

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

October 7, 2010

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, October 7, 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 the reorganized Council of Local Governments unanimously passed new bylaws during a small reception and business meeting held here at City Hall last week. The group appreciated the hospitality extended to them for the use of the facility. She reported that last week a ribbon cutting was held for the east half of the expressway. Mayor Lyons commented that the commitment of almost \$50 million from the state for this section of highway says a lot for the future of the lake area. She anticipates there will be another ribbon cutting for the west side at the end of 2012.

Citizens Communications. Jim Schneider of 5315 Gamble Circle was present to express his concern about the influx of new billboards that Bill No. 10-45 would allow. He compared the current ordinance with the proposed bill being considered:

Currently the City will not allow a new billboard within 2,000 feet of any existing billboard; the proposed ordinance only required 1,400 feet of space and only when it is on the same side of the road.

Current ordinance allow billboards to be 40 feet tall; proposed ordinance will allow them to be 80 feet tall.

Current ordinance allows the maximum size of a billboard face to be 15 feet tall by 50 feet wide; the proposed ordinance would allow them to be 30 feet tall and 72 feet wide.

Current ordinance does not allow billboards to be built within 1,000 feet of a residential zoning district and the proposed ordinance would allow them to be erected next to homes.

Mr. Schneider said there seems to be a rush to allow many more and bigger billboards than currently allowed by the City. Current ordinance requires a study to be conducted the year following the completion of the expressway to determine the impact new billboards would have before allowing any to be built. Mr. Schneider asked the Board to vote no on the second reading of Bill No. 10-45 and follow the ordinance currently in place.

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on September 16, 2010, and the bill list as submitted. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Unfinished Business.

Bill No. 10-45. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING THE ZONING ORDINANCE, SECTION 405.385, OFF-PREMISES ADVERTISING SIGNS.

Mayor Lyons presented the second and final reading of Bill No. 10-45 by title only. It was noted that Bill 10-45 has been available for public review.

Upon a question by Alderman Olivarri, City Planner Cary Patterson explained that the existing ordinance requires a study to be done, however, with Board approval, amendments may be made to the ordinance. He added that there will be a limited number of signs that will be allowed. City Attorney Ed Rucker said that the requirements to amend the zoning code have been met as outlined in the state statutes.

Alderman Olivarri questioned whether it is a requirement to have a corridor study. City Planner Patterson responded that it is an option but not a requirement. Mayor Lyons questioned the number of signs that will be allowed. According to the City Planner, a total of seven will be allowed under the current ordinance and signs will not be near residents' homes.

Alderman Gasper moved to approve the second and final reading of Bill 10-45 as presented. Alderman Kahrs seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-45 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker. "Nays": None. Bill No. 10-45 was passed and approved as Ordinance No. 10.45.

New Business.

Bill No. 10-56. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING THE LOCATION OF A NO LEFT TURN SIGN FROM CREEK COVE LANE AND U.S. HIGHWAY 54.

Mayor Lyons presented the first reading of Bill 10-56 by title only. It was noted that Bill 10-56 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill 10-56 as presented. Alderman Farmer seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 10-56 by title only. It was noted that Bill 10-56 has been available for public review.

Alderman Kahrs moved to approve the second and final reading of Bill No. 10-56 as presented. Alderman Gasper seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-56 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker, Alderman Schmitt. "Nays": None. Bill No. 10-56 was passed and approved as Ordinance No. 10.56.

Bill No. 10-57. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING THE LOCATION OF ELECTRICALLY OPERATED TRAFFIC SIGNALS AS INDICATED HEREIN.

Signals at Passover and Highway 54 ramps; Osage Beach Parkway and Osage Beach Parkway South and the One Way Couple.

Mayor Lyons presented the first reading of Bill 10-57 by title only. It was noted that Bill 10-57 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill 10-57 as presented. Alderman Rucker seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 10-57 by title only. It was noted that Bill 10-57 has been available for public review.

Alderman Schmitt moved to approve the second and final reading of Bill No. 10-57 as presented. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-57 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker, Alderman Schmitt, Alderman Olivarri. "Nays": None. Bill No. 10-57 was passed and approved as Ordinance No. 10.57.

Bill No. 10-58. Establishing Speed Limits on Case Road.

The speed limit from existing Highway 54 to Sycamore Valley Drive will be 35 miles per hour and then it will reduce to 30 miles per hour. The road from the hill to the intersection of Normandy will be 40 miles per hour.

Mayor Lyons presented the first reading of Bill 10-58 by title only. It was noted that Bill 10-58 has been available for public review.

