



CITY OF OSAGE BEACH
BOARD OF ALDERMEN MEETING

1000 City Parkway
Osage Beach, MO 65065
573/302-2000 FAX 573/302-0528
Email: www.osagebeach.org

NOTICE OF OPEN MEETING

TENTATIVE AGENDA
REGULAR MEETING
APRIL 1, 2010 – 6:30 P.M.
CITY HALL

******* Note: Make sure that your cell phone is turned off or on a silent tone only. Please sign the attendance sheet located at the podium if you desire to address the Board.**

CALL TO ORDER
Pledge of Allegiance
Roll Call

MAYOR'S COMMUNICATIONS

CITIZENS' COMMUNICATIONS

- This is a time set aside on the agenda for citizens and visitors to address the Mayor and Board on any topic that is not a public hearing. The Board will not take action on any item not listed on the agenda, but the Mayor and Board welcome and value input and feedback from the public. Speakers will be restricted to three minutes unless otherwise permitted. Minutes may not be donated or transferred from one speaker to another.

APPROVAL OF CONSENT AGENDA

If the Board desires, the consent agenda may be approved by a single motion.

- Minutes of 03/18/10 (Page 01)
- Bills. (Page 07)

UNFINISHED BUSINESS

- A. Public Hearings. Special Use Cases 352, 353, 354. Modification of Existing Special Use Permits on City Owned Property for Use as Wireless Communication Facilities. AT&T Requests Special Use Permits to Replace Communication Hardware on Three Existing Towers, Located at the Osage Beach Water Tower on Passover Road (Case 352); the Osage Beach Fire Protection District Building at 1170 Bluff Drive (Case 353) and 5715 Highway 54 at KRMS (Case 354) to Provide 3G Coverage in the Lake Area (*Postponed from 03/18/10*) (Page 18)
- B. Approve Findings of Fact for Special Use Cases 352, 353, 354.
- C. Vote on Special Use Cases. 352, 353, 354

NEW BUSINESS

- A. Proposed Contract Modification No. 1 for Design of Roadway and Drainage Improvements for Stewart Drive and the Zebra Connector (Page 85)
- B. Bid Award. Pavement Marking (Page 89)
- C. Authorize Installation of Fiber Optics for the Public Works Facility (Page 92)
- D. Bid Award. City Hall Grounds Maintenance (Page 94)
- E. Authorize Replacement of Two Heat Pumps and Coil Replacement on Six Units throughout City Hall (Page 98)
- F. Bill No. 10-14. Regulatory Traffic Sign to Establish No Left Turn from Redbud Road onto Highway 54. First and Second Readings (Page 100)
- G. Bill No. 10-15. 2010 Budget Amendment for Highway 54 Sidewalk Improvements. First and Second Readings. (Page 103)
- H. Bill No. 10-16. Recodify Speed Limits on Various City Streets. First Reading (Page 105)
- I. Authorize Mayor to Execute Agreement for Concessions Services at the Osage Beach City Park (Page 110)

COMMUNICATIONS FROM MEMBERS OF THE BOARD OF ALDERMEN

STAFF COMMUNICATIONS

EXECUTIVE SESSION

Notice is given that the agenda includes a roll call vote to close the meeting as allowed by RSMo. Section 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.

ADJOURN

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

April 1, 2010

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, April 1, 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 Ron Schmitt. Alderman Kevin Rucker was absent. City Clerk Diann Warner was present and performed the duties of that office.

Mayor's Communications. Mayor Lyons reported that she attended two Betterment Committee meetings this week, one of which dealt with issues on the county level. The second meeting consisted of individuals from different class counties who have issues to be worked out. Experts who spoke at the meeting informed the group that legislation is being drafted to protect the lake.

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

Consent Agenda.

Alderman Olivarri submitted the following correction to the minutes of March 18, 2010:

Page 3, last paragraph, second sentence: Add the words *unless there are unique circumstances* after the sentence; He (Alderman Olivarri) stated that he would have a problem accepting a street that did not meet the standards.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on March 18, 2010 as corrected and the bill list as submitted. Alderman Farmer seconded the motion which was voted on and passed.

