

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

November 4, 2010

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, November 4, 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. On behalf of the City, Mayor Lyons thanked Ameren-Missouri for the dinner last night. Ameren provided information on the services they provide and presented updates on utility concerns.

Citizens Communications. Karen Bowman, a 25 year resident of Osage Beach, distributed an article that appeared in the *Branson Tourism Guide* in 2008 in which Branson advertised a fifth season, Christmas, which they have transformed into their biggest season. Mrs. Bowman said that they want to make Osage Beach a Christmas destination and the light park is a small step in that direction.

Pat Kessler was present to make the Board aware of the hazard that exists for motorists turning onto Beach Drive from Osage Beach Parkway South due to the inadequate turning radius. Mrs. Kessler presented a petition signed by 16 residents on Beach Drive and she asked that the petition be forwarded to interested parties as soon as possible. She also asked that Beach Road be widened. Mayor Lyons commented that the petition would be forwarded but Osage Beach Parkway is not a City street.

Russell Burdett was present to say that he would like to see the City attract tournaments to the Osage Beach City Park which would be good for hotels and restaurants. Mr. Burdett said the infields at the park are rough and have many rocks and need a lot of work.

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on October 7, 2010, the minutes of the meeting held on October 14, 2010, the bill list as submitted and a liquor license for Applebee's (change of managing officer). Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Unfinished Business.

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 (Floor Substitute)

Alderman Rucker moved to approve the floor substitute for Bill No. 10-59. Alderman Gasper seconded the motion which was voted on and passed.

Mayor Lyons presented the first reading of the floor substitute for Bill No. 10-59 by title only. It was noted that the floor substitute for Bill No. 10-59 has been available for public review. Alderman Olivarri moved to approve the first reading the floor substitute for Bill No. 10-59. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of the floor substitute for Bill No. 10-59 by title only. It was noted that Bill 10-59 has been available for public review.

Alderman Rucker moved to approve the second and final reading of Bill 10-59 as presented. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-59 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker. "Nays": None. Bill No. 10-59 was passed and approved as Ordinance No. 10.59.

New Business.

Public Hearing. Amendment to the Sign Ordinance regarding signs for Metro Shopping Centers.

City Planner Cary Patterson explained that this amendment to the sign ordinance is an attempt to create signage ability for large scale commercial development that will both serve the needs of future development as well as give the City the ability to control the number of free standing signs that are constructed on these sites. The intent is to provide for a better visual impact to the City's streets by reducing the number of free standing signs located within the community along with allowing future and existing developments that meet the defined criteria the ability to construct signage that is more efficient, visually pleasing, and takes advantage of new signage capabilities and technology in their presentation to their potential customers.

The City has a minimum of four locations that meet these specifications and several more that will be capable of reaching the requirements that we see development activity on with consistency and assume that they will develop in the future as the economy begins to rebound and development activity increases as we are seeing signs of already.

The Planning Department presented this amendment to the Sign Ordinance to the Planning Commission at their meeting on Tuesday October 12, 2010. The Planning Commission recommended approval.

No one was present to speak in favor of or in opposition to the amendment to the sign ordinance. Mayor Lyons closed the public hearing at 6:45 p.m.

Bill No. 10-68. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING THE ZONING ORDINANCE, SECTION 405.360, DEFINITIONS AND 405.380, SIGN REGULATIONS – NON RESIDENTIAL USES

Mayor Lyons presented the first reading of Bill 10-68 by title only. It was noted that Bill 10-68 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill 10-68 as presented. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Lake Area Chamber of Commerce Request. Trish Creach, representing the Lake Area Chamber of Commerce, explained that this is the third year for the Lake Holiday Light Park at the Osage Beach City Park and she thanked the City for allowing the event to take place there. She said the event attracts visitors from 180 Missouri cities and 22 states. Mrs. Creach applauded the City's support and asked the Board to waive the fees for use of the park. She said the Chamber does not have a large budget and they hoped to break even each year; however, she said contributions have declined this year due to the economic climate.

Alderman Farmer said the City charges the children who practice and hold tournaments so the Chamber should pay, too. She also questioned why a local company was not hired to put up the displays.

Alderman Gasper discussed the condition of the park after last years' event and the safety issues which occurred last year during the Lake Lights Festival which were not addressed.

Alderman Kahrs moved that the fees be waived for the Lake Lights Festival. Alderman Rucker seconded the motion.

Alderman Schmitt said that it appears there are escalating set up costs and he questioned the reason volunteer groups were not used to erect the displays. Mrs. Creach said that volunteers showed up who were not skilled and it was determined that a company that could erect the displays and remove them would cover the Chamber's liability issues.

