

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

May 19, 2016

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, May 19, 2016 at 6:30 p.m. at City Hall. The following were present: Mayor John Olivarri, Alderman Jeff Bethurem, Alderman Phyllis Marose, Alderman Ron Schmitt, Alderman Kevin Rucker and Alderman Tom Walker. Dorothy Urlicks, Deputy City Clerk was present and performed the duties of the City Clerk in her absence.

**Mayor's Communications.**

Mayor Olivarri congratulated all the 2016 graduates and their families, adding that two staff members are with their graduates tonight and wished them well.

**Citizens Communications.**

Peter and Amy Hernandez, owners of La Roca Club, spoke regarding the sign at the corner of Lions Road and Osage Beach Parkway. When they bought the Lions Club building they were told that the sign was included in the purchase. After they put their business name on the sign they were told they couldn't use the sign. This is detrimental to their business. They hear the officials say they want to promote business on this side of the Parkway. Mayor Olivarri asked them to send him a letter and reason for using the sign and he will look into the matter.

Clark Fickle spoke regarding the road conditions of Lions Road. He feels it should be maintained. Mayor Olivarri asked Nick Edelman, Public Works Director to get in touch with Mr. Fickle to see what needs to be done with Lions Road.

**Consent Agenda.**

Mayor Olivarri requested to modify the agenda to put the three items regarding funding requests to be read back to back starting with the Lake Race Festival of Speed. There was no opposition and the agenda was modified.

Alderman Marose moved to approve the consent agenda which includes minutes of the regular meeting held on May 5, 2016, the bills list as submitted, and liquor licenses as recommended. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

**Unfinished Business.**

**Bill No. 16-18. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 500.037 ADOPTING THE 2012 INTERNATIONAL BUILDING CODE TO PERMIT THE USE OF HORIZONTAL GUARDS OR RAILS ON RESIDENTIAL PREMISES**

Alderman Rucker was concerned regarding the process and the reason this was not brought to the Board of Appeals. Ron White, Building Official, explained that the Board of Appeals is brought in when there is a dispute over interpretation of a building code. This was not the case in this item.

After a brief discussion, Mayor Olivarri presented the second and final reading of Bill No. 16-18 by title only. It was noted that the 90 day requirement for the second reading has been fulfilled.

Alderman Bethurem moved to approve the second and final reading of Bill No. 16-18 as presented by title only. Alderman Marose seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 16-18 and to pass same into Ordinance: "Ayes": Alderman Bethurem, Alderman Walker & Alderman Marose. "Nays": Alderman Schmitt & Alderman Rucker. Bill No. 16-18 was passed and approved as Ordinance No. 16.18.

Bill No. 16-39. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE EXPENDITURE OF FUNDS TO SUPPORT THE LAKE RACE FESTIVAL OF SPEED EVENT ON JUNE 2, 2016

Assistant City Administrator, Mike Welty, explained that this was tabled at the last Board of Aldermen meeting so the applicant could bring a budget for their expenses and they have done so. Alderman Rucker questioned permit fees on their budget, he asked if they were for City permits and if they were for City permits would the City be able to waive these fees.

City Attorney, Ed Rucker, advised that the City would not waive permit fees because the permit is a fee that you have to apply equally to everyone and we do not want to get in the business of waiving fees.

Alderman Bethurem asked what the balance of funds available are remaining in this budget. Mike Welty stated there is eight thousand dollars (\$8,000.00) left in this budget. Mayor Olivarri stated this is a three thousand dollar (&3,000.00) request, the next item is a three thousand dollar (\$3,000.00) request and the last item is a five thousand dollar (\$5,000.00) request totaling eleven thousand dollars (\$11,000.00) with a remaining budget of eight thousand dollars.(\$8,000.00)

Alderman Marose spoke about the Can-Am games which she is in favor of, doesn't happen until 2018, asked if we could delay donating money until next year's budget. Alderman Rucker stated there is no guarantee that the budget for next year will have the funds for this. It is not right for us to encumber a board for next year with this obligation, there may be different members on the board at that time.

Alderman Bethurem moved to amend Bill No. 16-39 to two thousand dollars (\$2,000.00). Alderman Marose seconded the motion which was voted on and passed.

