

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

May 6, 2010

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, May 6, 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 presented a proclamation recognizing Local Government Week May 2 – May 8 and a proclamation in recognition of Public Works Week May 16 – May 22.

Mayor Lyons reported that April 26 the Council of Local Governments spent the day interviewing several candidates for the director's position and currently background checks are being conducted on the finalists. She hoped the Council will have an appointment at the next meeting on May 17.

April 27 the Betterment Committee met and they are close to finalizing some recommendations for the counties to consider concerning private septic systems. The Osage Beach City Park was full on April 29 with opening ball games. All the work over the past several years is beginning to see results.

Mayor Lyons reported that on Tuesday, the Energy and Environment Committee met in Jefferson City and heard HB 2350 sponsored by Representative Rodney Schad. Ted Windels has been working with Representative Schad and the Land Reclamation/DNR representatives to make some changes in the notification process and permits for the mining companies. Mayor Lyons reported that she and Mr. Windels testified on the need to make the changes. The Committee recommended some further clarification but no action was taken. The Bill will be presented again during the next legislative session. Mayor Lyons expressed her appreciation to Representative Schad and Mr. Windels for all their work.

Mayor Lyons thanked staff for a very professional and educational forum on Tuesday. The forum was well advertised but the aldermen may want to decide if there are other options to reach more citizens. Mayor Lyons said that one option is to have it during the Fall Festival.

Mayor Lyons reported that yesterday, the initial meeting for a four county task force to investigate a lake wide solution to water and sewer needs met in Osage Beach and Mayor Lyons was asked to serve on the committee. Osage Beach has been a good example for providing public utilities under some very challenging obstacles. Mayor Lyons reported that discussions were very broad and ranged from working on a mission statement to sub committees. The committee will meet monthly at first and then quarterly.

Mayor Lyons stated that at the last meeting, Alderman Rucker had concerns about the dust from a rock crusher and the use of a fire curtain in the City. She reported that staff found that there had been no problems with the dust or the use of fire curtains, and since this topic was part of a public meeting, Mayor Lyons felt that follow up should be noted in the minutes. She thanked staff for a very prompt response.

Mayor Lyons reported that Mr. Hammons contacted her in April to confirm that they would be coming to Osage Beach and this week, he called City Administrator Viselli to issue the press release that we had at the Public Forum. Mayor Lyons said that it has been a long two year process and the public response has been very positive. The project with its 100,000 square feet convention center will remove the seasonality of the Lake area.

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

Consent Agenda.

Alderman Schmitt moved to approve the consent agenda which includes minutes of the special meeting held on April 8, 2010, the regular meeting held on April 15, 2010, the bill list as submitted and liquor licenses for the following:

1. Applebee's Neighborhood Grill & Bar
2. Arris' Pizza & Pub
3. Backwater Jack's
4. Bandana's BBQ
5. Bear Creek Valley Golf Club
6. Blue Moon Marina
7. Bridgeview Marina
8. Casey's General Store #2593
9. Celebration Cruises, LLC
10. Chicago Brothers Pizza & Pub
11. Domenico's Italian Restaurant
12. Chili's Grill & Bar
13. Dick's Liquors (New)
14. Dick's Liquors
15. Domenico's Italian Restaurant
16. El Jimador
17. Elk's Lodge #2517
18. Elk's Lodge #2517 Caterer
19. Figaro's Pizza & Subs
20. Hooker's Caterer
21. Hooker's
22. Hy-Vee Food Store
23. Hy-Vee Gas
24. Imo's Pizza
25. I M Tirebiter's
26. Inn at Grand Glaize
27. J D's Qwick Stop
28. Jiffy Stop Food Marts, LLC
29. Kelly's Port Boat Store
30. KK Eagle Stop
31. Kirkwood Lodge
32. Lake Liquor & Tobacco
33. Miner Mike's Inc.
34. Moorings Gas & Yacht Supply
35. Murphy Oil USA, Inc.
36. On The Rise
37. Outback Steakhouse #2620
38. Pars & Cigars, Inc.
39. Paul's Supermarket, Inc.
40. Pickled Pete's Sports Bar & Grill Caterer
41. Pickled Pete's Sports Bar & Grill
42. Pizza Hut
43. Poop Deck & Tiki Bar
44. Rapid Robert's #113
45. Stockton's Pub & Grill

- 46. Sycamore Creek Golf Club
- 47. The Potted Steer Restaurant
- 48. Topsider
- 49. Vikings USA Bootheel #371
- 50. Vista Grande, Inc.
- 51. Wal-Mart Supercenter #815
- 52. Walgreen's #1142
- 53. WFO Waverunner

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

New Business.

