

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

March 18, 2010

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

Mayor's Communications. Mayor Lyons reported that District T met here at City Hall on Monday, March 15, and will meet again in May when the group will look at grant applications. She hopes there will be additional funds to distribute to the successful grantees.

Mayor Lyons reported that the Lake of the Ozarks Council of Local Governments also met on Monday; however there was no quorum to adopt the by-laws. Lyons stated that they may try to create a ballot process since there is difficulty in getting a quorum. Mayor Lyons said that many of the smaller cities do not have someone to attend the meetings but they are included in the quorum.

Mayor Lyons reported that 22 applications were received for the director's position and they will be interviewing final candidates at the next meeting. She added that City Administrator Nancy Viselli will participate on the committee to review the applications. Mayor Lyons said that the Council issued a news release about the quality of the water at the Lake which is being distributed to many state agencies and to other Regional Planning Commissions. The LOCLG will meet at City Hall again in April.

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

Consent Agenda.

Alderman Rucker moved to approve the consent agenda which includes minutes of the regular meeting held on March 4, 2010 and the bill list as submitted. Alderman Schmitt seconded the motion which was voted on and passed.

Unfinished Business.

Bill No. 10-11. Amendment to the Nuisance Ordinance Regarding Illegal Dumping.

Mayor Lyons presented the second and final reading of Bill 10-11 by title only. It was noted that Bill 10-11 has been available for public review. Alderman Gasper moved to approve the second and final reading of Bill 10-11. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-11 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Rucker, Alderman Olivarri, Alderman Farmer, Alderman Gasper. "Nays": None. "Absent": Alderman Kahrs. Bill 10-11 was passed and approved as Ordinance 10.11.

Bill No. 10-12. Amendment to the Nuisance Ordinance Regarding Erosion.

Mayor Lyons presented the second and final reading of Bill 10-12 by title only. It was noted that Bill 10-12 has been available for public review. Alderman Olivarri moved to approve the second and final reading of Bill 10-12. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-12 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Olivarri, Alderman Farmer, Alderman Gasper, Alderman Schmitt. "Nays": None. "Absent": Alderman Kahrs. Bill 10-12 was passed and approved as Ordinance 10.12.

New Business.

Public Hearings. Special Use Cases 352, 353, 354. Modification of Existing Special Use Permits located on City Owned Property for Use as Wireless Communication Facilities.

Because the applicant had not submitted all required documentation, Alderman Schmitt moved to postpone the public hearings for Special Use Cases 352, 353, and 354 until April 1, 2010. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bill 10-13. 2010 Budget Amendment for Storm Drainage Projects.

City Engineer Nick Edelman explained that the 2009 storm drainage projects were anticipated to be completed before the end of 2009, however, they were not and funds were not budgeted in the 2010 budget. The engineering department recommends approval of the budget amendment in the amount of \$44,000.

Mayor Lyons presented the first reading of Bill 10-13 by title only. It was noted that Bill 10-13 has been available for public review. Alderman Rucker moved to approve the first reading of Bill 10-13 as presented. Alderman Gasper seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-13 by title only. Alderman Farmer moved to approve the second and final reading of Bill 10-13. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-13 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Gasper, Alderman Schmitt, Alderman Rucker. "Nays": None. "Absent": Alderman Kahrs. Bill 10-13 was passed and approved as Ordinance 10.13.

Bid Award for City Park Pavilions.

The following bids were received:

Travis Hodge Hauling	Base Bid	\$44,986.00
	Additive A	\$56,015.00
	Additive B	\$52,314.00
	Additive C	\$61,965.35
GBH Builders, Inc.	Base Bid	\$49,337.00
	Additive A	\$58,551.00
	Additive B	\$60,736.00
	Additive C	\$73,963.00
Wavco	Base Bid	\$48,190.00
	Additive A	\$57,640.00
	Additive B	\$60,040.00
	Additive C	\$73,405.00
Septagon Construction Inc.	Base Bid	\$52,700.00
	Additive A	\$60,200.00
	Additive B	\$61,600.00
	Additive C	\$69,700.00

The project was bid with four alternates and the Engineering Department recommends the bid be awarded to Travis Hodge Hauling, the low bidder in the amount of \$44,986 which is \$14 under budget, line item 10-10-773280. Alderman Olivarri moved to award the bid for the City Park Pavilion to the low bidder, Travis Hodge Hauling in the amount of \$44,986. Alderman Rucker seconded the motion which was voted on and passed.

