

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

March 3, 2016

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, March 3, 2016 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 thanked staff for their involvement in the community. Recently, Building Official Ron White and Police Chief Todd Davis participated in local events. Mr. White is sitting on the committee focusing on the safety issues on multifamily buildings in the area. Monday night at School of the Osage the Osage Beach Fire Protection District Committee held a public meeting to discuss their findings and receive public input.

Chief Davis is involved in the Polar Bear Plunge held annually in Osage Beach. He again participated in the Super Plunge. The group made the front page and the chief is wearing a party hat.

Citizens Communications.

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

Consent Agenda.

Alderman Schmitt moved to approve the consent agenda which includes minutes of the regular meeting held on February 18, 2016, the bills list as submitted and a liquor license for Tirebiters Peanut Pub. Alderman Marose seconded the motion which was voted on and unanimously passed.

Unfinished Business.

None

New Business.

Public Hearing. Rezoning Case No. 386. Lake Investment Holding, LLC

City Planner Cary Patterson presented the following report:

Planning Department comments and recommendation:

Applicant: Lake Investment Holding, LLC

Location: Approximately 4500 feet off of Highway 54 on the south side of Bluff Drive

Petition: Rezoning 10.97 acres from R-2 (Two Family) to R-3 (Multi Family and 15.33 acres from R-2 (Two Family) to A-1 (Agriculture)

Existing Use: Vacant property

Existing Zoning: R-2 (Two Family)

Tract Size: 26.3 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	A-1 Agriculture	Vacant Property
<u>South:</u>	LU Lake Use	Lake of the Ozarks
<u>East:</u>	I-2 Heavy Industry	Vacant/ Concrete Plant
<u>West:</u>	R-3/ R-1a	Vacant/ Single Family

**The Osage Beach Comprehensive Plan
Designates this area as appropriate for:** Moderate Density Residential

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Nadimi A-1 to R-2	304	2005

Utilities

<u>Water:</u> City	<u>Gas:</u> Summit
<u>Electricity:</u> Union Electric	<u>Sewer:</u> City

Access: Property derives access via frontage on Bluff Drive.

Analysis:

1. The applicants are the owners of the 26.3 acre parcel of land for which the request for rezoning is being made. The entire parcel is zoned R-2 (Two Family). The property is currently under contract to sale. The property conveyance is dependent upon the decision on this case.
2. The character of the area is mixed with a considerable amount of commercial/ industrial property between the subject property and Highway 54, and a residential area containing single family residences, condos, and an apartment complex between the subject property and the lake.
3. The prospective owner of the subject property plans to build an MHDC senior housing apartment complex on the property if given the necessary approval by the appropriate state agency. The property in question is a transition and buffer area between the commercial/ industrial development and the lower density residential development that exists on Bluff Drive.
4. The minimum lot size in an R-3 zone is 7500 sq. ft. with a maximum density of one family per 2500 sq. ft. This would allow a maximum of 191 apartment units on the property as requested as opposed to the 352 total units that would be allowed on the 26.3 acres as it is currently zoned.

Department Comments and Recommendations:

The property is recommended for Moderate Density Residential, which is defined by the Comprehensive Plan as 5-13 units per acre. If the applicant develops the maximum 191 units on the subject property that would be allowed for the 10.97 acres being requested for rezoning to R-3, it would equate to just over 7 units per acre for the entire 26.3 acres that comprises this parcel of land. Obviously, this not only conforms to what is recommended by the Comprehensive Plan, but it is on the low side of the density recommendation. It is worth noting that the type of housing being requested with this proposal is the single biggest need, not only our community, but for the Tri County Lake Region as a whole. The development of this type of housing not only provides facilities from which the community's many businesses can draw their needed work force, but will also provide new additional full time residents in their consumer draw area.

Under the Section 405.610 of the City Code of Ordinances for Amendments and Changes, bullet point 6 gives five matters that the city should consider before making a change in the zoning of property.

1. Relatedness of the proposed amendment to the goals and outlines of the long range physical plan for the City:

The amended request is in conformance with the density recommendations of the Comprehensive Plan.

The Comprehensive Plan also encourages the City to provide additional work force housing when the opportunity arises to locate it on property where it is compatible.

2. Existing uses of property within the general area of the property in question:

The area surrounding the subject property contains mixed uses including single-family residential, apartments, heavy industrial uses, fire station, storage facilities, and condominium development.

