

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

February 4, 2010

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, February 4, 2010, 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. In the absence of the City Clerk, Deputy City Clerk Nancy Clark performed the duties of that office.

Mayor's Communications.

Mayor Lyons reported that the Lake of the Ozarks Regional Economic Development Council recently held their annual meeting at the Inn at Grand Glaize. She thanked Alderman Olivarri for attending. Mayor Lyons explained how the group continues to collect information and demographics that are used to attract economic development to the lake area. The annual report, according to Lyons, is a professional summary of all the work done throughout the year. Mayor Lyons also stated that the City supports the group and City Administrator Nancy Viselli is an active secretary for the organization.

Citizens Communications.

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

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on January 21, 2010, and the bill list as submitted. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Bill 10-01. Zoning Map Amendment. Rezoning Case No. 350. Reinvestment Enterprises, LLC/DOT Foods, Inc.

Mayor Lyons presented the second and final reading of Bill 10-01 by title only. It was noted that Bill 10-01 has been available for public review.

Alderman Farmer moved to approve the second and final reading of Bill 10-01 as presented. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-01 and to pass same into Ordinance. "Ayes": Alderman Farmer, Alderman Gasper, Alderman Rucker, Alderman Kahrs, Alderman Olivarri, Alderman Schmitt. "Nays": None. Bill 10-01 was passed and approved as Ordinance 10.01.

Public Hearing.

Special Use Permit No. 351. Richard Risner requests permission to remove a carport and then construct a garage addition to a residential dwelling located in a Commercial District.

Building Official Ron White presented the following SUP request:

Department Comments

Applicant: Richard Risner

Location: 1056 Redbud Road
Petition: Special Use Permit to build an addition onto a single-family residence in C-1 District
Existing Use: Single Family Dwelling
Zoning: C-1 General Commercial
Lot Size: Approximately 6,000 square feet

Surrounding Zoning: Surrounding Land Use:

North:	C-1 (General Commercial)	Resort (Kay Lynn Resort)
South:	C-1 (General Commercial)	Single Family Housing
East:	C-1 (General Commercial)	Single Family/ Beauty Shop
West:	C-1 (General Commercial)	Single Family Housing

**The Osage Beach Comprehensive Plan
Designates this area as appropriate for:** C-1 General Commercial

Rezoning History	Case #	Date
	Citywide	May 1984

Utilities

Water:	City	Gas: None
Electricity:	Ameren	Sewer: City

Analysis:

1. The property has been used for residential purposes since before zoning was adopted by the City. The applicant is requesting a Special Use Permit to replace an existing carport with a garage. A site plan has been submitted illustrating the proposal for an addition to the existing structure that adds a 14'x 24' garage on the east side. In order to fit the proposed addition on his property, the applicant needs to acquire a triangular shaped strip of property from the adjacent property owner. It is my understanding that the adjacent property owner has agreed to sell the needed property to the applicant.
2. The applicant was granted a SUP for home additions in August of 2009. After receiving a Building Permit, construction commenced on those approved additions.
3. Although the property is commercially zoned, the area has developed as a mix of uses including everything from resort to single-family homes. The majority of the area is residence oriented.
4. In accordance with Section 405.420 of the Osage Beach Zoning Code, residences are permitted in C-1 zones with a Special Use Permit.

Department Comments and Recommendations

As is seen in many areas around the commercially zoned Glaize Channel, a mixture of use intensities has developed. This is not uncommon especially in areas with existing residential neighborhoods located in commercial zones. A fundamental function of zoning is to separate incompatible land uses. With increases in demand for commercial property in the city, land use intensities could increase with such happenings as resort expansion or condo development. Property owners need to be cognizant of this prior to developing such properties residentially or replacing nonconforming uses.

With this property's location in a mixed use and residential area, the Planning Department recommends approval of this request with the following conditions:

1. The proposed addition is constructed in accordance with the site plan submitted. Any future requested additions or changes in the request would require an amendment to the Special Use Permit and approval by the Board of Aldermen.
2. A minor subdivision must be done to create the new lot that includes the needed strip of land.
3. A building permit must be obtained and all other building and zoning codes must be adhered to.
4. Annual renewal of this SUP will not be required.

The Planning Commission recommends approval of this request.

There being no questions or comments, Mayor Lyons closed the public hearing for Special Use Case No. 351 at 6:35 p.m.

Approve Findings of Fact.

Alderman Kahrs moved to approve the Findings of Fact as presented for Special Use Case No. 351. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Vote on Special Use Case 351.

Alderman Farmer moved to approve Special Use Case No. 351 with conditions as follows:

1. The proposed addition is constructed in accordance with the site plan submitted. Any future requested additions or changes in the request would require an amendment to the Special Use Permit and approval by the Board of Aldermen.
2. A minor subdivision must be done to create the new lot that includes the needed strip of land.
3. A building permit must be obtained and all other building and zoning codes must be adhered to.
4. Annual review of this SUP will not be required.

Alderman Gasper seconded the motion which was voted on and unanimously passed.

Bill 10-04. Amending the Osage Beach Code of Ordinances; Chapter 245. Parks and Recreation.