Recommendation to Reject Proposals for the City Park Concessions.

Assistant City Administrator Jeana Albertson explained that a request for proposals was issued to invite bids to operate the concessions at the Osage Beach City Park. Three responses were received; however, all three were unresponsive for various reasons. Staff recommends rejecting all proposals. Issues regarding the non responsive bids have been discussed with each vendor.

A request for proposals was reissued and is due on March 22, 2010.

Alderman Schmitt moved to reject all bids in response to the request for proposals for the City Park Concessions. Alderman Gasper seconded the motion which was voted on and passed.

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

City Engineer Nick Edelman explained that the Missouri Department of Transportation will be building outer roads for residents to get home, but they will be creating multiple dead end roads because of the Highway 54 Expressway construction. He said that Mariner Circle will be cut off near the Mariners Cove Apartments and it will no longer be a circle by the end of the year according to MoDOT. This will create problems for emergency vehicles that must turn around.

Swiss Village Road will be cut off at the water tower. The residents on Swiss Village Road will have access by the new outer road which will connect to Highway KK. Emergency vehicles will have to use this new outer road to get to the residents living inside the city limits on Swiss Village Road. This will also create problems for emergency vehicles that must turn around.

The Engineering Department spoke with the Osage Beach Special Road District about this issue and they said they liked the idea of the project. They would like to see a detailed cost estimate which the Engineering Department will be presenting to them.

The Engineering Department recommends approval of this as long as the Osage Beach Special Road District agrees to fund the project.

Alderman Rucker questioned whether the cul-de-sacs will meet the requirements established by the City. City Engineer Edelman explained that the cul-de-sacs will be constructed with a radius as wide as possible since the topography is challenging on Mariner Circle. There will be an area for parking on the side. Additionally, the Osage Beach Fire Protection District is pleased with the idea since it will provide them with an area to turn around. Alderman Rucker expressed his concern that the cul-de-sacs would not meet City specifications. City Engineer Edelman explained that the code says that if meeting the specifications is impossible, then streets should be built as close as possible to City standards. Alderman Rucker questioned the reason the same justification was not used on the street at the last meeting. Edelman explained that any street may be accepted if the standards are not met; however, the question is whether the City wants those streets. He added that if a street is in the City inventory that does not meet the standards, they are made to comply as close as possible to City standards.

Mayor Lyons commented that if the cul-de-sacs are not built some vehicles would have no way to turn around and would have to back up. She added that the City does not have to make these improvements, but the Osage Beach Special Road District is willing to work with the City on this project.

City Attorney Ed Rucker explained that often sufficient property is not available to bring a street up to standards without condemnation which can be very costly. He said the request before the Board is to provide engineering and contract services to the Osage Beach Special Road District. Additionally, bringing all existing roads to City specifications may be cost prohibitive.

Alderman Olivarri commented that there are standards for bringing in new streets and some existing streets could never meet the standards. He stated that he would have a problem accepting a street that did not meet the standards unless there were unique circumstances. Alderman Rucker said he is not proposing to accept every street but he proposed looking at accepting streets that cannot meet the standards. Alderman Rucker stated that this matter needs to be discussed in a work session.

Alderman Rucker moved to authorize the Engineering Department to provide engineering and contract administration services to the Osage Beach Special Road District to design cul-de-sacs as requested. Alderman Olivarri seconded the motion which was voted on and passed with Alderman Schmitt abstaining.

Bid Award for MoDOT Utility Relocates for 347G.

The following bids were received:

Hutchins Telecom	\$249,653.00
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	\$265,799.00
	\$265,799.00
APAC Missouri	\$478,727.49
	\$484,645.35
	\$498,802.63
Stockman Construction	\$286,981.00
	\$293,544.70
	\$296,425.10

This project was bid with an additive and an alternate bid. The additive bid was for AT&T and Charter Cable to install conduit in the same trench as the City's sewer line. The alternate bid was for digging thru fill material that has not been moved along the Highway 54 Expressway. The Engineering Department's intent was to award this project with the additive and alternate Bid if prices allow.

This project was budgeted under three accounts: On the water side funding is available under 30-00-773182 MoDOT Mandated Project in the amount \$350,000. The water portion of this project is 100% MoDOT reimbursable. The total value of the water portion is \$19,440.00. The sewer portion of this work comes from two accounts. Part of the work comes from 35-00-773177 Connecting Sewer (\$1,425,000) and 35-00-773186 MoDOT Mandated Projects (\$320,000). Section 1 of the Sewer is 66% Reimbursable under the MoDOT – City Westside Sewer agreement. Section 3 of the Sewer is for the Connecting Sewer Project (\$110,790) and Section 4 of the Sewer is for MoDOT Mandated. The Engineering Department is looking into Section 4 to see if it will be 100% reimbursable.