Unfinished Business.

Public Hearings. Special Use Cases 352, 353, 354. Modification of Existing Special Use Permits on City Owned Property for Use as Wireless Communication Facilities.

AT&T requests Special Use Permits to replace communication hardware on three existing towers at the following locations: Osage Beach Water Tower on Passover Road, the Osage Beach Fire Protection District at 1170 Bluff Drive and 5715 Highway 54 at KRMS to provide 3G coverage in the lake area.

City Planner Cary Patterson explained that no visual changes will be made to the towers and Municipal Solutions reviewed the applications and submitted reports. Staff recommended approval of Special Use Cases 352, 353, and 354 and the Planning Commission concurred.

There being no questions or comments, Mayor Lyons closed the public hearing at 6:35 p.m.

Approve Findings of Fact. Special Use Cases 352, 353, 354

Alderman Farmer moved to approve the Findings of Fact for Special Use Cases 352, 353, 354 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Vote on Special Use Case 352. Modification of Existing Special Use Case 352 located on Passover

Road.

Alderman Schmitt moved to approve Special Use Case 352 with conditions as follows:

1. Applicant to submit required Performance Security/Removal Bond.
2. Applicant shall have sufficient funds in the escrow account with the City to pay all expenses related to the site review and issuance of permits.
3. That applicable liability insurance will be provided.
4. That a Geotechnical Report be provided in order to verify the structural adequacy of the water tank.
5. That a copy of the site survey will be provided.

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

Vote on Special Use Case 353. Modification of Existing Special Use Case No. 353 located at 1170 Bluff Drive.

Alderman Schmitt moved to approve Special Use Case 353 with conditions as follows:

1. Applicant to submit the required Performance Security/Removal Bond.
2. Applicant shall have sufficient funds in the escrow account with the City to pay all expenses related to the site review and the issuance of permits.
3. That applicable liability insurance will be provided.
4. Fencing to be completed as per the Construction Drawings and as indicated in the application submittal letter prior to issuance of the Certificate of Occupancy.

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

Vote on Special Use Case No. 354. Modification of Existing Special Use Case No. 354 located at KRMS Radio Station.

Alderman Schmitt moved to approve Special Use Case 354 with conditions as follows:

1. Applicant to submit the required Performance Security/Removal Bond.
2. Applicant shall have sufficient funds in the escrow account with the City to pay all expenses related to the site review and the issuance of permits.
3. That an ANSI Report per Annex E, Tower Maintenance and Inspection Procedures et al be provided, and any noted deficiencies are to be corrected prior to the issuance of a COC.

4. That a Geotechnical Report be provided in order to verify the structural adequacy of the tower.
5. Fencing and landscaping to be completed as per the Construction Drawings and as indicated in the application submittal letter prior to issuance of the Certificate of Occupancy.

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

New Business.

Proposed Contract Modification No. 1 for Design for Roadway and Drainage Improvements for Stewart Drive and the Zebra Connector.

City Engineer Nick Edelman explained that during the design of this project, it came to his attention that having the entire roadway torn up at one time may not be in the City's best interest and considered the possibility of staging this project. By staging, it's possible that residents on Deer Run and Harbor Heights would not have to drive through construction. This staging would also eliminate the amount of time that the residents on Stewart have to drive through the construction area. This contract modification will create the drawings that allow for this staging to occur.

The Highway 54 Sidewalk Project has the crossing at the current High Pointe Shopping Center Light. Since this signal will be moved, the sidewalk must be extended down to the proposed Zebra/Chef Street intersection.

By lining up Zebra and Chef Street, there will be an area near the back of Randy's Frozen Custard that will be excess right of way. This modification proposes to landscape that area. This project is being broken up in phases due to the High Pointe Development conversation. Phase 1 is almost completed, although additional work is required to break the project up in phases.

