

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

April 21, 2016

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, April 21, 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 read the following statement:

“As an alderman, more than sixteen years ago, former Mayor Gary Martin asked me to run for mayor.

Osage Beach was constantly in the news with negative articles. The business owners and the citizens wanted it to stop. With the help of a lot of volunteer support and after four or five very contentious elections, things calmed down. Many of the volunteers went on to serve on half a dozen city committees for months and years. They helped with policy, crunched utility rates, laid out a park, examined airport options, and more with monthly meetings. When their tasks were completed, the information was turned over to the board and most of the committees were dissolved. Some of these volunteers ran for elected office in Osage Beach and on other organizations. I would like to thank the dozens of volunteers who worked to move the city forward. We still have forty volunteers who continue to serve on the state mandated commissions and the Citizens Advisory Committee.

During my time as an alderman and mayor there have been nineteen elections with almost two dozen new aldermen. Like the volunteers, these elected officials wanted to promote a positive and progressive city. I would like to thank all of them.

Osage Beach is fortunate that we have been able to retain a very professional staff. The city has invested in continuous training. Internal promotion also encourages a great work ethic. I would like to thank the staff for their commitment to making Osage Beach the place to live and work at the Lake.

Financially the city is in great shape. Clean audits, balanced budgets, debt reduction by twenty million and increased assets by thirty million that says we pay attention to the details. The city is a business governed by state statutes and local ordinances. Private investment in the city has averaged over 26 million per year for the last sixteen years. Taking care of infrastructure has encouraged this growth. Osage Beach has become the hub of the Lake.

Recently, I was asked what will be the city's greatest challenge. Osage Beach sales tax is being eroded by the online sales that avoid paying any sales tax. New businesses will probably be more service oriented contributing to less sales tax. Some existing brick and mortar businesses may move to national warehouses for online sales. Fortunately, Osage Beach has installed and paid for most of its costly infrastructure. But the future costs will be substantial for constant upgrades and maintenance. Unfortunately, federal and state legislators are ignoring this loss. They tend to perceive this as a new tax, which it isn't.

I congratulate all the winners and know that they will continue to move the city forward. It has been a very positive twenty years. Thank you to everyone for their support.”

Citizens Communications.

Jim and Carolyn Morris were present to thank the City for supporting state aviation the last ten years. Mrs. Morris said over 200 legislators and senators were contacted to participate in State Aviation Day on April 5, 2016. She said aviation has a \$9 billion economic impact on the state of Missouri. Mr. Morris provided pens for members of the Mayor, Board members and staff.

Clyde Hegelund, a resident of Ward 2, said he did not have an opinion on the Osage Beach Parkway West Study to enhance and beautify the west side; however, he said without an increase in traffic is does not matter how pretty it is. He said that traffic must increase for businesses to survive and for new businesses to succeed. Mr. Hegelund said Molotof Cocktails is out of business. He suggested spending funds on a two lane exit ramp coming from the west. Mr. Hegelund said an increase in traffic will increase business.

Consent Agenda.

Alderman Schmitt moved to approve the consent agenda which includes minutes of the meetings held on April 7, 2016, the bills list as submitted and a liquor license to Amoldo Chapa for el Espolon. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

Unfinished Business.

None

New Business.

Certified Election Results. The certified election results were presented as follows:

Camden County

| | | |
|--------------------------|----------------|-----|
| <u>Mayor</u> | | |
| | Penny Lyons | 216 |
| | John Olivarri | 322 |
| <u>Alderman Ward I</u> | | |
| | Kevin Rucker | 137 |
| <u>Alderman Ward II</u> | | |
| | Phyllis Marose | 157 |
| | Nancy Viselli | 43 |
| <u>Alderman Ward III</u> | | |
| | Tom Walker | 135 |
| <u>Collector</u> | | |
| | John M. Berry | 271 |

Gloria O Keefe 212

Question: Shall the City of Osage Beach discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a license Missouri dealer?

Yes 136
No 390

Miller County

Mayor

Penny Lyons 40
John Olivarri 26

Alderman Ward I

Kevin Rucker 61

Collector

John Berry 42
Gloria O Keefe 25

Question: Shall the City of Osage Beach discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a license Missouri dealer?

Yes 15
No 46

Alderman Bethurem moved to accept the certification of election results as presented. Alderman Marose seconded the motion which was voted on and unanimously passed.