The Connecting Sewer Project has a lot more work than just the small amount of this project. The work must be completed prior to MoDOT paving this area. Once this area has been paved the City would have to bore the highway which would cost more than open cut casing.

The Engineering Department recommends awarding this bid to Hutchins Telecom with the alternate bid and additive bid in the amount of \$265,799.00. City Engineer Edelman said that AT&T and Charter concur with his recommendation.

Alderman Olivarri moved to award the bid for the MoDOT Utility Relocates to Hutchins Telecom in the amount of \$265,799 as recommended. Alderman Farmer seconded the motion which was voted on and passed.

Resolution 2010-02 Authorizing the Emergency Services Coordinator to Participate in Drafting and Amending the Camden County Hazard Mitigation Plan.

Mayor Lyons presented Resolution 2010-02 authorizing the Emergency Services Coordinator to participate in drafting and amending the Camden County Hazard Mitigation Plan on behalf of the City. Emergency Services Coordinator Gary Woodson was present to explain Resolution 2010-02.

Alderman Farmer moved to approve Resolution 2010-02 as presented. Alderman Gasper seconded the motion which was voted on and passed.

Proposed Contract Modification for the Highway 54 Sidewalk Improvements.

City Engineer Edelman explained that during the preconstruction conference, it was noted that the sidewalk between Hatchery Road and the outlet mall does not meet ADA specifications. He said that he understood this was acceptable; however it is not and it needs to be modified. The contractor and the Engineering Department have been negotiating a price for this work.

Additionally, while constructing the sidewalk, he became aware that a few driveways needed some attention, particularly the driveway just west of Miner Mike's. During the design of this project, the engineering firm and MoDOT checked each driveway for ADA compliance. Each driveway was checked for slope and the driveway for

Miner Mike's was noted meeting ADA. The problem is the driveway was only checked in one spot. During construction it was checked in multiple spots and noticed that it needed to be removed.

The Engineering Department requested approval of this additional work in an amount not to exceed \$50,000. MoDOT must approve any change order to this contract since federal funds are involved. City Engineer Edelman has spoken with the MoDOT representative and additional funds may be available for this work.

The funding for this work is budgeted in line item 20-00-773211 Hwy 54 Sidewalk Improvements in the amount of \$400,000. Currently \$123,723.50 is available in this account. The remaining amount in the account will be used for the original contract price for this work in the amount of \$276,276.50.

The Engineering Department recommends approval of the additional work in an amount not to exceed \$50,000.

Alderman Olivarri moved to approve the contract modification for the Highway 54 Sidewalk Improvements in an amount not to exceed \$50,000 as recommended. Alderman Farmer seconded the motion which was voted on and passed.

Communications from Board Members.

Alderman Rucker. Alderman Rucker reported that the transportation tax proposed by the Transportation Development District organized by Jim Herfurth has been put on hold due to the current economic situation. Alderman Rucker said he received this information because of his membership in the Chamber of Commerce.

Staff Communications.

City Attorney. City Attorney Rucker reported that last fall the Board repealed the funeral ordinance however there is a current court case that may have free speech implications. He will keep the Board updated on this matter. Rucker also reported that after 30 days the judgment is final in the Four Seasons TIF lawsuit and an appeal may be filed after that time. He added that it would be 40 days before the City knows if the decision will be appealed.

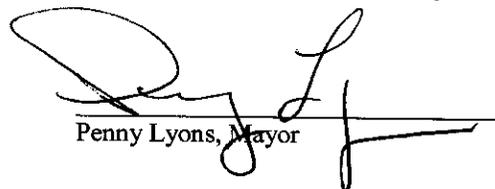
Police Chief. Police Chief Severson reported that next Thursday a public hearing would be held at City Hall on a Community Development Block grant for Citizens Against Domestic Violence at which time the need for a new shelter must be justified. He invited everyone to attend.

City Engineer. City Engineer Nick Edelman reported that the Osage Beach Special Road District will contribute \$200,000 to the City for the Zebra Connector road project.

There being no further business to come before the Board, the meeting adjourned at 7:10 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 18, 2010.


Diann Warner, City Clerk


Penny Lyons, Mayor