The last issue of this contract modification is the signal. The signals were not planned to be interconnected during the original contract. It is proposed for this signal to communicate with the Passover signal.

Funding for this modification can be obtained from the Hwy 54 Sidewalk Improvements 20-00-773211 account. That account was budgeted in the amount of \$400,000. Currently it has obligations not to exceed \$326,276.50. This modification is priced at \$47,934.50. This will leave a balance of \$25,789.00 in this account.

The Engineering Department recommended approval.

Alderman Olivarri moved to approve design modification for roadway and drainage improvements for Stewart Drive and the connector as recommended in the amount of \$47,934.50 from line item 20-00-773211. Alderman Kahrs seconded the motion which was voted on and passed.

Alderman Kahrs asked that staff provide the cost of the light and the sidewalk separately.

Bid Award for Pavement Marking. The following bids were received for the 2010 Pavement Marking Project:

KW Luetkemeyer	\$13,692.71
Park Mark, Inc.	\$11,262.20

The project is budgeted under 20-00-764208 Road Striping in the amount of \$15,000. The Engineering Department recommends the bid be awarded to the low bidder, Park Mark, Inc. in the amount of \$11,262.20.

Alderman Kahrs moved to award the bid for the 2010 Pavement Marking Project to the low bidder, Park Mark, Inc. in the amount of \$11,262.20. Alderman Schmitt seconded the motion which was voted on and passed.

Authorize Installation of Fiber Optics for the Public Works Facility.

City Engineer Nick Edelman explained that approval for installation of fiber optic between City Hall and the Public Works facility is being requested when the connecting sewer project is being constructed. The cost to install conduit and fiber optic is approximately \$40,000. This will allow the City to provide a high speed network connection to public works, facilitate the use of security cameras at the water towers, and upgrade the phone service to the facility.

This item was not budgeted however a new line item would be created in the Water, Sewer and Transportation Departments, if approved. Unrestricted funds in Transportation and Sewer are available, however Water has very little funding so funding currently restricted for building a water tower would be used.

There were no objections to placing the installation of conduit and fiber optic in the bid package with the connecting sewer project.

Bid Award. City Hall Grounds Maintenance.

Six bids were received as follows:

Surecut Lawn Service	
Landscape	\$12,500.00
Man hour costs:	\$35.00
Lake Ozark Grounds Maintenance LLC	
Landscape	\$12,300.00
Man hour costs:	\$30.00
Nelson Land Services	
Landscape	\$13,060.00
Man hour costs:	\$32.00

Paradise, USA

Landscape	\$15,960.00
Man hour costs: \$42.50	
Tru Green Lawn Care	
Landscape	\$10,536.00
Man hour costs:	\$150.00
Legacy Landscape & Excavating	
Landscape	\$19,400.00
Man hour costs:	\$28.00

The apparent low bidder is Tru Green Lawn Care with a total bid of \$10,536.00. However, several items were missing from their bid packet including: recognition of the addendum, renewal prices for 2011 and 2012, Proof of Commercial Applicator's License and it appears that the total amount is not inclusive of some of the bid specification requirements.

The next apparent low bidder is Lake Ozark Grounds Maintenance LLC with a total bid of \$12,300.00. Their bid appears to be in order; however, staff is requesting that this bid be rejected as per Section 135.090 of the Municipal Code of the City of Osage Beach. The City has engaged in a previous contract for these same services in the past which resulted in unsatisfactory services and performance.

Building Official Ron White recommended the bid be awarded to the next apparent low bidder, Surecut Lawn Service with a total bid of \$12,500.00. Surecut Lawn Service has been providing Grounds Maintenance services to the City for the past three years and has been responsive and responsible in providing quality service.

The amount budgeted in the 2010 Budget was \$14,000.00. Funds are available through Building Maintenance line item 10-09-742200.

Alderman Kahrs moved to award the bid for the City Hall Grounds Maintenance to Sure Cut Lawn Service in the amount of \$12,500. Alderman Farmer seconded the motion which was voted on and passed.