Alderman Gasper moved to approve the first reading of Bill 10-58 as presented. Alderman Olivarri seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 10-58 by title only. It was noted that Bill 10-58 has been available for public review.

Alderman Farmer moved to approve the second and final reading of Bill No. 10-58 as presented. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-58 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Gasper, Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Farmer. "Nays": None. Bill No. 10-58 was passed and approved as Ordinance No. 10.58.

Bill No. 10-59. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 210.720 AND SECTION 210.730 CONCERNING PERMITTING AND DISPLAY OF FIREWORKS

Mayor Lyons presented the first reading of Bill 10-59 by title only. It was noted that Bill 10-59 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill 10-59 as presented. Alderman Olivarri seconded the motion.

Alderman Rucker had some concerns that New Years' Eve was not included as one of the holidays when fireworks could be displayed and he asked that it be included in the ordinance.

Alderman Kahrs withdrew the motion to approve the first reading of Bill 10-59 and Alderman Olivarri withdrew the second to the motion.

Following further discussion, Alderman Olivarri moved to proceed and approve the first reading of Bill 10-59. Alderman Kahrs seconded the motion which was voted on and passed with Alderman Rucker and Alderman Schmitt expressing negative votes.

Bill No. 10-60. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, APPROVING THE FINAL PLAT OF NICHOLS VIEW SUBDIVISION AMENDED PLAT, A SUBDIVISION IN OSAGE BEACH, CAMDEN COUNTY, MISSOURI; ACCEPTING DARWIN FROM THE END OF THE CURRENT CITY STREET TO THE MOST NORTHERLY CUL-DE-SAC AND EDY DRIVE IN ITS ENTIRETY, AS CITY STREETS.

Mayor Lyons presented the first reading of Bill 10-60 by title only. It was noted that Bill 10-60 has been available for public review.

Alderman Farmer moved to approve the first reading of Bill 10-60 as presented. Alderman Gasper seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 10-60 by title only. It was noted that Bill 10-60 has been available for public review.

Alderman Farmer moved to approve the second and final reading of Bill No. 10-60 as presented. Alderman Gasper seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-60 and to pass same into Ordinance: "Ayes": Alderman Gasper, Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Kahrs. "Nays": None. Bill No. 10-60 was passed and approved as Ordinance No. 10.60.

Resolution 2010-08. Resolution to Refer the Proposed Dierbergs/High Pointe Tax Increment Financing Application to the Osage Beach TIF Commission.

Mayor Lyons presented Resolution 2010-08 and asked if anyone from Dierbergs wished to make a presentation.

Jerry Ebest and Brent Beumer, representing Dierbergs, were present to outline the Dierbergs Osage Beach Tax Increment Financing Redevelopment Plan proposed for the old High Pointe Shopping Center site. Dierbergs have TIF's in other locations and a TDD in Illinois. Three locations for ingress and egress are planned at the site of the old High Pointe Shopping Center; one at Zebra Road, one at the main entrance with the existing light and a right in and right out at Links Road. Negotiations with Best Buy are underway and there is no user for the third planned space at this time. Construction time, depending on the weather will be 12 to 14 months with an opening planned for spring 2012.

The group viewed an architects' rendering of the proposed center consisting of brick masonry material, metal awnings and archways with a drive thru pharmacy and ATM. The group also viewed a landscape plan showing signage and lighting. Mr. Beumer indicated Dierbergs takes great pride in their landscaping.

Mr. Ebest said for the proposed development to be feasible, financial assistance is needed and the proposal is within the guidelines of the TIF policy adopted by the City. He asked the Board to vote favorably and send this request to the TIF Commission.

Alderman Olivarri thanked Dierbergs for the proposal and stated that there are questions to be answered in the future. Alderman Gasper said he is familiar with Dierbergs and they are first class. Alderman Rucker said he has concerns about the amount of assistance being requested, whether the community can support another grocery store, and he has concerns with declining sales tax.

Mayor Lyons thanked Dierbergs for working with the City to keep the amount of assistance needed to less than 15% as outlined in the policy.

Alderman Farmer thanked Dierbergs for the great presentation.

Alderman Kahrs moved to approve Resolution 2010-08 as presented. Alderman Farmer seconded the motion which was voted on and passed.

Resolution 2010-09. Approval of the Master Draft for Funding Agreements, Version 2, for Costs Associated with Evaluating a TIF Application.

Mayor Lyons presented Resolution 2010-09.

