

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

April 1, 2010

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, April 1, 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 Ron Schmitt. Alderman Kevin Rucker was absent. City Clerk Diann Warner was present and performed the duties of that office.

Mayor's Communications. Mayor Lyons reported that she attended two Betterment Committee meetings this week, one of which dealt with issues on the county level. The second meeting consisted of individuals from different class counties who have issues to be worked out. Experts who spoke at the meeting informed the group that legislation is being drafted to protect the lake.

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

Consent Agenda.

Alderman Olivarri submitted the following correction to the minutes of March 18, 2010:

Page 3, last paragraph, second sentence: Add the words *unless there are unique circumstances* after the sentence; He (Alderman Olivarri) stated that he would have a problem accepting a street that did not meet the standards.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on March 18, 2010 as corrected and the bill list as submitted. Alderman Farmer seconded the motion which was voted on and passed.

Unfinished Business.

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

AT&T requests Special Use Permits to replace communication hardware on three existing towers at the following locations: Osage Beach Water Tower on Passover Road, the Osage Beach Fire Protection District at 1170 Bluff Drive and 5715 Highway 54 at KRMS to provide 3G coverage in the lake area.

City Planner Cary Patterson explained that no visual changes will be made to the towers and Municipal Solutions reviewed the applications and submitted reports. Staff recommended approval of Special Use Cases 352, 353, and 354 and the Planning Commission concurred.

There being no questions or comments, Mayor Lyons closed the public hearing at 6:35 p.m.

Approve Findings of Fact. Special Use Cases 352, 353, 354

Alderman Farmer moved to approve the Findings of Fact for Special Use Cases 352, 353, 354 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Vote on Special Use Case 352. Modification of Existing Special Use Case 352 located on Passover

Road.

Alderman Schmitt moved to approve Special Use Case 352 with conditions as follows:

1. Applicant to submit required Performance Security/Removal Bond.
2. Applicant shall have sufficient funds in the escrow account with the City to pay all expenses related to the site review and issuance of permits.
3. That applicable liability insurance will be provided.
4. That a Geotechnical Report be provided in order to verify the structural adequacy of the water tank.
5. That a copy of the site survey will be provided.

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

Vote on Special Use Case 353. Modification of Existing Special Use Case No. 353 located at 1170 Bluff Drive.

Alderman Schmitt moved to approve Special Use Case 353 with conditions as follows:

1. Applicant to submit the required Performance Security/Removal Bond.
2. Applicant shall have sufficient funds in the escrow account with the City to pay all expenses related to the site review and the issuance of permits.
3. That applicable liability insurance will be provided.
4. Fencing to be completed as per the Construction Drawings and as indicated in the application submittal letter prior to issuance of the Certificate of Occupancy.

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

Vote on Special Use Case No. 354. Modification of Existing Special Use Case No. 354 located at KRMS Radio Station.

Alderman Schmitt moved to approve Special Use Case 354 with conditions as follows:

1. Applicant to submit the required Performance Security/Removal Bond.
2. Applicant shall have sufficient funds in the escrow account with the City to pay all expenses related to the site review and the issuance of permits.
3. That an ANSI Report per Annex E, Tower Maintenance and Inspection Procedures et al be provided, and any noted deficiencies are to be corrected prior to the issuance of a COC.

4. That a Geotechnical Report be provided in order to verify the structural adequacy of the tower.
5. Fencing and landscaping to be completed as per the Construction Drawings and as indicated in the application submittal letter prior to issuance of the Certificate of Occupancy.

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

New Business.

Proposed Contract Modification No. 1 for Design for Roadway and Drainage Improvements for Stewart Drive and the Zebra Connector.

City Engineer Nick Edelman explained that during the design of this project, it came to his attention that having the entire roadway torn up at one time may not be in the City's best interest and considered the possibility of staging this project. By staging, it's possible that residents on Deer Run and Harbor Heights would not have to drive through construction. This staging would also eliminate the amount of time that the residents on Stewart have to drive through the construction area. This contract modification will create the drawings that allow for this staging to occur.

The Highway 54 Sidewalk Project has the crossing at the current High Pointe Shopping Center Light. Since this signal will be moved, the sidewalk must be extended down to the proposed Zebra/Chef Street intersection.

By lining up Zebra and Chef Street, there will be an area near the back of Randy's Frozen Custard that will be excess right of way. This modification proposes to landscape that area. This project is being broken up in phases due to the High Pointe Development conversation. Phase 1 is almost completed, although additional work is required to break the project up in phases.