Authorize Replacement of two Heat Pumps and Coil Replacement on Six Units throughout City Hall.

The units have reached their life expectancy and need repairs. The cost is \$17,660.43 to be taken from line item 10-09-743100. The repairs will be performed by our contract service provider, Geo Enterprises, Inc. Building Official Ron White recommended approval.

Alderman Olivarri moved to approve the request to replace two heat pumps and replace the coils on six other units throughout City Hall in the amount of \$17,660.43. Alderman Kahrs seconded the motion which was voted on and passed.

Bill 10-14. Regulatory Traffic Sign to Establish a No Left Turn Sign from Redbud Road onto Highway 54.

Mayor Lyons presented the first reading of Bill 10-14 by title only. It was noted that Bill 10-14 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill 10-14 as presented. Alderman Gasper seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-14 by title only. It was noted that Bill 10-14 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill 10-14. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-14 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Olivarri, Alderman Farmer, Alderman Gasper, Alderman Kahrs. "Nays": None. "Absent": Alderman Rucker. Bill 10-14 was passed and approved as Ordinance 10.14.

Bill No. 10-15. 2010 Budget Amendment for Highway 54 Sidewalk Improvements.

This budget amendment is for Contract Modification No. 1 for the Engineering Services of the Zebra Connector Project. The Engineering Department recommended approval.

Mayor Lyons presented the first reading of Bill 10-15 by title only. It was noted that Bill 10-15 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill 10-15 as presented. Alderman Gasper seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-15 by title only. It was noted that Bill 10-15 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill 10-15. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-15 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Gasper, Alderman Kahrs, Alderman Schmitt. "Nays": None. "Absent": Alderman Rucker. Bill 10-15 was passed and approved as Ordinance 10.15.

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

City Attorney Ed Rucker explained that the speed limit schedule was reworked to make it easier to find in the code book.

Mayor Lyons presented the first reading of Bill 10-16 by title only. It was noted that Bill 10-16 has been available for public review.

Alderman Gasper moved to approve the first reading of Bill 10-16 as presented. Alderman Schmitt seconded the motion which was voted on and passed.

Authorize Mayor to Execute Agreement for Concession Services at the Osage Beach City Park.

A request for proposals was issued to invite vendors to supply concessionaire services at the concession facility located at the Osage Beach City Park. Two vendors responded. Staff recommended awarding the contract to 32 Concessions. Mr. Randall supplied three business references and positive responses were received from all three.

The proposed contract mirrors the details presented in the RFP and also includes an appendix to the agreement, the Concession Facility Inspection Checklist, for the concessionaire to fill out prior to their use of the facility.

Alderman Olivarri moved to authorize Mayor Lyons to execute the contract for concession services with 32 Concessions as recommended. Alderman Farmer seconded the motion which was voted on and passed.

Mayor Lyons acknowledged Dr. Charles Peterson and asked him to introduce the Boy Scouts accompanying him. Dr. Peterson introduced Kaleb LaRue, Adam Eaton and Jake Ogden all of whom are working towards their Eagle Scout badge.

Communications from Board Members. None.

Staff Communications.

Park Manager. Park Manager Brian Willey reported that the park is being utilized every night.

Engineering Department. City Engineer Nick Edelman expressed his appreciation to Building Official Ron White for volunteering his staff to conduct the inspections on the Highway 54 Sidewalk Project.

Public Works. Superintendent of Public Works announced that the street sweeper will be out sweeping the streets next week.

Airport Manager. Airport Manger Budd Hyde expressed his appreciation for the opportunity to attend the State Aviation Day last week in Jefferson City.

Executive Session.

Alderman Olivarri moved to close the meeting pursuant to 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 Gasper seconded the motion. The following roll call vote was taken to close the meeting: "Ayes": Alderman Farmer, Alderman Gasper, Alderman Kahrs, Alderman Schmitt, Alderman Olivarri. "Nays": None. "Absent": Alderman Rucker. The meeting was therefore closed.

