

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

February 18, 2010

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, February 18, 2010, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Lois Farmer, Alderman Steve Kahrs, Alderman John Olivarri, Alderman Kevin Rucker, Alderman Ron Schmitt. Absent: Alderman Gasper. In the absence of City Clerk Diann Warner, Deputy City Clerk Nancy Clark performed the duties of that office.

Mayor's Communications.

Mayor Lyons reported that the Citizens for the Betterment of the Lake of the Ozarks met last Friday to discuss their presentation to the Department of Natural Resources (DNR) on February 17, 2010. Lyons represented the City of Osage Beach as a member of this committee. House Bill No. 2165 is a response to some of the concerns presented to the DNR.

To amend chapter 640,RSMo, by adding thereto one new section relating to water quality testing.

To be enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 640,RSMo, is amended by adding thereto one new section, to be known as Section 640.080, to read as follows:

640.080. The Department of Natural Resources shall post in plain language on its internet website the results of water quality testing of Missouri rivers, lakes, creeks, and streams within three days of when the sample is taken. Such results shall also be posted in plain language at the location of the testing site within three days of when the sample is taken.

Mayor Lyons along with Aldermen Rucker and Olivarri attended the 40th Annual Missouri Municipal League (MML) Legislative Conference in Jefferson City on Wednesday, February 17th. There was a lot of discussion about the budget but very little on solutions, reported Lyons.

Mayor Lyons presented City Treasurer Karri Bell with the City's 10th Certificate of Achievement for Excellence in Financial Reporting by the Government Financial Officers Association of the United States and Canada. Lyons explained that the award is for our comprehensive annual financial report and is the highest form of recognition in the area of governmental accounting and reporting. Mayor Lyons stated that this award is a significant accomplishment by a government and its management and thanked Bell and those in her department, and all city employees who contributed throughout the year to achieve this honor. City Treasurer Bell accepted the award and expressed thanks to the Mayor and Board as well as her staff, Mike Welty, April White and Patricia Schranz.

Citizens Communications.

Carolyn Morris explained that Wednesday, March 24, 2010 is State Aviation Day in Jefferson City. Missouri pilots will be meeting with representatives at a buffet lunch to be held in the southwest alcove on the third floor near the rotunda. Morris also reported that the Missouri Department of Revenue plans to collect \$1.3 million from pilots across the state for a consumer use tax that has not been collected for more than 50 years. According to reports, the State Department of Revenue has purchased software that allows it access to information from the FAA making it easier to locate plane owners and to implement the tax. The Missouri Pilots' Association has hired two local attorneys to represent their case at an upcoming Legislative Hearing. More than 400 Missouri pilots will be receiving a letter from the Department of Revenue according to Morris.

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on February 4, 2010; Liquor License for Chevy's Bar and Grill (Caterer), and the bill list as submitted.

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

New Business:

Authorize Mayor to Execute Original Certified Copies of Grand Glaize Airport Layout Plan.

Mayor Lyons announced that more information was requested before this item can be voted on.

Alderman Olivarri moved to postpone authorizing Mayor Lyons to sign and execute four (4) original certified copies of the Grand Glaize Airport Layout Plat as he was unsure if the Board had a chance to review the final ALP. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Approve Purchase of Replacement Pumps.

Superintendent of Public Works Rick King presented a request to purchase grinder pumps from Municipal Equipment in the amount of \$105,522.50 which will be paid from account # 35-00-774255. The budgeted amount was \$104,747.00 for a difference of \$805.50, which should be offset with the future purchase of panels and transfer pumps according to King.

Alderman Rucker moved to approve the purchase of grinder pumps in the amount of \$105,522.50 from Municipal Equipment. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Approve Purchase of Mobile and Portable Radios.

Director of Public Safety Dave Severson presented a request to purchase a total of seven Project 25 compatible radios; four (4) P25 Mobile Radios and three (3) P25 Portable Radios from Motorola in the amount of \$9,024.55. The funds to purchase the radios will come from an \$8,122.10 State Grant. Severson said the remaining balance of \$902.45 was budgeted under account # 10-15-774267 Operating Capital.

Alderman Farmer moved to approve the purchase of four (4) P25 Mobile Radios and three (3) P25 Portable Radios from Motorola in the amount of \$9,024.55 with matching funds of \$902.45 coming from account #10-15-774267. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Bid Award. Sands Lift Station Pipe Reconstruction.

