



**CITY OF OSAGE BEACH
BOARD OF ALDERMEN MEETING**

1000 City Parkway
Osage Beach, MO 65065
573/302-2000 FAX 573/302-0528
Email: www.osagebeach.org

TENTATIVE AGENDA

REGULAR MEETING
November 3, 2016 – 6:00 P.M.
CITY HALL

******* Note: Make sure your cell phone is turned off or on a silent tone only. Please sign the attendance sheet located at the podium if you desire to address the Board. Agendas and packets are available on the back table and on the City's website at www.osagebeach.org.**

CALL TO ORDER
Pledge of Allegiance
Roll Call

MAYOR'S COMMUNICATIONS

- Veterans Proclamation

CITIZENS' COMMUNICATIONS

- This is a time set aside on the agenda for citizens and visitors to address the Mayor and Board on any topic that is not a public hearing. The Board will not take action on any item not listed on the agenda, but the Mayor and Board welcome and value input and feedback from the public. Speakers will be restricted to three minutes unless otherwise permitted. Minutes may not be donated or transferred from one speaker to another.

APPROVAL OF CONSENT AGENDA

If the Board desires, the consent agenda may be approved by a single motion.

- Minutes of 10/18/16
- Bills List

(Page 1)
(Page 6)

UNFINISHED BUSINESS.

NEW BUSINESS

- A. Bill No. 16-80. An Ordinance of the City of Osage Beach, Missouri, vacating a portion of the right of way at the intersection of Osage Beach Parkway and Bluff Drive.
First and Second Readings. (Page 19)
- B. Bill No. 16-81. Repealing Chapter 405 Zoning Regulations, Article V. Signs and adopting a new chapter 405. Zoning Regulations. Article V. Signs.
First and Second Readings. (Page 33)
- C. Bill No. 16-82. Establishing a new Section 245.030.E.7 of the Osage Beach Code Delegating to the City Administrator the power to order any pond, stream, or other body of water included within a City Park closed to fishing, swimming, or boating.
First and Second Readings. (Page 68)
- D. Resolution 2016-08. Supporting Midwest Medical Transport Company licensure for ambulance transport service within the city limits of Osage Beach. (Page 72)
- E. Motion to approve Special Use Case 392: Relaxation Inc. – Special Use Permit to remodel a portion of a commercial structure into a residential dwelling unit within a commercial zone. (Page 75)
- F. Motion to accept the Kahrs Family Properties donation to the City of Osage Beach of the billboard sign structure located on City Hall property at 1000 City Parkway. (Page 82)

COMMUNICATIONS FROM MEMBERS OF THE BOARD OF ALDERMEN

STAFF COMMUNICATIONS

ADJOURN

Representatives of the news media may obtain copies of this notice by contacting the following:

Cynthia Lambert, City Clerk
1000 City Parkway
Osage Beach, MO 65065
573-302-2000 ex 230

If any member of the public requires a specific accommodation as addressed by the Americans with Disabilities Act, please contact the City Clerk's office forty-eight hours in advance of the meeting at the above telephone number.

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

October 18, 2016

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Tuesday, October 18, 2016 at 6:00 p.m. at City Hall. The following were present: Mayor John Olivarri, Alderman Jeff Bethurem, Alderman Phyllis Marose, Alderman Ron Schmitt, Alderman Lee Schuman, Alderman Kevin Rucker and Alderman Tom Walker. Cynthia Lambert, City Clerk was present and performed duties of that office.

Mayor's Communications.

Mayor Olivarri reminded everyone of the Public Meeting on the Osage Beach West Parkway Study has been scheduled for November 9th at City Hall with additional meetings to be held on December 7th and January 18th. The Mayor encouraged everyone to attend.

Citizens Communications.

No one was present who wished to address the Board at this time.

Consent Agenda.

Alderman Rucker moved to approve the consent agenda which included Minutes of the Regular Meeting held on October 6, 2016, and the bills list as submitted. Alderman Bethurem seconded the motion which was voted on and unanimously passed.

Unfinished Business.

None

New Business.

Bill No. 16-77. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 TO THE AVIATION PROJECT CONSULTANT AGREEMENT WITH CRAWFORD, MURPHY & TILLY, INC. FOR CONSTRUCTION SERVICES AT THE LEE C. FINE MEMORIAL AIRPORT.

City Public Works Director Nick Edelman stated that the agreement would provide inspection services for the Lee C. Fine Taxiway Reconstruction Project Phase I. Edelman highlighted that the agreement was covered by grant funds with the City being responsible for 10% of the cost. The City's portion of the Agreement would be \$17,591.76. Edelman further noted that this project would not take place until FY2017 and would therefore be budgeted accordingly.

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Alderman Rucker inquired of the City Attorney if there would be any issues with approving a contract in 2016 which would not be utilized until 2017. City Attorney Rucker stated that the decision was entirely up to the Board but would not affect the agreement.

Mayor Olivarri presented the first reading of Bill No. 16-77 by title only. It was noted that Bill No. 16-77 had been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 16-77 as presented. Alderman Marose seconded the motion which was voted on and passed.

Mayor Olivarri presented the second and final reading of Bill No. 16-77 as presented. It was noted that Bill No. 16-77 had been available for public review.

Alderman Bethurem moved to approve the second and final reading of Bill No. 16-77 as presented. Alderman Walker seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 16-77 and to pass same into ordinance: "Ayes": Alderman Rucker, Alderman Schmitt, Alderman Marose, Alderman Bethurem, Alderman Schuman, and Alderman Walker. "Nays": None. Bill No. 16-77 was passed and approved as Ordinance No. 16.77.

Bill No. 16-78. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 1 TO THE STATE BLOCK GRANT AGREEMENT FOR PROJECT 15-045B-1 LCF PARALLEL TAXIWAY RECONSTRUCTION WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION.

Public Works Director Nick Edelman gave a brief overview of the Grant Agreement noting that the FAA through MoDOT Aviation would be reimbursing the City 90% of costs for the project; the City's responsibility would be \$221,703 (10%).

Mayor Olivarri presented the first reading of Bill No. 16-78 by title only. It was noted that Bill No. 16-78 had been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 16-78 as presented. Alderman Schmitt seconded the motion which was voted on and passed.

Mayor Olivarri presented the second and final reading of Bill No. 16-78 as presented. It was noted that Bill No. 16-78 had been available for public review.

Alderman Schuman moved to approve the second and final reading of Bill No. 16-78 as presented. Alderman Marose seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 16-78 and to pass same into ordinance: "Ayes": Alderman Schmitt, Alderman Marose, Alderman Bethurem, Alderman Schuman, Alderman Walker, and Alderman Rucker. "Nays": None. Bill No. 16-78 was passed and approved as Ordinance No. 16.78.

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Bill No. 16-79. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE WATER SYSTEM MASTERPLAN ENGINEERING PROJECT.

Public Works Director Nick Edelman stated that the agreement would be to provide and update the Water Master Plan. Edelman noted that the last Plan was completed in 1998.

Alderman Bethurem inquired if any local companies had bid for this agreement. Edelman explained that this project required a Request for Qualifications and that once the best qualified company was determined then pricing was negotiated. Edelman highlighted that although there had been local responses as well, there were various facets of the project which led staff to choose HDR as the best qualified for this particular project.

Alderman Rucker inquired if this Plan included going outside the City's footprint. Edelman gave a brief description of the overall area which would be included. Edelman also noted that sediment issues would be looked at and that this project was scheduled for the middle of 2017 in response to Alderman Rucker's inquiries.

Mayor Olivarri presented the first reading of Bill No. 16-79 by title only. It was noted that Bill No. 16-79 had been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 16-79 as presented by title only. Alderman Schuman seconded the motion which was voted on and unanimously passed.

Mayor Olivarri presented the second and final reading of Bill No 16-79 as presented. It was noted that Bill No.16-79 had been available for public review.

Alderman Marose moved to approve the second and final reading of Bill No. 16-79 as presented. Alderman Schuman seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 16-79 and to pass same into ordinance: "Ayes": Alderman Marose, Alderman Bethurem, Alderman Schuman, Alderman Walker, Alderman Rucker, and Alderman Schmitt. "Nays": None. Bill No. 16-79 was passed and approved as Ordinance No. 16.79.

AUTHORIZE THE WRITE OFF OF THE BALANCE DUE ON OSAGE BEACH AMBULANCE BILL, TRIP #160446 ON JUNE 24, 2016, FOR EMPLOYEE NICK EDELMAN IN THE AMOUNT OF \$371.28.

A motion was made by Alderman Rucker authorizing the write off of the balance due on the Osage Beach Ambulance bill, Trip #160446, on June 24, 2016, for employee Nick Edelman in the amount of \$371.28. The motion was seconded by Alderman Walker, voted on, and unanimously passed.

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Communications from Members of the Board of Aldermen.

Alderman Marose. Alderman Marose stated that she was pleased to hear that Joni Walden had attended the Board Meeting of October 6th to give the Board updated information on the many upcoming activities of the Parkway West group. Marose also encouraged the City's participation in the upcoming Veteran's Day Parade scheduled for November 12th; noting she was hopeful there would be increased participation and spectators.

Alderman Rucker. Alderman Rucker challenged staff and board members to look at possible new or enhanced revenue streams as the 2017 budget was being prepared. In addition, Rucker challenged the City to learn from any issues experienced from the recent problems associated with Camden County IT. He also recommend that the Police Chief have officers notify appropriate City personnel of any street light outages when they are on night patrol.

Alderman Rucker inquired of Public Works Director Edelman as to when the next Leaf Program would be held. Edelman advised that the date of November 1st had been tentative set and that fliers and other advertising would be coming out shortly. Edelman further highlighted that some leaf bags were currently available at the Public Works Department. Once he receives this year's shipment, he will have bags at City Hall as well.

Alderman Rucker also highlighted that as part of the Employee Survey the issue of the City's Retirement was brought up. He inquired if educational programs and information were being developed by the City to assist employees in better understanding the retirement program currently offered by the City. Rucker advised that he would like to be well educated on the City's retirement program as well, so that he can make informed decisions on this topic. City Administrator noted that this topic was a priority and that the HR Generalist was already working on presentations.

Alderman Schuman. Alderman Schumann commented on the excellent progress being made with the sidewalk project and looked forward it its completion.

Staff Communications.

City Administrator - Jeana Woods advised packets, including the 2017 proposed budget, would be sent out along with the Budget Work Session Agenda on Friday, October 21st. Woods distributed a Lake of the Ozarks Council of Local governments 2016 Newsletter to the Board. Woods noted that Mayor Olivarri serves on their Board.

City Attorney – Ed Rucker noted that the City Administrator had recently completed providing Ethics Training to management staff. Rucker also noted that Planning & Zoning Commission had recently approved the sign ordinance updates.

Police Chief - Todd Davis reported that Steven C. Owens would be sworn in as a police officer Wednesday morning at 9:30 and invited everyone to attend.

City Planner – Cary Patterson thanked the Board for the opportunity to attend a recent MHDC Hearings.

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Assistant City Administrator - Assistant City Administrator Mike Welty advised that the 2017 date of the Fall Fest had been changed to October 14, 2017. He noted that the CVB and Chamber have been notified and have included it on their calendars. Welty also thanked staff with their help with the 2016 Fall Fest, particularly the Parks Manager Matt Vandervoort who was of great assistance with the event.

Welty noted that staff was currently compiling a list of employees who are also veterans and would be working with them to determine their interest in participating in the upcoming Veteran's Day parade.

Public Works Director. - Nick Edelman noted that the Nichols Road stormwater improvements should be done soon.

Parks Manager. - Matt Vandervoort noted that the new sign at the entrance of the park is working well. He stated that he hoped to hear from Home Depot soon as to whether they would be donating landscaping around the entrance/sign at the park.

There being no further business to come before the Board, the meeting adjourned at 6:37 p.m.

I, Cynthia Lambert, 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 October 18, 2016.

Cynthia Lambert, City Clerk

John Olivarri, Mayor

**CITY OF OSAGE BEACH
BILLS LIST
November 3, 2016**

Bills Paid Prior to Board Meeting	134,189.92
Payroll Paid Prior to Board Meeting	115,945.94
SRF Transfer Prior to Board Meeting	236,864.83
TIF Transfer Dierbergs	73,949.50
TIF Transfer Prewitt's Pt	144,742.66
Bills Pending Board Approval	407,445.97
Total Expenses	<u>1,113,138.82</u>

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT		
NON-DEPARTMENTAL	General Fund	FAMILY SUPPORT PAYMENT CENTER	Case #81106219	150.00		
			Case #31550944	138.46		
			Case #16CMAD00032	508.15		
		MO DEPT OF REVENUE	PARK, BOOKS, MISC SALES TA	180.42		
			State Withholding	3,553.51		
		INTERNAL REVENUE SERVICE	Fed WH	11,103.50		
			FICA	6,761.70		
		ICMA	Medicare	1,581.33		
			Loan Repayment	186.42		
		CAMDEN COUNTY ASSOC COURT	Loan Repayment	170.36		
			Retirement 457 &	807.46		
			Retirement 457	925.00		
			Loan Repayments	800.03		
			Loan Repayments	602.29		
			Loan Repayments	547.95		
			Loan Repayments	393.64		
			Loan Repayments	162.85		
			Loan Repayments	109.74		
			Loan Repayments	155.86		
			Loan Repayments	526.14		
			Loan Repayments	326.32		
			Retirement Roth IRA %	155.88		
			Retirement Roth IRA	340.00		
			CASH APPEARANCE BOND	200.00		
			CASH APPEARANCE BOND	500.00		
			CASH APPEARANCE BOND	550.00		
			CIRCUIT CLERK OF DALLAS COUNTY HEIGHTS FINANCE CORPORATION	Case No. 12DA-CC00055	117.92	
				15CM-AC00617	91.36	
			HSA BANK	HSA Contribution	50.00	
		MO ST TREAS CLINT ZWEIFEL	HSA Family/Dep. Contributi	1,562.83		
			UNCLAIMED PROPERTY	50.00		
		ONE TIME VENDOR	Bond Refund:321 -01	200.00		
			GOODMAN NETWORKS	ESCROW REFUND CASE 366	2,900.00	
		GOODMAN NETWORKS	ESCROW REFUND CASE 367	3,322.50		
		GOODMAN NETWORKS	ESCROW REFUND CASE 368	2,436.73		
			TOTAL:	42,168.35		
		Mayor & Board	General Fund	INTERNAL REVENUE SERVICE	FICA	163.78
					Medicare	38.33
					BANKCARD SERV 7564	MML DINNER
				ICMA	DIANN WARNER'S RETIREMENT	31.81
					DIANN WARNER'S RETIREMENT	6.70
				Retirement 401	158.50	
				BANKCARD SERV 2937	FLOWERS - GINA KING	37.59
					FLOWERS - R WAGONER SERV	50.00
				FLOWERS - M BROWN FATHER N	53.00	
				CHAMBER DINNER	160.00	
				TOTAL:	1,467.73	
Collector	General Fund			INTERNAL REVENUE SERVICE	FICA	6.20
					Medicare	1.45
		TOTAL:	7.65			
City Administrator	General Fund	INTERNAL REVENUE SERVICE	FICA	442.70		
			Medicare	103.54		
			BANKCARD SERV 7564	UNION ST BALANCE	0.31	

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		ICMA	TONER	158.00
		BANKCARD SERV 2937	Retirement 401	441.76
		HSA BANK	CHAMBER DINNER	40.00
			HSA Family/Dep. Contributi	225.00
			TOTAL:	1,411.31
City Clerk	General Fund	INTERNAL REVENUE SERVICE	FICA	458.59
			Medicare	107.25
		MACA TREASURER	2016 MEMBERSHIP - C LAMBER	50.00
		ICMA	Retirement 401	453.22
		MO DEPT OF REVENUE	AUG SALES TAX REPORT	35.00
			SEPT SALES TAX REPORT	35.00
		BANKCARD SERV 2937	COPY ZONING MAPS & CH BLUP	313.25
			MOCCFOA CONF - D URLICKS	165.00
			MESH BOXES	30.98
			CHAMBER DINNER	40.00
		HSA BANK	HSA Family/Dep. Contributi	225.00
			TOTAL:	1,913.29
City Treasurer	General Fund	INTERNAL REVENUE SERVICE	FICA	493.54
			Medicare	115.42
		ICMA	Retirement 401	482.40
		HSA BANK	HSA Contribution	37.50
			HSA Family/Dep. Contributi	75.00
			TOTAL:	1,203.86
Municipal Court	General Fund	INTERNAL REVENUE SERVICE	FICA	75.43
			Medicare	17.64
		ICMA	Retirement 401	77.68
		HSA BANK	HSA Family/Dep. Contributi	75.00
			TOTAL:	245.75
City Attorney	General Fund	INTERNAL REVENUE SERVICE	FICA	315.45
			Medicare	73.77
		ICMA	Retirement 401	308.46
		BANKCARD SERV 2937	DBLETREE SAN DIEGO- E RUCK	1,066.00
		HSA BANK	HSA Family/Dep. Contributi	75.00
			TOTAL:	1,838.68
Building Inspection	General Fund	INTERNAL REVENUE SERVICE	FICA	298.89
			Medicare	69.90
		ICMA	Retirement 401	269.36
		BANKCARD SERV 7663	SAFETY SHOES - D STOLLER	84.98
		WEX BANK	BLDG DEPT FUEL	120.16
		HSA BANK	HSA Family/Dep. Contributi	150.00
			TOTAL:	993.29
Building Maintenance	General Fund	AMEREN MISSOURI	CITY SERVICE 09/13-10/12/1	3,516.28
		INTERNAL REVENUE SERVICE	FICA	53.94
			Medicare	12.62
		BANKCARD SERV 7663	WATER	25.88
			TOTAL:	3,608.72
Parks	General Fund	INTERNAL REVENUE SERVICE	FICA	298.36
			Medicare	69.78
		ICMA	Retirement 401	235.87