City Attorney Rucker explained the developer must pay the \$15,000 deposit fee and they must pay for the City's consultants. He said the policy contains small changes to the draft that he and David Bushek developed.

Alderman Kahrs moved to approve Resolution 2010-09 as presented. Alderman Gasper seconded the motion which was voted on and passed.

Bill No. 10-61. AN ORDINANCE APPROVING A FUNDING AGREEMENT WITH DIERBERGS OSAGE BEACH LLC AN AFFILIATE OF DIERBERGS MARKETS INC. FOR FUNDING THE CITY'S USE OF PROFESSIONAL, LEGAL, PLANNING, AND FINANCIAL CONSULTING SERVICES RELATING TO THE CONSIDERATION OF THE DIERBERGS/HIGH POINTE SHOPPING CENTER TAX INCREMENT FINANCING PLAN UNDER THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT.

City Attorney Rucker explained that Bill 10-61 is a contract between Dierbergs and the City. He said Dierbergs has submitted a check and the bills received from consultants will be paid for by Dierbergs.

Mayor Lyons presented the first reading of Bill 10-61 by title only. It was noted that Bill 10-61 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill 10-61 as presented. Alderman Gasper seconded the motion which was voted on and passed with Alderman Schmitt expressing a negative vote.

Mayor Lyons presented the second and final reading of Bill No. 10-61 by title only. It was noted that Bill 10-61 has been available for public review.

Alderman Kahrs moved to approve the second and final reading of Bill No. 10-61 as presented. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-61 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Olivarri, Alderman Farmer, Alderman Kahrs, Alderman Gasper. "Nays": Alderman Schmitt. Bill No. 10-61 was passed and approved as Ordinance No. 10.61.

Bill No. 10-62. AUTHORIZE MAYOR TO EXECUTE A QUIT CLAIM DEED ON BEHALF OF THE CITY AS SUCCESSOR IN INTEREST TO THE INDUSTRIAL DEVELOPMENT AUTHORITY TO CLEAR THE TITLE AT THE HIGH POINTE SHOPPING CENTER.

City Attorney Rucker asked the Board to postpone Bill No. 10-62 until the November 4, 2010 meeting. Alderman Kahrs moved to postpone Bill No. 10-62 until the November 4, 2010 Board of Aldermen meeting. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Bill No. 10-63. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE LAW FIRM OF GILMORE & BELL FOR SERVICES RELATING TO THE CONSIDERATION OF THE DIERBERGS/HIGH POINTE SHOPPING CENTER TAX INCREMENT FINANCING PLAN UNDER THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT.

Mayor Lyons presented the first reading of Bill 10-63 by title only. It was noted that Bill 10-63 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill 10-63 as presented. Alderman Farmer seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 10-63 by title only. It was noted that Bill 10-63 has been available for public review.

Alderman Gasper moved to approve the second and final reading of Bill No. 10-63 as presented. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-63 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker. "Nays": None. Bill No. 10-63 was passed and approved as Ordinance No. 10.63.

Bill No. 10-64. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH PECKHAM GUYTON ALBERS & VIETS, INC., (PGAV) FOR SERVICES RELATING TO THE CONSIDERATION OF THE DIERBERGS/HIGH POINTE SHOPPING CENTER TAX INCREMENT FINANCING PLAN UNDER THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT.

City Attorney Rucker explained that PGAV was used as an expert witness in the JQH trial and that David Bushek is familiar with the company.

Alderman Schmitt stated that this is the same company that did the planning for Dierbergs and the public could perceive this as collusion. He said that even though PGAV did a good job testifying in court for the Hammons lawsuit, he believed that someone should be hired who is not associated with Dierbergs. Alderman Olivarri commented that he and City Attorney Rucker discussed this issue. City Attorney Rucker commented that nothing would prohibit the City from seeking a second opinion from another planner. He added that this TIF application involves experts outside Dierbergs and neither he nor David Bushek feel there is a conflict of interest in this case.

Alderman Olivarri said that he specifically asked for this type of expert during the last TIF and he has no problem with PGAV doing the work.

Andy Struckhoff, of PGAV, said he would be working for the City and the work that is produced would belong to the City.

Mayor Lyons presented the first reading of Bill 10-64 by title only. It was noted that Bill No. 10-64 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill 10-64 as presented. Alderman Farmer seconded the motion which was voted on and passed with Alderman Schmitt expressing a negative vote.

Mayor Lyons presented the second and final reading of Bill No. 10-64 by title only. It was noted that Bill 10-64 has been available for public review.