Alderman Olivarri submitted his letter of resignation as alderman Ward 3 to the City Clerk.

Oaths of Office. Oaths of office were administered by the City Clerk to the following: John Olivarri, Mayor; Kevin Rucker, Alderman Ward 1; Phyllis Marose, Alderman Ward 2; Tom Walker, Alderman Ward 3; John Berry, City Collector.

Mayor Olivarri presented a Resolution of Appreciation to Penny Lyons for her dedicated service to the City for close to twenty years as mayor, alderman and as a Planning Commission member.

Mayor Olivarri thanked everyone for the honor of serving the City as mayor. He issued proclamations proclaiming April 11-16 as National Public Safety Telecommunications Week and the week of May 1-7 as Local Government Week.

Public Hearing.

Marina View TIF Plan and Redevelopment Project.

City Attorney Ed Rucker explained that the Tax Increment Financing Act requires a public hearing every five years concerning each project pursuant to RSMo. 99.865.3. The purpose of tonight's hearing is to determine if the Marina View TIF Plan and Redevelopment Project is making

satisfactory progress under the proposed time schedule contained within the approved plans for completion. Notice of such public hearing has been given as required.

Mayor Olivarri opened the meeting for public comments, however no comments were received from the audience.

The Marina View TIF Plan and Redevelopment project has not proceeded due to the death of Mr. John Q. Hammons and the Four Seasons litigation which initially delayed the project. This public hearing and the notice thereof, comply with the statute.

Mr. Rucker reported that City Administrator Woods has contacted the Hammons Group and he anticipates she and Mayor Olivarri will be conversing with them in the near future about any plans to develop the property.

No Board action is required.

Election of the President of the Board.

Alderman Walker nominated Alderman Jeff Bethurem as President of the Board of Aldermen. Alderman Schmitt nominated Alderman Kevin Rucker. The votes for Alderman Bethurem were as follows: "Ayes": Alderman Walker, Alderman Marose, Alderman Bethurem. Votes for Alderman Rucker were as follows: "Ayes": Alderman Schmitt, Alderman Rucker. The vote resulted in three votes for Alderman Bethurem; two votes for Alderman Rucker.

Alderman Bethurem was elected President of the Board of Aldermen.

Bill No. 16-36. AN ORDINANCE APPROVING THE PETITION TO ESTABLISH THE ARROWHEAD CENTRE COMMUNITY IMPROVEMENT DISTRICT, ESTABLISHING THE DISTRICT, AND MAKING FINDINGS AND AUTHORIZING ACTIONS RELATED TO ESTABLISHMENT OF THE DISTRICT

City Attorney Ed Rucker explained that on July 16, 2015, the Board held hearings on the Arrowhead Centre Tax Increment Financing Plan and the Petition to Establish the Arrowhead Center Community Improvement District. At that same meeting, the Board approved the TIF Plan by ordinance and held the first reading of the eight project ordinances that will implement the TIF Plan. On February 18, 2016, the Board adopted an ordinance to approve the Tax Increment Financing Redevelopment Agreement and approved Redevelopment Project 1. The TIF agreement was executed by the City and Developer with an effective date of February 18, 2016. City Attorney Rucker said approval of Bill No. 16-36 will create the Arrowhead Centre Community Improvement District as contemplated in the Arrowhead Centre Tax Increment Financing Plan.

Alderman Rucker pointed out that the CID Petition lists the names of the initial directors of the Community Improvement District however; the names should be changed from Penny Lyons, Mayor to John Olivarri, Mayor; and Ron Schmitt, President of the Board of Aldermen to Jeff Bethurem, President of the Board of Aldermen. Mr. Gary Mitchell, President of the Dogwood Hills Golf Course, Inc. petitioner for the CID and owner of the property and President of the Arrowhead Development Group, and the developer under the Arrowhead Centre Tax Increment Financing Plan was present at the meeting and publicly agreed to those changes.

Alderman Bethurem moved to amend the motion to reflect the substitution of names from Penny Lyons, Mayor to John Olivarri, Mayor and from Ron Schmitt, President of the Board to Jeff Bethurem, President of the Board. Alderman Marose seconded the motion which was voted on and unanimously passed.