The amended request basically provides a use that conforms to the mix of multi and single family and provides some buffer for some of the residential uses from existing industrial and commercial tracts.

3. The zoning classification of property within the general area of the property in question:

The subject property is surrounded on both sides by more intensive zoning districts, and the property itself is a buffer between those existing uses of high intensity and the residential uses further into the corridor.

4. The suitability of the property in question to the uses permitted under the existing zoning classification:

The subject property has proven itself very difficult to develop because of topographic issues. Allowing a higher density facility on the more developable area will allow the

property to achieve its best use and allow the property closer to the lake to be remedied of the runoff issues created by a previous owner and natural vegetation to grow.

5. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification:

There has been little new development in the subject area for some time. Commercial facilities toward Osage Beach Parkway and minor residential remodel and additions make up the most recent development.

According to the City Engineer, there is plenty of service capacity available to provide all required services to the subject property and Bluff Drive also has plenty of capacity to provide safe and efficient ingress and egress from the corridor if the subject units were to be built. All services for the development will be required to meet the regulations established by the City and all construction will be required to be built in conformance with the Building Code in effect at the time a permit is approved for development.

Based on the analysis of the conditions pertaining to the subject petition, the Planning Department recommends approval of the request to rezone this property from R-2 to separate zoning districts being R-3 and A-1. This property if the request is approved will be subject to the provisions for the approved zones as listed in the Osage Beach Municipal Code of Ordinances.

The Planning Commission recommended approval at their meeting on February 9, 2016.

No one was present to speak in favor of or in opposition to Rezoning Case No. 385. Mayor Lyons closed the public hearing at 6:38 p.m.

Bill No. 16-22. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING A PROCEDURE IN A NEW SECTION 110.300 FOR THE APPLICATION AND DISTRIBUTION OF FUNDS FROM THE COMMUNITY PROMOTIONS – COMMUNITY EVENT SUPPORT ACCOUNT BY ADOPTING AN APPLICATION FORM FOR USE OF THE FUNDS AND CREATING A PROCESS FOR THE BOARD OF ALDERMEN TO APPROPRIATE AND DISTRIBUTE THOSE FUNDS

Two versions of Bill No. 16-22 were developed for the Board to consider.

Alderman Rucker moved to adopt version A. Alderman Walker seconded the motion.

Alderman Rucker asked that Item E.b. be deleted from Bill 16-22 Version A because it is a question that should be asked on the application form and should not be included in the ordinance. He added that all information about the event should be known since public funds are being used.

Discussion followed on Bill 16-22 A and the relevance of some of the questions. Alderman Olivarri said the intent is to promote events and not charitable organizations. He added that some of the questions are unnecessary however enough information is needed to make a decision. Alderman Olivarri said it is the Board's decision to approve an application and to promote economic development however perhaps the process is too cumbersome.

Discussion followed on Bill 16-22 Version B. The difference in Version A and Version B are as follows:

C, D, E, and F are the four questions in Version B. Alderman Bethurem asked that a certificate of insurance to be on file prior to the event.

The motion to approve Bill No. 16-22 Version A as amended was voted on and failed with Alderman Schmitt and Alderman Rucker voting in the affirmative and Alderman Bethurem, Alderman Olivarri, Alderman Marose and Alderman Walker voting in the negative.

Mayor Lyons presented the first reading of Bill No. 16-22 B by title only. It was noted that Bill No. 16-22 B has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 16-22 B by title only, further that Bill No. 16-22 B be approved as Bill No. 16-22. Alderman Bethurem seconded the motion which was voted on and passed with Alderman Rucker voting in the negative.

Mayor Lyons presented the second and final reading of Bill No. 16-22B by title only. It was noted that Bill No. 16-22B has been available for public review. Alderman Bethurem moved to approve the second reading of Bill No. 16-22B as presented. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 16-22B and to pass same into ordinance: "Ayes": Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Olivarri, Alderman Marose. "Nays": Alderman Rucker. Bill No. 16-22B was passed and approved as Ordinance No. 16.22.

Alderman Olivarri suggested that an email address be included on the application. Alderman Rucker suggested a separate application be developed if an organization requests services to be provided by the City such as police services, signage or equipment.

