

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

August 5, 2010

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, August 5, 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 and Alderman Ron Schmitt. City Clerk Diann Warner was present and performed the duties of that office.

Mayor's Communications. Mayor Lyons reported that she and City Administrator Viselli attended a court proceeding this week in the Western District Court of Appeals in Kansas City. The Department of Natural Resources is appealing the judge's decision in favor of the City in the quarry lawsuit.

Mayor Lyons reported that the Attorney General has organized a symposium to discuss water quality of the Lake, August 17 – 18 at Tan-Tar-A. The Governor will also attend. City Engineer Nick Edelman will speak about the City's sewer system and Mayor Lyons will speak about the Joint Sewer Treatment Plant. Mayor Lyons invited the public to attend. Comments will be accepted thirty days after the symposium.

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

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on July 22, 2010, as amended, the bill list as submitted, with the addition of a bill to LARC Contracting LLC for Highway 42, Phase 1 Sewer Project in the amount of \$15,994.47, and a caterer's license to Shady Gators for September 16-19, and to Dogwood Hills Golf Club, Inc. for August 14.

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

Unfinished Business.

Bill 10-35. Amends Schedule II. Stop Signs by Deleting Stop Signs Located at Golf Road at Nichols Road; the Stop Sign at Broadwater Lane at Highway 54 and Reinstallation of a Stop Sign on an Unnamed Street.

Mayor Lyons presented the second and final reading of Bill 10-35 by title only. It was noted that Bill 10-35 has been available for public review.

Alderman Schmitt moved to approve the second reading of Bill 10-35 as presented. Alderman Kahrs seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-35 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Gasper. "Nays": None. Bill 10-35 was passed and approved as Ordinance 10.35.

Bill 10-37. Creating a Limitations Period for Access to the Procedure to Allow for the Administrative Handling of Protests of Various Fees, Taxes and License Charges.

Mayor Lyons presented the second and final reading of Bill 10-37 by title only. It was noted that Bill 10-37 has been available for public review.

Alderman Olivarri moved to approve the second reading of Bill 10-37 as presented. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of

Bill 10-37 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Gasper, Alderman Kahrs. "Nays": None. Bill 10-37 was passed and approved as Ordinance 10.37.

Bill 10-38. Banning a Substance Known as "Spice" or "K2" Used as a Marijuana Substitute.

Mayor Lyons presented the second and final reading of Bill 10-38 by title only. It was noted that Bill 10-38 has been available for public review.

Alderman Gasper moved to approve the second reading of Bill 10-38 as presented. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-38 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Gasper, Alderman Kahrs, Alderman Rucker. "Nays": None. Bill 10-38 was passed and approved as Ordinance 10.38.

New Business.

Resolution 2010-04. Mutual Aid Agreement with the City of Lebanon.

Police Chief Dave Severson explained that there was a request by the Lebanon Police Department to renew the mutual aid agreement and the agreement has been reviewed by the City Attorney. Chief Severson recommended approval.

Mayor Lyons presented Resolution 2010-04. Alderman Olivarri moved to approve Resolution 2010-04 as presented. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bill 10-39. T-Mobile Tax Settlement.

City Clerk Warner explained that this settlement is similar to the tax settlements with other telephone service providers. The City will receive a settlement payment of \$2,440.80.

Mayor Lyons presented the first reading of Bill 10-39 by title only. It was noted that Bill 10-39 has been available for public review.

Alderman Schmitt moved to approve the first reading of Bill 10-39 as presented. Alderman Gasper seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-39 by title only. It was noted that Bill 10-39 has been available for public review. Alderman Farmer moved to approve the second and final reading of Bill 10-39 as presented. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-39 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Gasper, Alderman Kahrs, Alderman Rucker, Alderman Schmitt. "Nays": None. Bill 10-39 was passed and approved as Ordinance 10.39.

Bill 10-40. Regulatory Traffic Signs; Stop Signs at Various Locations

Bill No. 10-40 will establish stop signs at the intersection of Hatchery Road and Highway 54, and within Prewitt's Point, and will allow the removal of a stop sign at the intersection of Case Road and Highway 54.

Mayor Lyons presented the first reading of Bill 10-40 by title only. It was noted that Bill 10-40 has been

available for public review.

Alderman Gasper moved to approve the first reading of Bill 10-40 as presented. Alderman Olivarri seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-40 by title only. It was noted that Bill 10-40 has been available for public review. Alderman Kahrs moved to approve the second and final reading of Bill 10-40 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-40 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Gasper, Alderman Kahrs, Alderman Rucker, Alderman Schmitt, Alderman Olivarri. "Nays": None. Bill 10-40 was passed and approved as Ordinance 10.40.

Bill 10-41. Authorize Mayor to Execute Supplemental Agreements with MoDOT for ARRA Funds for the Highway 54 Sidewalk Project.

City Engineer Nick Edelman explained that this supplemental agreement increases the funds for the Highway 54 Sidewalk Improvements from \$273,440 to \$319,605 if additional ARRA funds are available. He said these additional funds are not guaranteed but if funds are available, the City will receive additional money for the project.