Mayor Olivarri presented the first reading of Bill No. 16-36 by title only. It was noted that Bill No. 16-36 has been available for public review. Alderman Marose moved to approve the first reading of Bill No. 16-36. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Olivarri presented the second and final reading of Bill No. 16-36 by title only. It was noted that Bill No. 16-36 has been available for public review. Alderman Bethurem moved to approve the second reading of Bill No. 16-36 as presented. Alderman Marose seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 16-36 and to pass same into ordinance: "Ayes": Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker. "Nays": None. Bill No. 16-36 was passed and approved as Ordinance No. 16.36.

Bill No. 16-37. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH KEN KAUFFMAN AND SONS EXCAVATING, LLC FOR THE CITY PARK ENTRANCE 2016 PROJECT

The following bids were received for the City Park Entrance 2016 Project:

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|--------------------------------|-------------|
| Travis Hodge Hauling, LLC | \$24,560.00 |
| Stockman Construction Corp | \$19,287.00 |
| Ken Kauffman & Sons Excavating | \$18,629.00 |

The apparent low bidder is Kauffman and Sons Excavating LLC with a bid of \$18,629.00.

20-00-764207 Asphalt Overlay budget of \$65,000 includes additional overlay projects. Overlay of Hatchery Road will follow this entrance project. Kauffman and Sons Excavating LLC have completed work in the recent past with good results.

The Public Works Department recommended approval of Bill No. 16-37.

Mayor Olivarri presented the first reading of Bill No. 16-37 by title only. It was noted that Bill No. 16-37 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 16-37. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

Mayor Olivarri presented the second and final reading of Bill No. 16-37 by title only. It was noted that Bill No. 16-37 has been available for public review.

Alderman Marose moved to approve the second and final reading of Bill No. 16-37 as presented. Alderman Bethurem seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 16-37 and to pass same into ordinance: "Ayes": Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Marose. "Nays": None. Bill No. 16-37 was passed and approved as Ordinance No. 16.37.

Bill No. 16-38. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE EXPENDITURE OF FUNDS TO SUPPORT THE LAKE OZARK ROTARY EVENT ON MAY 13, 2016

City Administrator Jeana Woods explained that Lake Ozark Rotary submitted a request for funds on April 13, 2016, along with the event flyer and sponsorship form. The request is for \$150 for a Hole Sponsorship at the Greg Gagnon Memorial Golf Tournament to be held on Friday, May 13, 2016, at the Oaks at Tan-Tar-A.

| | |
|--|-----------------|
| FY2016 Event Support Budget (10-21-754250) | \$10,000 |
| Prior support: Bike Fest (BOA 3/3/16) | <\$ 2,000> |
| Balance Available to date: | <u>\$ 8,000</u> |

Alderman Rucker expressed his concern that the event will not be held inside the City limits which should be considered. He added that the intent was to support economic development in the City. Alderman Walker said that the Rotary Club is located in Osage Beach.

Mayor Olivarri commented that the intent of the ordinance was to promote economic development for the City and he questioned how this promotes that goal. Alderman Walker responded that the Lake Ozark Rotary, through the golf tournament, has donated \$51,000 to non-profit organizations in the area. He added that the golf tournament will be held at the Oaks Golf Club off KK.

Mayor Olivarri said that Rotary is a great organization and there are many fund raising events that do good things; however, the intent of this fund is to directly promote economic development.

Mayor Olivarri presented the first reading of Bill No. 16-38 by title only. It was noted that Bill No. 16-38 has been available for public review. Alderman Walker moved to approve the first reading of Bill No. 16-38.

Aldermen Bethurem and Marose announced they are members of the Lake Ozark Rotary Club and asked if this might constitute a conflict of interest. The city attorney advised them that it might at least create the appearance of a conflict of interest, and that the most cautious legal advice would be that they not take part in voting on this matter; therefore they both stated they would abstain from voting.

There being no second to approve the first reading of Bill No. 16-38, Alderman Walker withdrew the motion to approve the first reading of Bill No. 16-38 and the bill failed.

Authorize Adding John Olivarri on Bank Accounts.

Alderman Marose moved to delete Penny Lyons from the City's bank accounts and add John Olivarri to the accounts as requested. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

Recommendation of Osage Beach Parkway West Study Selection Committee.

City Administrator Woods explained that on December 3, 2015, the Board of Aldermen created the Osage Beach Parkway West Study Committee to assist with the selection of a qualified multi-service consulting firm to perform and deliver a comprehensive plan for the Osage Beach Parkway west of the Grand Glaize Bridge.

December 21, 2015, the RFQ notice was released with a deadline of February 12, 2016. Eight consulting firms submitted proposals. Three of the eight were invited to present to the committee on April 6, 2016.