Public Hearing. Rezoning Case No. 355. George Hammerstone requests rezoning from R-1b, single family residential to C-1, general commercial for property located two thousand feet off of Highway 54 on the East side of El Terra Road.

City Planner Patterson presented the following report:

<u>Applicant:</u>	George Hammerstone	
<u>Location:</u>	Two thousand (2,000) feet off of Highway 54 on the East side of El Terra Road	
<u>Petition:</u>	Rezone property from R-1b (Single Family) to C-1 (General Commercial)	
<u>Existing Use:</u>	Vacant Property	
<u>Zoning:</u>	R-1b (Single Family)	
<u>Tract Size:</u>	4 acres	
	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	R-1b (Single Family)	Minimal development
<u>South:</u>	R-1b (Single Family)	Minimal development
<u>East:</u>	R-1b (Single Family)	Undeveloped/ Expressway
<u>West:</u>	R-1b (Single Family)	Minimal development
The Osage Beach Comprehensive Plan Designates this area as appropriate for:		Heavy Traffic Commercial

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Citywide		1984

Utilities

<u>Water:</u>	City	<u>Gas:</u>	None
<u>Electricity:</u>	Union Electric	<u>Sewer:</u>	City

Analysis:

1. The applicant owns the property in question that consists of a four acre tract. The applicant also has several other properties in near proximity that are also zoned R-1b (Single Family). The Missouri Department of Transportation is constructing the 54 Expressway within 100 feet of the property.
2. The property is currently mostly vacant and is located in an area that will develop in a rather intense commercial nature. This property is located to the immediate west of the future expressway. At its completion the 54 Expressway will exist approximately 100 feet from the subject property.
3. The El Terra Corridor is home to a mixture of uses that range from a future Commercial to single-family. The corridor will be dramatically affected by the Expressway.

Department Comments and Recommendation:

Like many properties located in the city that will be in such close proximity to the Expressway, the subject property will be in an area of intense traffic activity. The location of the Expressway will lend anything within close proximity to develop in a commercial retail and services pattern. Keeping this in mind, the property located in this area will likely become a secondary commercial corridor like we are accustomed to seeing in the areas surrounding this type of thoroughfare. The Comprehensive Plan recommends High Traffic Commercial development along El Terra Road because of the development pattern that accompanies the construction of major roadways such as the future expressway. Because property falling in such close proximity to a highway of this type is not conducive to residential development, commercial type development can be expected to take place on El Terra Road regardless of how the reconstruction takes place, but of course the establishment of a four lane super collector will only accent the commercial development pattern that will take place. This is, of course, assuming development does take place within the El Terra Corridor. The Planning Department recommends approval of the subject request in accordance with Comprehensive Plan.

No one was present to speak in favor of or in opposition to the request.

There being no comments or questions, Mayor Lyons closed the public hearing at 6:40 p.m.

Bill 10-23. Rezoning Case No. 355.

Mayor Lyons presented the first reading of Bill 10-23 by title only. It was noted that Bill 10-23 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill 10-23 as presented. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bill 10-21. Establishing a Legal Electrically Operated Traffic Signal at the Intersection of Case Road and Highway 54.

The Missouri Department of Transportation is working on activating an electrically operated signal at the intersection of Case Road and existing Highway 54. The signal light will be operational by Memorial Day.

Mayor Lyons presented the first reading of Bill 10-21 by title only. It was noted that Bill 10-21 has been available for public review.

Alderman Farmer moved to approve the first reading of Bill No. 10-21 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-21 by title only. It was noted that Bill 10-21 has been available for public review.

Alderman Farmer moved to approve the second and final reading of Bill 10-21 as presented. Alderman Kahrs seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-21 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Farmer, Alderman Gasper, Alderman Schmitt, Alderman Kahrs, Alderman Olivarri. "Nays": None. Bill 10-21 was passed and approved as Ordinance 10.21.

Bill 10-22. 2010 Budget Amendment for Land Acquisition for the Zebra Connector Project.

The land purchases items were budgeted to be close to appraised value, however, the proposed acquisitions have come in over the amount budgeted.

The Osage Beach Special Road District has agreed to contribute \$200,000 for the Zebra Connector Project. This money has not been allocated and it will be placed in the unrestricted balance and as projected the unrestricted balance will be \$232,930. The Engineering Department has requested utilizing \$30,000 of this money.