The last issue of this contract modification is the signal. The signals were not planned to be interconnected during the original contract. It is proposed for this signal to communicate with the Passover signal.

Funding for this modification can be obtained from the Hwy 54 Sidewalk Improvements 20-00-773211 account. That account was budgeted in the amount of \$400,000. Currently it has obligations not to exceed \$326,276.50. This modification is priced at \$47,934.50. This will leave a balance of \$25,789.00 in this account.

The Engineering Department recommended approval.

Alderman Olivarri moved to approve design modification for roadway and drainage improvements for Stewart Drive and the connector as recommended in the amount of \$47,934.50 from line item 20-00-773211. Alderman Kahrs seconded the motion which was voted on and passed.

Alderman Kahrs asked that staff provide the cost of the light and the sidewalk separately.

Bid Award for Pavement Marking. The following bids were received for the 2010 Pavement Marking Project:

KW Luetkemeyer	\$13,692.71
Park Mark, Inc.	\$11,262.20

The project is budgeted under 20-00-764208 Road Striping in the amount of \$15,000. The Engineering Department recommends the bid be awarded to the low bidder, Park Mark, Inc. in the amount of \$11,262.20.

Alderman Kahrs moved to award the bid for the 2010 Pavement Marking Project to the low bidder, Park Mark, Inc. in the amount of \$11,262.20. Alderman Schmitt seconded the motion which was voted on and passed.

Authorize Installation of Fiber Optics for the Public Works Facility.

City Engineer Nick Edelman explained that approval for installation of fiber optic between City Hall and the Public Works facility is being requested when the connecting sewer project is being constructed. The cost to install conduit and fiber optic is approximately \$40,000. This will allow the City to provide a high speed network connection to public works, facilitate the use of security cameras at the water towers, and upgrade the phone service to the facility.

This item was not budgeted however a new line item would be created in the Water, Sewer and Transportation Departments, if approved. Unrestricted funds in Transportation and Sewer are available, however Water has very little funding so funding currently restricted for building a water tower would be used.

There were no objections to placing the installation of conduit and fiber optic in the bid package with the connecting sewer project.

Bid Award. City Hall Grounds Maintenance.

Six bids were received as follows:

Surecut Lawn Service	
Landscape	\$12,500.00
Man hour costs:	\$35.00
Lake Ozark Grounds Maintenance LLC	
Landscape	\$12,300.00
Man hour costs:	\$30.00
Nelson Land Services	
Landscape	\$13,060.00
Man hour costs:	\$32.00

Paradise, USA

Landscape	\$15,960.00
Man hour costs: \$42.50	
Tru Green Lawn Care	
Landscape	\$10,536.00
Man hour costs:	\$150.00
Legacy Landscape & Excavating	
Landscape	\$19,400.00
Man hour costs:	\$28.00

The apparent low bidder is Tru Green Lawn Care with a total bid of \$10,536.00. However, several items were missing from their bid packet including: recognition of the addendum, renewal prices for 2011 and 2012, Proof of Commercial Applicator's License and it appears that the total amount is not inclusive of some of the bid specification requirements.

The next apparent low bidder is Lake Ozark Grounds Maintenance LLC with a total bid of \$12,300.00. Their bid appears to be in order; however, staff is requesting that this bid be rejected as per Section 135.090 of the Municipal Code of the City of Osage Beach. The City has engaged in a previous contract for these same services in the past which resulted in unsatisfactory services and performance.

Building Official Ron White recommended the bid be awarded to the next apparent low bidder, Surecut Lawn Service with a total bid of \$12,500.00. Surecut Lawn Service has been providing Grounds Maintenance services to the City for the past three years and has been responsive and responsible in providing quality service.

The amount budgeted in the 2010 Budget was \$14,000.00. Funds are available through Building Maintenance line item 10-09-742200.

Alderman Kahrs moved to award the bid for the City Hall Grounds Maintenance to Sure Cut Lawn Service in the amount of \$12,500. Alderman Farmer seconded the motion which was voted on and passed.

Authorize Replacement of two Heat Pumps and Coil Replacement on Six Units throughout City Hall.

The units have reached their life expectancy and need repairs. The cost is \$17,660.43 to be taken from line item 10-09-743100. The repairs will be performed by our contract service provider, Geo Enterprises, Inc. Building Official Ron White recommended approval.

Alderman Olivarri moved to approve the request to replace two heat pumps and replace the coils on six other units throughout City Hall in the amount of \$17,660.43. Alderman Kahrs seconded the motion which was voted on and passed.