Mayor Olivarri presented the first reading of Bill No. 16-39 by title only. It was noted that Bill No. 16-39 has been available for public review. Alderman Marose moved to approve the first reading of Bill No. 16-39 in the amount of two thousand dollars (\$2,000.00) by title only. Alderman Walker seconded the motion which was voted on and passed.

Mayor Olivarri presented the second and final reading of Bill No. 16-39 in the amount of two thousand dollars (\$2,000.00) by title only. It was noted that Bill No. 16-39 has been available for public review.

Alderman Marose moved to approve the second and final reading of Bill No. 16-39 as presented by title only. Alderman Bethurem seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 16-39 and to pass same into Ordinance: "Ayes": Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Marose, Alderman Bethurem. "Nays": None. Bill No. 16-39 was passed and approved as Ordinance No. 16.39.

**New Business.**

**Bill No. 16-42. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE EXPENDITURE OF FUNDS TO SUPPORT THE FIRE FIGHTER COMBAT CHALLENGE EVENT SUPPORT REQUEST**

Assistant City Administrator, Mike Welty, explained that attached is Fire Fighter Combat Challenge Planning Committee's Event Support form submitted on May 4, 2016, along with event sponsorship information and form. The request is for \$2,500 Gold Sponsorship for the Fire Fighter Combat Challenge at the Lake of the Ozark to be held on September 24-25, 2016, at the Osage Beach Premium Outlet Mall.

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

Alderman Rucker moved to amend Bill No. 16-42 to one thousand dollars (\$1,000.00). Alderman Bethurem seconded the motion which was voted on and passed.

Mayor Olivarri presented the first reading of Bill No. 16-42 by title only. It was noted that Bill No. 16-42 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 16-42 in the amount of one thousand dollars (\$1,000.00). Alderman Marose seconded the motion which was voted on and passed.

Mayor Olivarri presented the second and final reading of Bill No. 16-42 by title only. Alderman Bethurem moved to approve the second and final reading of Bill No. 16-42 in the amount of one thousand dollars (\$1,000.00). Alderman Walker seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 16-42 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt. "Nays": None. Bill No. 16-42 was passed and approved as Ordinance No. 16.42.

**Bill No. 16-43. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE EXPENDITURE OF FUNDS TO SUPPORT THE CANAM POLICE AND FIRE GAMES PLANNING COMMITTEE'S EVENT SUPPORT REQUEST**

Assistant City Administrator, Mike Welty, explained that a request for funding for the Can-Am Police and Fire Games Planning Committee's Event Support form submitted to me on May 4, 2016, along with event sponsorship information and form. The request is for \$5,000 Silver Sponsorship for the 2018 Can Am Police and Fire Games to be held June 25-July 1, 2018 throughout the Lake area with 15 sports taking place in Osage Beach.

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

Mayor Olivarri presented the first reading of Bill No. 16-43 by title only. It was noted that Bill No. 16-43 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 16-43. Alderman Schmitt seconded the motion which was voted on and passed.

Mayor Olivarri presented the second and final reading of Bill No. 16-43 by title only. Alderman Bethurem moved to approve the second and final reading of Bill No. 16-43. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 16-43 and to pass same into Ordinance: “Ayes”: Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker. “Nays”: None. Bill No. 16-43 was passed and approved as Ordinance No. 16.43.

Bill No. 16-40. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTIONS 405.130, 405.140, 405.690 OF THE ZONING CODE BY REPEALING THE SAME AND REENACTING THREE NEW SECTIONS OF THE SAME NUMBERS ALL TO REDUCE THE SPACING REQUIREMENT BETWEEN GROUP HOMES FROM 5260 FEET TO 1000 FEET AND TO CREATE A NEW SECTION 405.735, TO CREATE A REASONABLE ACCOMMODATION POLICY AND PROCEDURE

City Attorney, Ed Rucker, explained that the amendment to Bill No. 16-40 addresses the 2015 demand letter from the Department of Housing and Urban Development alleging that Sections 405.130, and 405.140, of the Osage Beach Municipal Code as they related to group homes are a probable violation of the Fair Housing Act and the Americans with Disabilities Act because those sections contain a spacing requirement of at least 5,260 feet between each such use.