Bill No. 16-23. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE AVIATION PROJECT CONSULTANT SUPPLEMENTAL AGREEMENT WITH CRAWFORD, MURPHY & TILLY, INC. FOR CONSTRUCTION SERVICES AT THE GRAND GLAIZE AIRPORT

This agreement is to provide construction inspection services for the Grand Glaize Airport Tree Removal project. This CMT amendment adds the construction inspection services of \$16,985.48 to the original CMT agreement for a total cost of \$27,335.48. These costs will be covered by MoDOT aviation grant funds in the amount of 90%. The City will be responsible for 10%, \$2,733.55.

47-00-774128 – Airport Capital budget includes engineering, design, and construction costs for the entire tree removal project.

The Airports and Public Works Department recommended approval of this ordinance.

Mayor Lyons presented the first reading of Bill No. 16-23 by title only. It was noted that Bill No. 16-23 has been available for public review. Alderman Walker moved to approve the first reading of Bill No. 16-23. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 16-23 by title only. It was noted that Bill No. 16-23 has been available for public review. Alderman Bethurem moved to approve the second reading of Bill No. 16-23 presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 16-23 and to pass same

into ordinance: “Ayes”: Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem. “Nays”: None. Bill No. 16-23 was passed and approved as Ordinance No. 16.23.

Bill No. 16-24. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO STATE BLOCK GRANT AGREEMENT, PROJECT NO. 15-045A-1 WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

The first grant agreement was passed September 3, 2015 (Bill 15-75) for the tree clearing project for Grand Glaize Airport, 47-00-774128, for engineering and design costs only. With the construction portion being awarded at the February 4, 2016 (Bill 16-14), we now have a total cost for the project as shown on the amendment.

This grant agreement provides the City reimbursements for the total cost of this tree clearing project at Grand Glaize Airport. Total cost for this project (construction and engineering) is \$180,333.48. FAA through MoDOT Aviation will be reimbursing the City 90% of the cost for this project, \$162,300. The City’s responsibility for this project is \$18,033 (10%).

The Airports and Public Works Department recommended approval.

Mayor Lyons presented the first reading of Bill No. 16-24 by title only. It was noted that Bill No. 16-24 has been available for public review. Alderman Walker moved to approve the first reading of Bill No. 16-24. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 16-24 by title only. It was noted that Bill No. 16-24 has been available for public review. Alderman Bethurem moved to approve the second reading of Bill No. 16-24 presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 16-24 and to pass same into ordinance: “Ayes”: Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Marose, Alderman Bethurem, Alderman Walker. “Nays”: None. Bill No. 16-24 was passed and approved as Ordinance No. 16.24.

Bill No. 16-25. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CITY OF OSAGE BEACH, MISSOURI.

Alderman Rucker expressed concerns he has with the property in question located off Bluff Drive. He explained the property was excavated and cleared a few years ago and the project was not constructed which caused erosion and caused the cove to fill up with mud and silt. He added that property owners no longer have the depth in the cove they once had.

Alderman Rucker said the property had been in bankruptcy and the only thing this new developer is doing to address the problem is to stop further erosion. He added that property owners were told that the developer would address the damage to the cove and he thought the new developer should be responsible for those repairs.

City Planner Cary Patterson said the developers are doing everything they have been asked to do and that the current developer did not cause the lake front property damage.

City Administrator Jeana Woods said she has contacted Jeff Green at Ameren Missouri and she assured property owners she would do everything she can to expedite the dredging permit.

Alderman Rucker also expressed his concerns that the property will be maintained properly. City Planner Patterson explained that Chandler Bay and The Summit are similar properties and they have inspections every 60 days. He added that developments that receive state funding are more scrutinized and have strict maintenance requirements. City Planner Patterson said this development will have a walking trail and a club house.

Alderman Rucker said some people in Ward I do not believe they were adequately represented by members of the Planning Commission. City Planner Patterson responded that the Planning Commission's function is to make recommendations to the Board.

Mayor Lyons presented the first reading of Bill No. 16-25 by title only. It was noted that Bill No. 16-25 has been available for public review. Alderman Bethurem moved to approve the first reading of Bill No. 16-25. Alderman Walker seconded the motion which was voted on and passed with Alderman Rucker expressing a negative vote.

Bid Award. Deicing Salt.