CLOSED SESSION

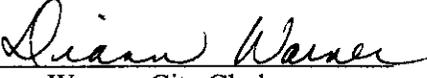
Alderman Kahrs moved to open the meeting. Alderman Olivarri seconded the motion. The following roll call vote was taken to open the meeting: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Gasper, Alderman Schmitt, Alderman Kahrs. "Nays": None. "Absent": Alderman Rucker. The meeting

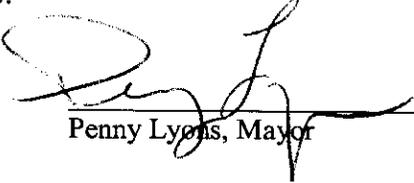
was therefore opened.

No announcements were made following closed session.

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 April 1, 2010.


Diann Warner, City Clerk


Penny Lyons, Mayor

000007

**CITY OF OSAGE BEACH
BILLS LIST
April 1, 2010**

Bills Paid Prior to Board Meeting	84,782.65
Payroll Paid Prior to Board Meeting	126,450.51
SRF Transfer Prior to Board Meeting	217,354.10
TIF Transfer Prior to Board Meeting	146,715.94
TIF Pilots Transfer Prior to Board Meeting	0.00
Bills Pending Board Approval	387,804.55
Total Expenses	<u>963,107.75</u>

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			000008	
NON-DEPARTMENTAL	General Fund	FAMILY SUPPORT PAYMENT CENTER	Case# 26v050500201	367.38
		MO DEPT OF REVENUE	State Withholding	4,119.00
		INTERNAL REVENUE SERVICE	Fed WH	11,274.79
			FICA	7,496.02
			Medicare	1,753.11
		CENTIER BANK	Savings Bonds	140.40
		PRE PAID LEGAL SERVICES INC	ADJUST PAYROLL DEDUCTIONS	0.04
			Pre-Paid Legal Premiums	94.74
			Pre-Paid Legal Premiums	94.74
		ICMA	Retirement 457 &	846.42
			Retirement 457	2,023.50
			Loan Repayments	937.56
			Loan Repayments	566.80
			401 Loan Payment	172.34
			401 Loan Payment	147.56
			Retirement Roth IRA	155.00
		ONE TIME VENDOR CITY GRILL	Cash Refund:02 -01	324.50
			Bond Refund:080778825-01	200.00
			Bond Refund:080778825-01	200.00
			Bond Refund:080778825-01	200.00
			TOTAL:	30,713.82
Mayor & Board	General Fund	INTERNAL REVENUE SERVICE	FICA	132.77
			Medicare	31.08
		ICMA	Retirement 401	102.50
		OLIVARRI, JOHN	MILEAGE REIMB	53.50
		BANKCARD CENTER 5569	FLOWERS - WEBB	50.00
			TOTAL:	369.85
Collector	General Fund	INTERNAL REVENUE SERVICE	FICA	12.76
			Medicare	2.98
			TOTAL:	15.74
City Administrator	General Fund	INTERNAL REVENUE SERVICE	FICA	397.07
			Medicare	92.86
		ICMA	Retirement 401	394.67
			TOTAL:	884.60
City Clerk	General Fund	INTERNAL REVENUE SERVICE	FICA	498.93
			Medicare	116.69
		ICMA	Retirement 401	478.75
			TOTAL:	1,094.37
City Treasurer	General Fund	INTERNAL REVENUE SERVICE	FICA	437.51
			Medicare	102.32
		ICMA	Retirement 401	449.18
			TOTAL:	989.01
Municipal Court	General Fund	INTERNAL REVENUE SERVICE	FICA	91.55
			Medicare	21.41
		ICMA	Retirement 401	92.76
			TOTAL:	205.72
City Attorney	General Fund	INTERNAL REVENUE SERVICE	FICA	272.58
			Medicare	63.75
		ICMA	Retirement 401	263.79

