

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

January 6, 2011

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, January 6, 2011, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Lois Farmer, Alderman David Gasper, Alderman Steve Kahrs, Alderman John Olivarri, Alderman Kevin Rucker and Alderman Ron Schmitt. City Clerk Diann Warner was present and performed the duties of that office.

Mayor's Communications. Mayor Lyons thanked City Engineer Nick Edelman for the work done on behalf of the City with MoDOT to get directional signs on the expressway for businesses in Osage Beach and guard rails for safety.

Citizens Communications. Don Chisholm was present to express his concern that there are only three ramps rather than four in close proximity to Osage Catfisheries. He said he appreciated all the efforts by Mayor Lyons, Alderman Farmer and Alderman Kahrs and believes the project will be completed with the fourth ramp. Mayor Lyons was hopeful that the fourth ramp would come to fruition soon.

Consent Agenda.

Alderman Farmer moved to approve the consent agenda which includes minutes of the regular meeting held on December 16, 2010, and the bill list as submitted. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Unfinished Business. None.

New Business.

Public Hearing. Voluntary Annexation Requested by Allen and Jonna Scott.

This is a request by Allen and Jonna Scott petitioning the City to annex property located along Missouri State Highway 42 in Miller County identified as Tract AA on the survey, also known as Hi-Tech Towing.

If no written objections to the proposed annexation are filed within fourteen days after the public hearing, the Board may adopt an ordinance annexing the property. City Planner Patterson said that a rezoning request would be forthcoming to rezone the property from A-1 to a zoning district more fitting to the use.

No action is necessary at this time.

No one was present to speak in favor of or in opposition to the voluntary annexation petition. Mr. Allen Scott was present to answer questions.

Upon a question from Alderman Rucker about the length of time the City has to provide services, City Planner Patterson responded that the City has no obligation to serve the property within a certain amount of time because it is a voluntary annexation.

There being no further questions or comments, Mayor Lyons closed the public hearing at 6:40 p.m.

Bill 11-01. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE 09.52 ADOPTING THE 2010 ANNUAL BUDGET, TRANSFERRING APPROPRIATIONS FOR NECESSARY EXPENSES.

City Engineer Nick Edelman explained that during the July 22, 2010 Board of Aldermen Meeting, the Engineering Department presented an item to pay AmerenUE for their Utility Relocates along Stewart Drive and Zebra Road since they had easements. The estimated cost of the utility relocates was \$82,000. AmerenUE proceeded to do this work on a cost plus basis. At the July 22, 2010, the engineering department was authorized on a not to exceed basis of \$100,000.

The work that AmerenUE did was actual cost and the original cost was an estimated value from their engineering department. The bill from AmerenUE has been received and the total is \$125,074. There was some extra work done which included moving a street light.

The additional \$25,074 needed for this item can come out of the self restricted funds for Hatchery Road. There could be some cost savings for the utility relocates in the 2011 Budget but it is unknown at this time. The Engineering Department recommended approval of the budget amendment.

Mayor Lyons presented the first reading of Bill 11-01 by title only. It was noted that Bill 11-01 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill 11-01 as presented. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 11-01 by title only. It was noted that Bill 11-01 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill No. 11-01 as presented. Alderman Gasper seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-01 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker. "Nays": None. Bill No. 11-01 was passed and approved as Ordinance No. 11.01.

Bill No. 11-02. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE A/E SERVICES CONTRACT NO. AE0B11-001 FOR DESIGN OF SIDEWALK IMPROVEMENTS ALONG OSAGE BEACH PARKWAY FROM HATCHERY ROAD TO BEACH DRIVE WITH HOWARD R. GREEN.

Bill 11-02 authorizes the Mayor to execute the contract with HR Green for design services for the Hwy 54 Sidewalk Improvements project, the sidewalk project along Osage Beach Parkway from Osage Beach Elementary to Beach Drive. This sidewalk will include a pedestrian crossing at the Wal-Mart signalized intersection.

The City was selected to receive enhancement funds for the sidewalk construction along Osage Beach Parkway. To receive the funds, the design work must be completed.

The Engineering Department has worked with HR Green in the past with good results and a price of \$88,028.90 has been negotiated. The 2011 budgeted amount for this project was estimated at \$100,000, account 20-00-773100 - Engineering.

The Engineering Department recommends award of the contract to HR Green in the not to exceed amount of \$88,028.90.

Mayor Lyons presented the first reading of Bill 11-02 by title only. It was noted that Bill 11-02 has been

available for public review. The ordinance was corrected to an agreement with Howard R. Green rather than HDR Archer.

