

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

April 15, 2010

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, April 15, 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, Alderman Ron Schmitt. City Clerk Diann Warner was present and performed the duties of that office.

Mayor's Communications. Mayor Lyons congratulated newly elected Aldermen and the City Collector for retaining their seats. She announced that a Public Forum is scheduled for May 4, 2010 from 6:30 p.m. to 8:30 p.m. Topics of interest will be an update on the status of the new website design; Four Seasons litigation; water quality; neighborhood policing; updated information on the Osage Beach City Park; addressing information for Highway 54; information on how to obtain a building permit; and status on road construction projects. The City history book "A Town on Two Rivers" will be available and information about the airports will be distributed.

Mayor Lyons proclaimed the week of April 11-17 – National Public Telecommunicator's Week and presented a Proclamation to Communication's Supervisor Sherie Smith who accepted the proclamation on behalf of Communications Officers.

Citizens Communications. Eric Medlock, 846 Malibu Road, was present to inform elected officials that voters were promised in 1998 that the Capital Improvements Sales Tax would be used to pay off the bonds if the voters approved the bond issue. He stated that the debt service remains fairly constant but the debt subsidy is reduced and is continually being reduced resulting in the inside City rates being increased faster than the outside City rates. Mr. Medlock said that there is no extension of service in the rate structure and the City has spent over \$9 million out of the operation and maintenance fund which is in violation of City ordinances and not being transferred back as required by City ordinance. Mr. Medlock said that discontinuing this practice makes the current rates not only sufficient but a rate decrease would be in order. Mr. Medlock stated that the numbers were being manipulated to justify a rate increase. He asked elected officials to do due diligence. He stated that the City is trying to justify raising rates using unjustifiable reasons.

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the meetings held on April 1, 2010, the bill list as submitted and liquor licenses to Bootleggers Saloon, caterer's license for April 10; Wobbly Boots, caterer's license for May 1 and May 22. Alderman Schmitt seconded the motion which was voted on and passed.

Unfinished Business.

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

Mayor Lyons presented the second and final reading of Bill No. 10-16 by title only. It was noted that Bill 10-16 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill 10-16 as presented. Alderman Gasper seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-16 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Gasper, Alderman Schmitt, Alderman Kahrs, Alderman Olivarri, Alderman Rucker. "Nays": None. Bill 10-16 was passed and approved as Ordinance 10.16.

New Business.

Certification of Election Results. City Clerk Warner presented the election results as certified by the

County Clerks of Camden and Miller Counties as follows:

Camden County

<u>Mayor</u>		
	Penny Lyons	235
<u>Alderman Ward I</u>		
	Kevin Rucker	76
<u>Alderman Ward II</u>		
	Lois Farmer	89
<u>Alderman Ward III</u>		
	David J. Gasper	64
<u>Collector</u>		
	John Berry	236

Miller County

<u>Mayor</u>		
	Penny Lyons	22
<u>Alderman Ward 1</u>		
	Kevin Rucker	21
<u>Collector</u>		
	John Berry	21

Alderman Schmitt moved to approve the Certification of Election Results as presented. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Oaths of Office. The following newly elected officials took the oath of office administered by the City Clerk: Penny Lyons, Mayor; Kevin Rucker, Alderman Ward 1; Lois Farmer, Alderman Ward 2; David Gasper, Alderman Ward 3; John Berry, Collector.

Election of the President of the Board of Aldermen.

Alderman Gasper moved to elect Alderman Steve Kahrs as President of the Board of Aldermen. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bill No. 10-17. Authorizing Settlement Agreement with Alltel.

City Clerk Warner explained that this settlement agreement is similar to those approved with wireless communications companies in the past. The amount the City will receive is \$5,016.70.

Mayor Lyons presented the first reading of Bill 10-17 by title only. It was noted that Bill 10-17 has been available for public review.

Alderman Schmitt moved to approve the first reading of Bill 10-17 as presented. Alderman Farmer

seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-17 by title only. It was noted that Bill 10-17 has been available for public review.

Alderman Gasper moved to approve the second and final reading of Bill 10-17. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-17 and to pass same into Ordinance: "Ayes": Alderman Gasper, Alderman Schmitt, Alderman Kahrs, Alderman Olivarri, Alderman Rucker, Alderman Farmer. "Nays": None. Bill 10-17 was passed and approved as Ordinance 10.17.

Bill No. 10-18. Authorizing Mayor to Execute Quit Claim Deed Clearing up Language in the Vacation of Cove Road.

City Attorney Ed Rucker explained that several years ago the City attempted to vacate a portion of Cove Road however, the original deed was confusing. He said that Bill 10-18 clears up the confusion and has no affect on the City's finances.

Mayor Lyons presented the first reading of Bill 10-18 by title only. It was noted that Bill 10-18 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill 10-18 as presented. Alderman Olivarri seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-18 by title only. It was noted that Bill 10-18 has been available for public review.

Alderman Gasper moved to approve the second and final reading of Bill 10-18 as presented. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-18 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Kahrs, Alderman Olivarri, Alderman Rucker, Alderman Farmer, Alderman Gasper. "Nays": None. Bill 10-18 was passed and approved as Ordinance 10.18.

Bill No. 10-19. Authorizing Mayor to Execute the First Amendment to the Tower Lease Agreement with New Cingular Wireless.

City Attorney Ed Rucker explained that at the last meeting, Special Use Permits were approved for cases 352, 353, and 354. Bill 10-19 authorizes the Mayor to execute the lease agreement with New Cingular Wireless.

