

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

March 4, 2010

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, March 4, 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. Alderman David Gasper was absent. City Clerk Diann Warner was present and performed the duties of that office.

Mayor's Communications. Mayor Lyons reported that District T and the Lake of the Ozarks Council of Local Governments met on February 22nd at City Hall. She reported that a quorum of 18 was short by two so the Council will try to pass the bylaws at the next meeting in March. The Betterment Committee met Tuesday for three hours and the committee was divided into some smaller groups. Mayor Lyons reported that the Polar Bear Plunge was well attended and very successful. She expressed her appreciation to all volunteers.

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

Consent Agenda.

Alderman Olivarri submitted the following addition to the minutes of February 18, 2010 meeting:

Page 3 under subtitle Bill 10-05, Regulatory Traffic Signs at Passover and Red Bud Road; insert the following sentence after Alderman Schmitt seconded the motion:

Alderman Olivarri expressed concern about the right in right out only proposal especially since 90% of current neighborhood traffic uses the Zebra Highway 54 intersection.

Following discussion of the amendment to the minutes, Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting as amended held on February 18, 2010; the closed minutes of that date, the liquor license for Walgreen's (Change of Managing Officer), and the bill list as submitted. Alderman Rucker seconded the motion which was voted on and passed with Alderman Farmer and Alderman Kahrs expressing negative votes.

Unfinished Business.

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

Airport Manager Budd Hyde presented a request that would authorize Mayor Lyons to sign and execute four (4) original certified copies of the Airport Layout Plan (ALP) for Grand Glaize Airport. Mr. Hyde explained that the final draft is complete and ready for review by MoDOT Aviation. The Grand Glaize ALP addresses needs at the airport as well as depicting Federal Aviation Association (FAA) requirements for the next five (5) years.

Alderman Olivarri moved to authorize Mayor to sign and execute four (4) original certified copies of the Grand Glaize Airport Layout Plan. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

New Business.

Bill No. 10-10. 2010 Budget Amendment.

City Engineer Nick Edelman explained that the budget amendment is for the grinder pump #15 relocation project. The bid for completing the project was awarded at the February 18, 2010 Board of Alderman meeting. Alderman Rucker questioned where the funds were allocated for this project. City Engineer Edelman explained that not all money was appropriated in the 2010 budget and funds would come from the unrestricted year-end balance in the Sewer Fund.

Mayor Lyons presented the first reading of Bill 10-10 by title only. It was noted that Bill 10-10 has been available for public review. Alderman Rucker moved to approve the first reading of Bill 10-10, amending the 2010 Budget by allocating \$40,000 to Account No. 35-00-773114 Lift Station Improvements. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-10 by title only. Alderman Farmer moved to approve the second and final reading of Bill 10-10. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-10 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Kahrs, Alderman Olivarri. "Nays": None. "Absent": Alderman Gasper. Bill 10-10 was passed and approved as Ordinance 10.10.

Bill No. 10-11. Amendment to Nuisance Ordinance, Chapter 215.

City Attorney Ed Rucker explained that Bill 10-11 amends the nuisance ordinance to create a rebuttable presumption that where three items of identifying personal information are found in trash dumped illegally, the individual so identified is responsible for the illegal dumping. At trial, any defendant is entitled to explain the trash and then the burden of proof will shift to the City to offer further proof of the defendant's conduct.

Alderman Olivarri questioned whether illegal dumping has been a problem. Alderman Rucker explained that this has been an issue and a concern and the City should be able to have the necessary ordinances in place for enforcement.

Mayor Lyons presented the first reading of Bill 10-11 by title only. It was noted that Bill 10-11 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill 10-11, amending Nuisance Code Chapter 215 by repealing Section 215.060 and enacting a new Section 215.060 concerning litter, trash, rubbish, and waste and creating a prima facie case for prosecution of defendants involved in the creation and dumping of such trash. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bill No. 10-12. Amendment to Erosion Ordinance, Chapter 215.

City Attorney Ed Rucker explained that Bill 10-12 allows prosecution of property owners for erosion washing off of construction sites, defines a nuisance and adds abatement language. Alderman Kahrs questioned whether this addresses drainage from commercial property that destroys another property. City Attorney Rucker stated that it applies citywide regardless of location or zoning. Alderman Kahrs said he wanted to make sure he had no conflict in this matter since he has an ongoing conflict with MoDOT regarding drainage. City Attorney Rucker explained that Alderman Kahrs has no conflict anymore than any other Board member that owns property when they adopt a code for the entire City.

Alderman Olivarri questioned whether there are existing types of situations that many be eliminated with the passage of Bill 10-12. City Attorney Rucker explained that problems preceding the adoption of Bill 10-12 would not be affected, however if violations continue, those situations are not grandfathered.

Mayor Lyons presented the first reading of Bill 10-12 by title only. It was noted that Bill 10-12 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill 10-12 as presented, amending Erosion Code Chapter 215 by repealing Section 215.020 and enacting a new Section 215.020 creating sections concerning erosion, dirt and mud accumulation as a nuisance, and the abatement thereof. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Bid Award. Hwy 42 Water and Sewer Extension Phase I.