This is a request to approve the purchase of salt for deicing of the road ways. The apparent low bidder is Cargill in the amount \$86.89/ton with a total of 500 ton bid resulting in a total bid amount of \$43,445. The 500 tons will replenish the salt used in 2015 and to date and will fill our storage bins.

Prior to 2014 we bid this in the summer; however, in 2014 this was bid twice as there were no bidders the first time. The second time the price was \$110/ton. We didn't bid salt in 2015 nor did we purchase salt in 2015 due to the fact that our supplies were sufficient. We felt that by bidding during winter to take delivery during this upcoming summer would provide a significant savings, which can be seen by the bids received.

Staff recommended the award be made to Cargill in the amount of \$43,445.

Alderman Bethurem moved to award the bid to the low bidder, Cargill, in the amount of \$43,445 as recommended. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Bid Award. Water Line Parts

This is for the purchase of water line parts for the Osage Beach City Park water line. The parts will be used to construct a water line to the City Park and discontinue the use of the well that is located there. After reviewing the bids, errors were found in all the bids but one. The bidder with no errors was Water and Sewer Supply.

Staff recommends the award be made to Water and Sewer Supply in the amount of \$22,198.24.

30-00-773277 City Park Const & Water budget additionally includes rock bedding and other items necessary to complete the work.

Alderman Olivarri moved to award the bid for water line parts to the low bidder, Water and Sewer Supply, in the amount of \$22,198.24. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Authorize Disposal of City's Surplus Property.

The items for sale have been deemed surplus and will be disposed of by various methods. Bryant Auction will auction some of the items on April 2 in the parking lot behind City Hall. Assistant City Administrator recommended approval.

Alderman Olivarri moved to authorize the disposal of the City's surplus property as recommended. Alderman Marose seconded the motion which was voted on and unanimously passed.

Bikefest Sponsorship Request.

Tim Jacobsen has submitted information about the request for \$2,000 for Bikefest Sponsorship. For \$2,000 the City's logo will be placed on numerous publications promoting the event to be held September 15-18, 2016.

Alderman Olivarri moved to approve the Bikefest Sponsorship request in the amount of \$2,000. Alderman Schmitt seconded the motion. Alderman Marose and Alderman Rucker abstained. The remaining Board members voted to approve the motion.

Communications from Members of the Board of Aldermen.

Alderman Schmitt. Ron Schmitt wished Mayor Lyons a happy birthday.

Alderman Marose. Phyllis Marose inquired about the digital signs. City Administrator Woods explained the Board voted to use the funds budgeted for the electronic billboards for economic development. Alderman Walker said the Board discussed the option of hiring an economic development intern. City Administrator Woods said she is working on a report to present to the Board regarding economic development.

Alderman Marose reported there are some areas of the expressway that have been adopted by various groups to keep the trash picked up, however there is a great deal of trash on both sides of the highway which should be addressed with MoDOT.

Alderman Rucker. Kevin Rucker asked City Administrator Woods for a report on contracts that are open from 2005, 2008 and 2011. City Administrator Woods explained that Public Works Director Nick Edelman has been working on closing out the contracts.

Alderman Rucker commented that Planning Commission members information including in which ward they reside should be posted on the City's website. Mayor Lyons commented that she tries to make sure all wards are represented equally on the Planning Commission but sometimes it is difficult. She asked Board members to notify her if they know of someone who would like to serve.

Staff Communications.

City Administrator. Jeana Woods reported that she met with FEMA and Camden County was declared a disaster area as a result of the flooding in December and January. She added that FEMA will participate in assisting individuals; however the City had no flood damage.

City Administrator Woods reported that LOREDC has invited elected officials to attend a meeting on March 8 here at City Hall at 1:00 p.m. LOREDC is gathering data for the housing study. She reported that the City will have a booth at the Expo Products and Services Show which is the first weekend in April at the Lodge of Four Seasons.

Police Department. Todd Davis reported on the Polar Bear Plunge as follows:

13 Super Plungers
377 Plungers
94 participated in the 5K strut
20 pee wee plungers

Total funds raised were \$50,000.

City Treasurer. Karri Bell reported that auditors from Williams Keepers will be at City Hall next week to perform the City's 2015 audit.

There being no further business to come before the Board, the meeting adjourned at 8:20 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 March 3, 2016.


Diann Warner, City Clerk


Penny Lyons, Mayor