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		LOWE'S	RETURN 3 DRAWER CART	21.83-
			3 DRAWER CART, SHOVEL	46.52
			D BATTERIES	7.10
			STACKING DRAWER UNIT	45.52
			CBL TIES, 1000' DANGR & CA	42.68
			HEADLAMP, 5-PACK DRYWALL U	29.13
			SANDER SUPPLIES	18.02
			FLAGPOLE LIGHT	28.49
			PARK SIGN	111.15
			SCH80 SXM ADAPTER	4.04
			TREATED LUMBER, 4PLY SHEET	20.29
			PVC REPAIR COUPLING, PIPE	17.81
			HLGN FLOOD LT,	28.49
			BOW SAW	9.48
		BANKCARD SERV 7663	FACEBOOK ADVERTISING SOFTB	30.00
		MISSOURI PARK & RECREATION ASSOC	MAINT CONF - MATT, DAN, RY	120.00
		WCA WASTE CORPORATION	SEPT POJ	110.00
		WEX BANK	PARK DEPT FUEL	438.26
		AMEREN MISSOURI	LOWER DIAMOND LIGHTS	10.73
			950 HATCHERY RD SIGN	21.93
			FISH HATCHERY RD MAINT BLD	26.72
			CITY PARK #2 DISPLAY C	10.24
			FISH HATCHERY RD SOCCER FL	33.82
			CITY PARK #2 DISPLAY D	10.24
			FISH HATCHERY RD BALL FIEL	431.79
			CITY PARK #2 DISPLAY B	10.99
			CITY PARK #2 DISPLAY A	10.24
			HWY 42 BALL PARK LIGHTS	11.17
			CITY PARK #2 IRRIGATION PU	10.40
		VANDEVOORT, MATT	NRPA CONF MILEAGE VANDEVOO	170.08
		WEST, GREG	UMPIRE FEES	60.00
		SCOTT, JOSEPH A	UMPIRE FEES	40.00
		HSA BANK	HSA Contribution	75.00
			HSA Family/Dep. Contributi	75.00
			TOTAL:	2,697.51
Human Resources	General Fund	BANKCARD SERV 3333	HEALTH & SAFETY SERV AWARD	922.74
			HEALTH & SAFETY WOBBLY BOO	200.00
			SAFETY & WELLNESS VV NAILS	150.00
			SAFETY & WELLNESS OAKS PRO	199.99
		BANKCARD SERV 0857	HEALTH FAIR, WALKING CHALL	1,136.52
			WELCOA MEMBERSHIP	345.00
		INTERNAL REVENUE SERVICE	FICA	132.42
			Medicare	30.97
		ICMA	Retirement 401	133.89
		HSA BANK	HSA Family/Dep. Contributi	75.00
			TOTAL:	3,326.53
Overhead	General Fund	AT & T/CITY HALL	OCT SERVICE	156.09
			OCT SERVICE	2,550.89
			OCT SERVICE	201.24
		BANKCARD SERV 7564	PUNCHBOWL MEMBERSHIP	83.88
		PURCHASE POWER	CITY HALL POSTAGE	479.01
		SPECTRUM BUSINESS	OCT SERVICE	49.03
		WEX BANK	CITY HALL GPS	350.00
			TOTAL:	3,870.14

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT			
Police	General Fund	TAYLOR, TIM INTERNATIONAL INSTITUTE OF MUNICIPAL CL INTERNAL REVENUE SERVICE	CSLEEDS REIMB TIM TAYLOR	40.30			
			CMC DESIGNATION APP - LAM	50.00			
			FICA	2,764.33			
			Medicare	646.46			
			POLICE DEPT POSTAGE	25.20			
			Retirement 401	2,719.93			
			CHAIN	133.50			
			CCFOA LODGING REIMB - URLI	230.34			
			POLICE DEPT FUEL	3,612.04			
			POLICE DEPT CAR WASHES	159.22			
			HSA Contribution	262.50			
			HSA Family/Dep. Contributi	1,275.00			
			TOTAL:	11,918.82			
			911 Center	General Fund	AT & T/CITY HALL INTERNAL REVENUE SERVICE	E911 SERV 0923/10/22/16	1,374.27
						FICA	723.95
						Medicare	169.29
						Retirement 401	715.17
OCT SERVICE	89.98						
OCT SERVICE	24.51						
HSA Contribution	112.50						
HSA Family/Dep. Contributi	225.00						
TOTAL:	3,434.67						
Planning	General Fund	INTERNAL REVENUE SERVICE				FICA	183.89
						Medicare	43.00
						MILEAGE REIMB APA CONF-PAT	48.60
			MILEAGE REIMB MDHC - PATTE	90.28			
			Retirement 401	152.77			
			HSA Family/Dep. Contributi	75.00			
			TOTAL:	593.54			
Information Technology	General Fund	INTERNAL REVENUE SERVICE	FICA	350.23			
			Medicare	81.91			
			Retirement 401	311.13			
			SEPT SERVICE	141.24			
			OCT SERVICE	269.97			
			HSA Contribution	75.00			
			TOTAL:	1,229.48			
Economic Development	General Fund	BANKCARD SERV 7564 LOWE'S OLIVARRI, JOHN BANKCARD SERV 2937 BANKCARD SERV 7663 WCA WASTE CORPORATION LAURIE TENT & EVENT RENTAL LLC	LOREDC MTG LUNCH	11.80			
			DROPBOX SUBSCRIPTION	9.99			
			ELECTRIC FOR FALL FEST	37.05			
			GOV CONF MILES/ MEALS OLIV	233.60			
			WOBBLY BOOTS-FALL FEST	75.00			
			MO GOV TOURISM CONF - OLIV	250.00			
			TASTE OF THE LAKE	436.56			
			SEPT ADA & REGULAR	350.00			
			TENTS & CHAIRS FALL FEST	722.50			
			TOTAL:	2,126.50			
			NON-DEPARTMENTAL	Transportation	MO DEPT OF REVENUE INTERNAL REVENUE SERVICE BANKCARD SERV 7564	State Withholding	287.05
						Fed WH	885.84
FICA	759.18						
Medicare	177.57						
EBAY FEES SELLING SURPLUS	71.05						
TOTAL:	2,126.50						

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		ICMA	Retirement 457 &	321.53
			Retirement 457	189.81
			Loan Repayments	27.86
			Loan Repayments	33.64
			Retirement Roth IRA	54.15
		HSA BANK	HSA Contribution	28.50
			HSA Family/Dep. Contributi	288.16
			TOTAL:	3,124.34
Transportation	Transportation	INTERNAL REVENUE SERVICE	FICA	759.18
			Medicare	177.56
		PURCHASE POWER	TRANS DEPT POSTAGE	2.65
		ICMA	Retirement 401	743.27
		LOWE'S	5 GAL PAINT STRAINER	24.94
			TAPE MEASURE, LANDSPE STAK	48.58
		PETTY CASH	SALT & PEPPER	6.08
			TRUCK WASHES	30.75
			CDL LIC RENEWAL MITCH PHIL	45.00
		WEX BANK	ENG -TRANS FUEL	9.67
			TRANS DEPT FUEL	1,652.99
			TRANS GPS	316.75
		AMEREN MISSOURI	792 PASSOVER RD ST LIGHTS	71.53
			872 PASSOVER RD ST LIGHTS	76.26
			KK DR LTG PALISADES COMMON	115.07
			680 PASSOVER RD LIGHTING C	56.21
			5757 CHAPEL DR MAINT SALT	10.24
			STREET LIGHTS	3,858.23
			STREET LIGHTS	1,403.86
		HSA BANK	HSA Contribution	50.25
			HSA Family/Dep. Contributi	249.75
			TOTAL:	9,708.82
NON-DEPARTMENTAL	Water Fund	MO DEPT OF REVENUE	WATER SALES TAX	3,894.94
			State Withholding	256.78
		INTERNAL REVENUE SERVICE	Fed WH	794.01
			FICA	585.35
			Medicare	136.88
		ICMA	Retirement 457	123.16
			Loan Repayments	14.07
			Loan Repayments	16.08
			Loan Repayments	51.88
			Loan Repayments	33.63
			Retirement Roth IRA	52.80
		HSA BANK	HSA Contribution	8.25
			HSA Family/Dep. Contributi	50.16
		ONE TIME VENDOR ALLER, VICKY	02-0640-00	3,321.60
			TOTAL:	9,339.59
Water	Water Fund	INTERNAL REVENUE SERVICE	FICA	585.35
			Medicare	136.90
		PURCHASE POWER	WATER DEPT POSTAGE	23.98
		ICMA	Retirement 401	563.13
		PETTY CASH	TRUCK WASH	5.00
			STAMPS	9.40
		LEIGH, AUDREY	MILEAGE REIMB 10/05-10/11/	32.40
		WEX BANK	ENG -WATER FUEL	9.67

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			WATER DEPT FUEL	878.91
			WATER GPS	141.75
		AMEREN MISSOURI	PARKVIEW WELL	472.78
			BLUFF RD WATER TOWER	1,502.92
			COLLEGE WELL BEHIND CHURCH	2,126.96
			SWISS VILLAGE WELL	791.36
			COLUMBIA COLLEGE WELL	100.19
			COLUMBIA COLLEGE TOWER	78.30
		HSA BANK	HSA Contribution	12.38
			HSA Family/Dep. Contributi	399.00
		DEVORE, CALEB	MILEAGE REIMB 10/15-10/16/	59.40
			TOTAL:	7,929.78
NON-DEPARTMENTAL	Sewer Fund	MO DEPT OF REVENUE	State Withholding	415.17
		INTERNAL REVENUE SERVICE	Fed WH	1,335.69
			FICA	810.34
			Medicare	189.52
		ICMA	Retirment 457 &	42.99
			Retirement 457	125.22
			Loan Repayments	21.11
			Loan Repayments	49.94
			Loan Repayments	34.65
			Retirement Roth IRA	53.05
		HSA BANK	HSA Contribution	8.25
			HSA Family/Dep. Contributi	126.18
			TOTAL:	3,212.11
Sewer	Sewer Fund	INTERNAL REVENUE SERVICE	FICA	810.34
			Medicare	189.51
		PURCHASE POWER	SEWER DEPT POSTAGE	18.94
		ICMA	Retirement 401	722.90
		LOWE'S	PVC, CONDUIT HANGES	46.50
			BOX BEAN STANDARD LEVEL	80.74
			FERTILIZER	29.42
		BANKCARD SERV 5106	MIDWEST BLOCK	173.22
		PETTY CASH	WATER, HUB DWV CAP	21.52
			STAMPS	18.80
		EARP, NATHAN	MILEAGE REIMB 10/08-10/12/	174.96
		WEX BANK	ENG -SEWER FUEL	9.67
			SEWER DEPT FUEL	1,291.76
			SEWER GPS	216.50
		AMEREN MISSOURI	CLEARWOOD LN LOT 9/10	11.58
			4631 WINDSOR DR GRINDER	10.99
			5757 CHAPEL DR LIFT STATIO	12.42
			5757 CHAPEL DR PUBLIC WKS	585.85
			701 PA HE TSI	11.58
			1089 OSAGE BEACH RD LIFT	10.95
			5707 OSAGE BEACH PKWY	11.33
		HSA BANK	HSA Contribution	49.87
			HSA Family/Dep. Contributi	326.25
		LIEDEL, BRIAN	MILEAGE REIMB 10/12-10/19/	174.96
			TOTAL:	5,010.56
NON-DEPARTMENTAL	Ambulance Fund	MO DEPT OF REVENUE	State Withholding	344.00
		INTERNAL REVENUE SERVICE	Fed WH	976.93
			FICA	691.85

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		ICMA	Medicare	161.80
		LACLEDE COUNTY CIRCUIT CLERK	Loan Repayments	60.41
		HSA BANK	Case No. #11LA-AC00632	91.68
		ONE TIME VENDOR MAIL HANDLERS	HSA Family/Dep. Contributi	65.00
		OBERMILLER, JOYCE	AMBULANCE REIMB	65.31
		MO HEALTH NET DIV	AMBULANCE REFUND	300.00
		WPS MEDICARE PART B	AMBULANCE REFUND	85.77
		WPS MEDICARE PART B	WPS MEDICARE PART B:	183.45
			AMBULANCE REFUND	330.91
			TOTAL:	3,357.11
Ambulance	Ambulance Fund	INTERNAL REVENUE SERVICE	FICA	691.85
			Medicare	161.80
		PURCHASE POWER	AMBULANCE DEPT POSTAGE	4.77
		ICMA	Retirement 401	506.38
		SPECTRUM BUSINESS	OCT SERVICE	24.51
		WEX BANK	AMB FUEL	338.35
		HSA BANK	HSA Contribution	37.50
			HSA Family/Dep. Contributi	225.00
			TOTAL:	1,990.16
NON-DEPARTMENTAL	Lee C. Fine Airpor	MO DEPT OF REVENUE	LCF SALES TAX	2,834.90
		INTERNAL REVENUE SERVICE	State Withholding	79.80
			Fed WH	210.28
			FICA	244.62
		ICMA	Medicare	57.21
			Retirement 457	74.00
			TOTAL:	3,500.81
Lee C. Fine Airport	Lee C. Fine Airpor	AMEREN MISSOURI	1111 LEE C FINE RD WELL	10.24
			KAISER TERMINAL BLDG	347.92
			1000 LEE C FINE RD HANGAR	21.61
			1000 LEE C FINE NEW HANGAR	66.25
		INTERNAL REVENUE SERVICE	FICA	244.62
			Medicare	57.21
		PURCHASE POWER	LCF AIRPORT POSTAGE	6.75
		ICMA	Retirement 401	242.86
		LOWE'S	5/8"X10' BR ALUM Z BA	10.04
			STEEL ROOFING NAILS	9.49
			PRIMER, SCH40 CAPS, PTFE T	12.78
		WEX BANK	LCF FUEL	80.35
			LCF GPS	50.00
		HSA BANK	HSA Contribution	37.50
			HSA Family/Dep. Contributi	120.00
			TOTAL:	1,317.62
NON-DEPARTMENTAL	Grand Glaize Airpo	MO DEPT OF REVENUE	GG SALES TAX	3.74
		INTERNAL REVENUE SERVICE	State Withholding	69.20
			Fed WH	226.23
			FICA	175.30
		ICMA	Medicare	40.99
			Retirement 457	20.00
			TOTAL:	535.46
Grand Glaize Airport	Grand Glaize Airpo	INTERNAL REVENUE SERVICE	FICA	175.30
			Medicare	40.99

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		PURCHASE POWER	GG AIRPORT POSTAGE	1.33
		ICMA	Retirement 401	174.03
		LOWE'S	ENTRY LVR	56.02
			ROOF SAFETY SYSTEM RETURNE	94.05-
			FALL PROTECTION	94.05
			PLYWOOD, ANCHORS, SCREWS	19.64
		BANKCARD SERV 2937	LITHIUM BATTERIES	322.63
		SPECTRUM BUSINESS	AUG & SEP SERVICE	150.30
		WEX BANK	GG GPS	25.00
		HSA BANK	HSA Contribution	37.50
			HSA Family/Dep. Contributi	105.00
			TOTAL:	1,107.74

===== FUND TOTALS =====

10	General Fund	84,055.82
20	Transportation	12,833.16
30	Water Fund	17,269.37
35	Sewer Fund	8,222.67
40	Ambulance Fund	5,347.27
45	Lee C. Fine Airport Fund	4,818.43
47	Grand Glaize Airport Fund	1,643.20
GRAND TOTAL:		134,189.92

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT			
Mayor & Board	General Fund	WALMART COMMUNITY/GECRB AMERICAN STAMP & MARKING PROD INC MO VOCATIONAL ENTERPRISES HY-VEE FOOD & DRUG STORES INC	WARNER RETIREMENT	30.26			
			NAMEPLATE - CYNTHIA LAMBER	23.64			
			RETIREMENT PLAQUE-J MARSHA	27.00			
			FLOWERS - CIFUENTES	30.00			
			D WARNER'S RETIREMENT	119.99			
			FLOWERS - CHAPMAN	32.20			
			J MARSHALL'S RETIREMENT	54.91			
			PLANT- WOODSON	40.00			
			TOTAL:	358.00			
			City Clerk	General Fund	WALMART COMMUNITY/GECRB MO VOCATIONAL ENTERPRISES CONCEPTS FOR BUSINESS LLC STAPLES BUSINESS ADVANTAGE	CARPET	3.94
						BUSINESS CARDS - LAMBERT	16.00
2017 CODE LABELS	25.06						
DAYTIMERS, DESKPAD, BINDER	116.44						
WRIST PILLOW	36.79						
TONER RETURN INV3314834871	165.78						
RING BINDERS	81.30						
WRISTREST, PENS	36.09						
TOTAL:	149.84						
City Treasurer	General Fund	DATA FLOW STAPLES BUSINESS ADVANTAGE				COMBINED FUND CHECKS	305.61
						SELF SEALING WINDOW ENV	49.76
			TOTAL:	355.37			
Municipal Court	General Fund	STAPLES BUSINESS ADVANTAGE	DAYTIMERS, DESKPAD, BINDER	11.88			
			POST-IT NOTES	4.57			
			TOTAL:	16.45			
City Attorney	General Fund	THOMSON REUTERS - WEST	SEPT INFORMATION CHARGES	280.51			
			TOTAL:	280.51			
Building Maintenance	General Fund	EZARD'S STAPLES BUSINESS ADVANTAGE MIDWEST ROOFING	PLIER, DRILL BIT, FASTENER	18.62			
			RAGS, SCRATCH CVR, OIL SOA	34.52			
			SUPER GLUE RETURNED	2.59			
			SUPER GLUE	3.59			
			PLASTIC PAIL	2.99			
			GARMENT HOOK, PAINTBRUSH	6.17			
			PPR TWLS, CUPS, LINERS, CL	466.23			
			CLEAN OUT GUTTERS	125.00			
			TOTAL:	654.53			
			Parks	General Fund	WALMART COMMUNITY/GECRB MEEKS BUILDING CENTER SYSCO KANSAS CITY INC O'REILLY AUTOMOTIVE STORES INC BSN SPORTS CAPITAL SAND COMPANY MISSOURI PARK & RECREATION ASSOC SOUTHWEST STONE SUPPLY INC CHASE CO INC MVP APPAREL LOVELACE FARMS INC DBA	CONCESSION SUPPLIES	37.04
						SERVICE CHARGE	0.18
CONCESSION SUPPLIES	275.27						
CONCESSION SUPPLIES	211.83						
HYD HOSE, MEGACRIMPS- SKID	21.53						
BALL MOUNT, PIN & CLIP	62.98						
SOFTBALLS	155.55						
INFIELD MIX	426.60						
PASS RENEWAL	150.00						
MOCHA DYED MULCH	112.00						
AUGER ATTACH, 24" AUGER BI	715.00						
TEE SHIRTS	106.31						
TREES	759.50						
TOTAL:	3,033.79						