City Engineer Nicholas Edelman requested the bid for repair and replacement of the Sands Lift Station Pipe Reconstruction be awarded to Hutchins Telecom, Inc., the apparent low bidder, in the amount of \$84,490.00. Funds are available from account #35-00-773114 Lift Station Improvements which also has funds for the repair of the Sunset Lift Station. The estimate for this repair was \$65,000.00 according to Edelman who feels the Sunset project should come in well under budget. Hutchins Telecom, Inc. is currently under contract with the City on the Cabana Village Sewer Project and the Extension of City Water to Southern City Limits with good results on those jobs. Mayor Lyons asked if the age of the station is an issue. Edelman explained that the issue relates to gas vapors collecting in the pipe which will be resolved with the installation of the new pipe.

Alderman Olivarri moved to award the bid for repair and replacement of the Sands Lift Station Pipe Reconstruction to Hutchins Telecom, Inc. in the amount of \$84,490.00, with funding to come from

account #35-00-773114. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Bid Award. Grinder Pump 15.

City Engineer Nicholas Edelman requested the bid for relocation of Grinder Pump #15 be awarded to LARC Contracting, LLC, (Travis Hodge) the apparent low bidder, in the amount of \$39,995.80. Funds to cover the costs of this project will be allocated from unrestricted funds shown in the 2010 budget. This is an emergency project and needs immediate attention according to Edelman. Public Works may supply the pump and panel for the project initially so it can be completed as soon as possible. Edelman plans to present a budget amendment at the March 4, 2010 meeting.

Alderman Kahrs moved to award the bid for relocation of Grinder Pump #15 in the amount of \$39,995.80 to LARC Contracting, LLC, with funding to be allocated from unrestricted funds. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Cabana Village Contract Modification.

City Engineer Nicholas Edelman requested a contract modification in the amount of \$5,256.50 to repair some electrical problems at the Cabana Village pump station. Funds are available for this repair from account #35-00-773113 Cabana Village.

Alderman Schmitt moved to approve the contract modification in the amount of \$5,256.50 for repair of electrical problems at the Cabana Village pump station with funding to come from account #35-00-773113. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bill 10-05. Regulatory Traffic Signs at Passover and Red Bud Road.

City Engineer Nicholas Edelman requested approval to install traffic signs at Passover Road and Red Bud Road following a request from the Camdenton School District Transportation Director. Edelman stated that the Engineering Department has evaluated the traffic situation and finds there to be a safety issue at this location. Department of Public Safety Dave Severson also visited the site and agrees with Edelman, stating that there is a sight distance limitation issue at the intersection which may contribute to an accident one day.

Mayor Lyons presented the first reading of Bill 10-05 by title only. It was noted that Bill 10-05 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill 10-05 as presented. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-05 by title only.

See minutes of 3/4/10 for addition. deW
Alderman Olivarri moved to approve the second and final reading of Bill 10-05. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-05 and to pass same into Ordinance. "Ayes": Alderman Kahrs, Alderman Rucker, Alderman Olivarri, Alderman Schmitt, Alderman Farmer. "Nays": None. Bill 10-05 was passed and approved as Ordinance 10.05.

Bill 10-06. Request to Amend 2010 Annual Budget.

Airport Manager Budd Hyde requested an amendment to the 2010 Annual Budget in the amount of \$794.46 for final payment to the contractor of the LCF Fencing Project. The balance remaining in account # 45-00-774129 was carried over to the 2010 budget so no fund transfer is necessary.

Mayor Lyons presented the first reading of Bill 10-06 by title only. It was noted that Bill 10-06 has been

available for public review. Alderman Schmitt moved to approve the first reading of Bill 10-06 as presented. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-06 by title only.

Alderman Rucker moved to approve the second and final reading of Bill 10-06. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-06 and to pass same into Ordinance. "Ayes": Alderman Rucker, Alderman Olivarri, Alderman Schmitt, Alderman Farmer, Alderman Kahrs. "Nays": None. Bill 10-06 was passed and approved as Ordinance 10.06.

Bill 10-07. Authorize Mayor to Sign Block Grant Agreement for Lee C. Fine Airport Fence Project.

Airport Manager Budd Hyde presented Bill 10-07 which authorizes the Mayor to sign State Block Grant Agreement, Amendment 2, with the Missouri Department of Transportation. The Lee C. Fine Fence Project No. AIRE 055/095-46B would be allocated \$150,000.00 from the 2009 non-primary entitlement fund according to Hyde.

Mayor Lyons presented the first reading of Bill 10-07 by title only. It was noted that Bill 10-07 has been available for public review. Alderman Oliviarri moved to approve the first reading of Bill 10-07 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-07 by title only.