The following bids were received for the Highway 42 Water and Sewer Extension Phase I:

Lehman Construction	\$334,908.00
APAC Missouri	\$214,497.87
LARC Contracting	\$158,636.40
Ed Laubinger Excavating	\$170,494.50
Hutchins Telecom	\$186,868.00
Twehous Excavating	\$210,428.00
CSE Construction Co.	\$171,207.10
JC Industries, Inc.	\$207,768.75
Kissick Construction	\$193,548.00
Stockman Construction	\$184,111.20

City Engineer Nick Edelman explained that this is Phase 1 of a two phase project and he thinks it will come in under budget, however, all easements and land acquisitions have not been acquired. Alderman Rucker questioned whether this would delay the animal hospital project. Edelman responded that the project is being completed in two phases for that reason and property is being purchased as fast as possible.

Alderman Rucker moved to award the bid for the Highway 42 Water and Sewer Extension Phase I to LARC Contracting, LLC, the apparent low bidder, in the amount of \$158,636.40, budgeted under Item No. 30-00-773178. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bid Award. 2010 Slurry Seal.

One bid was received from Vance Brothers in the amount of \$180,568.30.

Alderman Kahrs moved to award the bid for the 2010 Slurry Seal to Vance Brothers, the apparent low bidder, in the amount of \$180,568.30, budgeted under Item No. 20-00-764206. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Authorization to Provide Engineering and Contract Services to Osage Beach Special Road District.

Mayor Lyons announced that Alderman Schmitt would abstain from voting on this matter.

City Engineer Edelman explained that Harper Lane is located off of Shore Acres Drive and it will not meet City standards when it is completed because it will be a single lane road. He added that a house on Shore Acres Drive would have to be acquired or a massive shoring/retaining wall project would have to be undertaken at a great expense to widen the road to accommodate two lanes. Mr. Edelman explained that the City has worked on projects in the past with the Osage Beach Special Road District and they have provided funding for various City streets. He recommended that the Engineering Department be authorized to provide engineering services even though this is not a street that will be built to City standards.

Alderman Olivarri stated that he had the impression the City would take over the road after improvements were made and that it would meet City standards. City Engineer Edelman said that he would not recommend accepting the street because it cannot meet the two lane roadway requirement. Alderman Rucker stated that all roads should be in the City inventory and every effort should be made to get the road to meet City standards.

After considerable discussion Alderman Kahrs moved to approve the request to provide engineering and contract services to the Osage Beach Special Road District relating to the reconstruction of Harper Lane. Alderman Farmer seconded the motion which was voted on and passed with Alderman Schmitt abstaining.

Communications from Board Members.

Alderman Kahrs. Alderman Kahrs congratulated staff and all the plungers for participating in the Polar Bear Plunge.

Alderman Rucker. Alderman Rucker congratulated everyone who participated in the Plunge. He reported that he heard good comments and it is a big event for the City.

Alderman Olivarri. Alderman Olivarri congratulated the participants and volunteers in the Polar Bear Plunge.

Alderman Schmitt. Alderman Schmitt congratulated Chief Severson for his work on the Polar Bear Plunge to make it successful.

Alderman Farmer. Alderman Farmer congratulated everyone for the awesome job on the Polar Bear Plunge.

Staff Communications.

City Attorney. City Attorney Rucker reported that the court has appointed three condemnation commissioners for the Baker condemnation.

City Clerk. City Clerk Warner expressed her appreciation to the City for the plant sent for her sister's funeral service last week and for the opportunity to be there with her. She reminded the Board to RSVP to the invitation to attend the Volunteer Appreciation Dinner on March 23, 2010 at Michael's 939. She reported that Supplement No. 3 to the City's Code of Ordinances has been completed and she asked that code books be brought to her office for updating.

Police Chief. Police Chief Severson reported that the Polar Bear Plunge exceeded all previous records and the eight super plungers raised \$21,000. There were 543 total plungers and \$163,236 was raised for Special Olympics. He expressed his appreciation to the Explorer Post and to all volunteers.

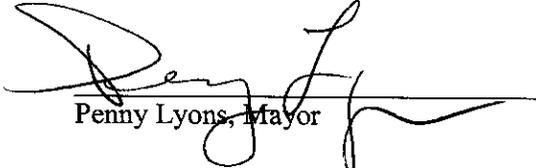
City Planner. City Planner Patterson expressed his appreciation to the Board for the passage of the two amendments that will allow enforcement of storm water drainage violations and enforcement of illegal dumping.

Airport Manager. Airport Manger Budd Hyde expressed his appreciation to the Board for reviewing the Airport Layout Plan for the Grand Glaize Airport and for authorizing the Mayor to execute the plan.

There being no further business to come before the Board, the meeting adjourned at 7:15 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 March 4, 2010.


Diann Warner, City Clerk


Penny Lyons, Mayor