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT		
Human Resources	General Fund	WALMART COMMUNITY/GECRB MO POLICE CHIEFS ASSC	SAFETY/WELLNESS FOOD TRAYS	67.68		
			PRE-EMPLOYMENT TESTING	15.00		
		HY-VEE FOOD & DRUG STORES INC	PRE-EMPLOYMENT TESTING	375.00		
			CATERING WALKING CHALLENGE	180.00		
		LAKE REGIONAL OCCUPATIONAL MEDICINE	WELLNESS GROUP	450.00		
			PRE-EMPLOYMENT	200.00		
			FIT FOR DUTY	60.00		
		LAKE REGIONAL HEALTH SYSTEM 1138 INC DBA VALIDITY SCREENING SOLUTI	RANDOM TESTING	269.00		
			POST ACCIDENT TESTING	93.00		
			PRE-EMPLOYMENT SCREENING	72.00		
					TOTAL:	1,781.68
		Overhead	General Fund	STAPLES BUSINESS ADVANTAGE OSAGE BEACH FAMILY EYECARE	COPY PAPER	107.84
WORKERS COMP	72.00					
				TOTAL:	179.84	
Police	General Fund	PURCELL TIRE & RUBBER CO WALMART COMMUNITY/GECRB	TIRE - CHIEFS CAR	143.38		
			HEADLIGHT	8.97		
		MO VOCATIONAL ENTERPRISES LEON UNIFORM CO INC	BUSINESS CARDS-QUADE	32.00		
			UNIFORMS	131.00		
		O'REILLY AUTOMOTIVE STORES INC	DUTY BELT	65.00		
			WIPER BLADES	40.36		
		MARELLY LEASING	CPR-D PADZ	146.38		
		IMAGE QUEST	OVERAGE SVC BILLING	10.99		
		PSE INSTALLATION	REPAIR DURANGO SIREN	35.00		
		HEDRICK MOTIV WERKS LLC	BATTERY PD20	196.50		
		OSAGE ANIMAL HOSPITAL	BOARDING & BATH	93.00		
		STAPLES BUSINESS ADVANTAGE	COPY PAPER, CONST PPR	57.79		
		XEROX CORPORATION DBA XEROX FINANCIAL	OCT LEASE PAYMENT	146.00		
					TOTAL:	1,106.37
		Planning	General Fund	PRECISION AUTO & TIRE SERVICE LLC	SWAY BAR LINK, OIL CHG CP1	142.60
Information Technology	General Fund	TYLER TECHNOLOGIES INC DELL MARKETING LP AOS, LLC	SECURE SIGNATURES	276.00		
			DSG NETVAULT BACKUP	6,580.66		
			PROD UPGRADE TO ENTERPRISE	23,821.02		
			ANNUAL SUPPORT	12,942.00		
			TOTAL:	43,619.68		
Economic Development	General Fund	HY-VEE FOOD & DRUG STORES INC	TASTE OF THE LAKE GIFT CAR	50.00		
						TOTAL:
Transportation	Transportation	PURCELL TIRE & RUBBER CO	J D TRACTOR TIRE REPAIR	188.90		
			NEW HOLLND TRACTR TIRE REP	43.28		
		RP LUMBER INC	BLACKTOP PATCH	21.98		
			JACKETS	142.00		
		ARAMARK UNIFORM & CAREER APPAREL GROUP	TRANS DEPT UNIFORMS	36.92		
			TRANS DEPT FLOOR MATS	4.78		
			TRANS DEPT UNIFORMS	36.92		
			TRANS DEPT FLOOR MATS	4.78		
		NORTHERN SAFETY CO INC	GLOVES	23.20		
			BATTERY, LIGHTER #59	116.81		
		O'REILLY AUTOMOTIVE STORES INC	WATER COOLER RENTAL	35.00		
		PRAIRIEFIRE COFFEE & ROASTERS	PIGTAIL, BLOWER MOTOR #2	84.04		
		PRECISION AUTO & TIRE SERVICE LLC	NICHOLS RD RECONSTRUCTION	257,268.07		
		STOCKMAN CONSTRUCTION				

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		TRAFFIX DEVICES INC DBA VIZCON	SIGNS - WORKERS AHEAD	148.19
			TOTAL:	258,154.87
Water	Water Fund	EZARD'S	HAND SPREADER	17.99
			GALV COUPLES, NIPPLES	44.46
			SHOVEL	19.99
			REBAR WIRE TIE	6.59
			2 CYCLE OIL	9.96
			HAND TOOL/ACCESSORIES	13.99
		MEEKS BUILDING CENTER	RECIP BLADES	24.94
			RECIP BLADES, 60" HANDLE	77.18
		FLYNN DRILLING CO INC	SWISS VILLAGE WELL #2 REPA	5,718.25
		ARAMARK UNIFORM & CAREER APPAREL GROUP	JACKETS	71.00
			WATER DEPT UNIFORMS	22.35
			WATER DEPT FLOOR MATS	4.78
			WATER DEPT UNIFORMS	22.35
			WATER DEPT FLOOR MATS	4.78
		GOEHRI, GEORGE	GOEHRI, GEORGE	85.00
		MO VOCATIONAL ENTERPRISES	BUSINESS CARDS	16.00
		NORTHERN SAFETY CO INC	GLOVES	23.20
		O'REILLY AUTOMOTIVE STORES INC	MEGACRIMPS, HYD HOSE-MINI	25.40
		LAKE SUN LEADER 81525 & 1586450	BID- CITY PARK WELL PLUGGI	220.50
		CONSOLIDATED ELECTRICAL DISTR, INC	CONTACTOR 600VAC	652.00
			TOTE BAG	59.50
		BRENNTAG MID SOUTH INC	CHLORINE, FLOURIDE	1,404.00
		PRECISION AUTO & TIRE SERVICE LLC	PIGTAIL, BLOWER MOTOR #2	84.04
		TRAFFIX DEVICES INC DBA VIZCON	SIGNS - WORKERS AHEAD	148.19
			TOTAL:	8,776.44
Sewer	Sewer Fund	EZARD'S	TIE-DOWN RATCHETS	69.98
			DRYER CORD, RECPTCLE, BUSH	47.43
			2 AMP FUSE	2.59
			RETURN 2 AMP FUSE	2.59
		FASTENCO INC	SUCTN HOSE, MALE&FEMAL SWI	180.80
		FASTENAL CO	SHOVEL	12.79
			4.5X045X7/8T27 CTWHLs	9.42
			HEX CAP SCREWS, EYE NUT	7.74
		ARAMARK UNIFORM & CAREER APPAREL GROUP	JACKETS	142.00
			SEWER DEPT UNIFORMS	41.38
			SEWER DEPT FLOOR MATS	4.79
			SEWER DEPT UNIFORMS	41.38
			SEWER DEPT FLOOR MATS	4.79
		NORTHERN SAFETY CO INC	GLOVES	23.21
		LAKE OZARK-OSAGE BEACH JOINT SEWER PLA	SEPT MONTHLY FLOWS	39,886.23
		CROWN POWER & EQUIPMENT	KUBOTA ROCK TEETH, PIN	209.76
		HARMS INC	EASEMENT SURVET JAYHAWK ST	1,500.00
		PRECISION AUTO & TIRE SERVICE LLC	PIGTAIL, BLOWER MOTOR #2	84.04
		TRAFFIX DEVICES INC DBA VIZCON	SIGNS - WORKERS AHEAD	148.19
		WILSON INDUSTRIAL TIRE	SKID STEER TIRES 12X16.5 H	1,438.88
			TOTAL:	43,852.81
Ambulance	Ambulance Fund	WALMART COMMUNITY/GEGRB	LAUNDRY SUPPLIES	31.90
			KITTY LITTER, CAT PAN	8.87
		AIRGAS, INC	OXYGEN	168.13
		LEON UNIFORM CO INC	UNIFORMS	132.00
		MARELLY LEASING	CPR-D PADZ	439.11

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		PSE INSTALLATION	FUSE, HOLDR, MDT MNTS MED	147.00
		BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	1,117.81
		AMERICAN RESPONSE VEHICLES INC	JAM NUTS M9	31.47
		LAKE REGIONAL PHARMACY	MEDICAL SUPPLIES	44.34
			TOTAL:	2,120.63
Lee C. Fine Airport	Lee C. Fine Airpor	WALMART COMMUNITY/GECRB	ICE	31.40
		NAEGLER OIL CO	COFFEE, CUPS, COFFEEMATE	89.60
			SATELLITE, HEARTLAND EQUIP	46.00
			JET A FUEL	15,826.49
			AV GAS	5,944.32
			JET A FUEL	7,823.88
			TOTAL:	29,761.69
Grand Glaize Airport	Grand Glaize Airpo	EZARD'S	FASTENERS	2.92
		NAEGLER OIL CO	FASTENERS	5.97
		O'REILLY AUTOMOTIVE STORES INC	SATELLITE, HEARTLAND EQUIP	46.00
		CRAWFORD, MURPHY & TILLY INC	AV GAS	7,821.50
		SCOTT'S HEATING & AIR CONDITIONING INC	5 GAL TRACTOR FLD, BRAKLEE	50.98
		WCT FARM & LAWN LLC	APRIL - GG TREE CLEARING	1,643.71
			MODINE 200,000 BTU HEAT UN	3,349.00
			HUB ASSY, RACE, BEARINGS,	130.79
			TOTAL:	13,050.87

===== FUND TOTALS =====

10	General Fund	51,728.66
20	Transportation	258,154.87
30	Water Fund	8,776.44
35	Sewer Fund	43,852.81
40	Ambulance Fund	2,120.63
45	Lee C. Fine Airport Fund	29,761.69
47	Grand Glaize Airport Fund	13,050.87

	GRAND TOTAL:	407,445.97

Submission Date: October 25, 2016

Submitted By: City Planner

Board Meeting Date: November 3, 2016

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Bill 16.80 – An ordinance of the City of Osage Beach, Missouri, vacating a portion of the Right of Way at the Intersection of Osage Beach Parkway and Bluff Drive.

Names of Persons, Businesses, Organizations affected by this action:

City of Osage Beach, Applicant/landowner

Why is Board Action Required?

State Statute 88.673 requires Board of Aldermen approval on the Vacation of Public Right of Way.

Type of Action Requested (Ordinance, Resolution, Motion):

Requesting first and second reading of Bill 16.80.

Are there any deadlines associated with this action?

No.

Comments and Recommendation of the Planning Department:

- 1) The applicant owns the land adjacent to the requested vacation property.
- 2) The applicants are asking that the City of Osage Beach vacate a portion of the existing right of way that is undeveloped with no plans of future development by the City.
- 3) There is no service infrastructure currently in the ROW that benefits the subject property.
- 4) An agency report was given to each of the following in order to get feedback on how this street vacation would affect each agency.
 - a) Osage Beach Public Works Director: See enclosed statement

Planning Commission Recommendation

The Planning Commission recommended approval at their meeting held on October 11, 2016

City Administrator Comments and Recommendation:

This is a request to authorize a Right of Way vacation of 0.10 acre tract at the intersection of Osage Beach Parkway and Bluff Drive to Ted Ave-Lallemant LLC.

Concur with the recommendation of the Planning Commission and the City Planner.

BILL NO. 16-80

ORDINANCE NO. 16.80

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, VACATING A PORTION OF THE RIGHT OF WAY AT THE INTERSECTION OF OSAGE BEACH PARKWAY AND BLUFF DRIVE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS:

Section 1. That the Board of Aldermen of the City of Osage Beach, do hereby find and declare that a petition was filed with the City Planner of the City of Osage Beach from Ted Ave-Lallemant, LLC requesting that the portion of the road described as follows be vacated:

A tract of land situated in and being a part of Government Lot 3, Section 6, T 39N, R 15 W also being a part of the Right of Way of Bluff Drive of the City of Osage Beach, Camden County, MO and being more particularly described as follow:

Commencing at the SW corner of Lot C of a Resubdivision of Lots 1, 2 and "NOT IN SUBDIVISION" of Sunset Twenty-Two, a subdivision recorded in Plat Book 70, Page 6A of the Records of Camden County, MO; thence N 89° 08'00" E along the Southerly Line of said Lot C, 108.42 feet to the Westerly Right of Way Line of Bluff Drive; thence leaving said Southerly Line S 12° 02'00" E along said Westerly Right of Way Line 80.30 feet; thence continuing along said Right of Way Line S 04° 08'00" E, 161.30 feet to the point of beginning; thence continuing along said Right of Way Line S 08°33'00"W, 100.80 feet; thence continuing along said Right of Way Line S 26°03'00" W; 105.40 feet; thence continuing along said Right of way line S 30°05'00W, 140.32 feet; thence leaving said Right of Way Line N 35°34'25" E, 241.10 feet; thence N 04°08'00"W, 120.00 feet to the point of beginning.

Containing 4528.44 sq. ft. or 0.10 Acres

Subject to all easements and restrictions of record.

Section 2. That the Board of Aldermen finds that the City of Osage Beach Planning Commission has fully approved adoption of this Ordinance.

Section 3. That the vacation of the road will not adversely affect adjacent properties or property owners in the immediate vicinity and is of no further use to the City.

Section 4. That the right-of-way described in Section 1 be and the same is hereby vacated.

Section 5. That the City Clerk of Osage Beach, Missouri, be and she is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and to cause this ordinance to be filed for record in the Recorder's Office in Camden County, Missouri.

Section 6. All ordinances or parts of ordinances in conflict with this ordinance are, in so much as they conflict with this ordinance, hereby repealed.

Section 7. That this Ordinance shall be in full force and effect from and after its date of passage.

READ FIRST TIME: _____

READ SECOND TIME: _____

Bill No. 16-80
Page 2

Ordinance No. 16.80

I hereby certify that Ordinance No. 16.80 was duly passed on _____ by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:	0	Nays:	0
Abstentions:	0	Absent:	0

This Ordinance is hereby transmitted to the Mayor for her signature.

_____ Date

_____ Cynthia Lambert, City Clerk

Approved as to form:

_____ Edward B. Rucker, City Attorney

I hereby APPROVE Ordinance No. 16.80.

_____ John Olivarri, Mayor

_____ Date

ATTEST:

_____ Cynthia Lambert, City Clerk

ACKNOWLEDGEMENT

STATE OF MISSOURI)
COUNTY OF CAMDEN)

On this ____ day of _____, 2016, before, the undersigned Notary Public, personally appeared, Cynthia Lambert, to me known, who being duly sworn, did say that she is the City Clerk of the City of Osage Beach, Missouri, a municipal corporation, and that the seal affixed to the foregoing Ordinance is the municipal seal of the City of Osage Beach,, and that said Ordinance was signed and sealed in behalf of said corporation by authority of its Board of Aldermen, and said Cynthia Lambert acknowledge said Ordinance to be the free act and deed of said municipality.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Osage Beach, Missouri, the day and year last written above.

Notary Public

Dorothy Urlicks

Seal:

BILL NO. 16-80

ORDINANCE NO. 16.80

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, VACATING A PORTION OF THE RIGHT OF WAY AT THE INTERSECTION OF OSAGE BEACH PARKWAY AND BLUFF DRIVE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS:

Section 1. That the Board of Aldermen of the City of Osage Beach, do hereby find and declare that a petition was filed with the City Planner of the City of Osage Beach from Ted Ave-Lallemant, LLC requesting that the portion of the road described as follows be vacated:

A tract of land situated in and being a part of Government Lot 3, Section 6, T 39N, R 15 W also being a part of the Right of Way of Bluff Drive of the City of Osage Beach, Camden County, MO and being more particularly described as follow:

Commencing at the SW corner of Lot C of a Resubdivision of Lots 1, 2 and "NOT IN SUBDIVISION" of Sunset Twenty-Two, a subdivision recorded in Plat Book 70, Page 6A of the Records of Camden County, MO; thence N 89° 08'00" E along the Southerly Line of said Lot C, 108.42 feet to the Westerly Right of Way Line of Bluff Drive; thence leaving said Southerly Line S 12° 02'00" E along said Westerly Right of Way Line 80.30 feet; thence continuing along said Right of Way Line S 04° 08'00" E, 161.30 feet to the point of beginning; thence continuing along said Right of Way Line S 08°33'00"W, 100.80 feet; thence continuing along said Right of Way Line S 26°03'00" W; 105.40 feet; thence continuing along said Right of way line S 30°05'00W, 140.32 feet; thence leaving said Right of Way Line N 35°34'25" E, 241.10 feet; thence N 04°08'00"W, 120.00 feet to the point of beginning.

Containing 4528.44 sq. ft. or 0.10 Acres

Subject to all easements and restrictions of record.

Section 2. That the Board of Aldermen finds that the City of Osage Beach Planning Commission has fully approved adoption of this Ordinance.

Section 3. That the vacation of the road will not adversely affect adjacent properties or property owners in the immediate vicinity and is of no further use to the City.

Section 4. That the right-of-way described in Section 1 be and the same is hereby vacated.

Section 5. That the City Clerk of Osage Beach, Missouri, be and she is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and to cause this ordinance to be filed for record in the Recorder's Office in Camden County, Missouri.

Section 6. All ordinances or parts of ordinances in conflict with this ordinance are, in so much as they conflict with this ordinance, hereby repealed.

Section 7. That this Ordinance shall be in full force and effect from and after its date of passage.