Mayor Lyons presented the first reading of Bill 10-41 by title only. It was noted that Bill 10-41 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill 10-41 as presented. Alderman Gasper seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-41 by title only. It was noted that Bill 10-41 has been available for public review. Alderman Farmer moved to approve the second and final reading of Bill 10-41 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-41 and to pass same into Ordinance: "Ayes": Alderman Gasper, Alderman Kahrs, Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Farmer. "Nays": None. Bill 10-41 was passed and approved as Ordinance 10.41.

Bill 10-42. Regulatory Traffic Sign; No Left Turn at Jesse and Andy Avenues onto Highway 42.

City Engineer Nick Edelman explained that this intersection has a concrete median that prohibits left turn movements from Jesse and Andy Avenues onto Highway 42; however no left turn sign has been posted in that location.

Mayor Lyons presented the first reading of Bill 10-42 by title only. It was noted that Bill 10-42 has been available for public review.

Alderman Gasper moved to approve the first reading of Bill 10-42 as presented. Alderman Schmitt seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-42 by title only. It was noted that Bill 10-42 has been available for public review. Alderman Schmitt moved to approve the second and final reading of Bill 10-42 as presented. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-42 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Gasper. "Nays": None. Bill 10-42 was passed and approved as Ordinance 10.42.

Bill 10-43. Regulatory Traffic Sign; Establishing Speed Limit on Sycamore Valley Drive.

City Engineer Edelman explained that MoDOT plans to post this road at 40 miles per hour. Sycamore Valley Drive connects Oak, Case Road, and Broadwater. Alderman Kahrs asked that the Police Department show leniency until the sign is posted. Chief Severson said he would notify his staff that the proposed speed limit will be 40 MPH.

Mayor Lyons presented the first reading of Bill 10-43 by title only. It was noted that Bill 10-43 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill 10-43 as presented. Alderman Schmitt seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-43 by title only. It was noted that Bill 10-43 has been available for public review. Alderman Kahrs moved to approve the second and final reading of Bill 10-43 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-43 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Gasper, Alderman Kahrs. "Nays": None. Bill 10-43 was passed and approved as Ordinance 10.43.

Bill 10-44. Amendment to Chapter 605, Business Licenses and Regulations.

City Attorney Ed Rucker explained that Bill 10-44 allows continuance of current practice and creates a specific description of the liability for a City business license for real estate agents and brokers.

Mayor Lyons presented the first reading of Bill 10-44 by title only. It was noted that Bill 10-44 has been available for public review.

Alderman Farmer moved to approve the first reading of Bill 10-44 as presented. Alderman Olivarri seconded the motion which was voted on and passed.

Bid Award. Connecting Sewer and Water System Improvements.

The following bids were received:

Ridge Hill Contractors, Inc.	\$1,724,449.25
Emery Sapp & Sons	\$1,402,078.00
Hutchins Telecom, Inc.	\$1,354,877.75
Stockman Construction	\$1,993,802.00
JC Industries	\$1,384,421.25
Rosetta Construction	\$1,439,969.00

City Engineer Nick Edelman recommended the bid be awarded to the low bidder, Hutchins Telecom, Inc. in the amount of \$1,354,877.75. Funds for the sewer and conduit portion of the project are available under 35-00-773177, Connecting Sewer. MoDOT will reimburse 66.7% of the cost and the remainder will be paid with remaining SRF funds. The funding for the water portion is available under 30-00-773182, MoDOT Mandated Projects. The water portion is 100% reimbursable by MoDOT. The total value of the water portion is \$240,710.00.

City Engineer Edelman explained that MoDOT and DNR must approve the bidder.

Alderman Kahrs moved to award the bid to the low bidder, Hutchins Telecom, Inc, in the amount of \$1,354,877.75. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Bid Award. New Remounted Ambulance.

U.S. Coachworks was the only bidder that responded with a bid of \$77,750 which includes striping and graphics. This is the same company that Police Chief Dave Severson and Emergency Management Director Gary Woodson visited and toured, and inspected the ambulance.

Police Chief Severson explained that this item was not budgeted; however, he recommended the purchase in the amount of \$77,750. The warranty on the chassis is three years or 36,000 miles and the twenty-year warranty on the box will be transferred from the manufacturer.

Alderman Gasper suggested that alternate funding be considered for operating the ambulance service. Alderman Rucker commented it is a service that the City provides that will not pay for itself. Mayor Lyons explained that the ambulance service was sent to the Osage Beach Citizen Advisory Committee for review and one of their recommendations was to look at a future tax for funding the service.

Mayor Lyons questioned whether funds for this expenditure would be taken from other projects. City Treasurer Karri Bell responded in the negative.

Alderman Rucker moved to award the bid to U.S. Coachworks in the amount of \$77,750.00 as recommended. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Proposed Contract Modification. Zebra Road and Stewart Drive, Phase 1.