Bill 10-14. Regulatory Traffic Sign to Establish a No Left Turn Sign from Redbud Road onto Highway 54.

Mayor Lyons presented the first reading of Bill 10-14 by title only. It was noted that Bill 10-14 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill 10-14 as presented. Alderman Gasper seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-14 by title only. It was noted that Bill 10-14 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill 10-14. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-14 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Gasper, Alderman Kahrs. "Nays": None. "Absent": Alderman Rucker. Bill 10-14 was passed and approved as Ordinance 10.14.

Bill No. 10-15. 2010 Budget Amendment for Highway 54 Sidewalk Improvements.

This budget amendment is for Contract Modification No. 1 for the Engineering Services of the Zebra Connector Project. The Engineering Department recommended approval.

Mayor Lyons presented the first reading of Bill 10-15 by title only. It was noted that Bill 10-15 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill 10-15 as presented. Alderman Gasper seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-15 by title only. It was noted that Bill 10-15 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill 10-15. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-15 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Gasper, Alderman Kahrs, Alderman Schmitt. "Nays": None. "Absent": Alderman Rucker. Bill 10-15 was passed and approved as Ordinance 10.15.

Bill No. 10-16. Recodify the Speed Limits on Various City Streets.

City Attorney Ed Rucker explained that the speed limit schedule was reworked to make it easier to find in the code book.

Mayor Lyons presented the first reading of Bill 10-16 by title only. It was noted that Bill 10-16 has been available for public review.

Alderman Gasper moved to approve the first reading of Bill 10-16 as presented. Alderman Schmitt seconded the motion which was voted on and passed.

Authorize Mayor to Execute Agreement for Concession Services at the Osage Beach City Park.

A request for proposals was issued to invite vendors to supply concessionaire services at the concession facility located at the Osage Beach City Park. Two vendors responded. Staff recommended awarding the contract to 32 Concessions. Mr. Randall supplied three business references and positive responses were received from all three.

The proposed contract mirrors the details presented in the RFP and also includes an appendix to the agreement, the Concession Facility Inspection Checklist, for the concessionaire to fill out prior to their use of the facility.

Alderman Olivarri moved to authorize Mayor Lyons to execute the contract for concession services with 32 Concessions as recommended. Alderman Farmer seconded the motion which was voted on and passed.

Mayor Lyons acknowledged Dr. Charles Peterson and asked him to introduce the Boy Scouts accompanying him. Dr. Peterson introduced Kaleb LaRue, Adam Eaton and Jake Ogden all of whom are working towards their Eagle Scout badge.

Communications from Board Members. None.

Staff Communications.

Park Manager. Park Manager Brian Willey reported that the park is being utilized every night.

Engineering Department. City Engineer Nick Edelman expressed his appreciation to Building Official Ron White for volunteering his staff to conduct the inspections on the Highway 54 Sidewalk Project.

Public Works. Superintendent of Public Works announced that the street sweeper will be out sweeping the streets next week.

Airport Manager. Airport Manger Budd Hyde expressed his appreciation for the opportunity to attend the State Aviation Day last week in Jefferson City.

Executive Session.

Alderman Olivarri moved to close the meeting pursuant to RSMo. 610.021 (2), Leasing, purchase, or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. Alderman Gasper seconded the motion. The following roll call vote was taken to close the meeting: "Ayes": Alderman Farmer, Alderman Gasper, Alderman Kahrs, Alderman Schmitt, Alderman Olivarri. "Nays": None. "Absent": Alderman Rucker. The meeting was therefore closed.

CLOSED SESSION

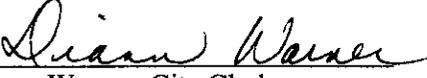
Alderman Kahrs moved to open the meeting. Alderman Olivarri seconded the motion. The following roll call vote was taken to open the meeting: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Gasper, Alderman Schmitt, Alderman Kahrs. "Nays": None. "Absent": Alderman Rucker. The meeting

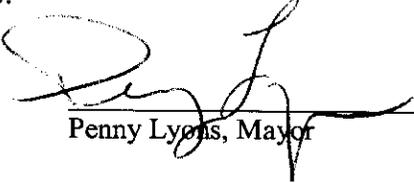
was therefore opened.

No announcements were made following closed session.

There being no further business to come before the Board, the meeting adjourned at 7:30 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 April 1, 2010.


Diann Warner, City Clerk


Penny Lyons, Mayor