READ FIRST TIME: _____

READ SECOND TIME: _____

Bill No. 16-80
Page 2

Ordinance No. 16.80

I hereby certify that Ordinance No. 16.80 was duly passed on _____ by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:	0	Nays:	0
Abstentions:	0	Absent:	0

This Ordinance is hereby transmitted to the Mayor for her signature.

Date

Cynthia Lambert, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby APPROVE Ordinance No. 16.80.

John Olivarri, Mayor

Date

ATTEST:

Cynthia Lambert, City Clerk

ACKNOWLEDGEMENT

STATE OF MISSOURI)
COUNTY OF CAMDEN)

On this ____ day of _____, 2016, before, the undersigned Notary Public, personally appeared, Cynthia Lambert, to me known, who being duly sworn, did say that she is the City Clerk of the City of Osage Beach, Missouri, a municipal corporation, and that the seal affixed to the foregoing Ordinance is the municipal seal of the City of Osage Beach,, and that said Ordinance was signed and sealed in behalf of said corporation by authority of its Board of Aldermen, and said Cynthia Lambert acknowledge said Ordinance to be the free act and deed of said municipality.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Osage Beach, Missouri, the day and year last written above.

Notary Public

Dorothy Urlicks

Seal:

September 30, 2016

MEMORANDUM

To: City Planner
From: Public Works Director
Reference: Bluff Drive
Subject: Street Vacation

We have reviewed the street vacation request by Mr. Ave. This area was previously a portion of the physical location of Bluff Drive until the construction of the one way couple. When MoDOT built the 54 Expressway, specifically, Osage Beach Parkway South, this became excess right of way. The Public Works Department is fine with vacating it.

Date Received: 8/19/14
Date Completed: _____



CONSENT TO VACATION

In the matter of the vacation of a 0.10 acre tract of Right of Way at the intersection of Osage Beach Parkway and Bluff Drive as shown on the attached Right Of Way survey plat and description.

Know All Men By These Presents: That – Per City of Osage Beach email dated June 21, 2013 there are no owners of real estate immediately adjoining the proposed Right Of Way to be vacated,

the undersigned, being the owners of real estate described below set opposite our names respectively and immediately adjoining the following street, avenue, alley, thoroughfare or public property proposed to be vacated:
N/A

for the vacation of which a petition has been filed, do as such abutting owners hereby consent that said
N/A

may be vacated in manner and form, as set out in said petition. We severally own the property set opposite our names printed and signed below.

Witness with our hands this _____ day of _____, 20____.

OWNER NAME	LEGAL DESCRIPTION	MAILING ADDRESS
N/A		

CITY OF OSAGE BEACH
CITY CLERK
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone – 573-302-0528 FAX

Individual(s) Acknowledgement

State of Missouri }
County of Camden } ss

On this 19th day of August 20 11
before me, the undersigned, a Notary Public, personally appeared:
TED ALEX HALLERMAN

known to be the person(s) described in and who executed the foregoing instrument of his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in

Ossage Beach, MO

the day and year last above written.

My Commission Expires: 7/7/2018

Notary Public: Dorothy Urlicks

#####



Corporate Acknowledgement

State of Missouri }
County of Camden } ss

On this _____ day of _____ 20 _____
before me appeared :

to me personally known, who being duly sworn, did say that he is the President of:

_____ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of it's Board of Directors, and said

_____ acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal at my office in

_____ the day and year last above written.

My Commission Expires: _____

Notary Public: _____

(Seal)



Date Received: 8/19/16
Date Completed: _____

PETITION FOR STREET VACATION

To The Honorable Mayor and Board of Aldermen of Osage Beach, Missouri:

The undersigned, Ted Ave-Lallemant LLC, being an owner of real estate fronting and abutting on the portion of the street/alley/road/plat hereafter described, for the vacation of which this petition is filed, does hereby petition the Board of Aldermen of Osage Beach, Missouri to pass an ordinance vacating the following:

A 0.10 acre tract of Right Of Way at the intersection of Osage Beach Parkway and Bluff Drive as shown on the attached survey plat with survey description,

all in the said City of Osage Beach, Camden County, Missouri.

The undersigned petitioner agrees in consideration of the vacation that if, because of said vacation, any public improvements are to be made, or repaired, by the City on any street, avenue, alley, thoroughfare or public property intersected by the property to be vacated: same as above,

The cost of such improvements or repairs shall be paid by the undersigned petitioner upon demand from the City.

The following are names of people owning or claiming to own property abutting said street, avenue, alley, thoroughfare or public property proposed to be vacated:

OWNER NAME	LEGAL DESCRIPTION	MAILING ADDRESS
<u>Per City of Osage Beach email of June 21, 2013, there are no property owners abutting the proposed Right of Way to be vacated.</u>		

Signature of Petitioner(s)

CITY OF OSAGE BEACH
CITY CLERK
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone – 573-302-0528 FAX



Date Received: 8/19/16
Date Completed: _____

PETITION FOR STREET VACATION

To The Honorable Mayor and Board of Aldermen of Osage Beach, Missouri:

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The cost of such improvements or repairs shall be paid by the undersigned petitioner upon demand from the City.

The following are names of people owning or claiming to own property abutting said street, avenue, alley, thoroughfare or public property proposed to be vacated:

OWNER NAME	LEGAL DESCRIPTION	MAILING ADDRESS
<u>Per City of Osage Beach email of June 21, 2013, there are no property owners abutting the proposed Right of Way to be vacated.</u>		

Signature of Petitioner(s)

CITY OF OSAGE BEACH
CITY CLERK
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone – 573-302-0528 FAX

Submission Date: October 25, 2016

Submitted By: City Attorney/City Planner

Board Meeting Date: November 3, 2016

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Bill 16.81 – An ordinance of the City of Osage Beach, Missouri, repealing Chapter 405 Zoning Regulations, Article V Signs and adopting a new Chapter 405 Zoning Regulations, Article V Signs to comply with the opinion of The United States Supreme Court in *Reed v. Town of Gilbert*

Names of Persons, Businesses, Organizations affected by this action:

Businesses, visitors, drivers, and residents of the city.

Why is Board Action Required?

Board of Aldermen approval required per Section 110.230. Ordinances, Resolutions, Etc.
- Generally.

Type of Action Requested (Ordinance, Resolution, Motion):

Requesting first and second reading of Bill 16.81.

Are there any deadlines associated with this action?

No.

Budget Line / Source of Funds

Not applicable.

Comments and Recommendation of Department:

These changes were reviewed and approved by the Planning Commission at its meeting on October 11, 2016.

A marked up copy of Article V Signs showing the changes we propose is enclosed.

In June 2015 the United States Supreme Court threw the issue of sign regulation into confusion with the decision in *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015). Like most difficult cases this involves the collision of two good things, the right of free speech and the desire of communities to keep an open, pleasant and uncluttered appearance making it an appealing place to live and work.

When the city confronts a sign that is in violation of our sign code, if the applicable section of our code is unconstitutional, that section will not apply and sign will be legal. If that happens; the city will be without any power to have it removed. The remedy is adoption of a sign code that meets the constitutional requirements before the problem occurs.

This issue was discussed extensively at the International Municipal Lawyers Association (IMLA) conference last October. The problem is anticipating where our ordinances may be inconsistent with the law. The *Reed* decision does not set out any clear rules but consists of four Justices writing opinions, but no single opinion earned the support of an unqualified majority of the court. This makes anticipating how the court might rule in the future a very complicated. Here is how the vote broke down:

1. Justice Thomas, wrote the majority of the Court, in which Roberts, C.J., and Scalia, Kennedy, Alito, and Sotomayor, JJ., joined.
- But
2. Alito, J., filed a concurring opinion, in which Kennedy and Sotomayor, JJ., joined.
- And
3. Breyer, J., filed an opinion concurring in the judgment.
- And
4. Kagan J., filed an opinion concurring in the judgment, in which Ginsburg and Breyer, JJ., joined.

In response to the *Reed* decision IMLA has created a model sign ordinance. Our proposed revisions do not go as far as the IMLA draft but do borrow from it.

The staff reviewed our sign code. City Planner Cary Patterson, Assistant City Administrator Mike Welty, Public Works Director Nick Edelman and I each independently reviewed the Reed Decision, our code, and then the IMLA model code. Then we met as a group and exchanged ideas

Please keep in mind that we do not have the ability to force the removal of an existing legal sign even if under a new code section such a sign would not be permitted. Those existing signs would be a prior nonconforming use under the new code and therefore permitted under the law.

City Administrator Comments and Recommendation:

Concur with the City Attorney's and City Planner's recommendation.

BILL NO. 16-81

ORDINANCE NO. 16.81

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING CHAPTER 405 ZONING REGULATIONS, ARTICLE V SIGNS AND ADOPTING A NEW CHAPTER 405 ZONING REGULATIONS, ARTICLE V SIGNS TO COMPLY WITH THE OPINION OF THE UNITED STATES SUPREME COURT IN *REED V. TOWN OF GILBERT*

WHEREAS, in its decision in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 192 L.Ed.2d 236 83 USLW 4444 the United States Supreme Court found content based sign regulation to be offensive to the First Amendment and subject to strict scrutiny; and,

WHEREAS, the Board of Aldermen desired to amend Chapter 405 Zoning Regulations, Article V Signs to comply with the Reed decision:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1. That Chapter 405 Zoning Regulations, Article V Signs of the Osage Beach Code of Ordinances be and is hereby repealed.

Section 2. That a new Chapter 405 Zoning Regulations, Article V Signs of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

Chapter 405. Zoning Regulations

ARTICLE V. Signs

Section 405.350. Intent and Purpose.

- A. The intent and purpose of the following provisions is to provide sign regulations that promote the following objectives:
1. Effective communication without excessive proliferation or size of signage;
 2. Protection of the public from unsafe signs by requiring proper location, installation and maintenance, and avoiding undue distractions to persons driving motor vehicles; and
 3. Provision of a quality community image, thereby protecting and enhancing the economic vitality of the City by ensuring that the City remain a desirable place to live, visit and conduct business.
 4. No temporary sign is subject to any limitation based on its content. Any temporary sign authorized in this Chapter may contain any non-commercial copy in lieu of any other copy.

Section 405.355. Applicability.

The provisions of this Article shall govern the installation, erection, painting or display of any outdoor sign.

Section 405.360. Definitions.

Unless expressly stated, the following words or terms shall, for purposes of this Article, have the meanings as outlined below:

BILLBOARD — (See "*SIGN, OFF-PREMISES ADVERTISING*")

BUILDING FRONTAGE — The horizontal length of that portion of a building which faces a right-of-way or which faces a parking lot containing no less than twenty (20) parking spaces and serving the building.

BULLETIN BOARD — A sign on which copy is changed either manually or automatically (electronically), posting information pertinent to the business or establishment on the premises. These signs include message centers, reader boards and/or lamp banks subject to the limitations provided herein.

ERECT — To build, construct, install, attach, hang, place, inscribe, suspend, affix, paint or repair.

GROUND LEVEL — The elevation of the centerline of the adjacent right-of-way at the point closest to the sign.

MAINTAIN — To permit a sign, sign structure, or any part of each to continue, or to repair or refurbish a sign, sign structure or any part of each.

METRO SHOPPING CENTER — A commercial or retail development that has a minimum development area of ten (10) acres, a minimum of four hundred (400) feet of road frontage, and at least one hundred thousand (100,000) square feet of retail sales facility.

NAMEPLATE — A non-electrical sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.

PAINTED GRAPHICS — Any mosaic, mural, painting, graphic art technique, or combination thereof placed on a wall and containing no copy, advertising symbols, lettering, trademarks or other references to the premises or to the products and/or service offered for sale on the premises.

SIGN — A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product,

place, activity, person, institution, organization or business and where sign area means the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign or sign face shall be considered to be a sign.

SIGN, CONSTRUCTION — A temporary on-premise sign used during construction of new buildings or substantial additions to buildings, which denotes a project name and/or identifies the architects, engineers, developers, contractors and the like.

SIGN, DIRECTIONAL — A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed.

SIGN, DIRECTORY — A sign listing the name, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

SIGN, FLASHING — A sign which contains an intermittent flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source; any sign in which any part of the light source varies in intensity and/or hue and flashes or appears to flash or turn on and off, or a sign in which a message constantly flashes or turns on and off, or alternates with other copy by means of rotating or otherwise moving portions of the sign. Not to include message centers, automatic lamp banks or bulletin boards as provided for herein.

SIGN, FREESTANDING (POLE AND MONUMENT SIGNS) — A pole sign, not attached to a building, and supported wholly by uprights, braces, or posts; or a monument sign, not attached to a building, whereby the majority or the entirety of the base of the sign is attached directly to the ground, or attached to an elevated landscape planter box or structure not exceeding three (3) feet in height.

SIGN, IDENTIFICATION — A sign pertaining only to the use of the premises on which the sign is located and containing any of the following information, unless otherwise prohibited:

1. The name of the owner, occupant, management, business or building;
2. The address;
3. The type of business, profession, service or activity; and
4. The type of products offered.

SIGN, INCIDENTAL — A sign pertaining to a major service, commodity or facility offered on the premises and is incidental to and subordinate to primary signs listed in this Article.

SIGN, MARQUEE — A sign attached to, in any manner, or made part of a marquee.

SIGN, MESSAGE CENTER — (See "*BULLETIN BOARD*")

SIGN, OBSOLETE — A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

SIGN, OFF-PREMISE ADVERTISING — An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard or other thing designed, intended or used to advertise or inform the traveling public of an establishment, products, services, entertainment or other information which is not sold, produced or furnished upon the property in which the sign is located. This does not include directional signs, in existence prior to adoption of this Article (November 18, 1999), at road intersections informing the traveling public of business locations not visible from highway or street corridors.

SIGN, OPEN LETTER — A wall sign consisting of individual or connected lettering not mounted on any type of background other than a building or the surface of an integral architectural element which is a part of a building. The surface that forms the background for the letters shall not be illuminated from behind.

SIGN, PAPER — A temporary sign made of paper, cardboard or similar material.

SIGN, PARKING DIRECTION — A sign indicating the entrance or exit to a parking lot.

SIGN, PARKING REGULATION — A sign stating the regulations for use of a parking lot or individual or groups of parking spaces therein.

SIGN, PERMANENT — All signs which are not temporary signs.

SIGN, PORTABLE — Any sign not permanently attached or intended to be permanently attached to the ground or to a building.

SIGN, PUBLIC SERVICE MESSAGE — An electronic or electrically controlled public service message sign which conveys only information such as time, date, temperature, atmospheric conditions or general news information where different alternating copy changes are shown on the same lamp bank matrix without giving the appearance of directional movement.

SIGN, ROOF — A sign erected on or above a roof, parapet or roof eave when installed in a manner such that the sign or any portion thereof extends beyond the limits of the visible surface of the roof or wall when viewed from normal eye level from the centerline of the adjacent public right-of-way.

SIGN, TEMPORARY — A sign that is not illuminated and is not permanently installed or affixed to any sign, structure or building.

SIGN, WALL — Any sign attached and parallel to a wall or similar architectural element that is an integral part of a building.

SIGN, WINDOW — Any sign painted on, attached to or displayed in a window so as to direct attention of persons outside the building to a product or activity of the institution or business on the premises.

STREET FRONTAGE — The length of the property line of any one (1) premise along each public right-of-way it borders and to which direct vehicular access is provided.

TEMPORARY PROMOTIONAL DISPLAY -- A temporary sign or signs displayed so as to attract attention to the sale of merchandise or services, a primary or accessory sales event, a community or sales event at an exposition or business center or a change in policy or in the status of a business.

Section 405.365. Sign Regulations — General.

- A. *Sign Permit Required.* It shall be unlawful for any person to erect, repair, enlarge, alter or relocate the sign within the City of Osage Beach without first obtaining a sign permit which has been duly issued by the Building Official and duly approved by the Zoning Administrator. This provision shall not apply to signs listed under Section 405.370(B).
- B. *Permit Application.* Application for a sign permit shall be submitted to the Building Official and shall contain or have attached thereto the following information:
1. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, and the company to be erecting or affixing the sign.
 2. A set of plans (to scale) and specifications of the sign-to be erected or affixed, detailing the method of construction and attachment to the building or ground. Such plans and specifications shall include information on material, dimensions (size and height) and electrical details (if applicable) and all other information required by the Building Official to determine compliance with the building code.
 3. Elevations, renderings, or drawings of the sign faces or sign message.
 4. For any freestanding sign or projecting sign, the applicant shall submit a site plan drawn to scale, locating such signs by dimension from the lot lines.
 5. Written consent of the property owner upon which the sign is to be erected or affixed, if different from the applicant.
 6. Such other information as may be determined necessary by the Building Official or the Zoning Administrator to determine compliance with this Article or other applicable codes.

C. *Determination Of Sign Area.* The following regulations shall govern the determination of sign area:

1. The surface area of a sign shall be computed by including the entire area within a perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material, framing or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
2. The posts or other supporting structures associated with a pole sign shall not be included in computing the sign area. In computing the sign area for a monument sign, the entire area of the sign shall be considered, exclusive of its elevated landscape planter box or base structure.
3. For two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one (1) time by a person from one (1) vantage point. Without otherwise limiting the generality of the foregoing:
 - a. The sign surface area of a double-faced, back-to back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed five (5) feet.
 - b. The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using, the area of only one (1) side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed thirty degrees (30°).
4. For open letter signs, only two-thirds (2/3) of the area, computed in accordance with Subsection (C)(1) above, shall be counted as the area of the sign.

D. *Maintenance.*

1. All signs and components thereof shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked panels, and broken or missing letters. All signs, components, supports and their surroundings shall be maintained in a safe, clean and attractive condition.
2. When any sign becomes insecure, in danger of falling or otherwise unsafe, or if any sign, is unlawfully installed, erected or maintained in violation of any of this Chapter or other applicable codes of the City, the owner thereof, or the person or firm maintaining the

same, shall, upon written notice of the Building Official, forthwith in the case of immediate danger and in any case, within not more than ten (10) days, make such sign conform to this Article or other applicable codes of the City, or shall remove it. If within ten (10) days the order is not complied with, the Building Official may have such sign removed at the expense of the property owner, lessee, or other person responsible therefor.