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	000009	AMOUNT
				TOTAL:	600.12
Building Inspection	General Fund	INTERNAL REVENUE SERVICE	FICA		398.81
			Medicare		93.28
		ICMA	Retirement 401		395.28
			TOTAL:		887.37
Building Maintenance	General Fund	AT & T/CITY HALL	MAR PHONE SERVICE		1,595.12
			TOTAL:		1,595.12
Parks	General Fund	AMEREN UE	CITY PARK #2 DISPLAY A		767.39
		INTERNAL REVENUE SERVICE	FICA		294.53
			Medicare		68.88
		ICMA	Retirement 401		253.88
		WILLEY, BRIAN	REIMB - PARK BENCH		76.00
			TOTAL:		1,460.68
Human Resources	General Fund	BANKCARD CENTER 3333	FITNESS CENTER		744.21
		WELTY, MIKE	TUITION REIMB - WELTY		990.00
		INTERNAL REVENUE SERVICE	FICA		106.18
			Medicare		24.83
		LEIGH, CINDY	TUITION REIMB - C LEIGH		990.00
		ICMA	Retirement 401		113.98
		HUTZLER, MICHAEL	TUITION REIMB - HUTZLER		495.00
		LEIGH, AUDREY	APPRECIATION DINNER PHOTOS		34.54
			TOTAL:		3,498.74
Police	General Fund	INTERNAL REVENUE SERVICE	FICA		3,029.77
			Medicare		708.56
		ICMA	Retirement 401		3,032.26
		MO STATE AGENCY FOR SURPLUS	COPIERS		25.00
			TOTAL:		6,795.59
911 Center	General Fund	INTERNAL REVENUE SERVICE	FICA		768.06
			Medicare		179.63
		ICMA	Retirement 401		770.69
			TOTAL:		1,718.38
Planning	General Fund	BANKCARD CENTER 3333	VEHICLE REPAIR		41.95
		INTERNAL REVENUE SERVICE	FICA		296.32
			Medicare		69.29
		ICMA	Retirement 401		289.14
			TOTAL:		696.70
Engineering	General Fund	INTERNAL REVENUE SERVICE	FICA		473.98
			Medicare		110.85
		ICMA	Retirement 401		466.08
			TOTAL:		1,050.91
Information Technology	General Fund	INTERNAL REVENUE SERVICE	FICA		285.20
			Medicare		66.70
		ICMA	Retirement 401		277.66
		AT&T INTERNET/IP SERVICES	FEB SERVICE		836.60
		AT & T /EMSGTWY_SBC	FEB SERVICE		369.45
		CELLCO PARTNERSHIP	CAMERA TRAILER ACCESS		219.29
			TOTAL:		2,054.90