Alderman Farmer moved to approve the second and final reading of Bill No. 10-64 as presented. Alderman Kahrs seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-64 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker. "Nays": Alderman Schmitt. Bill No. 10-64 was passed and approved as Ordinance No. 10.64.

Bill 10-65. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WM FINANCIAL STRATEGIES FOR SERVICES RELATING TO THE CONSIDERATION OF THE DIERBERGS/HIGH POINTE SHOPPING CENTER TAX INCREMENT FINANCING PLAN UNDER THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT.

City Attorney Rucker said that Joy Howard was unable to attend the meeting but they City has used her services before and know her.

Mayor Lyons presented the first reading of Bill 10-65 by title only. It was noted that Bill 10-65 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill 10-65 as presented. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 10-65 by title only. It was noted that Bill 10-65 has been available for public review.

Alderman Gasper moved to approve the second and final reading of Bill No. 10-65 as presented. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-65 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker, Alderman Schmitt, Alderman Olivarri. "Nays": None. Bill No. 10-65 was passed and approved as Ordinance No. 10.65.

Bill 10-66. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SCHEDULE II, STOP SIGNS, BY ESTABLISHING THE LOCATION OF STOP SIGNS AS INDICATED HEREIN.

Mayor Lyons presented the first reading of Bill 10-66 by title only. It was noted that Bill 10-66 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill 10-66 as presented. Alderman Schmitt seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 10-66 by title only. It was noted that Bill 10-66 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill No. 10-66 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-66 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman

Gaspar, Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Farmer. "Nays": None. Bill No. 10-66 was passed and approved as Ordinance No. 10.66.

Proposed Contract Modification No. 3 for MoDOT Utility Relocates for 347G.

City Engineer Nick Edelman explained that during the construction of this project it came to his attention that the sewer line casing needed to be lowered after it had been installed. This contract modification lowers the casing to the required depth. This depth is needed to make sure that the pipe does not interfere with MoDOT's proposed ditches.

Funding is available in 35-00-773177. The total expenditures for this account to date include \$110,083.56 in the Utility Relocates for 347G. The Connecting Sewer Contract included \$1,114,167.75 to be expended from this account. This proposed contract modification is \$33,006.47. After this contract modification, this account would have \$167,742.22. 347G is located at the intersection of Nichols and Golf Road.

The Engineering Department recommends approval of Contract Modification #3 in the amount of \$33,006.47.

Alderman Schmitt moved to approve Contract Modification No. 3 for MoDOT Utility Relocates for 347G. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Award of A/E Services Contract. Contract for General Services for Assistance with Highway 42 Water and Sewer Alignment.

City Engineer Edelman requested that this item be postponed.

Alderman Kahrs moved to postpone this item as requested. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Approval of Drainage Improvements on Winn Drive.

The Osage Beach Special Road District is willing to work with City Staff to improve the drainage issues on Winn Drive. The Engineering Department met with the Osage Beach Special Road District and explained the necessity of improving the drainage on Winn Drive because of the problems it is causing Kapilana Condos. The Osage Beach Special Road District is contributing \$35,000 to fix this problem and the City will provide the engineering.

The Engineering Department would like to start work on this project immediately. The Engineering Department recommends approval.

Alderman Olivarri moved to approve the drainage improvements on Winn Drive as recommended. Alderman Gaspar seconded the motion which was voted on and passed with Alderman Schmitt abstaining.

Authorize Sale of 1997 Ford Ambulance via Online Auction.

Assistant City Administrator Jeana Albertson explained the 1997 Ford Ambulance has been replaced with the recent purchase of an ambulance and is now ready for disposal. Depending on current selling activity with this type of vehicle, eBay or GovDeals.com online auctions will be used.

Alderman Olivarri moved to dispose of the 1997 Ford Ambulance as recommended via online auction. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Authorize Purchase of Case 450 Skid Loader.

State Bid #3-100126 for this machine is from Crown Power for \$34,995.00. The budgeted amount is \$35,000 in account #20 774255. Staff requests authorization to purchase this budgeted item.

Alderman Kahrs moved to authorize the purchase of a Case 450 Skid Loader as recommended from State Procurement in the amount of \$35,000. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Request to Dispense with the October 21, 2010 Board Meeting.

The Annual Chamber of Commerce Dinner Meeting is scheduled for October 21, 2010 which is a regularly scheduled Board meeting. A Special Board of Aldermen meeting has been scheduled for October 14, so any business could be taken care of at that meeting.

Alderman Olivarri moved to dispense with the October 21, 2010 regularly scheduled Board of Aldermen meeting as recommended. Alderman Farmer seconded the motion which was voted on and unanimously passed.