E. *Miscellaneous Regulations — Building Code Requirements.*

1. All signs shall comply in every respect with the Building Code of the City of Osage Beach, and the following:
 - a. No sign shall be erected, displayed, or maintained so as to obstruct any fire escape, any required exit way, window or door opening used as a means of egress, or to obstruct any other means of egress required by the Building Code of the City of Osage Beach; and
 - b. No sign shall be erected, displayed or maintained in a manner that interferes with any opening required for ventilation under the Building Code of the City of Osage Beach.
2. *Sign illumination.* Internal and external illumination of signs shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.
3. *Signs not to constitute traffic hazard.* No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "go", "look", "danger", "one-way", "yield" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic. Sign placement shall be in accordance with current City requirements regulating clear sight triangles and regulations for adequate visibility at intersections.
4. *Electrical hazards.* No freestanding sign shall be erected within eight (8) feet or less of any line conductors, service drops or power lines without approval of the appropriate Utility Company.

Section 405.370. Sign Regulations — All Zoning Districts.

- A. *Prohibited Signs.* The following types of signs are prohibited in all zoning districts of the City of Osage Beach:

1. Moving signs of which all or any part of the sign moves or which appears to move by any means, including fluttering or rotating. This prohibition includes but is not limited to pennants, streamers, or propellers.
 2. Flashing signs, except lamp bank type bulletin boards, reader boards and message centers, and illuminated signs which indicate the time, temperature, weather or other similar information provided that the total area of such sign is not greater than sixteen (16) square feet and the color or intensity of light is constant, except for periodic changes in the information display.
 3. Strips or strings of lights outlining property lines or sales area(s).
 4. Signs on public land or public rights-of-way other than temporary directional signs erected and removed the same day and those signs erected at the direction or with the permission of a public authority.
 5. Signs that are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure.
 6. Signs attached to, painted on or placed on any vehicle including a trailer that is parked in public view on private property. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business or parked after business hours, provided parking takes place as inconspicuously as possible and the duration of the parking, does not exceed a period of sixteen (16) hours, except on weekends or holidays.
 7. Temporary signs which do not comply with all provisions of this Article.
 8. Obsolete signs remaining thirty (30) days after they become obsolete.
 9. Signs installed, erected, enlarged or structurally altered in violation of the provisions of this Article.
 10. Signs which have become deteriorated or damaged to an extent that the cost of the reconstruction or restoration of such signs is in excess of fifty (50) percent of its replacement value exclusive of foundations.
 11. Other signs not expressly permitted by this Article.
- B. *Permitted Signs.* Except as otherwise limited in this Article, the following types of signs are permitted, without a sign permit, in all zoning districts within the City of Osage Beach:
1. Temporary Signs, Generally.

- a. Temporary signs allowed at any time: a) A property owner may place one sign with a sign face no larger than two (2) square feet on the property at any time. b) A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.
 - b. One temporary sign per 0.25 acre of land may be located on the owner's property for a period of thirty (30) days prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located.
 - c. "One temporary sign may be located on a property when the owner consents and that property is being offered for sale or lease any time prior to and up to the date of possession by a person purchasing or leasing the property."
 - d. One temporary sign may be located on the owner's property two days prior two and on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than two days in a year and the days must be consecutive and may not use this type of sign in any Commercial District for more than 14 days in a year and the days must be consecutive. For purposes of this Section a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward.
 - e. A property owner may place and maintain one temporary sign on the property on July 4.
 - f. A person exercising the right to place temporary signs on a property as described in this Section must limit the number of signs on the property per 0.25 acre at any one time to 2 plus a sign in the window as allowed in 1 (a).
 - g. The sign face of any temporary sign, unless otherwise limited in this Section must not be larger than two (2) square feet.
2. Construction signs provided only one (1) such sign of no more than thirty-two (32) square feet may be erected on each street frontage for the duration of such construction activities. Such sign(s) shall be located on the property in which the construction activity is taking place.
 3. Official public notices and notices posted by a public authority in accordance with public notice requirements as may be required by law.
 4. Business directional signs posted by the City of Osage Beach where a business located on a lake road or other commercial or secondary collector street is not

visible upon approaching the intersection, a business directional sign may be erected on public property. Such directional signs shall be constructed by the City and shall be of the type determined by the City. Businesses with existing off-premises advertising within three hundred (300) feet and/or located at the same intersection will not be allowed on the City directional sign until such existing signage is removed. All other directional signage on private property at such intersections shall be considered non-conforming. Businesses who otherwise are complying with all sign ordinances may request that their sign be placed on the business directional sign and a fee of no more than thirty dollars (\$30.00) per month for each space rented on City directional signs shall be charged by the City for the privilege. No such device shall be erected without the approval of the Planning Commission and Board of Aldermen. Business directional signs are provided by the City for the convenience of the City and are subject to removal at any time.

5. Governmental signs for the control or direction of traffic and other public purposes, such as neighborhood watch program signs, historical markers and plaques, or temporary emergency signs.
6. (Reserved)
7. "No Parking" or "No Trespassing" signs which are no larger than two (2) square feet in gross sign area.
8. Single identification signs not exceeding five (5) square feet in gross sign area which are hung below a canopy or awning, provided they allow a clearance of at least seven (7) feet above the sidewalk or other pedestrian way.
9. Painted graphics when located in a non-residential zoning district.
10. Tablets or plaques in building walls denoting names of buildings, names of officers and officials and date of erection when cut into any masonry surface or when constructed of bronze or other similar material.
11. Address numbers.
12. Subdivision or development identification signs. Up to two (2) permanent subdivision or development signs (one (1) on each corner of the entry street) not exceeding fifty (50) square feet in size each, inclusive of any logo, shall be allowed for any planned development, subdivision, multiple-family (apartment) or condominium development with ten (10) or more lots or units, or for any commercial or industrial subdivision, or commercial/industrial planned development with five (5) or more lots. Where the subdivision or development has access on two (2) or more streets, or has more than one (1) entrance on one (1) street, identification signs shall be allowed at each entrance.

Section 405.375. Sign Regulations — Residential Uses.

- A. It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with a residential use or in a residential zoning district unless such sign is expressly permitted by this Article, subject to all of the limitations and provisions stated herein.
1. *Single-family and two-family residential zoning districts and uses.* No signs other than those permitted under the provisions of Section 405.370(B) above shall be permitted in R districts, or in residential use areas.
 2. *Multi-family residential zoning and use areas* may include parking and/or directional sign(s) not exceeding twelve (12) square feet in gross sign area and not exceeding a height of ten (10) feet for each driveway serving the dwelling units.

Section 405.380. Sign Regulations — Non-Residential Uses.

- A. It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with any non-residential use or in a non-residential zoning district unless such sign is expressly permitted by this Article, subject to all of the limitations and provisions stated herein.
1. *Classification of signs.* For purposes of this Article, signs shall be classified as primary signs, secondary signs, and special-purpose signs.
 - a. Identification signs are the only signs which are classified as primary signs.
 - b. Secondary signs shall include the following signs: bulletin boards, incidental signs, paper signs, public service message signs, temporary promotional displays, and window signs.
 - c. Special purpose signs are limited to directory signs, parking direction signs, parking regulation signs, directional signs, shopping center identification signs, and marquee signs.
 2. *Primary signs.*
 - a. Each business, office or institution, located in commercial zones, shall be permitted square footage devoted to primary signage equivalent to the average of the following square footage totals:
 - (1) One (1) square foot per two hundred (200) square feet of total land area devoted to the use;

- (2) One (1) square foot per fifty (50) square feet of gross floor area for the ground level of the main building; and
 - (3) One (1) square foot per (2) linear feet of street frontage devoted to the use.
- b. The maximum size of any individual primary sign is limited in size to two hundred (200) square feet. The minimum size of any individual primary sign, unless desired by the applicant, shall not be less than thirty-two (32) square feet. Primary signs may be freestanding signs, wall signs, roof signs, window signs, or signs affixed to or painted on canopies or awnings, subject to the limitation stated herein.
 - c. Notwithstanding shopping center or related directory signage provisions herein, each business or institution occupying a floor or premises other than the ground floor and having direct exterior entrance on the ground floor shall be permitted primary wall, window or canopy signage at a rate of one (1) square foot per (50) square feet of gross floor area. This provision shall also apply to businesses within a single level shopping center or mall setting such as a factory outlet mall. Signs shall only be displayed on the part of the building occupied by that business and/or at or near the ground floor entrance to that business.
 - d. Freestanding primary signs. One (1) freestanding primary sign, not exceeding twenty-five (25) feet in total sign height, shall be permitted for each street frontage; except that when the street frontage exceeds two hundred (200) feet, such freestanding sign may be increased in sign height to a maximum of thirty five (35) feet (above street elevation)
 - e. Canopy and awning signs may be attached to or painted directly on a canopy or awning provided such signs shall not extend beyond the bottom edge of such canopy or awning.
3. *Secondary signs.* Signs authorized by this Section are not to be included in calculating the allowable gross area for primary signs. Except for temporary promotional displays, the total gross sign area of all secondary signs shall not exceed sixty percent (60%) of the allowable gross sign area for primary signs.
 - a. *Bulletin boards, message centers and reader boards.* No more than one (1) bulletin board, message center or reader board not exceeding thirty-two (32) square feet in area, shall be permitted for each street frontage. Electronic message centers shall not scroll or display a running message of continuous vertical or horizontal movement. Individually illuminated words used to form complete thoughts or

- advertising messages shall not exceed a maximum of five (5) seconds to complete for each complete message.
- b. *Incidental signs.* No more than four (4) incidental signs, not exceeding forty (40) square feet in total coverage area, shall be attached to any single building wall face and shall not be attached perpendicular to the wall. Individual incidental sign attached to a building wall shall not exceed twenty (20) square feet in total coverage area. No more than four (4) incidental signs shall be affixed to a freestanding pole structure and shall not exceed eight (8) square feet in total coverage area for each sign. Such signs shall be restricted to trading stamps, credit cards accepted, notices of services or restrictions, or shall pertain to a major service, commodity or facility offered on the premises.
 - c. *Paper signs, banners and temporary window signs.* The total gross sign area of all paper signs, banners and temporary window signs shall not exceed fifty percent (50%) of the allowable gross sign area for primary signs for the street frontage on which the signs are displayed.
 - d. *Public service message signs.* Public service message signs shall be permitted when attached to a freestanding sign or to a building wall, provided the street frontage of the use involving the sign exceeds three hundred (300) feet along the street on which the sign is located. The illuminated message area shall not exceed sixteen (16) square feet in area.
 - e. *Temporary promotional displays.* Temporary promotional displays equal to seventy-five percent (75%) or more of the primary signage permitted for the business or use shall be permitted for a maximum of ten (10) consecutive calendar days on not more than four (4) separate occasions during a calendar year, provided the displays are securely mounted to minimize movement due to wind and air currents and a permit is obtained for such temporary promotional display prior to installation. Such permit shall not be issued unless a permit fee of ten dollars (\$10.00) and a cash bond of fifty dollars (\$50.00) are first paid to the Building Department. The bond is refundable only upon meeting all of the conditions of the permit, including the removal of the display in accordance with the removal date stated on the face of the permit.
4. *Special purpose signs.* Signs authorized in this Section are not to be included in calculating the allowable sign area for primary signs.
- a. *Parking direction signs.* Freestanding parking direction signs shall be permitted for each driveway provided the sign does not exceed ten (10) square feet in gross sign area, the sign height does not exceed five (5) feet, and no portion of the sign is located closer than five (5) feet

from a street curb line. If the sign is located at a private driveway, which is for the exclusive use of a single business or institution, the sign may contain the name or address of such business or institution. If the driveway is not for the exclusive use of a single business or institution, the parking directional sign shall be limited to directional information only and shall not contain any other information such as the name or address of a business or institution.

- b. *Directional signs.* Directional signs other than parking direction signs shall not exceed ten (10) square feet in gross sign area or ten (10) feet in sign height and shall not be located within fifty (50) feet of a public or private right-of-way.
- c. *Parking regulation signs.* One (1) non-illuminated parking regulation sign, not exceeding five (5) square feet in gross sign area and not exceeding ten (10) feet in sign height, shall be permitted for each parking lot. Parking lots with more than twenty (20) parking spaces shall be permitted one (1) sign for each twenty (20) parking spaces or fraction thereof.
- d. *Directory signs.* Buildings or a group of buildings containing various businesses or activities are permitted one (1) directory sign at or near each building or courtyard entrance. Such sign shall contain only the names of the businesses served by such entrance or courtyard and shall not exceed a gross sign area of one (4) square feet times the number of businesses listed on the sign.
- e. *Shopping center identification signs.* Multi-tenant shopping centers containing a minimum of fifteen thousand (15,000) square feet of floor area, a minimum of four (4) establishments, and a minimum of three hundred (300) feet of street frontage, shall be permitted a shopping center identification sign which may be a wall sign or a freestanding sign not exceeding thirty-five (35) feet in sign height (measured from street grade) and located with a setback of at least five (5) feet from the right-of-way line. Such shopping center identification sign shall not exceed two hundred (200) square feet in gross sign area and may include the name of the shopping center, address, and directory information.
- f. *Marquee signs.* Marquee signs for theaters, cinemas, exhibition centers and similar public assembly uses shall be permitted provided the total square footage devoted to said sign shall not exceed the total square footage of the primary sign permitted for the property.

- g. *Group office and business complex signs.* Groups of businesses or institutions located in one (1) single or multi-level building shall be permitted to have freestanding directory sign(s) provided that:
- (1) No other freestanding signs related to businesses within the group other than parking direction signs and directional signs not exceeding six (6) feet in height shall be located within two hundred (200) feet of a commercial group directory sign unless the sign is attached or constructed as an integral part of the primary sign permitted for the group.
 - (2) Sign area shall be limited to ten (10) square feet per occupancy not to exceed fifty percent (50%) of the total square footage of the primary sign permitted on the property.
- h. *Regional shopping center primary signs.* Regional shopping centers will be allowed a primary sign containing the name of the development, along with the names of the various businesses that operate within that development. The sign must be located on the development property. The sign can be a maximum of eight hundred (800) square feet, cannot exceed forty-five (45) feet in total height, and an allowance will be figured at a rate of one (1) square foot per fifty (50) square feet of gross floor area, with no individual establishment's sign to exceed two hundred (200) square feet on the individual freestanding sign.
- i. *Metro shopping center primary signs.*
- (1) Metro shopping centers will be allowed one (1) primary sign containing the name of the development, along with the names of the various businesses that operate within that development located on the development property in a location on the main frontage road for the development. If the Metro Shopping Center is bordered by more than one (1) State Highway, the development will be allowed a primary sign on each State Highway frontage that is a minimum of one thousand (1,000) feet. The Metro Shopping Center primary sign shall not exceed:
 - a. A maximum of six hundred (600) square feet; and

- b. Forty-five (45) feet in height from the road elevation nearest the sign location.
 - (2) Tenant signs located on the Metro Shopping Center primary sign may not exceed the lesser of:
 - a. A total area of one (1) square foot per fifty (50) square feet of gross floor area occupied by that tenant; or
 - b. Two hundred (200) square feet.
 - (3) Each Metro Shopping Center primary sign may contain one (1) digital bulletin board sign not to exceed one hundred fifty (150) square feet in total area. The digital bulletin board shall display only commercial messages for the tenants of the Metro Shopping Center or public or community service announcements as determined by the owner or manager of the Metro Shopping Center.
- j. *Commercial properties with frontage on the 54 Expressway.*
- (1) Commercial properties that are a minimum ten (10) acres in total area with a minimum of one thousand (1,000) feet of frontage on the Highway 54 Expressway and are adjacent to a 54 Expressway interchange may locate a freestanding primary sign on the Highway 54 Expressway.
 - (2) Any additional freestanding primary signage for those properties locating a freestanding primary sign on the 54 Expressway frontage will only be allowed in the form of a monument sign whose total square footage is no greater than two hundred (200) square feet with a sign height no greater than twelve and one half (12.5) feet in total sign height or above street elevation, whichever is greater.
 - (3) All other commercial properties with frontage on the 54 Expressway not erecting a sign pursuant to Subsection (4)(j)(1) listed above will be allowed a primary sign affixed to either the primary contained structure's wall or roof facing the 54 Expressway frontage provided it meets all other regulations contained within this Article.

Section 405.385. Off-Premises Advertising Signs.

A. Off-premises advertising signs shall be subject to the regulations set forth herein and under Sections 226.500 to 226.600, RSMo., and other State and Federal laws pertaining to such signs. To the extent the regulations of this Article differ from the provisions of Sections 226.500 to 226.600, RSMo., and other State and Federal laws, the regulations of this Article shall apply. Notwithstanding other, provisions of this Article which apply to off-premises advertising signs, the following regulations shall apply to any such off-premises advertising sign erected after November 18, 1999.

1. *Location of signs.*
 - a. Off-premises advertising signs shall only be permitted within two hundred (200) feet of the nearest edge of the right-of-way of existing Highways 54 (Osage Beach Parkway), 42, KK, and D in areas zoned "C-1", "C-2", "I-1" or "I-2"; this does not include any off-premises signage for the future Highway 54 Expressway.
 - b. No off-premises advertising sign shall be located within one thousand (1,000) feet of any R, M or residential PUD zoning district. Size of signs. The maximum area for any one (1) sign shall be seven hundred (700) square feet with a maximum sign face height of fifteen (15) feet and width of fifty (50) feet subject to the measuring provisions of this Article.
2. *Size of signs.* The maximum area for any one (1) sign shall be seven hundred (700) square feet with a maximum sign face height of fifteen (15) feet and width of fifty (50) feet subject to the measuring provisions of this Article.
3. *Height of signs.* The total maximum height of any off-premises advertising sign shall be forty (40) feet as measured from the average public street elevation closest to the base of the sign.
4. *Spacing of signs.* No off-premises advertising sign shall be erected within two thousand (2,000) feet of any other existing off-premises sign in any direction, which includes measurements from signs located outside the City limits.
5. *Lighting of signs.* Illumination of off-premises advertising signs shall be permitted, subject to the provisions of Section 226.540, RSMo. Shielding of fixtures is required to mitigate illumination and glare within adjacent properties.