The Committee is recommending Board approval of HDR to proceed with the Osage Beach Parkway West Study to establish a plan for the development and revitalization of the Osage Beach Parkway west of the Grand Glaize Bridge.

HDR is a full service firm with many resources that offers a vast range of design capabilities. They specialize in planning and design, including engineering, architecture, environmental, and construction services.

Their specific plan as presented for the parkway includes a step by step process to deliver a guidance document for the community. Phase I would include establishing baseline conditions by informed discussions with the City and stakeholders regarding the project and scope of work. Project goals and scope will be tailored in collaboration with the community. Phase II will cover the execution of the remainder of the project, including development/analysis of alternatives, final recommendations, and documentation. *(Source: HDR submitted proposal February 12, 2016).*

Upon approval from the Board to proceed with HDR, staff will begin to assist HDR with Phase I, establishing project deliverables and scope of work. All financing agreements with HDR will be brought to the Board of Aldermen.

Alderman Bethurem stated that the study is more than beautification of the west side and it entails land use and the Transportation Plan. He explained that HDR's presentation included how they planned to engage the community.

Mayor Olivarri explained that once the Board accepts the committee recommendation, the scope of work will be determined. He added that HDR is more than an engineering company in that they are also into economic development. Mayor Olivarri said the issues Mr. Hegelund mentioned are things the City plans to do. He added the community must determine what they want the Parkway to look like and HDR plans to involve residents through community meetings. Mayor Olivarri stated that the plan cannot proceed without involvement and direction from the community.

Alderman Bethurem moved to award the Parkway West Study to HDR as recommended by the Osage Beach Parkway West Study Selection Committee. Alderman Marose seconded the motion which was voted on and unanimously passed.

Communications from Members of the Board of Aldermen.

Alderman Marose. Phyllis Marose congratulated the newly elected officials and stated that she looked forward to the next two years.

Alderman Walker. Tom Walker reported that he attended *Partners in Governance* yesterday in Columbia where the focus was on trust relations and how vital trust is between citizens and the government.

Alderman Bethurem. Jeff Bethurem congratulated the newly elected officials. He asked if it would be possible to help MoDOT maintain the right of way on the expressway. City Administrator Jeana Woods said it rained a lot last year, and she and Public Works Director Edelman had decided to help mow the right of way since MoDOT is only able to mow twice per year. However, City Administrator Woods said that cutting brush and saplings would be a Board decision which depends on the budget, manpower and whether the City should work on property other than property owned by the City. Alderman Bethurem suggested that a partnership with MoDOT be developed to assist with cutting the saplings and sage brush to help beautify the City.

Alderman Rucker. Kevin Rucker congratulated the newly elected officials. He said the new focus seems to be on economics. Alderman Rucker thanked Penny Lyons for her many years of service and commitment to the City.

Staff Communications.

City Administrator. Jeana Woods congratulated the newly elected officials. She said that Penny Lyons was a supporter and an advocate of staff; however Mrs. Woods said she is looking forward to a new direction.

City Attorney. Ed Rucker reported that an amendment to the zoning ordinance has been developed regarding group homes. He is also working on a local vendor preference ordinance.

City Planner. Cary Patterson reported he is excited to be involved in the west side study and looks forward to the next few years of improvements.

City Engineer. Nick Edelman reported that Nichols Road reconstruction is out to bid and a prebid meeting with utility companies indicated Ameren UE has a pole in the right of way that must be moved, however, the cost of moving the pole is unknown at this time. The taxiway at Lee C. Fine Memorial Airport is also out to bid as well as Phase 4 of the Osage Beach sidewalk project from Case Road to Nichols Road.

Public Works Director Edelman reported on the progress at the intersection of Barry Prewitt Parkway and Osage Beach Parkway.

Park Department. Matt Vandervoort thanked Mike Welty and April White for their assistance with the Peanick Park grant application. He reported that fifteen volunteers planted over 200 wild flowers at the City Park and that Travis Hodge completed some work at Peanick Park.

Mayor Olivarri announced that he is pleased to continue working with the Board and he appreciated the opportunity to continue serving the City. Mayor Olivarri announced that information about how the vacancy in Ward 3 will be filled has been distributed to the media.

There being no further business to come before the Board, the meeting adjourned at 8:45 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 April 21, 2016.



Diann Warner, City Clerk



John Olivarri, Mayor

APPROVED
5/5/16