Mayor Lyons presented the first reading of Bill No. 10-22 by title only. It was noted that Bill 10-22 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill 10-22 as presented. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-22 by title only. It was noted that Bill 10-22 has been available for public review.

Alderman Gasper moved to approve the second and final reading of Bill 10-22 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-22 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Gasper, Alderman Schmitt, Alderman Kahrs, Alderman Olivarri, Alderman Rucker. "Nays": None. Bill 10-22 was passed and approved as Ordinance 10.22.

Bill 10-24. Authorizing Mayor to Execute State Block Agreement with MoDOT for the Grand Glaize Airport Runway Pavement Maintenance Project.

Budd Hyde, Airport Manager, explained that the agreement is to receive non-primary entitlement funds for the runway pavement maintenance project at Grand Glaize Airport in the amount of \$344,900.00. The

State of Missouri, Department of Transportation is the administrator of Airport Improvement Projects (AIP) funding for the FAA.

These funds will be used for the runway maintenance project at Grand Glaize Airport and will ensure that the runway and taxiways are brought up to a better condition and prevent further degradation of asphalt condition.

Alderman Schmitt questioned whether accepting the funds would increase the number of years the City must operate the airport. Mr. Hyde responded in the affirmative and explained that the City could pay back the money, or he said it would extend the time the airport must be operated by 20 years.

Mayor Lyons presented the first reading of Bill 10-24 by title only. It was noted that Bill 10-24 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill 10-24 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-24 by title only. It was noted that Bill 10-24 has been available for public review.

Alderman Farmer moved to approve the second and final reading of Bill 10-24 as presented. Alderman Gasper seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-24 and to pass same into Ordinance: "Ayes": Alderman Gasper, Alderman Schmitt, Alderman Kahrs, Alderman Olivarri, Alderman Rucker, Alderman Farmer. "Nays": None. Bill 10-24 was passed and approved as Ordinance 10.24.

Appointments to the Planning Commission. Mayor Lyons asked the Board to confirm the appointments of Judith Cloyd and Stephen Dow to the Planning Commission for four year terms. Alderman Farmer moved to approve the appointments as requested by Mayor Lyons. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Appointment to the Board of Appeals. Mayor Lyons asked the Board to confirm the appointment of Terry Ross to the Board of Appeals for a five year term. Alderman Schmitt moved to approve the appointment as requested by Mayor Lyons. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Appointment to the Board of Adjustment. Mayor Lyons asked the Board to confirm the appointment of Lou Mayer to the Board of Adjustment for a five year term. Alderman Farmer moved to approve the appointment as requested by Mayor Lyons. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Appointments to the TIF Commission. Mayor Lyons asked the Board to confirm the appointments of Geniece Tyler and Dan Fry to the TIF Commission for four year terms. Alderman Gasper moved to approve the appointments as requested by Mayor Lyons. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Appointment to the Joint Sewer Board Mayor Lyons asked the Board to confirm the appointment of Gary Hamner to the Joint Sewer Board for a three year term. Alderman Farmer moved to approve the appointment as requested by Mayor Lyons. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Board Representation on Boards and Commissions. Annually, the Board chooses a member to represent them on the Liquor Control Board, the Planning Commission and the Joint Sewer Board.

Alderman Farmer moved to appoint Alderman Gasper to the Planning Commission. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Alderman Gasper moved to appoint Alderman Kahrs to the Liquor Control Board. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Alderman Gasper moved to appoint Alderman Schmitt to the Joint Sewer Board. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Bid Award. Water and Sewer Treatment Chemicals

Two complete bids were received as follows:

Brenntag	Estimated 2010 purchases \$24,440.92
GS Robins	Estimated 2010 purchases \$23,508.85

Superintendent of Public Works Rick King recommended the bid be awarded to GS Robins based on the combined prices of the three chemicals. The purchase is to be charged to accounts 30-761600 and 35-762700.

Alderman Kahrs moved to award the bid for water and sewer treatment chemicals to GS Robins in the estimated amount of \$23,508.85. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Marina View Community Improvement District 2009 Fiscal Year Report. City Clerk Warner explained that this report must be retained as part of the official record and included in the minutes according to the requirements of RSMo. 67.1471.4.