Mr. Rucker said the City has been placed on notice of this issue and should amend our ordinance to comply with the law. This ordinance will also create a reasonable accommodation policy and procedure and the amendment to Section 405.690 will provide an avenue of appeal under the new policy to the Board of Zoning Adjustment.

City Attorney recommended adoption of this ordinance.

Mayor Olivarri presented the first reading of Bill No. 16-40 by title only. It was noted that Bill No. 16-40 has been available for public review. Alderman Marose moved to approve the first reading of Bill No. 16-40. Alderman Bethurem seconded the motion which was voted on and passed.

Bill No. 16-41. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING THE LOCATION OF TWO STOP SIGNS ON INLET LANE AT THE INTERSECTION WITH GREENWOOD CIRCLE AS INDICATED HEREIN.

Complaints have been received about traffic control at the Greenwood Circle – Inlet Lane Intersection which intersect at a four way intersection. There have been a number of new homes recently built on Inlet Lane that has caused an increase in traffic. Public Safety Director Nick Edelman is recommending that two stop signs on Inlet Lane at the intersection of Greenwood Circle be installed. This would require the Inlet Lane traffic to stop before proceeding onto Greenwood Circle.

The Public Works Department recommends approval of this ordinance.

Mayor Olivarri presented the first reading of Bill No. 16-41 by title only. It was noted that Bill No. 16-41 has been available for public review. Alderman Marose moved to approve the first reading of Bill No. 16-41. Alderman Bethurem seconded the motion which was voted on and passed.

Mayor Olivarri presented the second and final reading of Bill No. 16-41 by title only. Alderman Bethurem moved to approve the second and final reading of Bill No. 16-41. Alderman Marose seconded the motion. The following roll call vote was taken to approve the second and final

reading of Bill No. 16-41 and to pass same into Ordinance: “Ayes”: Alderman Schmitt, Alderman Rucker, Alderman Marose, Alderman Bethurem, Alderman Walker. “Nays”: None. Bill No. 16-41 was passed and approved as Ordinance No. 16.41.

Bill No. 16-44. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH STEWART SIGNS TO PURCHASE AND INSTALL A SIGN AT THE OSAGE BEACH CITY PARK

Matt Vandervoort, Parks Manager, explained the Parks Department recently concluded an IFB process for the budgeted LED Entrance Sign at City Park. Upon reviewing the submitted bids it was determined that Stewart Signs of Sarasota, Florida was the low bidder at a total purchase and installation price of \$29,940.

The following bids were received:

Missouri Neon	\$33,022.70 \$35,141.90
In Sight Vinyl Graphics	\$31,143.75 \$33,130.99
Stewart Signs	\$22,438.00 \$25,940.00 (not including installation)
Piros Signs	\$34,270.00 \$36,755.00
The Sign Source	\$26,680.20 \$34,460.52

The amount budgeted for this project was \$35,000. \$4,200 of that has been spent on Ameren to provide electrical hookup at the site. References were called upon and we got favorable results regarding Stewart Signs.

Stewart Signs is UL Certified. They have over 45 years of experience in the industry, with over 45,000 signs around the nation. Their sign provides a Makrolon face and vandal cover and all aluminum cabinets to prevent rust. The sign will be a two-sided 6’ x 8’ Tekstar, 16mm full color LED that offers 6 lines of text and various video capabilities.

The Parks and Recreation Department recommends approval.

Alderman Walker questioned if there were local bidders. Matt Vandervoort said there were some from Missouri, but the only one from Osage Beach was The Sign Source. Alderman Walker asked if maintenance or warranty would be a problem with non-local bidder. Matt answered that the references said they had no problems. Cary Patterson, City Planner, said he has found that these companies use local contractors to install and handle any problems that may arise.

Mayor Olivarri presented the first reading of Bill No. 16-44 by title only. It was noted that Bill No. 16-44 has been available for public review. Alderman Marose moved to approve the first reading of Bill No. 16-44. Alderman Bethurem seconded the motion which was voted on and passed.