Alderman Rucker moved to approve the second and final reading of Bill 10-07. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-07 and to pass same into Ordinance. "Ayes": Alderman Olivarri, Alderman Schmitt, Alderman Farmer, Alderman Kahrs, Alderman Rucker. "Nays": None. Bill 10-07 was passed and approved as Ordinance 10.07.

Bill 10-08. Request to Amend 2010 Annual Budget.

City Engineer Nicholas Edelman requested an amendment to the 2010 Annual Budget by allocating \$36,288.00 for El Terra Extension, account #30-00-773195; \$5,257.00 for Cabana Village contract modification; \$16,559.00 for Low, Lighthouse and Redbud Roads. El Terra Extension Project as well as the Low, Lighthouse and Redbud Projects were thought to be completed in 2009 so no funds were budgeted for these projects.

Mayor Lyons presented the first reading of Bill 10-08 by title only. It was noted that Bill 10-08 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill 10-08 as presented. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-08 by title only.

Alderman Farmer moved to approve the second and final reading of Bill 10-08. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-08 and to pass same into Ordinance. "Ayes": Alderman Schmitt, Alderman Farmer, Alderman Kahrs, Alderman Rucker, Alderman Olivarri. "Nays": None. Bill 10-08 was passed and approved as Ordinance 10.08.

Bill 10-09. Authorize Mayor to Sign Agreement with Missouri Hwy & Transportation Commission.

City Engineer Nicholas Edelman requested authorization for the Mayor to sign an agreement with the

Missouri Highway and Transportation Commission for an easement along Highway 42 for Sanitary Sewer Service. The easement will allow the City to install a pressure sewer line and grinder station which will service the MoDOT Maintenance Shed according to Edelman.

Mayor Lyons presented the first reading of Bill 10-09 by title only. It was noted that Bill 10-09 has been available for public review. Alderman Schmitt moved to approve the first reading of Bill 10-09 as presented. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-09 by title only.

Alderman Farmer moved to approve the second and final reading of Bill 10-09. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-09 and to pass same into Ordinance. "Ayes": Alderman Farmer, Alderman Kahrs, Alderman Rucker, Alderman Olivarri, Alderman Schmitt. "Nays": None. Bill 10-09 was passed and approved as Ordinance 10.09.

Approval of Zebra Road Preliminary Design.

At this time Alderman Rucker presented a request to address two (2) separate issues regarding the High Pointe Center stop signal and the Zebra Road design.

Mayor Lyons explained that the Board has the right to modify the agenda but the blue sheet presented only addresses the Zebra Road Preliminary Design, not the High Pointe Center traffic signal.

Alderman Rucker asked that the High Pointe Center traffic signal be addressed prior to the Zebra Road design explaining that the projects are related. Rucker would like the traffic signal located at the High Pointe Center to remain in use until the Zebra Road Project is complete.

Discussion was held regarding the City's liability if the public drives through the former mall parking to gain access to the stop light. Alderman Schmitt suggested the City Staff check into getting an easement from Walters Group so the public can have access to the traffic signal while the Zebra Project is ongoing. Alderman Olivarri would like the traffic signal to remain operational until the Links Rd/Zebra Rd/Chef St traffic signal is in place and operating. Alderman Rucker agreed with Olivarri stating that the light should remain operational until the project is complete.

According to City Planner Cary Patterson the only way the City can legally access the traffic signal is to gain an easement from Raul Walters Properties to access the parking lot and signal. City Attorney Rucker agreed with Patterson saying no one has a legal right to be on Walters' private property.

City Attorney Rucker stated that if Raul Walters Properties makes the parking and traffic signal accessible to the public, the City is under no liability should an accident occur. With the closing of High Pointe Center the parking and traffic signal are now located on private property and unsafe according to Alderman Farmer.

Demolition of the structures lends itself to debris falling and injuring someone driving through to use the traffic signal commented Farmer. Alderman Olivarri said he has driven through the parking with no problem.

Alderman Rucker stated that he understands the City has no control over the removal of the traffic light but as Aldermen for the City, we have a voice. Rucker would like MoDOT to be made aware that the City would like the traffic light to remain, stating that the agreement with MoDOT regarding the City's takeover of Hwy 54 has a clause regarding the relocation of traffic lights. Rucker wants MoDOT to fulfill

the agreement by leaving the light in its current location and working order until the Zebra/Links/Chef Street project is complete at which time the High Pointe signal could be eliminated. City Administrator Nancy Viselli discussed the changes planned for Zebra making it a right turn in, right turn out only intersection when the project is complete and since the discussion pointed out how dangerous it is to turn left from Zebra then there should be no objection to that portion of Edelman's design. Alderman Rucker stated that he agreed 100% with Viselli, as did Alderman Kahrs and Alderman Schmitt.