Alderman Olivarri moved to accept the Marina View Community Improvement District 2009 Fiscal Year Report. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Authorization to Purchase Mowing Equipment. Airport Manager Budd Hyde explained that he has a mechanical background and has owned a business that sold and repaired commercial mowers. He said this would be a good opportunity to buy a quality piece of equipment that would save the City money. The economy has forced some owners of estate sized homes to liquidate their assets and this has caused a number of mowers (the same model we were purchasing new) to become available. This money would come from account #45-00-774255.

Alderman Kahrs suggested that Mr. Hyde also look for mowing equipment that is coming off of lease agreements.

Alderman Kahrs moved to authorize Airport Manager Budd Hyde to purchase mowing equipment as requested. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Communications from Board Members.

Alderman Kahrs. Alderman Kahrs said he was glad to hear Mr. Hammons plans to build the hotel here in Osage Beach. He reported that there is a great deal of construction on Nichols Road and during the last rain, many residents asked what was being done to cause the water in the cove to turn red. Alderman Kahrs said that he has observed that some projects do not have silt fencing to eliminate erosion. Alderman Rucker commented that the most recent ordinance that was adopted would help address this type of problem. City Attorney Ed Rucker said it might not apply to the State of Missouri. Alderman Kahrs stated that the problem was caused by a subcontractor hired by AmerenUE to relocate utilities.

Alderman Rucker. Alderman Rucker thanked Brian Willey for the nice evening at the Osage Beach City Park last week. He said he had received positive comments and that it was good to see the park utilized.

Alderman Olivarri. Alderman Olivarri expressed his concern that vehicles with advertisements have been parked at various locations in Osage Beach. He said it seems to be an attempt to circumvent the sign ordinance. He asked this issue to be researched to determine if there is something that could be done. Alderman Rucker said that he has noticed some convenience stores that have several signs on their premises advertising different products.

Alderman Olivarri expressed his appreciation to Jim Starcevich for his service to the City on the TIF Commission. He said Mr. Starcevich did an outstanding job and he would be missed.

Alderman Olivarri commented that Superintendent of Public Works Rick King and his crews do a great job and they do not get enough recognition. He was glad to see the proclamation recognizing the work they do.

Alderman Gasper. Alderman Gasper announced that he was relieved the lawsuit is over and he was anxious for Mr. Hammons to commence construction of the hotel. He said he had visited the park last week and it looks great.

Alderman Farmer. Alderman Farmer reported that she was glad to see that Mr. Hammons will build the hotel. She agreed that there are too many signs and the ordinance should be reviewed.

Alderman Schmitt. Alderman Schmitt thanked Assistant City Administrator Jeana Albertson and Park Manager Brian Willey for the letter they received. Alderman Schmitt announced that Nick Edelman lost the most weight during the weight loss challenge; Mike McDanel came in second; and Budd Hyde came in third.

Staff Communications.

City Clerk. Diann Warner reminded the group of the employee picnic to be held at the City Park on Saturday.

Police Chief. Dave Severson reported that the golf tournament at Sycamore Creek last week raised \$6,000 and he thanked Alderman Steve Kahrs for hosting the event. He announced that Lieutenant Todd Davis was appointed assistant chief of the Camdenton Fire Department, however he is not leaving employment with the City.

City Planner. Cary Patterson expressed his appreciation to the Board for confirming the appointments to the Planning Commission and to the Board of Adjustment.

Superintendent of Public Works. Rick King reported that 27 soldiers from Fort Leonard Wood helped with the 11th Annual Shoreline Cleanup. He reported that a 6th grade class from School of the Osage planted flowers at the Lee C. Fine and the Grand Glaize Airports, pulled weeds and cleaned up around the Osage Beach Health Care facility. Mr. King explained a program the class did called Soles for Souls, in which 1,100 pairs of shoes were collected to send to the children in Haiti. He reported on how arrangements were made to deliver the shoes by Conway Freight after they had been prepared for shipment by HD Waterworks.

Executive Session.

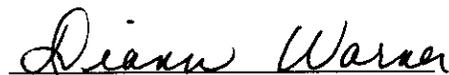
Alderman Gasper moved to close the meeting pursuant to RSMo. Section 610.021(1), Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys, and RSMo.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

CLOSED SESSION

Alderman Gasper 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 Rucker, Alderman Farmer, Alderman Gasper, Alderman Schmitt, Alderman Kahrs. "Nays": None. The meeting was therefore opened.

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 May 6, 2010.


Diann Warner, City Clerk


Penny Lyons, Mayor