Mayor Lyons commented that she agreed with staff's recommendation to charge a fee of \$1,404 which is ¼ less than the amount charged for non profit organizations to use the park. Mayor Lyons said that a tournament was scheduled which had to be cancelled and the fee would make up the loss of revenue the tournament would bring. She added that the City was not listed as additional insured last year and she is concerned with safety issues and liability to the City. Mayor Lyons expressed her concern that \$21,000 was spent for an outside company to come in and set up the displays when the money could have been better spent hiring a local company to do the work. Mrs. Creach said that when the festival was in Lake Ozark, a company out of Indiana was hired to set up the displays. She added that no local company could do the work however a local electrician has been hired.

The following roll call vote was taken to waive the fee: "Ayes:" Alderman Kahrs, Alderman Rucker. "Nays": Alderman Farmer, Alderman Gasper, Alderman Olivarri, Alderman Schmitt. The motion to waive the fee failed.

Following discussion on the amount to be charged for use of the City Park, Alderman Olivarri moved to charge the Lake Area Chamber of Commerce a fee of \$1,404. Alderman Farmer seconded the motion. The following roll call vote was taken: "Ayes:" Alderman Farmer, Alderman Gasper, Alderman Olivarri. "Nays:" Alderman Schmitt, Alderman Kahrs, Alderman Rucker. The vote resulted in a tie therefore Mayor Lyons voted in the affirmative to break the tie. The motion passed to charge a fee of \$1,404.

Resolution 2010-10. Resolution of Intent to Annex

Mayor Lyons presented Resolution 2010-10 establishing a date of November 18, 2010 for a public hearing for the voluntary annexation petition submitted by Stephen and Judy Taylor.

Alderman Olivarri moved to approve Resolution 2010-10 as presented. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Resolution 2010-11. Resolution of Intent to Annex.

Mayor Lyons presented Resolution 2010-11 establishing a date of November 18, 2010 for a public hearing for the voluntary annexation petition submitted by Jason and Stephen Taylor.

Alderman Schmitt moved to approve Resolution 2010-11 as presented. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bill 10-67. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE QUIT CLAIM DEED VACATING AN EASEMENT NO LONGER NEEDED BY THE CITY.

Mr. and Mrs. Toedebusch came to the Engineering Department when they acquired the property on 1290 Procter Drive. They noticed in the title search there was an easement to the City on the eastern property line for storm sewer, but the storm sewer improvements were on the western property line. The Toedebusch's previously gave the City an easement on their western property line and the easement on the eastern side of the property should be vacated.

Mayor Lyons presented the first reading of Bill 10-67 by title only. It was noted that Bill 10-67 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill 10-67 as presented. Alderman Olivarri seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 10-67 by title only. It was noted that Bill 10-67 has been available for public review.

Alderman Schmitt moved to approve the second and final reading of Bill No. 10-67 as presented. Alderman Gasper seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-67 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker, Alderman Schmitt, Alderman Olivarri. "Nays": None. Bill No. 10-67 was passed and approved as Ordinance No. 10.67.

Bill 10-69. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR, ACTING ON BEHALF OF THE CITY AS SUCCESSOR IN INTEREST TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF OSAGE BEACH, TO EXECUTE A QUIT CLAIM DEED RELEASING ANY INTEREST HELD BY THE CITY IN CERTAIN PROPERTY IN THE HIGH POINT SHOPPING CENTER

City Attorney Ed Rucker explained that this Quit Claim Deed will release the City's interest in the property at High Point Center clearing the way for a sale of the property at High Point Shopping Center which is anticipated to be the Dierbergs Osage Beach LLC.

Mayor Lyons presented the first reading of Bill 10-69 by title only. It was noted that Bill 10-69 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill 10-69 as presented. Alderman Rucker seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 10-69 by title only. It was noted that Bill 10-69 has been available for public review.

Alderman Gasper moved to approve the second and final reading of Bill No. 10-69 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-69 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Gasper, Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Farmer. "Nays": None. Bill No. 10-69 was passed and approved as Ordinance No. 10.69.

Bill 10-70. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR, ACTING ON BEHALF OF THE CITY AS SUCCESSOR IN INTEREST TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF OSAGE BEACH, TO EXECUTE A

QUIT CLAIM DEED RELEASING ANY INTEREST HELD BY THE CITY IN EASEMENTS ON CERTAIN PROPERTY IN THE HIGH POINT SHOPPING CENTER.