Alderman Olivarri moved to approve the first reading of Bill 11-02 as presented. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 11-02 by title only. It was noted that Bill 11-02 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill No. 11-02 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-02 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker, Alderman Schmitt. "Nays": Bill No. 11-02 was passed and approved as Ordinance No. 11.02.

Bill No. 11-03. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ACCEPTING A PORTION OF SWISS VILLAGE ROAD AS A CITY STREET AS DESCRIBED IN SECTION 1.

City Engineer Edelman explained that the City should take over the part of Swiss Village Road that the County owns between Burton Duenke Lane and the City's portion of Swiss Village Road. The City will maintain Burton Duenke Lane per an agreement with MoDOT but we need to accept the portion between Burton Duenke Lane and our portion of Swiss Village Road to be consistent.

Alderman Kahrs moved to approve the first reading of Bill 11-03 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 11-03 by title only. It was noted that Bill 11-03 has been available for public review.

Alderman Farmer moved to approve the second and final reading of Bill No. 11-03 as presented. Alderman Kahrs seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-03 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker, Alderman Schmitt, Alderman Olivarri. "Nays": None. Bill No. 11-03 was passed and approved as Ordinance No. 11.03.

Appointment of Representative to the Lake of the Ozarks Council of Local Governments.

Mayor Lyons asked the Board to appoint a representative to the Lake of the Ozarks Council of Local Governments. The Board of Directors consists of twenty-one (21) individuals seated as follows: Each County shall have a Board representative who shall be a member of the respective County Commission. The cities of Camdenton, Eldon, Lebanon, Osage Beach and Versailles shall have a Board representative who shall be a member of the respective governing body or a staff employee of the jurisdiction.

The Council meets on the second Monday at 1:30 p.m. It is a two-year term. Mayor Lyons offered to continue to represent the City on the LOCLG.

Alderman Farmer moved to appoint Mayor Lyons to represent the City on the LOCLG. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Approval of 2011 Scoreboard Advertisement Contracts.

Assistant City Administrator Jeana Albertson explained that American Family and Mid Missouri Credit Union have both renewed their park advertising contracts for the 2011 fiscal year for a total of \$2,400 in fees (10-00-450450).

Alderman Kahrs moved to approve the two contracts as recommended for Mid Missouri Credit Union and American Family. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Discussion of Location of Zebra Road.

City Engineer Nick Edelman explained that previous to the recent TIF request for the High Pointe Center property, Zebra Road was going to connect with Links Road and create a four-way, signalized intersection with Chef/Highway 54. This design resulted from the initial Public Infrastructure meeting. Initially, as a part of the agreement between MoDOT and the City whereby the City would take over Route 54, MoDOT agreed to move the existing signal at the center of the High Pointe Center (HPC) to the Zebra/Links intersection with Route 54. However, at the initial Public Infrastructure meeting, it was discussed that the High Pointe Property would be adversely affected by moving the signal. Because of this, three options were presented to the Committee; a roundabout, a redesigned entrance to the HPC where the new Zebra would "T" into the entrance (parking lot) to HPC, and a relocated Zebra in which a commercial entrance to the HPC would be their access to Links/Zebra. Each option had pros and cons. The committee selected a relocated Zebra in which a commercial entrance to HPC would be their access to Zebra. When the Committee made this recommendation, they did so knowing the property would not have great access to Route 54, but the thought at the time was the City would not wait on their infrastructure projects for a potential development to occur.

The problem with the recommended design is that the driveway would be too close to Highway 54. This is similar to the HyVee gas station driveway access. The driveway is so close to Osage Beach Parkway that customers of the gas station have to cross the left turning movements from D Road to Osage Beach Parkway. Traffic can back up trying to make both of these movements. This is not a substantial problem at HyVee gas station because of the amount of traffic flow the gas station has.

However, imagine the gas station replaced with a major grocery store and a major electronics store. This problem came up with Raul Walters. At the time of the Raul Walters TIF request, the developer's engineers wanted to leave the signal at its current location (in the middle of the HPC) and add a signal to Zebra's current intersection with Osage Beach Parkway. That was not a preferred option due to the additional signal along the previous Route 54 (now Osage Beach Parkway), and was not accepted as an option.

We recently have come up with a new idea which is attached. We wish to connect the western/southern portion of Zebra with Redbud instead of the intersection with Chef Street/Highway 54. This option was not in the Transportation Master Plan.

We would like a decision on one of the two options. The first option leaves the intersection as it has been previously recommended - at the Links/Chef/Highway 54 Intersection. The second option is to connect Zebra with Redbud and abandon part of Links roadway for the proposed Dierbergs TIF project.