Assistant City Administrator Jeana Albertson explained that Bill 10-04 which repealed Sections 245.010 Definitions, 245.040.A.1.B Reservation Procedures, 245.040.A.2 Inclement Weather, 245.040.B User Fees 245.060.B.2 Scoreboard Advertising and enacting in lieu thereof new Sections 245.010 Definitions, 245.040.A.1.B Reservation Procedures. 245.040.A.2 Inclement Weather, 245.040.B User Fees and

245.060.B.2 Scoreboard Advertising. Proposed changes will occur in the parks business hours and will also include moving the department personnel to the City Hall building. Other changes will include updated address and contact information, park user fees, and deposit requirements.

Alderman Kahrs questioned the use and fee schedule from last year and Assistant City Administrator Albertson explained that the stressed economy and several phone calls questioning the fee schedule prompted the lower use rate for 2010. She stated that a rate increase would be considered for 2011.

Mayor Lyons presented the first reading of Bill 10-04 by title only. It was noted that Bill 10-04 has been available for public review. Alderman Kahrs moved to approve the first reading of Bill 10-04 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-04 by title only.

Alderman Rucker moved to approve the second and final reading of Bill 10-04. Alderman Gasper seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-04 and to pass same into Ordinance. "Ayes": Alderman Gasper, Alderman Rucker, Alderman Kahrs, Alderman Olivarri, Alderman Schmitt, Alderman Farmer. "Nays": None. Bill 10-04 was passed and approved as Ordinance 10.04.

Bid Award. Approve Contract for Cleaning and Inspection of Columbia College Water Tower.

City Engineer Nick Edelman requested the bid for cleaning and inspecting of the Columbia College Water Tower be awarded to Maguire Iron, Inc, the low bidder, in the amount of \$14,950.00. Edelman explained that the funds for this project are available from account 30-00-774268 Tank Improvements. He also reported that Maguire Iron, Inc. has done work for the city on previous bids with good results.

Alderman Rucker questioned how the engineer's estimate is determined. Edelman explained the process he uses to determine both the engineer's estimates and the budget amounts as used with this project.

Alderman Gasper questioned the cost of any repair work that may be necessary once the well was emptied and inspected. Edelman explained that any additional repairs would be addressed at that time but would not be covered in this bid amount. A City inspector, along with a certified inspector, will give final approval of the work before the tower is filled and put back into service. Funds for the water tower cleaning and inspection were budgeted under operating capital improvements according to Assistant City Administrator Jeana Albertson.

Alderman Kahrs moved to award the bid to clean and inspect the Columbia College Water Tower to Maguire Iron, Inc., the low bidder, in the amount of \$14,950.00 as recommended. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Bid Award. Approve Purchase of In-Car Digital Video Recording Units.

Police Chief Dave Severson presented a request to purchase four (4) In-Car Digital Video Recording Units from Digital Ally in the amount of \$3,995.00 each for a total of \$16,100.00. This amount includes shipping and handling and will be taken from account 10-14774266. The original amount of \$15,980.00 was budgeted as a capital expense according to Severson.

City Administrator Nancy Viselli explained that even though the line item would be over budget, total operating capital amount would not be over budget due to the savings in the purchase of new vehicles.

Alderman Rucker moved to approve the purchase of four (4) In-Car Digital Video Recording Units from Digital Ally in the amount of \$16,100.00. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Communications from Board Members.

Alderman Kahrs. Alderman Kahrs commended the Public Works employees for their hard work in keeping the roads cleaned. Kahrs said he is looking forward to the City taking over Highway 54.

Alderman Rucker. Alderman Rucker asked Police Chief Dave Severson how preparations were going for the Polar Bear Plunge to be held February 27, 2010. Severson reported that pre-registration was ahead of last year and everyone remains optimistic in exceeding their goal.

Alderman Olivarri. Alderman Olivarri expressed his thanks to staff for their team work in completing the pothole repair on Bluff Drive. Employees for Public Works and Engineering worked together on the project and also requested and received funding from the State to pay for the repairs.

Staff Communications.

City Administrator. Nancy Viselli welcomed newly appointed Parks and Recreation Manager, Brian Willey to his first Board Meeting.

City Attorney. Ed Rucker reported that he had been in contact with Charles McElyea regarding the Four Seasons lawsuit but no verdict has been reached at this point. The wait continues, said Rucker.

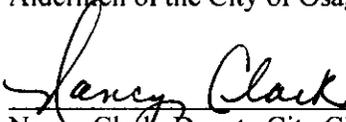
Superintendent of Public Works. Rick King reported that 60 to 65% of the deicing salt purchased for the winter remains. King also reported that his department is down one truck due to mechanical repairs.

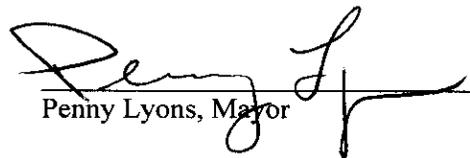
Police Chief. Dave Severson reported that the Pub Crawl, sponsored by local establishments and scheduled for February 13th, is expected to be larger than last year. Security people have met and are optimistic about the event.

Alderman Rucker shared a comment he received regarding the professionalism shown by both Chief Severson and his department.

There being no further business to come before the Board, the meeting adjourned at 6:50 p.m.

I, Nancy J. Clark, Deputy City Clerk of the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Board of Aldermen of the City of Osage Beach, Missouri, held on February 4, 2010.


Nancy Clark, Deputy City Clerk


Penny Lyons, Mayor