City Attorney Rucker explained that this Quit Claim Deed will release the City's interest in easements granted therein at High Point Center clearing the way for a sale of the property which is anticipated to be the Dierbergs Osage Beach LLC.

Mayor Lyons presented the first reading of Bill 10-70 by title only. It was noted that Bill 10-70 has been available for public review.

Alderman Schmitt moved to approve the first reading of Bill 10-70 as presented. Alderman Farmer seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 10-70 by title only. It was noted that Bill 10-70 has been available for public review.

Alderman Gasper moved to approve the second and final reading of Bill No. 10-70 as presented. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-70 and to pass same into Ordinance: "Ayes": Alderman Gasper, Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Kahrs. "Nays": None. Bill No. 10-70 was passed and approved as Ordinance No. 10.70.

Bill 10-71. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SCHEDULE II, STOP SIGNS, BY ESTABLISHING THE LOCATION OF STOP SIGNS AS INDICATED HEREIN AND DELETING STOP SIGNS FROM SCHEDULE II, STOP SIGNS.

City Engineer Edelman explained that the Missouri Department of Transportation has opened the Highway 54 Expressway from the eastern City limits to the Grand Glaize Bridge. With the opening of the Expressway, multiple roads will no longer intersect Highway 54. For example, Mace Road will now intersect Osage Beach Parkway at a stop sign. Normandy Road will now intersect Sycamore Valley at a stop sign. A new stop sign must also be created at Burton Duenke Lane at the intersection with Swiss Village Road, because Burton Duenke Lane will be opening soon.

Ordinance No. 10.66 was adopted on October 7, 2010 which placed signs at the streets deleted herein that now refer to Osage Beach Parkway instead of Highway 54.

Mayor Lyons presented the first reading of Bill 10-71 by title only. It was noted that Bill 10-71 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill 10-71 as presented. Alderman Rucker seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 10-71 by title only. It was noted that Bill 10-71 has been available for public review.

Alderman Farmer moved to approve the second and final reading of Bill No. 10-71 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-71 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Kahrs, Alderman Gasper. "Nays": None. Bill No. 10-71 was passed and approved as Ordinance No. 10.71

Bill 10-72. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE A/E SERVICES CONTRACT NO. AE0B10-031 MASTER AGREEMENT FOR GENERAL SERVICES AND TASK NO. 1 FOR HIGHWAY 42 WATER AND SEWER ALIGNMENT ASSISTANCE WITH HDR ARCHER.

City Engineer Edelman explained that Bill No. 10-72 provides for a Master Engineering Agreement for services with HDR Archer and Task No. 1 for services for the Highway 42 Water and Sewer Project.

The Engineering Department has been working on the Highway 42 Water and Sewer project, the first phase is completed and work is continuing on the second phase. The Engineering Department would like to utilize outside services to help obtain legal documents to complete the project.

Funding is available in account 35-00-773100 Engineering.

City Engineer Nick Edelman recommended awarding this Master Agreement and approval of Task Order #1 in the not to exceed amount of \$15,000.

Mayor Lyons presented the first reading of Bill 10-72 by title only. It was noted that Bill 10-72 has been available for public review.

Alderman Schmitt moved to approve the first reading of Bill 10-72 as presented. Alderman Farmer seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 10-72 by title only. It was noted that Bill 10-72 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill No. 10-72 as presented. Alderman Gasper seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-72 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker. "Nays": None. Bill No. 10-72 was passed and approved as Ordinance No. 10.72.

Bill 10-73. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SCHEDULE I. SPEED LIMITS BY ESTABLISHING POSTED SPEED LIMITS AND THE DELETION OF A SPEED LIMIT SIGN AS INDICATED HEREIN

MoDOT is completing the construction of Burton Duenke Lane from Swiss Village Road to Highway KK. It will be necessary to establish a speed limit for the new roadway and post with speed limit signs. MoDOT will be posting this portion of Burton Duenke Lane from Highway KK to Swiss Village Road at 40 miles per hour.

The Expressway from the Grand Glaize Bridge to the Eastern City Limits is open. MoDOT has posted it at 65 miles per hour. The proposed ordinance changes the speed on Highway 54 to what has been posted.

Mayor Lyons presented the first reading of Bill 10-73 by title only. It was noted that Bill 10-73 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill 10-73 as presented. Alderman Schmitt seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 10-73 by title only. It was noted that Bill 10-73 has been available for public review.

Alderman Schmitt moved to approve the second and final reading of Bill No. 10-73 as presented. Alderman Gasper seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 10-73 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Kahrs, Alderman Gasper, Alderman Rucker, Alderman Schmitt. "Nays": None. Bill No. 10-73 was passed and approved as Ordinance No. 10.73.