City Engineer Nicholas Edelman explained that MoDOT's plan to 'bag' the light results from a study done during the summer months that showed only about 10% of traffic used the High Pointe signal for left turns. According to MoDOT that amount of use does not warrant keeping the light in service. Alderman Schmitt understood the February 11, 2010 memo from City Engineer Edelman to say the High Pointe signal would be de-activated soon, eliminating left turns into and out of High Pointe Center.

Alderman Olivarri moved to request the Board of Aldermen to ask Staff to ask MoDOT to leave the traffic light functioning until the new light is in place. Seconded by Alderman Schmitt the motion was not voted on at this time.

Alderman Kahrs expressed his concern questioning the legal stance imposed on the City. Attorney Ed Rucker explained that the City was under no legal liability by expressing an opinion, if an injury occurred since Walters' Properties is allowing entrance to and exit from the property. Alderman Kahrs asked for clarification about leaving the light as is or in place.

Alderman Olivarri amended his previous motion. Alderman Olivarri moved to direct City Staff to contact MoDOT and express the City of Osage Beach Board of Aldermen's desire to leave the traffic signal at High Pointe Center functioning in all respects as it is today, until such time as access is not provided by owner, Raul Walter's Properties. Seconded by Alderman Schmitt, the motion was voted on and passed by a vote of 3 to 2. Alderman Farmer and Alderman Kahrs voted in the negative.

City Engineer Nicholas Edelman requested approval of the preliminary design for Zebra Road and selection of alternatives so Howard R. Green Company can proceed with the project design. The Engineering Department would like to proceed with the traffic signal at Links Road/Chef Street/Hwy 54 Intersections so approval of the preliminary design is necessary to begin the project. Edelman stated that at some point Links would be renamed Zebra.

Alderman Kahrs moved to approve the preliminary design for Zebra Road and selection of alternatives, as well as proceeding with plans for the traffic signal location at Links Rd/Chef St/Hwy 54 Intersections. Alderman Rucker clarified with Alderman Kahrs that this motion included the right in and right out only at Zebra and Alderman Kahrs said yes. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Communications from Board Members.

Alderman Kahrs. Attended the Chamber Social and commended Public Safety Director Severson for the great work done by his department. Kahrs received several positive comments from business owners regarding the Pub Crawl held last weekend.

Alderman Rucker. Challenged the Park Director to investigate and find a possible location at the City Park which might allow for sledding during the winter months.

Staff Communications.

City Administrator. Said she and Brian Willey would be meeting with Mountain Man sponsors tomorrow regarding the feasibility of moving the event to the City Park.

Deputy City Clerk. Asked that everyone keep City Clerk Diann Warner and her family in your prayers as her sister Karen remains unconscious during the final stages of her illness.

Police Chief. Explained that the Pub Crawl went well and the COPS ON TOP begins tomorrow morning at Hy-Vee. The Polar Bear Plunge will be next Saturday, February 27, 2010.

Executive Session.

Alderman Farmer moved to close the meeting pursuant to RSMo. Section 610.021(1), Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. Alderman Schmitt seconded the motion. The following roll call vote was taken to close the meeting: "Ayes": Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Kahrs, Alderman Olivarri. "Nays": None. The meeting was therefore closed.

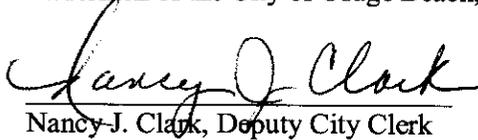
CLOSED SESSION

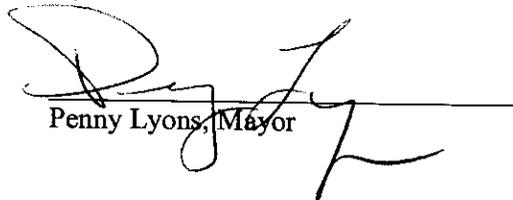
Alderman Kahrs moved to open the meeting. Alderman Schmitt seconded the motion. The following roll call vote was taken to open the meeting: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Kahrs. "Nays": None. The meeting was therefore opened.

No announcements were made following closed session.

There being no further business to come before the Board, the meeting adjourned at 8:15 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 18, 2010.


Nancy J. Clark, Deputy City Clerk


Penny Lyons, Mayor