6. Off-premises advertising along the State Highway 54 Expressway and the portion of Osage Beach Parkway, between the Highway 42 intersection and the western end of Osage Beach Parkway South (commonly referred to as the one-way couple), shall only be permitted as follows: No new off-premises advertising signs shall be constructed facing, abutting, visible to, or within the line of sight of any driver on any public or private road, expressway or highway not otherwise permitted herein.
 - a. Size of signs. The maximum area for any one (1) sign shall be eight hundred (800) square feet with a maximum sign face height of thirty (30) feet and width of seventy-two (72) feet subject to the measuring provisions of this Article.
 - b. Height of signs. The total maximum height of any off-premises advertising sign shall be:
 - i. For signs which have a base located at a topographical elevation below the average street elevation closest to the base of the sign, the maximum height shall be eighty (80) feet over the street elevation closest to the sign.
 - ii. For signs which have a base located at a topographical elevation equal to the average street elevation closest to the base of the sign, the maximum height shall be eighty (80) feet over the street elevation closest to the sign.
 - iii. For signs which have a base located at a topographical elevation above the average street elevation closest to the base of the sign, the maximum height shall be eighty (80) feet over the base of the sign.
 - c. Spacing of signs. No off-premises advertising sign shall be erected on the Highway 54 Expressway within one thousand four hundred (1,400) feet of any other existing off-premises sign on the same side of the road. Off-premises advertising signs shall only be permitted within two hundred (200) feet of the nearest edge of the right-of-way of the Highway 54 Expressway.
 - d. Lighting of signs. Illumination of off-premises advertising signs shall be permitted, subject to the provisions of

Section 226.540, RSMo. Shielding of fixtures is required to mitigate illumination and glare within adjacent properties.

- e. Location of signs. Off-premises signs located on the Highway 54 Expressway will only be allowed in areas zoned "C-1", "C-2", "I-1", and "I-2".

7. *Permits.*

- a. The Building Official shall not issue a permit as required under this Article, without a permit having first been issued by the Missouri Department of Transportation and filed with the Building Department
- b. A one-time permit fee of five hundred dollars (\$500.00) shall be charged for new off-premises sign installations. Fees for off-premises sign permits cover costs associated with including the sign in the City's GIS system and the City's review for compliance with wind loading, spacing, electrical requirements, and other applicable building, zoning, and engineering codes of the City of Osage Beach. No annual fees are required.

Section 405.390. Legal Non-Conforming Off-Premises Signs.

- A. Any sign which was lawfully erected or affixed prior to November 18, 1999, and complied with all regulations in force at the time it was erected or affixed, but fails to conform to all applicable regulations and restrictions of this Article shall be considered a legal non-conforming sign. A legal non-conforming sign may be continued and shall be maintained in good condition, but shall not be:
 - (1) Structurally altered (except to meet safety requirements) so as to prolong the life of the sign. The type of materials used in the construction of the sign shall not be changed after the date the sign becomes non-conforming.
 - (2) Altered so as to increase the degree or extent of the non-conformity of the sign.
 - (3) Expanded in size or modified to include additional sign faces or lighting.
 - (4) Relocated or moved.
 - (5) Repaired by expenditure of more than fifty percent (50%) of the depreciated value of the sign, excluding foundation(s), for materials and/or labor for repair on any deteriorated or damaged non-conforming sign in any continuous twelve (12) month period. Upon request for a sign permit, the Building Official may request substantiating information or documentation sufficient to determine the percentage of value expended for repair. The Public Works Director is the final

authority in determining depreciated value. Any appeal alleging that an error exists in the City Building Official or Public Works Director's judgement or calculation(s) will be reviewed by the City's Board of Adjustment.

(6) *Abandoned or discontinued signs.* This occurs when:

- (a) The sign advertises services or products no longer available to the public and/or can no longer be obtained at the business or destination illustrated on the sign face.
- (b) The sign, for a continuous period of twelve (12) months or longer, is maintained without an advertising message. This includes a sign with a message which is partially destroyed so as not to identify a product, service, or destination; a sign which is blank or painted out; or a sign with a message consisting of advertisement of rental of the sign space or any other sign space.

Section 405.395. Severability of Sections 405.350 through 405.390.

This Chapter and the various components, articles, sections, subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this chapter to be unconstitutional or invalid, such ruling shall not affect any other provision of this chapter not specifically included in said ruling.

Section 3. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 4. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 5. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: _____ READ SECOND TIME: _____

I hereby certify that Ordinance No.16.81 was duly passed on _____ by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:

Nays:

Abstentions:

Absent:

This Ordinance is hereby transmitted to the Mayor for his signature.

Date

Cynthia Lambert, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby approve Ordinance No.16.81.

John Olivarri, Mayor

APPENDIX CHAPTER 405 ARTICLE V SIGNS:
 MARKED UP TO SHOW PROPOSED CHANGES

ARTICLE V. Signs

Section 405.350. Intent and Purpose.

- A. The intent and purpose of the following provisions is to provide sign regulations that promote the following objectives:
1. Effective communication without excessive proliferation or size of signage;
 2. Protection of the public from unsafe signs by requiring proper location, installation and maintenance, and avoiding undue distractions to persons driving motor vehicles; and
 3. Provision of a quality community image, thereby protecting and enhancing the economic vitality of the City by ensuring that the City remain a desirable place to live, visit and conduct business.
 4. **No temporary sign is subject to any limitation based on its content. Any temporary sign authorized in this Chapter may contain any non-commercial copy in lieu of any other copy.**

Section 405.355. Applicability.

The provisions of this Article shall govern the installation, erection, painting or display of any outdoor sign.

Section 405.360. Definitions.

Unless expressly stated, the following words or terms shall, for purposes of this Article, have the meanings as outlined below:

BILLBOARD (See "SIGN, OFF-PREMISES ADVERTISING")

BUILDING FRONTAGE The horizontal length of that portion of a building which faces a right-of-way or which faces a parking lot containing no less than twenty (20) parking spaces and serving the building.

BULLETIN BOARD A sign on which copy is changed either manually or automatically (electronically), posting information pertinent to the business or establishment on the premises. These signs include message centers, reader boards and/or lamp banks subject to the limitations provided herein.

ERECT To build, construct, install, attach, hang, place, inscribe, suspend, affix, paint or repair.

GROUND LEVEL The elevation of the centerline of the adjacent right-of-way at the point closest to the sign.

MAINTAIN To permit a sign, sign structure, or any part of each to continue, or to repair or refurbish a sign, sign structure or any part of each.

METRO SHOPPING CENTER A commercial or retail development that has a minimum development area of ten (10) acres, a minimum of four hundred (400) feet of road frontage, and at least one hundred thousand (100,000) square feet of retail sales facility.

NAMEPLATE A non-electrical sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.

PAINTED GRAPHICS Any mosaic, mural, painting, graphic art technique, or combination thereof placed on a wall and containing no copy, advertising symbols, lettering, trademarks or other references to the premises or to the products and/or service offered for sale on the premises.

SIGN A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business and where sign area means the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign or sign face shall be considered to be a sign.

~~Any display name, identification, description, illustration, device, building or building treatment which is visible to the public and which directs attention to a product, place, activity, institution, profession, person, service, business or solicitation.~~

SIGN, CONSTRUCTION A temporary on-premise sign used during construction of new buildings or substantial additions to buildings, which denotes a project name and/or identifies the architects, engineers, developers, contractors and the like.

SIGN, DIRECTIONAL A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed.

SIGN, DIRECTORY A sign listing the name, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

SIGN, FLASHING A sign which contains an intermittent flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source; any sign in which any part of the light source varies in intensity and/or hue and flashes or appears to flash or turn on and off, or a sign in which a message constantly flashes or turns on and off, or alternates with other copy by means of rotating or otherwise moving portions of the sign. Not to include message centers, automatic lamp banks or bulletin boards as provided for herein.

SIGN, FREESTANDING (POLE AND MONUMENT SIGNS) A pole sign, not attached to a building, and supported wholly by uprights, braces, or posts; or a monument sign, not attached to a building, whereby the majority or the entirety of the base of the sign is attached directly to the ground, or attached to an elevated landscape planter box or structure not exceeding three (3) feet in height.

SIGN, IDENTIFICATION A sign pertaining only to the use of the premises on which the sign is located and containing any of the following information, unless otherwise prohibited:

1. The name of the owner, occupant, management, business or building;
2. The address;
3. The type of business, profession, service or activity; and
4. The type of products offered.

SIGN, INCIDENTAL A sign pertaining to a major service, commodity or facility offered on the premises and is incidental to and subordinate to primary signs listed in this Article.

SIGN, MARQUEE A sign attached to, in any manner, or made part of a marquee.

SIGN, MESSAGE CENTER(See "BULLETIN BOARD")

SIGN, OBSOLETE A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

SIGN, OFF-PREMISE ADVERTISING An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard or other thing designed, intended or used to advertise or inform the traveling public of an

establishment, products, services, entertainment or other information which is not sold, produced or furnished upon the property in which the sign is located. This does not include directional signs, in existence prior to adoption of this Article (November 18, 1999), at road intersections informing the traveling public of business locations not visible from highway or street corridors.

SIGN, OPEN LETTER A wall sign consisting of individual or connected lettering not mounted on any type of background other than a building or the surface of an integral architectural element which is a part of a building. The surface that forms the background for the letters shall not be illuminated from behind.

SIGN, PAPER A temporary sign made of paper, cardboard or similar material.

SIGN, PARKING DIRECTION A sign indicating the entrance or exit to a parking lot.

SIGN, PARKING REGULATION A sign stating the regulations for use of a parking lot or individual or groups of parking spaces therein.

SIGN, PERMANENT All signs which are not temporary signs.

SIGN, PORTABLE Any sign not permanently attached or intended to be permanently attached to the ground or to a building.

SIGN, PUBLIC SERVICE MESSAGE An electronic or electrically controlled public service message sign which conveys only information such as time, date, temperature, atmospheric conditions or general news information where different alternating copy changes are shown on the same lamp bank matrix without giving the appearance of directional movement.

~~SIGN, READER BOARD (See "BULLETIN BOARD")~~

~~SIGN, REAL ESTATE A sign pertaining to the sale or lease of real estate.~~

SIGN, ROOF A sign erected on or above a roof, parapet or roof eave when installed in a manner such that the sign or any portion thereof extends beyond the limits of the visible surface of the roof or wall when viewed from normal eye level from the centerline of the adjacent public right-of-way.

SIGN, TEMPORARY A sign that is not illuminated and is not permanently installed or affixed to any sign, structure or building.

SIGN, WALL Any sign attached and parallel to a wall or similar architectural element that is an integral part of a building.

SIGN, WINDOW Any sign painted on, attached to or displayed in a window so as to direct attention of persons outside the building to a product or activity of the institution or business on the premises.

STREET FRONTAGE The length of the property line of any one (1) premise along each public right-of-way it borders and to which direct vehicular access is provided.

TEMPORARY PROMOTIONAL DISPLAY A temporary sign or signs displayed so as to attract attention to the sale of merchandise or services, a primary or accessory sales event, a community or sales event at an exposition or business center or a change in policy or in the status of a business.

Section 405.365. Sign Regulations — General.

- A. Sign Permit Required. It shall be unlawful for any person to erect, repair, enlarge, alter or relocate the sign within the City of Osage Beach without first obtaining a sign permit which has been duly issued by the Building Official and duly approved by the Zoning Administrator. This provision shall not apply to signs listed under Section 405.370(B).
- B. Permit Application. Application for a sign permit shall be submitted to the Building Official and shall contain or have attached thereto the following information:
1. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, and the company to be erecting or affixing the sign.
 2. A set of plans (to scale) and specifications of the sign-to be erected or affixed, detailing the method of construction and attachment to the building or ground. Such plans and specifications shall include information on material, dimensions (size and height) and electrical details (if applicable) and all other information required by the Building Official to determine compliance with the building code.
 3. Elevations, renderings, or drawings of the sign faces or sign message.
 4. For any freestanding sign or projecting sign, the applicant shall submit a site plan drawn to scale, locating such signs by dimension from the lot lines.
 5. Written consent of the property owner upon which the sign is to be erected or affixed, if different from the applicant.
 6. Such other information as may be determined necessary by the Building Official or the Zoning Administrator to determine compliance with this Article or other applicable codes.
- C. Determination Of Sign Area. The following regulations shall govern the determination of sign area:
1. The surface area of a sign shall be computed by including the entire area within a perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material, framing or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
 2. The posts or other supporting structures associated with a pole sign shall not be included in computing the sign area. In computing the sign area for a monument sign, the entire area of the sign shall be considered, exclusive of its elevated landscape planter box or base structure.
 3. For two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one (1) time by a person from one (1) vantage point. Without otherwise limiting the generality of the foregoing:
 - a. The sign surface area of a double-faced, back-to back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed five (5) feet.
 - b. The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using, the area of only one (1) side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed thirty degrees (30°).
 4. For open letter signs, only two-thirds (2/3) of the area, computed in accordance with Subsection (C)(1) above, shall be counted as the area of the sign.
- D. Maintenance.
1. All signs and components thereof shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked panels, and broken or missing letters. All signs, components, supports and their surroundings shall be maintained in a safe, clean and attractive condition.
 2. When any sign becomes insecure, in danger of falling or otherwise unsafe, or if any sign, is unlawfully installed, erected or maintained in violation of any of this Chapter or other applicable codes of the City, the owner thereof, or the person or firm maintaining the same, shall, upon written notice of the Building Official, forthwith in the case of immediate danger and in any case, within not more than ten (10) days, make such sign conform to this Article or other applicable codes of the City, or shall remove it. If within ten (10) days the order is not complied with, the Building Official may have such sign removed at the expense of the property owner, lessee, or other person responsible therefor.
- E. Miscellaneous Regulations — Building Code Requirements.

1. All signs shall comply in every respect with the Building Code of the City of Osage Beach, and the following:
 - a. No sign shall be erected, displayed, or maintained so as to obstruct any fire escape, any required exit way, window or door opening used as a means of egress, or to obstruct any other means of egress required by the Building Code of the City of Osage Beach; and
 - b. No sign shall be erected, displayed or maintained in a manner that interferes with any opening required for ventilation under the Building Code of the City of Osage Beach.
2. Sign illumination. Internal and external illumination of signs shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.
3. ~~Miscellaneous advertising objects prohibited. No person shall place on, or suspend from, any building or structure, any goods, wares, merchandise or other advertising object or structure other than a sign as defined, regulated and prescribed by this Article.~~
4. Signs not to constitute traffic hazard. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "go", "look", "danger", "one-way", "yield" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic. Sign placement shall be in accordance with current City requirements regulating clear sight triangles and regulations for adequate visibility at intersections.
5. Electrical hazards. No freestanding sign shall be erected within eight (8) feet or less of any line conductors, service drops or power lines without approval of the appropriate Utility Company.

Section 405.370. Sign Regulations — All Zoning Districts.

- A. Prohibited Signs. The following types of signs are prohibited in all zoning districts of the City of Osage Beach:
1. Moving signs of which all or any part of the sign moves or which appears to move by any means, including fluttering or rotating. This prohibition includes but is not limited to pennants, streamers, or propellers.
 2. Flashing signs, except lamp bank type bulletin boards, reader boards and message centers, and illuminated signs which indicate the time, temperature, weather or other similar information provided that the total area of such sign is not greater than sixteen (16) square feet and the color or intensity of light is constant, except for periodic changes in the information display.
 3. Strips or strings of lights outlining property lines or sales area(s).
 4. Signs on public land or public rights-of-way other than **temporary directional signs erected and removed the same day real estate open house signs** and those signs erected at the direction or with the permission of a public authority.
 5. Signs that are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure.
 6. Signs attached to, painted on or placed on any vehicle including a trailer that is parked in public view on private property. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business or parked after business hours, provided parking takes place as inconspicuously as possible and the duration of the parking, does not exceed a period of sixteen (16) hours, except on weekends or holidays.
 7. **"Sold" signs displayed after seven (7) working days following the removal of the property from the market.**
 - 8-7. **Real estate Temporary** signs which do not comply with all provisions of this Article.
 - 9-8. Obsolete signs remaining thirty (30) days after they become obsolete.
 - 10-9. Signs installed, erected, enlarged or structurally altered in violation of the provisions of this Article.
 - 11-10. Signs which have become deteriorated or damaged to an extent that the cost of the reconstruction or restoration of such signs is in excess of fifty (50) percent of its replacement value exclusive of foundations.
 - 12-11. Other signs not expressly permitted by this Article.
- B. Permitted Signs. Except as otherwise limited in this Article, the following types of signs are permitted, without a sign permit, in all zoning districts within the City of Osage Beach:

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1. ~~Real estate signs:~~

- ~~a. Consisting of temporary signs not exceeding four (4) square feet in gross area for each ten thousand (10,000) square feet of lot area or fraction thereof and not exceeding three (3) feet in height for each ten thousand (10,000) square feet of lot area or fraction thereof, provided the height limitations shall not apply to signs displayed in windows or attached directly to building walls. Height shall be measured from the ground at the base of the sign to the highest point of the sign or its support. Such signs shall be displayed only on the premises which are for sale or lease, with only one (1) such sign permitted for each street frontage, and such signs shall be removed within seven (7) days following the removal of the property from the market.~~
- ~~b. Real estate open house signs and open house directional signs shall be permitted only during open house hours and when the owner or a representative of the owner is in attendance. Such directional signs may be located off premises and within a street right of way, subject to the requirements for clear sight triangles and "Visibility at Intersection." Location of such signs in street rights of way not under the control of the City shall be subject to the rules and regulations of the applicable authority (e.g., Missouri Highway and Transportation Department, or Camden County Department of Roads).~~

1. Temporary Signs, Generally.

- a. Temporary signs allowed at any time: a) A property owner may place one sign with a sign face no larger than two (2) square feet on the property at any time. b) A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.
- b. One temporary sign per 0.25 acre of land may be located on the owner's property for a period of thirty (30) days prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located.
- c. "One temporary sign may be located on a property when the owner consents and that property is being offered for sale or lease any time prior to and up to the date of possession by a person purchasing or leasing the property."
- d. One temporary sign may be located on the owner's property two days prior two and on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than two days in a year and the days must be consecutive and may not use this type of sign in any Commercial District for more than 14 days in a year and the days must be consecutive. For purposes of this Section a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward.
- e. A property owner may place and maintain one temporary sign on the property on July 4.
- f. A person exercising the right to place temporary signs on a property as described in this Section must limit the number of signs on the property per 0.25 acre at any one time to 2 plus a sign in the window as allowed in 1 (a).
- g. The sign face of any temporary sign, unless otherwise limited in this Section must not be larger than two (2) square feet.
2. Construction signs provided only one (1) such sign of no more than thirty-two (32) square feet may be erected on each street frontage for the duration of such construction activities. Such sign(s) shall be located on the property in which the construction activity is taking place.
3. Official public notices and notices posted by a public authority in accordance with public notice requirements as may be required by law.
4. Business directional signs posted by the City of Osage Beach where a business located on a lake road or other commercial or secondary collector street is not visible upon approaching the intersection, a business directional sign may be erected on public property. Such directional signs shall be constructed by the City and shall be of the type determined by the City. Businesses with existing off-premises advertising within three hundred (300) feet and/or located at the same intersection will not be allowed on the City directional sign until such existing signage is removed. All other directional signage on private property at such intersections shall be considered non-conforming. Businesses who otherwise are complying with all sign ordinances may request that their sign be placed on the business directional sign and a fee of no more than thirty dollars (\$30.00) per month for each space rented on City directional signs shall be

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charged by the City for the privilege. No such device shall be erected without the approval of the Planning Commission and Board of Aldermen. Business directional signs are provided by the City for the convenience of the City and are subject to removal at any time.