Mayor Lyons presented the first reading of Bill 10-19 by title only. It was noted that Bill 10-19 has been available for public review.

Alderman Farmer moved to approve the first reading of Bill 10-19 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-19 by title only. It was noted that Bill 10-19 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill 10-19 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final

reading of Bill 10-19 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Olivarri, Alderman Rucker, Alderman Farmer, Alderman Gasper, Alderman Schmitt. "Nays": None. Bill 10-19 was passed and approved as Ordinance 10.19.

Authorization to Proceed with the Water and Sewer Rate Project.

Assistant City Administrator Jeana Albertson requested authorization to proceed with the Water and Sewer Rate proposal presented on April 8, 2010 at a Special Board of Aldermen meeting. She explained that the Department of Natural Resources has completed their review and approval of the rate structure, and in May information would be mailed to all users; the Board would approve the ordinance in June with rates effective in July.

Alderman Kahrs questioned whether other cities subsidize their rates. He stated that without the subsidy, Osage Beach residents would be paying out of City rates. Alderman Kahrs asked staff to come up with ideas for saving money to show residents that the City is cutting costs. Alderman Olivarri said he spent time going over the numbers with Assistant City Administrator Jeana Albertson and she will be able to answer questions and address concerns.

Alderman Olivarri moved to proceed with the Water and Sewer Rate Proposal presented on April 8, 2010 with the recommendation that staff look at cost savings in operation and maintenance. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Bill 10-20. Amending the General Speed Limit Ordinance to Clarify the Enforcement of Speed Limits in Construction Zones within the City.

City Attorney Rucker explained that Bill 10-20 clarifies that any speed limit posted in a construction zone on a state highway may be enforced by the City Police Department.

Mayor Lyons presented the first reading of Bill 10-20 by title only. It was noted that Bill 10-20 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill 10-20 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-20 by title only. It was noted that Bill 10-20 has been available for public review.

Alderman Gasper moved to approve the second and final reading of Bill 10-20 as presented. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-20 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Rucker, Alderman Farmer, Alderman Gasper, Alderman Schmitt, Alderman Kahrs. "Nays": None. Bill 10-20 was passed and approved as Ordinance 10.20.

Proposed Contract Modification for the Highway 54 Sidewalk Improvements.

City Engineer Nick Edelman explained that at the March 18 Board of Aldermen meeting, Contract Modification No. 2 was approved in the amount of \$50,000. The \$50,000 was used for the following:

- 1) Driveways – total cost \$23,263.27
- 2) Topsoil additional needed - \$6,000.00
- 3) Sod - \$5,218.50

The total additional cost to date is \$34,481.77. Approximately \$15,000 of the original \$50,000 has not been spent.

Contract modification No. 2 is for additional work that is needed for the grade between the Osage Beach Premium Outlet and Hatchery Road. The estimated cost of the work is approximately \$35,000. The contractor originally asked for \$67,171.36. The contractor potholed the area and rock was discovered in the area to be excavated.

The funding for this work can be obtained from 20-00-773211 Hwy 54 Sidewalk Improvements in the amount of \$352,065. Currently \$25,789.00 is available in this account.

The Engineering Department recommends approval of the additional work in the not to exceed amount of \$20,000. City Engineer Edelman stated that even with the contract modifications, the project is under budget by \$70,000 and an additional \$8,000 is available from ARRA funds.

Alderman Rucker moved to approve Contract Modification No. 2 in the amount of \$20,000 as recommended. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Communications from Board Members.

Alderman Kahrs. Alderman Kahrs voiced his concern for the many contract modifications and asked that the projects be closely monitored. He thanked the Board of Aldermen for electing him President of the Board.

Alderman Rucker. Alderman Rucker questioned the reason the Department of Natural Resources is not enforcing the air quality regulations at High Pointe Center during demolition of the buildings. He stated that they are conducting a crushing operation now and there is a great deal of dust. City Engineer Edelman responded that he would speak with the Building Official about this issue.

Alderman Rucker announced that he filed to run for the office of Camden County Clerk; he said he had checked with legal counsel and with the Secretary of State and there is no conflict of interest. He said if he is successful, he would resign his position as alderman in December.

Alderman Olivarri. Alderman Olivarri congratulated the newly elected officials.

Alderman Gasper. Alderman Gasper expressed his appreciation to everyone for reelecting him as Ward 3 Alderman.

Alderman Farmer. Alderman Farmer expressed her appreciation to those who reelected her as Ward 2 Alderman.

Alderman Schmitt. Alderman Schmitt congratulated the newly elected officials.

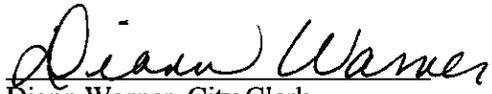
Staff Communications.

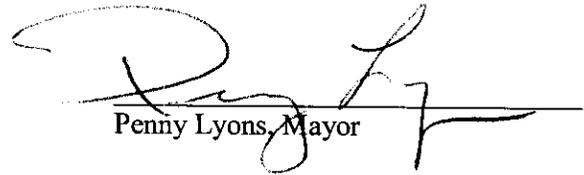
Police Department. Lieutenant Richard Calvino expressed his appreciation to the Mayor for the Proclamation recognizing Communications Officers.

City Planner. City Planner Patterson encouraged everyone to complete the census and return it since it is very important to Osage Beach for every citizen to be counted.

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 April 15, 2010.


Diann Warner, City Clerk


Penny Lyons, Mayor