went well; the request for qualifications was well written and there was input from the community. Alderman Olivarri reported that the light display at the City Park is very nice and he wished everyone a Merry Christmas.

**Staff Communications.**

City Administrator. Jeana Woods reported that the LOREDC annual meeting will be in January and those wishing to attend should contact her. She presented an Osage Beach Parkway West Committee update and said those who attended the meeting and wanted to be notified of upcoming committee meetings were asked to provide their email address. City Administrator Woods said the committee could meet as early as March to interview the top three firms for the West Side study.

City Administrator Woods reported that the budget will be printed and distributed in January.

City Attorney. Ed Rucker reported that he will keep the board informed about legislative activity and legislation of interest to municipalities.

Police Department. Todd Davis reported that Shop with a Cop was successful with 40 children this year.

Alderman Walker reported that the Lake Ozark Rotary provided Christmas presents to 430 children in the community.

City Treasurer. Karri Bell reported the auditors were here last week to do some preliminary work on the 2015 audit.

Assistant City Administrator. Mike Welty reported that Matt Vandervoort passed his probationary period and that Santa will be at the Osage Beach City Park Saturday from 3:00 p.m. to 5:00 p.m.

Public Works Director. Nick Edelman reported that a preconstruction meeting will be held tomorrow for the sewer line that will be constructed to the state park. He reported that the Swiss Village Water Tower painting is out to bid as well as the Osage Beach Parkway intersection and sidewalk improvements near Hy-Vee gas station.

Mr. Edelman reported on a stop light at Nichols Road that malfunctioned today. He reported that the documents for closing out the City Park project after it was flooded in 2013 are nearing completion.

Upon a question about the status of Nichols Road, Mr. Edelman explained that some easements

have been acquired however they continue to work on obtaining other easements that are needed.

Discussion followed on problems with the light at Nichols Road and Public Works Director Edelman was asked to look into problems with the light at Dierbergs.

Park Department. Matt Vandevort reported he spent \$700 at the auction on some bleachers that will be placed around the park however the bids for the playground equipment were too high.

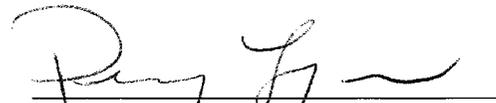
Alderman Rucker said someone reportedly saw a mountain lion at the park on Highway 42 on Wednesday; however it turned out to be a feral cat.

Building Official. Ron White expressed his appreciation for the opportunity to attend the Missouri Common Ground Alliance last week where he obtained OSHA certification. He thanked Midwest Public Risk that financed the training.

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 December 17, 2015.

  
Diann Warner, City Clerk

  
Penny Lyons, Mayor

**APPROVED**  
12/16