Links/Chef/Highway 54 Intersection –

Pros - This option allows for a four way, signalized intersection with Chef Street.
Very little right of way is needed
Allows the residents off of Zebra access to a signal by use of a City Street

Cons – This option limits the development possibility of the High Pointe Property.
Even though it is a small amount, the right of way needed to be obtained is not going to be obtained easily. High Pointe Center Property owner is not in favor of this option.
Two very expensive Utility Poles need to be relocated

Zebra connecting with Redbud –

Pros - Makes a connecting street
The school bus will not have to get on Osage Beach Parkway to pick up kids from Zebra or Redbud
One of the property owners has talked with me about wanting this in the past.

Cons - We need a lot of right of way
How much traffic is going to utilize the roadway?
Need to remove right in/out at Redbud Road

We have done a cost estimate for both options. As you can see they are close to the same. The cost estimates are attached. The difference in the cost estimate is approximately \$19,000. The 2011 Budget did not account for all of the costs for the second phase of Zebra. The reason for this was the two utility poles that need to be relocated. The estimate for each pole is \$85,000. We put \$100,000 in utility relocates for other projects, not this one.

The Engineering Department recommended building Zebra to Redbud. The reasons are that Zebra becomes a connecting street with Redbud and that High Pointe Property can be utilized to the best of its ability.

Consensus was that this option provides more options for residents living on Zebra and they will have quicker access. City Engineer Edelman said this project would not be completed in 2012 without outside help and this project would affect the 2012 budget. Alderman Olivarri said the bigger concern is existing businesses' ability to be served off of Links Road. He added that he would like enough of Links Road to remain open to allow existing businesses to receive deliveries and have trash pick up. City Engineer Edelman said that Links Road would be blocked off at Randy's which would allow access for deliveries. It was noted that the proposed right in, right out at Zebra will be eliminated.

Alderman Kahrs moved to approve the design of Zebra Road as presented and recommended by City Engineer Nick Edelman. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Communications from Board Members.

Alderman Kahrs. Steve Kahrs reported that the cost for the fourth ramp is coming down however the problem is that MoDOT is asking the City and others to build the fourth ramp. He asked that a letter be drafted to Representative Mike Kehoe, Representative Diane Franklin and Senator Purgason to apply pressure to MoDOT to fund the fourth ramp.

Mayor Lyons said she helped to mediate this issue for 18 months and MoDOT had said they would not pay for a fourth ramp without donations from the property owners. She added that the hospital, the Duenke's, the Mitchell Group and the Kahrs family donated property. Now the cost has been reduced to \$400,000 to build the ramp and after speaking with MoDOT and the Osage Beach Special Road District, Mayor Lyons believes the ramp is close to being funded.

Alderman Rucker moved to forward a letter to area representatives asking that MoDOT fund the fourth ramp. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Alderman Kahrs asked Assistant City Administrator Jeana Albertson to contact Victoria Hubble about the history book, *A Town on Two Rivers* that was written by Ms. Hubble and the possibility of putting the book with an agent or selling the book online.

Alderman Rucker. Alderman Rucker asked if there is updated information on the Beach Drive intersection. City Engineer Nick Edelman indicated there had been no further information since he spoke with Mr. Brooks of MoDOT who said they were working on some other design.

Alderman Gasper. Dave Gasper wished everyone a prosperous New Year and he stated that he missed seeing Michael McSorley in the audience.

Alderman Farmer. Lois Farmer welcomed Allen Scott to the City.

Alderman Schmitt. Ron Schmitt gave some historical facts.

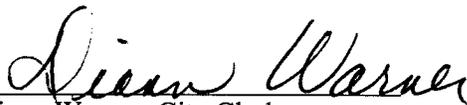
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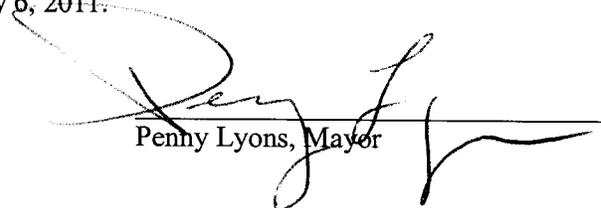
City Engineer. Nick Edelman introduced Casey Knight and Ethan Shackelford, co-ops who began working on Monday and will work through August.

Public Works Superintendent. Rick King reported that white pines will be planted at the EQ basin on the expressway and on KK when the weather permits.

There being no further business to come before the Board, the meeting adjourned at 7:25 p.m.

I, Diann Warner, City Clerk of the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Board of Aldermen of the City of Osage Beach, Missouri, held on January 6, 2011.


Diann Warner, City Clerk


Penny Lyons, Mayor