5. Governmental signs for the control or direction of traffic and other public purposes, such as neighborhood watch program signs, historical markers and plaques, or temporary emergency signs.
6. (Reserved)
7. "No Parking" or "No Trespassing" signs which are no larger than two (2) square feet in gross sign area.
8. Single identification signs not exceeding five (5) square feet in gross sign area which are hung below a canopy or awning, provided they allow a clearance of at least seven (7) feet above the sidewalk or other pedestrian way.
9. Painted graphics when located in a non-residential zoning district.
10. ~~Temporary residential garage sale signs including, but not limited to, garage sale, patio sale, yard sale, porch sale, basement sale or any similarity thereto, that do not exceed five (5) square feet and are located upon premises where the sale is taking place. These signs shall be removed within twenty four (24) hours following the completion of the sale.~~

~~11.10.~~ Tablets or plaques in building walls denoting names of buildings, names of officers and officials and date of erection when cut into any masonry surface or when constructed of bronze or other similar material.

~~12.11.~~ Address numbers.

~~13.12.~~ Subdivision or development identification signs. Up to two (2) permanent subdivision or development signs (one (1) on each corner of the entry street) not exceeding fifty (50) square feet in size each, inclusive of any logo, shall be allowed for any planned development, subdivision, multiple-family (apartment) or condominium development with ten (10) or more lots or units, or for any commercial or industrial subdivision, or commercial/industrial planned development with five (5) or more lots. Where the subdivision or development has access on two (2) or more streets, or has more than one (1) entrance on one (1) street, identification signs shall be allowed at each entrance.

Section 405.375. Sign Regulations — Residential Uses.

- A. It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with a residential use or in a residential zoning district unless such sign is expressly permitted by this Article, subject to all of the limitations and provisions stated herein.
 1. Single-family and two-family residential zoning districts and uses. No signs other than those permitted under the provisions of Section 405.370(B) above shall be permitted in R districts, or in residential use areas.
 2. Multi-family residential zoning and use areas may include parking and/or directional sign(s) not exceeding twelve (12) square feet in gross sign area and not exceeding a height of ten (10) feet for each driveway serving the dwelling units.

Section 405.380. Sign Regulations — Non-Residential Uses.

- A. It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with any non-residential use or in a non-residential zoning district unless such sign is expressly permitted by this Article, subject to all of the limitations and provisions stated herein.
 1. Classification of signs. For purposes of this Article, signs shall be classified as primary signs, secondary signs, and special-purpose signs.
 - a. Identification signs are the only signs which are classified as primary signs.
 - b. Secondary signs shall include the following signs: bulletin boards, incidental signs, paper signs, public service message signs, temporary promotional displays, and window signs.
 - c. Special purpose signs are limited to directory signs, parking direction signs, parking regulation signs, directional signs, shopping center identification signs, and marquee signs.
 2. Primary signs.
 - a. Each business, office or institution, located in commercial zones, shall be permitted square footage devoted to primary signage equivalent to the average of the following square footage totals:
 - (1) One (1) square foot per two hundred (200) square feet of total land area devoted to the use;

- (2) One (1) square foot per fifty (50) square feet of gross floor area for the ground level of the main building; and
 - (3) One (1) square foot per (2) linear feet of street frontage devoted to the use.
- b. The maximum size of any individual primary sign is limited in size to two hundred (200) square feet. The minimum size of any individual primary sign, unless desired by the applicant, shall not be less than thirty-two (32) square feet. Primary signs may be freestanding signs, wall signs, roof signs, window signs, or signs affixed to or painted on canopies or awnings, subject to the limitation stated herein.
 - c. Notwithstanding shopping center or related directory signage provisions herein, each business or institution occupying a floor or premises other than the ground floor and having direct exterior entrance on the ground floor shall be permitted primary wall, window or canopy signage at a rate of one (1) square foot per (50) square feet of gross floor area. This provision shall also apply to businesses within a single level shopping center or mall setting such as a factory outlet mall. Signs shall only be displayed on the part of the building occupied by that business and/or at or near the ground floor entrance to that business.
 - d. Freestanding primary signs. One (1) freestanding primary sign, not exceeding twenty-five (25) feet in total sign height, shall be permitted for each street frontage; except that when the street frontage exceeds two hundred (200) feet, such freestanding sign may be increased in sign height to a maximum of thirty five (35) feet (above street elevation)
 - e. Canopy and awning signs may be attached to or painted directly on a canopy or awning provided such signs shall not extend beyond the bottom edge of such canopy or awning.
3. Secondary signs. Signs authorized by this Section are not to be included in calculating the allowable gross area for primary signs. Except for temporary promotional displays, the total gross sign area of all secondary signs shall not exceed sixty percent (60%) of the allowable gross sign area for primary signs.
 - a. Bulletin boards, message centers and reader boards. No more than one (1) bulletin board, message center or reader board not exceeding thirty-two (32) square feet in area, shall be permitted for each street frontage. Electronic message centers shall not scroll or display a running message of continuous vertical or horizontal movement. Individually illuminated words used to form complete thoughts or advertising messages shall not exceed a maximum of five (5) seconds to complete for each complete message.
 - b. Incidental signs. No more than four (4) incidental signs, not exceeding forty (40) square feet in total coverage area, shall be attached to any single building wall face and shall not be attached perpendicular to the wall. Individual incidental sign attached to a building wall shall not exceed twenty (20) square feet in total coverage area. No more than four (4) incidental signs shall be affixed to a freestanding pole structure and shall not exceed eight (8) square feet in total coverage area for each sign. Such signs shall be restricted to trading stamps, credit cards accepted, notices of services or restrictions, or shall pertain to a major service, commodity or facility offered on the premises.
 - c. Paper signs, banners and temporary window signs. The total gross sign area of all paper signs, banners and temporary window signs shall not exceed fifty percent (50%) of the allowable gross sign area for primary signs for the street frontage on which the signs are displayed.
 - d. Public service message signs. Public service message signs shall be permitted when attached to a freestanding sign or to a building wall, provided the street frontage of the use involving the sign exceeds three hundred (300) feet along the street on which the sign is located. The illuminated message area shall not exceed sixteen (16) square feet in area.
 - e. Temporary promotional displays. Temporary promotional displays equal to seventy-five percent (75%) or more of the primary signage permitted for the business or use shall be permitted for a maximum of ten (10) consecutive calendar days on not more than four (4) separate occasions during a calendar year, provided the displays are securely mounted to minimize movement due to wind and air currents and a permit is obtained for such temporary promotional display prior to installation. Such permit shall not be issued unless a permit fee of ten dollars (\$10.00) and a cash bond of fifty dollars (\$50.00) are first paid to the Building Department. The bond is refundable only upon meeting

all of the conditions of the permit, including the removal of the display in accordance with the removal date stated on the face of the permit.

4. Special purpose signs. Signs authorized in this Section are not to be included in calculating the allowable sign area for primary signs.
 - a. Parking direction signs. Freestanding parking direction signs shall be permitted for each driveway provided the sign does not exceed ten (10) square feet in gross sign area, the sign height does not exceed five (5) feet, and no portion of the sign is located closer than five (5) feet from a street curb line. If the sign is located at a private driveway, which is for the exclusive use of a single business or institution, the sign may contain the name or address of such business or institution. If the driveway is not for the exclusive use of a single business or institution, the parking directional sign shall be limited to directional information only and shall not contain any other information such as the name or address of a business or institution.
 - b. Directional signs. Directional signs other than parking direction signs shall not exceed ten (10) square feet in gross sign area or ten (10) feet in sign height and shall not be located within fifty (50) feet of a public or private right-of-way.
 - c. Parking regulation signs. One (1) non-illuminated parking regulation sign, not exceeding five (5) square feet in gross sign area and not exceeding ten (10) feet in sign height, shall be permitted for each parking lot. Parking lots with more than twenty (20) parking spaces shall be permitted one (1) sign for each twenty (20) parking spaces or fraction thereof.
 - d. Directory signs. Buildings or a group of buildings containing various businesses or activities are permitted one (1) directory sign at or near each building or courtyard entrance. Such sign shall contain only the names of the businesses served by such entrance or courtyard and shall not exceed a gross sign area of one (4) square feet times the number of businesses listed on the sign.
 - e. Shopping center identification signs. Multi-tenant shopping centers containing a minimum of fifteen thousand (15,000) square feet of floor area, a minimum of four (4) establishments, and a minimum of three hundred (300) feet of street frontage, shall be permitted a shopping center identification sign which may be a wall sign or a freestanding sign not exceeding thirty-five (35) feet in sign height (measured from street grade) and located with a setback of at least five (5) feet from the right-of-way line. Such shopping center identification sign shall not exceed two hundred (200) square feet in gross sign area and may include the name of the shopping center, address, and directory information.
 - f. Marquee signs. Marquee signs for theaters, cinemas, exhibition centers and similar public assembly uses shall be permitted provided the total square footage devoted to said sign shall not exceed the total square footage of the primary sign permitted for the property.
 - g. Group office and business complex signs. Groups of businesses or institutions located in one (1) single or multi-level building shall be permitted to have freestanding directory sign(s) provided that:
 - (1) No other freestanding signs related to businesses within the group other than parking direction signs and directional signs not exceeding six (6) feet in height shall be located within two hundred (200) feet of a commercial group directory sign unless the sign is attached or constructed as an integral part of the primary sign permitted for the group.
 - (2) Sign area shall be limited to ten (10) square feet per occupancy not to exceed fifty percent (50%) of the total square footage of the primary sign permitted on the property.
 - h. Regional shopping center primary signs. Regional shopping centers will be allowed a primary sign containing the name of the development, along with the names of the various businesses that operate within that development. The sign must be located on the development property. The sign can be a maximum of eight hundred (800) square feet, cannot exceed forty-five (45) feet in total height, and an allowance will be figured at a rate of one (1) square foot per fifty (50) square feet of gross floor area, with no individual establishment's sign to exceed two hundred (200) square feet on the individual freestanding sign.
 - i. Metro shopping center primary signs
 - (1) Metro shopping centers will be allowed one (1) primary sign containing the name of the development, along with the names of the various businesses that operate within that development located on the development property in a location on the main frontage road for the development. If the Metro Shopping Center is bordered by more than one (1) State Highway,

the development will be allowed a primary sign on each State Highway frontage that is a minimum of one thousand (1,000) feet. The Metro Shopping Center primary sign shall not exceed:

- a. A maximum of six hundred (600) square feet; and
 - b. Forty-five (45) feet in height from the road elevation nearest the sign location.
- (2) Tenant signs located on the Metro Shopping Center primary sign may not exceed the lesser of:
- a. A total area of one (1) square foot per fifty (50) square feet of gross floor area occupied by that tenant; or
 - b. Two hundred (200) square feet.
- (3) Each Metro Shopping Center primary sign may contain one (1) digital bulletin board sign not to exceed one hundred fifty (150) square feet in total area. The digital bulletin board shall display only commercial messages for the tenants of the Metro Shopping Center or public or community service announcements as determined by the owner or manager of the Metro Shopping Center.
- j. Commercial properties with frontage on the 54 Expressway.
- (1) Commercial properties that are a minimum ten (10) acres in total area with a minimum of one thousand (1,000) feet of frontage on the Highway 54 Expressway and are adjacent to a 54 Expressway interchange may locate a freestanding primary sign on the Highway 54 Expressway.
 - (2) Any additional freestanding primary signage for those properties locating a freestanding primary sign on the 54 Expressway frontage will only be allowed in the form of a monument sign whose total square footage is no greater than two hundred (200) square feet with a sign height no greater than twelve and one half (12.5) feet in total sign height or above street elevation, whichever is greater.
 - (3) All other commercial properties with frontage on the 54 Expressway not erecting a sign pursuant to Subsection (4)(j)(1) listed above will be allowed a primary sign affixed to either the primary contained structure's wall or roof facing the 54 Expressway frontage provided it meets all other regulations contained within this Article.

Section 405.385. Off-Premises Advertising Signs.

- A. Off-premises advertising signs shall be subject to the regulations set forth herein and under Sections 226.500 to 226.600, RSMo., and other State and Federal laws pertaining to such signs. To the extent the regulations of this Article differ from the provisions of Sections 226.500 to 226.600, RSMo., and other State and Federal laws, the regulations of this Article shall apply. Notwithstanding other, provisions of this Article which apply to off-premises advertising signs, the following regulations shall apply to any such off-premises advertising sign erected after November 18, 1999.
1. Location of signs.
 - a. Off-premises advertising signs shall only be permitted within two hundred (200) feet of the nearest edge of the right-of-way of existing Highways 54 (Osage Beach Parkway), 42, KK, and D in areas zoned "C-1", "C-2", "I-1" or "I-2"; this does not include any off-premises signage for the future Highway 54 Expressway.
 - b. No off-premises advertising sign shall be located within one thousand (1,000) feet of any R, M or residential PUD zoning district.
 3. Size of signs. The maximum area for any one (1) sign shall be seven hundred (700) square feet with a maximum sign face height of fifteen (15) feet and width of fifty (50) feet subject to the measuring provisions of this Article.
 4. Height of signs. The total maximum height of any off-premises advertising sign shall be forty (40) feet as measured from the average public street elevation closest to the base of the sign.
 5. Spacing of signs. No off-premises advertising sign shall be erected within two thousand (2,000) feet of any other existing off-premises sign in any direction, which includes measurements from signs located outside the City limits.
 6. Lighting of signs. Illumination of off-premises advertising signs shall be permitted, subject to the provisions of Section 226.540, RSMo. Shielding of fixtures is required to mitigate illumination and glare within adjacent properties.

7. Off-premises advertising along the State Highway 54 Expressway and the portion of Osage Beach Parkway, between the Highway 42 intersection and the western end of Osage Beach Parkway South (commonly referred to as the one-way couple), shall only be permitted as follows: No new off-premises advertising signs shall be constructed facing, abutting, visible to, or within the line of sight of any driver on any public or private road, expressway or highway not otherwise permitted herein.
 - a. Size of signs. The maximum area for any one (1) sign shall be eight hundred (800) square feet with a maximum sign face height of thirty (30) feet and width of seventy-two (72) feet subject to the measuring provisions of this Article.
 - b. Height of signs. The total maximum height of any off-premises advertising sign shall be:
 - i. For signs which have a base located at a topographical elevation below the average street elevation closest to the base of the sign, the maximum height shall be eighty (80) feet over the street elevation closest to the sign.
 - ii. For signs which have a base located at a topographical elevation equal to the average street elevation closest to the base of the sign, the maximum height shall be eighty (80) feet over the street elevation closest to the sign.
 - iii. For signs which have a base located at a topographical elevation above the average street elevation closest to the base of the sign, the maximum height shall be eighty (80) feet over the base of the sign.
 - c. Spacing of signs. No off-premises advertising sign shall be erected on the Highway 54 Expressway within one thousand four hundred (1,400) feet of any other existing off-premises sign on the same side of the road. Off-premises advertising signs shall only be permitted within two hundred (200) feet of the nearest edge of the right-of-way of the Highway 54 Expressway.
 - d. Lighting of signs. Illumination of off-premises advertising signs shall be permitted, subject to the provisions of Section 226.540, RSMo. Shielding of fixtures is required to mitigate illumination and glare within adjacent properties.
 - e. Location of signs. Off-premises signs located on the Highway 54 Expressway will only be allowed in areas zoned "C-1", "C-2", "I-1", and "I-2".
7. Permits.
 - a. The Building Official shall not issue a permit as required under this Article, without a permit having first been issued by the Missouri Department of Transportation and filed with the Building Department.
 - b. A one-time permit fee of five hundred dollars (\$500.00) shall be charged for new off-premises sign installations. Fees for off-premises sign permits cover costs associated with including the sign in the City's GIS system and the City's review for compliance with wind loading, spacing, electrical requirements, and other applicable building, zoning, and engineering codes of the City of Osage Beach. No annual fees are required.

Section 405.390. Legal Non-Conforming Off-Premises Signs.