City Treasurer Karri Bell requested authorization to pay the bills that are generally paid prior to the Board meeting.

Alderman Rucker moved to authorize the payment of bills listed on the bill list as "Bills Paid Prior To". Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Authorization to Give Notice to Terminate Concessionaire Contract.

Assistant City Administrator Jeana Albertson explained that Travis Randall contracted with the City to provide concession services at the Osage Beach City Park but has failed to comply with contract provisions, Park Rules and Regulations, and City ordinances.

On Saturday, September 25, 2010, Missouri Athletic Training Center had a scheduled Softball Tournament and 5K at the Osage Beach City Park in and around the Sports Complex. The group properly permitted, paid, and organized their event which included an Alcohol on Public Property Permit which allowed the group to sell, dispense, and serve intoxicating liquors by means of a state licensed vendor. The event drew hundreds of people to the park and was completed successfully.

However, the City's contracted concessionaire, Travis Randall, did not have an Alcohol on Public Property Permit and has been found to have violated City ordinances *Section 600.080 Public Consumption* and *Section 245.030.E.3. Park Rules and Regulations-Prohibited Activities*, and the contract agreement *Section 7-Products and Services* by selling, serving, dispensing, possessing, and/or consuming intoxicating liquors without an Alcohol on Public Property Permit and/or State Liquor license. Alcohol found to have been in possession by the concessionaire was not the same alcohol permitted, sold, and dispensed by the state licensed vendor. Pictures within the concession area and press box area, under lock and key and only accessible by the concessionaire and park staff, have been taken and staff has been in contact with Travis regarding the violations.

The contract clearly states that “the City reserves the right to immediately terminate the agreement upon ... any violation by the concessionaire to city, state, or federal law” and staff takes the alcohol on public property very serious and feels the contract should be immediately terminated.

Alderman Rucker moved to authorize staff to give notice of termination to Concessionaire Travis Randall as recommended. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Communications from Board Members.

Alderman Rucker. Alderman Rucker expressed his concerns with Links Road in relation to the Dierbergs TIF. City Engineer Edelman commented that it would affect Phase 2 of the Zebra Road Project because it shows the traffic signal being relocated. Alderman Rucker said that he had some discussions with constituents and he has concerns if Chef Street does not line up Links Road and the traffic signal. City Engineer Edelman said the redevelopment of the High Pointe site and a traffic signal at Chef Street would be very difficult because the signals would be too close. Alderman Olivarri commented that the time to address the road situation is during the TIF process.

Alderman Gasper. Alderman Gasper reported that the Elks Lodge asked him to relay to the City that they would not be participating in the Fall Festival next year. Alderman Gasper said he asked them to take over the concessions however the Elks did not think it would be feasible for them.

Alderman Schmitt. Alderman Schmitt reported that residents living on Beach Drive are upset that there is a 90 degree turn from Osage Beach Parkway South onto Beach creating what they believe is a dangerous situation. He said they are forming a group to approach the state about changing the turning radius.

Upon a question from Alderman Rucker, City Engineer Edelman explained the portions of road that the City will be responsible for when the expressway is completed.

Staff Communications.

City Planner. Cary Patterson reported that letters had been mailed to those on Highway 54 notifying them that their addresses would be changed to Osage Beach Parkway within ninety days.

City Engineer. Nick Edelman reported that the expressway will be open on the east bound side of the bridge tomorrow. He said that one lane going west bound on the east bound side of the bridge and one lane going westbound on the westbound side of the bridge will be open.

Superintendent of Public Works. Rick King reported that he worked with 30 sixth graders spreading two truck loads of mulch at the pavilions at the Osage Beach City Park and behind City Hall. He reported that he received a 25 year award from the Missouri Water Association.

Park Manager. Brian Willey reported that the fishing tournament will be October 9 at the Osage Beach City Park and 250 kids are registered to attend.

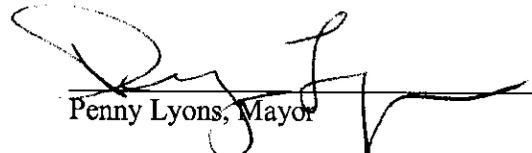
Airport Manager. Budd Hyde expressed his appreciation for the opportunity to attend the MPR meeting in Branson. He reported that the FAA sees no problem with taking over the maintenance of the localizer at Lee C. Fine Airport.

There being no further business to come before the Board, the meeting adjourned at 8:17 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 October 7, 2010.



Diann Warner, City Clerk



Penny Lyons, Mayor