Bid Award. Storm Drainage Improvements

The following bids were received:

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|------------------------------------|-------------|
| Strait-Line Construction USA, Inc. | \$24,977.00 |
| JC Industries, Inc. | \$59,789.00 |
| Stockman Construction Co | \$39,474.00 |
| APAC Missouri, Inc. | \$51,474.98 |
| LARC Contracting LLC | \$32,954.50 |

City Engineer Nick Edelman said Strait-Line Construction USA, Inc. is the apparent low bidder and this project will help to improve storm drainage issues in various places throughout the City.

Funding for this project can be obtained from 20-00-773155 Misc. Streets/Roads in the amount of \$94,000.00. The Engineering Department recommends award to Strait-Line Construction USA, Inc. in the amount of \$24,977.00.

Alderman Gasper moved to award the bid for storm drainage improvements to Strait-Line Construction in the amount of \$24,977 and to authorize the Mayor to execute the contract. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bid Award. Deicing Salt.

The following bids were received for the deicing salt:

| | | |
|----------------------------|-------------|-------------|
| Independent Salt Company | \$72.44/ton | \$43,464.00 |
| Morton Salt | \$75.34/ton | \$45,204.00 |
| Cargill Deicing Technology | \$64.86/ton | \$38,916.00 |

Superintendent of Public Works Rick King said the price is \$4 less per ton than last year.

Alderman Rucker moved to award the bid for deicing salt to the low bidder, Cargill Deicing Technology, in the amount of \$38,916.00 as recommended. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Authorize Sale of 1985 International Truck.

The Waste Watchers returned the 1985 International truck and staff would like to dispose of it through an online auction.

Alderman Farmer moved to authorize staff to sell the 1985 International Truck via online auction as requested. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Communications from Board Members.

Alderman Kahrs. Steve Kahrs reported that business owners are questioning whether the Osage Beach Parkway signs could be converted back to Highway 54 so that motorists would know there is still a business district after the opening of the expressway. City Engineer Edelman has had conversations with the City Administrator of Lake Ozark to see if the section from the signal light to Osage Beach could be named Osage Beach Parkway. Alderman Kahrs said Osage Beach Parkway sounds good but he believes it causes confusion because from looking at the signs, there is no indication there is a business district. He added that the economy and the expressway are causing businesses to struggle.

City Planner offered to take a look at the signs however he has sent out letters stating that there would be a change of address effective January 1st for businesses along Highway 54. Alderman Kahrs suggested adding "Business District" to the existing signs. City Engineer Edelman said one problem is that the signs are extremely dark but MoDOT is working on lighting.

Alderman Rucker. Kevin Rucker reported that he has had letters and phone calls about the issue on Beach Drive and he told residents that it is a MoDOT problem. Mayor Lyons commented that before construction, the City Engineer had expressed concerns that the design would create problems at Beach Drive.

Alderman Gasper. Dave Gasper reported that many residents have expressed to him how pleased they are with the expressway.

Alderman Farmer. Lois Farmer agreed that adding "Business District" to the existing signs would help the businesses.

Alderman Schmitt. Ron Schmitt reported that the speed limit going west on Osage Beach Parkway at the bridge is 45 miles per hour, but motorists coming off of the expressway onto the bridge are going 65 miles per hour. City Engineer Edelman said from the retaining wall the speed limit goes from 65 miles per hour to 45 miles per hour.

Staff Communications.

City Administrator. Nancy Viselli reported that revised budget sheets were distributed with the packet and she reminded Board members to switch out the pages.

City Attorney. Ed Rucker reported that he appreciated the Board approving the Quit Claim Deeds for the High Pointe Shopping Center clearing the way for Dierbergs to purchase the property.

Police Chief. Dave Severson reported that Gary Woodson resigned and Russ Hogan was promoted to ambulance supervisor.

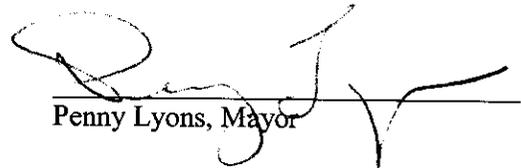
City Planner. Cary Patterson reported that rezoning the property for the recent voluntary annexation petitions will be on the Planning Commission agenda next week.

Superintendent of Public Works. Rick King reported that the snowflake decorations will be erected next Tuesday.

There being no further business to come before the Board, the meeting adjourned at 7:50 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 November 4, 2010.


Diann Warner, City Clerk


Penny Lyons, Mayor