- A. Any sign which was lawfully erected or affixed prior to November 18, 1999, and complied with all regulations in force at the time it was erected or affixed, but fails to conform to all applicable regulations and restrictions of this Article shall be considered a legal non-conforming sign. A legal non-conforming sign may be continued and shall be maintained in good condition, but shall not be:
 - (1) Structurally altered (except to meet safety requirements) so as to prolong the life of the sign. The type of materials used in the construction of the sign shall not be changed after the date the sign becomes non-conforming.
 - (2) Altered so as to increase the degree or extent of the non-conformity of the sign.
 - (3) Expanded in size or modified to include additional sign faces or lighting.
 - (4) Relocated or moved.
 - (5) Repaired by expenditure of more than fifty percent (50%) of the depreciated value of the sign, excluding foundation(s), for materials and/or labor for repair on any deteriorated or damaged non-conforming sign in any continuous twelve (12) month period. Upon request for a sign permit, the Building Official may request substantiating information or documentation sufficient to determine the percentage of value

expended for repair. The Public Works Director is the final authority in determining depreciated value. Any appeal alleging that an error exists in the City Building Official or Public Works Director's judgement or calculation(s) will be reviewed by the City's Board of Adjustment.

- (6) Abandoned or discontinued signs. This occurs when:
 - (a) The sign advertises services or products no longer available to the public and/or can no longer be obtained at the business or destination illustrated on the sign face.
 - (b) The sign, for a continuous period of twelve (12) months or longer, is maintained without an advertising message. This includes a sign with a message which is partially destroyed so as not to identify a product, service, or destination; a sign which is blank or painted out; or a sign with a message consisting of advertisement of rental of the sign space or any other sign space.

Section 405.395. Severability of Sections 405.350 through 405.390.

This Chapter and the various components, articles, sections, subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this chapter to be unconstitutional or invalid, such ruling shall not affect any other provision of this chapter not specifically included in said ruling.

Submission Date: October 25, 2016

Submitted By: City Attorney

Board Meeting Date: November 3, 2016

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Bill 16.82 – Authorization of an ordinance of the City of Osage Beach, Missouri, establishing a new Section 245.030.E.7 of the Osage Beach Code of Ordinance delegating to the City Administrator the power to order any pond, stream, or other body of water included wholly within a City park closed to fishing, swimming or boating.

Names of Persons, Businesses, Organizations affected by this action:

Citizens, Park Visitors

Why is Board Action Required?

Board of Aldermen approval required per Section 110.230. Ordinances, Resolutions, Etc.
- Generally.

Type of Action Requested (Ordinance, Resolution, Motion):

Requesting first and second reading of Bill 16.82.

Are there any deadlines associated with this action?

No.

Budget Line / Source of Funds

Not applicable.

Comments and Recommendation of Department:

The best fish and wildlife conservation practice recommends that the reconstructed pond at the Osage Beach City Park, when filled with fish, should remain unfished and be allowed to develop naturally for a period of time.

The City Administrator needs the power to regulate the fishing, in addition to other activities such as swimming and boating, at the pond or in any body of water within a City park when necessary for the best interest of the long term health of the body of water. That regulatory authority may be effectively delegated to the City Administrator.

Bill 16.82 creates a necessary ordinance to enforce fishing, swimming, or boating bans when in place, as deemed necessary.

City Administrator Comments and Recommendation:

It came to our attention that we were in need of an ordinance detailing City authority over the opening or closing of any body of water within our City parks, i.e. the City pond, and the handling of any violations to such ordinance.

Bill 16.82 creates an ordinance establishing authority and penalty violations. Concur with the City Attorney's recommendation.

BILL NO. 16-82

ORDINANCE NO. 16.82

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING A NEW SECTION 245.030.E.7. OF THE OSAGE BEACH CODE OF ORDINANCES DELEGATING TO THE CITY ADMINISTRATOR THE POWER TO ORDER ANY POND, STREAM, OR OTHER BODY OF WATER INCLUDED WHOLLY WITHIN A CITY PARK CLOSED TO FISHING, SWIMMING, OR BOATING.

WHEREAS, the best fish and wildlife conservation practice recommends that the reconstructed pond at the Osage Beach City Park, when filled with fish, should remain unfished and allowed to develop naturally for a period of time, anticipated to be 24 months; and,

WHEREAS, the Board of Aldermen hereby finds that it is necessary to regulate the fishing, as well as swimming or boating, at the pond and that regulation may be effectively delegated to the City Administrator; and,

WHEREAS, the Board of Aldermen conclude that an ordinance allowing the City Administrator to prohibit fishing, swimming, or boating in a park pond when necessary is the best interest of the long term health of the pond located in the City Park:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1 That a new Section 245.030.E.7. of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

245.030 E 7. *Prohibitions for the pond, streams, or other bodies of water within a City park.*

(a) The City Administrator or his/her designee shall have the authority to order any pond, stream, or other body of water included wholly within a city park closed to fishing, swimming, or boating. Notice of the closure shall be posted at each such pond or stream so closed.

(b) No person shall pursue fishing, swimming, or boating, or possess fishing, swimming, or boating equipment, within any city park where such activity is not allowed.

(c) Any violation of this section shall be punishable under Section 100.190 of the Osage Beach Code of Ordinances.

Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen

without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: _____ READ SECOND TIME: _____

I hereby certify that Ordinance No.16.82 was duly passed on _____ by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:

Nays:

Abstentions:

Absent:

This Ordinance is hereby transmitted to the Mayor for his signature.

Date

Cynthia Lambert, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby approve Ordinance No.16.82

John Olivarri, Mayor

Date

Cynthia Lambert, City Clerk

Submission Date: October 25, 2016
Submitted By: City Administrator
Board Meeting Date: November 3, 2016

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Resolution 2016-08 – A resolution of the Board of Aldermen of the City of Osage Beach, Missouri, supporting Midwest Medical Transport Company licensure for ambulance transport service within the city limits of Osage Beach.

Names of Persons, Businesses, Organizations affected by this action:

Citizens, Lake Regional Health System, Midwest Medical Transport Company

Why is Board Action Required?

Board of Aldermen approval required per Section 110.230. Ordinances, Resolutions, Etc.
- Generally.

Type of Action Requested (Ordinance, Resolution, Motion):

Motion to approve Resolution 2016-08.

Are there any deadlines associated with this action?

No.

Budget Line / Source of Funds

Not applicable.

City Administrator Comments and Recommendation:

Lake Regional Health Systems approached the City asking for support and endorsement for a new ground ambulance inter-facility transport service. Specifically requesting support from the City for Midwest Medical Transport Service to obtain licensure for service within the city limits of Osage Beach.

Lake Regional Health System has determined a need for dedicated long distance, facility to facility patient transports. Midwest Medical Transport is a ground ambulance transfer service that Lake Regional Health System intends to contract with to provide inter-facility patient transports. Midwest Medical Transport is staffed with Advanced Life Support staff and is capable of transporting patients to and from facilities for necessary care.

Our current ambulance service is not affected by this addition of service by Lake Regional Health System and we will continue to provide immediate 911 emergency ambulance services to our citizens.

Police Chief Davis, Ambulance Supervisor Handy, and I recommend supporting the licensure of Midwest Medical Transport Company as requested by Lake Regional Health System and as detailed in Resolution 2016-08.

RESOLUTION 2016-08

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI, SUPPORTING MIDWEST MEDICAL TRANSPORT COMPANY LICENSURE FOR AMBULANCE TRANSPORT SERVICE WITHIN THE CITY LIMITS OF OSAGE BEACH.

WHEREAS, Lake Regional Health System finds it necessary to contract with Midwest Medical Transport Company to provide facility to facility ground transport services for patients needing said services; and

WHEREAS, the Midwest Medical Transport Company intends to apply for licensure to provide ambulance inter-facility transport service within the City limits of Osage Beach; and

WHEREAS, the City of Osage Beach, Missouri, supports emergency services for the benefit of our citizens in the City of Osage Beach; and

WHEREAS, the Midwest Medical Transport Company is not a 911 service but rather an inter-facility transport service and the service to be provided by Midwest Medical Transport Company will not affect the quality of emergency services currently provided to our citizens by the City of Osage Beach Ambulance service; therefore, the support of the inter-facility transfer service to be provided by Midwest Medical Transport through Lake Regional Health System deserves the support of the City Osage Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI, AS FOLLOWS:

Section 1: The City of Osage Beach supports the above and foregoing licensure of Midwest Medical Transport for ambulance inter-facility ground transport services.

Section 2: The Mayor is hereby authorized to sign this resolution of support.

Introduced and adopted by the Board of Aldermen of the city of Osage Beach this 3rd day of November, 2016.

John Olivarri, Mayor

ATTEST:

Cynthia A Lambert, City Clerk

Submission Date: October 25, 2016
Submitted By: Planning Commission, City Planner
Board Meeting Date: November 3, 2016

**City of Osage Beach
 BOARD OF ALDERMEN
 AGENDA ITEM SUMMARY SHEET**

Description of Item:

Motion to approve Special Use Case 392: Relaxation Inc - Special Use Permit to remodel a portion of a commercial structure into a residential dwelling unit within a commercial zone.

Names of Persons, Businesses, Organizations affected by this action:

The applicants and adjacent property owners may be affected by this decision.

Why is Board Action Required?

The City's zoning code requires Board action on Planning Commission recommendations for SUP requests. (Code Reference 405.590).

Type of Action Requested (Ordinance, Resolution, Motion):

Motion to approve Special Use Case 392: Relaxation Inc.

Are there any deadlines associated with this action?

Yes. 90 day rule

Budget Line / Source of Funds

N/A

Planning Department comments and recommendation:

Applicant: Mike and Linda Craig (Relaxation Inc.)

Location: Property is located at 5024 Osage Beach Parkway.

Petition: Special Use Permit to allow the remodel of a portion of an existing building in a Commercial District into a single family loft apartment.

Existing Use: Multi-tenant commercial on the lower level.

Zoning: C-1 (General Commercial)

Tract Size: Approximately 10,300 sq. ft.

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	NA	Osage Beach Parkway/ Lake of the Ozarks
<u>South:</u>	C-1 (Commercial)	Vacant commercial
<u>East:</u>	C-1 (Commercial)	Boat service and rental
<u>West:</u>	C-1 (General Commercial)	Vacant commercial

The Osage Beach Comprehensive Plan
Designates this area as appropriate for: Commercial

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
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None

<u>Utilities:</u>	Water: City	Electricity: Ameren UE
	Sewer: City	

Access: Property has access on Osage Beach Parkway.

Analysis:

1. The applicant is the owner of the property in question.
2. The character of the area is commercial in a high traffic location.
3. The request is to remodel the office that is located in the upper level into a single family apartment.

Department Comments:

It is not uncommon to see a situation like this where the owner or an employee of the business has residence within the confines of the business structure. It is important, however, to ensure that neither the residential nor the commercial uses conflict with each other. Typically, this is achieved with design, construction, and landscaping which serves to screen and mitigate

secondary effects (i.e. lighting, noise, etc.) on proposed uses. There are specific building codes that the applicant must meet to be able to mix the requested uses; this will be handled in the building permit process. It is also important that the owner and/or those who will make residence in this location understand the conditions surrounding their living situation. Staff feels that this is an acceptable accessory use to the commercial tenant uses on the property and should be approved with the following conditions:

1. This approval does not constitute building permit approval, so a building permit must be attained, and all other zoning and building regulations must be followed.
2. This request, if approved, will not require yearly review and renewal by the City.

Planning Commission Recommendation:

The Planning Commission recommended approval at their meeting on October 11, 2016.

City Administrator Recommendation:

Concur with the Planning Commission's and City Planner's recommendation.

Date Received: 9/20/16
Case #: 392



REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Relaxation Inc Phone: 348 1733
Address: P.O. Box 9 City: Osage Beach State Mo Zip: 65065

List all owners of the property. If corporation or partnership, list names, addresses and phone numbers of principal officers or partners:

Michael CRAIG P.O. Box 9 O.B. Mo 65065 348 1733 + 348 5596
LINDA CRAIG - Same

2. Name of landowner's representative, if different from above: N/A Phone:
Address: City: State: Zip:

3. All correspondence relative to this application should be directed to whom? AS ABOVE
Address: City: State: Zip:

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):
Address: 5024 O.B. Parkway City: O.B. State Mo Zip: 65065

5. Do you have a specific use proposed for this property? Yes No
Explain all uses: Remodel second floor office to apartment

6. Area of property in square feet or acres: 1150 sq. ft.

7. Current zoning classification: C1

8. Sources of utilities: Water: well Yes Gas: no
Sewer: city Yes Electric: Ameren Yes

9. Proposed zoning classification: no change But with special use

10. How long have you owned this property? 42 years

11. Current use of property (describe all improvements): LAke 32 office / Barber

12. Current use of all property adjacent to subject property:
North: Highway 54
South: Relaxation storage unit East: Bergeport marina West: HLH - vacant land

13. If zoning district or comparable use to that proposed adjoins or lies within the vicinity of subject property, please describe the use and its location: small subdivision adjacent to Hill Lake. further up the hill.

14. Do you own property abutting or in the vicinity of the subject property? Yes No

If yes, where is the property located and why was it not included with this application? shown on survey. small storage shed

15. Do any private covenants or restrictions encumber the subject property which could be in conflict with the proposed zoning classification? Yes No

If yes, please remit copy of restrictions with Recorder of Deeds Book and Page number.

16. To your knowledge, has any previous application for the reclassification of the subject property been submitted? Yes No

17. How, in your opinion, will the rezoning affect public facilities (sewer, water, schools, roads, etc.), and what mitigating measures are proposed to address these problems, if any? Please include a letter from or regarding, City Engineering Department reviews of proposed zoning. none

18. How, in your opinion, will rezoning affect adjacent properties and what mitigating measures are proposed to address these problems, if any? none

19. List the reasons why, in your opinion, this application for rezoning/special use permit should be granted (may be left blank if adequately described in letter to Planning Commission): ✓

Notary Information

State of Missouri)
County of Camden) ss

I, LINDA CRAIG, owner/applicant, having read the procedures and instructions, make application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri and explained in this application.

Signature Owner/Applicant: Linda Craig Date: 9-1-2016

Subscribed and sworn to before me on this 1st day of September, 2016.

Notary Public: M. K. Pahlmann
My Commission Expires: June 29, 2017



M. K. PAHLMANN
My Commission Expires
(Sept) 29, 2017
Camden County
Commission # 13829472

Person Accepting this Application:

****Applications not properly signed and notarized may be removed from the Agenda and returned to the applicant via regular mail****

CITY OF OSAGE BEACH
PLANNING DEPARTMENT
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone – 573-302-0528 FAX

August 31, 2016

To: Osage Beach Planning Commission

Ladies and Gentlemen:

We, Mike and Linda Craig, owners of Relaxation, Inc. respectfully submit to you our request for use permit variance on the property known as 5024 Osage Beach Parkway. This existing building currently houses on the first floor the Lake 32 offices and the Lake Barbershop. There is also an empty storefront which we intend to occupy as an antique shop within the very near future. This building has a second floor which for many years occupied our company offices. In 2011 we moved this office and the space of approximately 1200 square feet has since been empty. Inasmuch as we have our current home for sale we would like to remodel this second floor and occupy as a single unit apartment. If permitted we hope to entertain a living room, kitchen and eating area, one bedroom and a bath and one half. The floor square footage space would not be altered and the outside of the building will remain the same. An interior wall or two will be removed and altered and for this we have asked the Jackson Engineering firm to submit these plans and structural specifications to you. (Mr. Jackson tells me these plans are working and will submit to you shortly.) Plumbing and electrical will be brought to standards and any other issues your building department may require.

This property is accessed by the road located behind the building in question and we own 3 parking spaces at the front door of this unit and that will not change. As noted in our request the adjacent property owners are Fifty Four Properties (Bridgeport Marina) and HLH Lake Chalet LLC owners of the former Sherwood Motel property. We can assume these properties will develop commercially at a point in time as all of us are zoned commercial. Inasmuch as we intend one bedroom only we do not anticipate an impact to roads, schools and/or utility. The building itself is structurally sound and we hope to improve the look of the property both front and back. The filing fee and application is herewith enclosed. Thank you for this consideration.

Yours truly,


Mike and Linda Craig, Relaxation Inc.

P O Box 9, Osage Beach, mo 65065 348 1733

Submission Date: October 25, 2016
Submitted By: City Administrator
Board Meeting Date: November 03, 2016

**City of Osage Beach
 BOARD OF ALDERMEN
 AGENDA ITEM SUMMARY SHEET**

Description of Item:

Requesting approval to accept the Kahrs Family Properties donation to the City of Osage Beach the billboard sign structure located on City Hall property at 1000 City Parkway, Osage Beach, MO.

Names of Persons, Businesses, Organizations affected by this action:

City Staff and Citizens

Why is Board Action Required?

Staff is requesting Board approval to accept donation.

Type of Action Requested (Ordinance, Resolution, Motion):

Motion to approve the acceptance of the Kahrs' Family Properties donation to the City of Osage Beach the billboard sign structure located on the City Hall property at 1000 City Parkway, Osage Beach, MO.

Are there any deadlines associated with this action?

No

Budget Line / Source of Funds

N/A

City Administrator Comments and Recommendation:

The Kahrs family currently owns the billboard sign structure located on the City Hall property adjacent to Osage Beach Parkway and has offered to donate the sign structure to the City. See attached letter. The Kahrs family and the City have had a lease agreement in place since March 24, 1984 regarding the sign structure located on City property and with this donation the lease will cease.

If accepted, City staff will take care of transferring the outdoor advertising permit and the monthly utilities provided by Ameren.

I recommend the Board accept the donation of the billboard sign from the Kahrs Family Properties.

KFP

Kahrs Family Properties

1170 Nichols Rd ~ Osage Beach, MO 65065

573-348-2305

Dear Mayor and Board of Aldermen,

The Kahrs family would like to donate ownership of the billboard sign structure located outside the City Hall building, on city of Osage Beach property, to the City of Osage Beach.

The valuation of the structure, including the lighting is \$7,500.

Upon approval of the donation, the City of Osage Beach would need to contact the Missouri Department of Transportation to transfer ownership of the outdoor advertising permit number 4790. AmerenMO would also need to be contacted to transfer billing for the monthly utilities, that meter number is 15326578.

Thank you for your consideration of this donation and we look forward to hearing back from you.

Respectfully submitted,

The Kahrs family