Mayor Olivarri presented the second and final reading of Bill No. 16-44 by title only. Alderman Bethurem moved to approve the second and final reading of Bill No. 16-44. Alderman Marose seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 16-44 and to pass same into Ordinance: “Ayes”: Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Marose. “Nays”: None. Bill No. 16-44 was passed and approved as Ordinance No. 16.44.

Appointments. Board Representation on Boards and Commissions

Alderman Bethurem, Board President, appointed the following appointments:

Planning Commission	Alderman Walker
Liquor Control Board	Alderman Marose
Joint Sewer Board	Alderman Schmitt
TIF Commission	Alderman Rucker
Dierbergs TDD	Mayor Olivarri and City Administrator Jeana Woods
LOCLG	Mayor Olivarri
LO Solid Waste District	Jeana Woods, City Administrator

Alderman Marose moved to confirm the appointments as recommended. Alderman Bethurem seconded the motion which was voted on and passed.

Appointments to Commissions, Boards and Committees.

Mayor Olivarri made the following appointments:

Board of Zoning Adjustment – Gloria O’Keefe - five year term

Board of Appeals –Reappointment of Kevin Carter – five year term

Citizens Advisory Committee – Reappointment of Gloria O’Keefe; Geniece Tyler; Roger Rand; Jim Morris; Brian Schuster – two year terms

Joint Sewer Board – Reappointment of Gary Hamner – three year term

Liquor Control Board – John Berry, Collector and Chairman; Todd Davis, Police Chief; Jerry Fox, Planning Commission Chairman; Board representative – one year terms

TIF Commission – Reappointment of Ron Rule - four year term

Planning Commission – Tony Kern; Alan Blair – four year terms

Alderman Rucker moved to confirm the appointments as requested. Alderman Marose seconded the motion which was voted on and passed.

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

Alderman Marose. Phyllis Marose thanked the Board for approval of the \$2,000.00 donation to the Lake Race Festival of Speed. She also wanted to let us know that Mayor Olivarri will be doing a ribbon cutting that evening at 4 pm.

Alderman Marose requested changing the Board of Alderman meeting schedule for the month of June to June 9<sup>th</sup> and 23<sup>rd</sup> due to conflict with the Lake Race.

Alderman Marose moved to change the June, 2016 Board of Aldermen meetings to June 9, 2016 at 6:30 pm and June 23, 2016 at 6:30 pm. Alderman Bethurem seconded the motion which was voted on and approved.

**Staff Communications.**

Assistant City Administrator. Mike Welty reported that the Welcome to Summer event with fireworks is going to be a great event and hopes to see everyone there.

City Planner. Cary Patterson thanked the Board for adding Gloria, Allen and Tony to the Planning Commission.

City Treasurer. Karri Bell thanked the Board for their support and annual training at GFOA. Her department is wrapping up loose ends for the annual audit.

City Engineer. Nick Edelman will be issuing a press release that at the intersection of Barry Prewitt Parkway and Osage Beach Parkway will be milled and overlay during the night on Monday or Tuesday of next week depending on weather.

Nick gave an update on Swiss Village water tower, the bowl on the inside is finished and the contractor is working on the outside at this time.

Park Department. Matt Vandervoort reported the fence at Peanik Park is cleaned up and working on getting contractors there to finish up. Mayor Olivarri commented on how nice the Park looks.

**Executive Session.** Alderman Bethurem moved to close the meeting pursuant to RSMo. Section 60.021(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 was taken to close the meeting: “Ayes”: Alderman Walker, Alderman Schmitt, Alderman Rucker, Alderman Marose, Alderman Bethurem. “Nays”: None. The meeting was therefore closed.

*Closed Session*

Alderman Schmitt moved to open the meeting. Alderman Marose seconded the motion. The following roll call vote was taken to open the meeting: “Ayes”: Alderman Marose, Alderman Bethurem, Alderman Walker, Alderman Schmitt, Alderman Rucker. “Nays”: None. The meeting was therefore opened.

No announcements were made following the closed session.

There being no further business to come before the Board, the meeting adjourned at 7:55 p.m.

I, Dorothy Urlicks, Deputy 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 19, 2016.

  
Dorothy Urlicks, Deputy City Clerk

  
John Olivarri, Mayor

**APPROVED**  
A 6/19/16 D