City Engineer Nick Edelman explained that additional trees need to be removed for construction improvements to take place. After completing the construction staking, it was noticed that some of the trees are within the construction slopes of the project. Some of the trees were within the utility easement. The utility companies needed these trees removed to relocate their utilities.

The private well house needed to be removed since it was within the construction limits of the project, and it is also part of the easement negotiations.

The remaining portion of this contract modification will be used to build a retaining wall to save money for the AmerenUE Utility relocates that was discussed at the July 22nd Board of Aldermen Meeting. Funding for this modification comes from 20-00-773206 Zebra Connector. The Engineering Department recommended approval of this modification in the amount of \$9,579.67.

Alderman Olivarri moved to approve the contract modification for Zebra Road and Stewart Drive, Phase 1 in the amount of \$9,579.67 as recommended. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Communications from Board Members.

Alderman Kahrs. Steve Kahrs expressed his sympathy to the Terry Brizendine family during their tragic loss. He questioned whether Mayor Lyons, City Administrator Nancy Viselli and Chief Severson had discussed the matters brought up at the last Board meeting.

Mayor Lyons responded that she is concerned that the review group is represented by an attorney which

causes her to be cautious. She added that she did some research on the law enforcement review group in Columbia, it took one year to form and there are different issues in Columbia than in Osage Beach. Mayor Lyons said that 80% of people think the economy is impacting restaurants and bars rather than law enforcement affecting the establishments. She added that she did not think DWI's had increased compared to the number of vehicles and visitors. Mayor Lyons said that Osage Beach is not accountable for the highway patrol or county enforcement.

Alderman Kahrs said there is a Facebook page where police officers said they were boycotting businesses whose owners spoke at the last Board meeting. He added that the comments were not inflammatory but Facebook is not a place for police officers to discuss the issue. Chief Severson agreed that the comments were not inflammatory and the police department does support local businesses. Alderman Kahrs said that comments could be misconstrued and when officers post comments on social networks, it could be very intimidating.

Alderman Kahrs suggested that Chief Severson call the highway patrol and the county and ask them to back off on enforcement in Osage Beach since the police department is perfectly capable of enforcement in our community. Chief Severson commented that he has spoken to the highway patrol but it is not his job to tell them not to enforce laws in Osage Beach however, statistics show that their resources would be better spent in other areas.

Alderman Kahrs supports the idea of sending this issue to the Osage Beach Citizens Advisory Committee to discuss and to come up with ideas. He suggested having a program where citizens could ride along with officers. Chief Severson said there is such a program but that no one has approached him about riding along with officers. Alderman Kahrs commented that if this issue is allowed to fester it will hurt the reputation of the City and the police department since many have worked to make the Osage Beach Police Department the best.

Alderman Rucker. Kevin Rucker agreed that citizen input is important and the issue should be sent to the Citizen Advisory Committee for their review and input.

Alderman Olivarri. Alderman Olivarri said the issues should be addressed, however the Board should address them and not a citizen committee. He added that it is the Board's responsibility because they were elected to do the job. He said he would be glad to attend a special meeting to address these issues. John Olivarri reported that in *Power Boat Magazine*, readers' choices were positive for the lake area and businesses. The lake was the favorite boating destination; best marina was Kelly's Port; Dog Days received honorable mention for the best restaurant and bar and the best boat race was the Shootout.

Alderman Olivarri expressed his appreciation to Budd Hyde and to airport staff for inviting staff and elected officials to visit the airports. He said the two airports are important facilities and provide a vital transportation link.

Mayor Lyons commented that the Shootout will be held here at the lake again this year which is a very positive event for the area.

Alderman Gasper. Dave Gasper reported that he is conducting his own survey with bar owners about the citizen group that has formed to review police activities and he would let the Board know the results.

Alderman Schmitt. Ron Schmitt reported that he has no problem attending a special meeting to discuss comments brought up at the last Board meeting, however, an Osage Beach Citizen Advisory Committee was formed and it should be used in this instance.

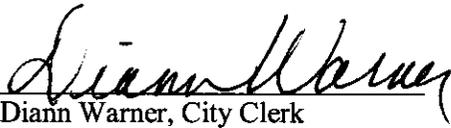
Staff Communications.

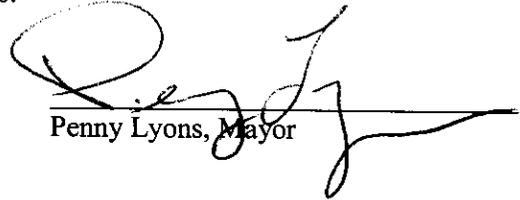
Airport Manager. Budd Hyde expressed his appreciation to everyone who visited the airports last week.

City Treasurer. Karri Bell reported that the Ambulance Fund has a cash balance of \$63,000. Referencing the July 31st Financial Statements, City Treasurer Bell reported that the revenue side is ahead of the budget by 6% and the expense side is down compared to the budget. City Treasurer Bell reported that the TIF report has been filed and she has confirmation the reports were received by the state.

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 August 5, 2010.


Diann Warner, City Clerk


Penny Lyons, Mayor