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	000010	AMOUNT
Economic Development	General Fund	POSTMASTER	APR/MAY/JUN DIRECT CONNECT		699.33
			TOTAL:		699.33
NON-DEPARTMENTAL	Transportation	MO DEPT OF REVENUE	State Withholding		366.84
		INTERNAL REVENUE SERVICE	Fed WH		873.65
			FICA		712.19
			Medicare		166.55
		ICMA	Retirement 457		50.00
			Retirement Roth IRA		79.13
			TOTAL:		2,248.36
Transportation	Transportation	AMEREN UE	STREET LIGHTING		2,879.75
			STREET LIGHTING		847.95
		HAYES, DAVE	MILEAGE REIMB 03/03-03/09/		2.00
		INTERNAL REVENUE SERVICE	FICA		712.19
			Medicare		166.55
		ICMA	Retirement 401		708.95
			TOTAL:		5,317.39
NON-DEPARTMENTAL	Water Fund	MO DEPT OF REVENUE	State Withholding		225.02
		INTERNAL REVENUE SERVICE	Fed WH		561.25
			FICA		456.19
			Medicare		106.68
		CENTIER BANK	Savings Bonds		26.93
		PRE PAID LEGAL SERVICES INC	Pre-Paid Legal Premiums		20.45
			Pre-Paid Legal Premiums		20.45
		ICMA	Retirement 457		5.00
			Loan Repayments		101.70
			Loan Repayments		153.06
			401 Loan Payment		64.32
			401 Loan Payment		75.98
			Retirement Roth IRA		80.34
		CAMDEN COURT	Case #09CM-AC00052		106.89
		CAMDEN COUNTY RECORDER OF DEEDS	WATER LIEN		12.50
			WATER LIEN		14.50
		ONE TIME VENDOR CENTRAL BANK OF LAKE	05-1720-01		6.89
			TOTAL:		2,038.15
Water	Water Fund	AMEREN UE	LK RD 54-59 WELL #2		968.75
			SWISS VILLAGE WELL		1,159.97
		AMEREN UE	BLUFF RD WATER TOWER		463.76
			COLLEGE WELL BEHIND CHURCH		135.21
		RICHARDS, RON	MILEAGE REIMB 01/28 & 02/2		40.80
		INTERNAL REVENUE SERVICE	FICA		456.19
			Medicare		106.69
		ICMA	Retirement 401		465.12
		BRIZENDINE, TERRY	MILEAGE REIMB 03/10-03/16/		4.00
			TOTAL:		3,800.49
NON-DEPARTMENTAL	Sewer Fund	MO DEPT OF REVENUE	State Withholding		351.14
		INTERNAL REVENUE SERVICE	Fed WH		961.07
			FICA		675.13
			Medicare		157.90
		PRE PAID LEGAL SERVICES INC	Pre-Paid Legal Premiums		42.38
			Pre-Paid Legal Premiums		42.38
		ICMA	Retirement 457		25.00

000011

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Loan Repayments	177.91
			Loan Repayments	100.91
			401 Loan Payment	155.03
			401 Loan Payment	26.45
			Retirement Roth IRA	80.53
		CAMDEN COURT	Case #09CM-SC00020	149.19
			Case No. 08CM-AC00292	147.11
		CAMDEN COUNTY RECORDER OF DEEDS	SEWER LIEN	12.50
			SEWER LIEN	14.50
			TOTAL:	3,119.13
Sewer	Sewer Fund	AMEREN UE	GRINDER PUMPS & LIFT STATI	3,083.36
		INTERNAL REVENUE SERVICE	FICA	675.13
			Medicare	157.89
		PARKER, CLINTON	MILEAGE REIMB 03/03-03/09/	30.00
		ICMA	Retirement 401	675.59
		MCELROY, SHAWN	MILEAGE RIEMB 03/03-03/16/	29.20
			TOTAL:	4,651.17
NON-DEPARTMENTAL	Ambulance Fund	FAMILY SUPPORT PAYMENT CENTER	Case# 51055306	209.54
		MO DEPT OF REVENUE	State Withholding	395.00
		INTERNAL REVENUE SERVICE	Fed WH	1,085.38
			FICA	754.98
			Medicare	176.58
		CENTIER BANK	Savings Bonds	23.08
		PRE PAID LEGAL SERVICES INC	Pre-Paid Legal Premiums	16.95
			Pre-Paid Legal Premiums	16.95
		ICMA	Retirement 457 &	280.05
			Retirement 457	100.00
			Loan Repayments	206.85
			TOTAL:	3,265.36
Ambulance	Ambulance Fund	INTERNAL REVENUE SERVICE	FICA	754.98
			Medicare	176.58
		ICMA	Retirement 401	545.30
			TOTAL:	1,476.86
NON-DEPARTMENTAL	Lee C. Fine Airpor	MO DEPT OF REVENUE	State Withholding	109.00
		INTERNAL REVENUE SERVICE	Fed WH	308.58
			FICA	262.30
			Medicare	61.35
		ICMA	Retirement 457 &	103.91
			TOTAL:	845.14
Lee C. Fine Airport	Lee C. Fine Airpor	AMEREN UE	LO STATE PARK LOCALZR	70.40
			AIRPORT FIREHOUSE	197.35
			LCF AIRPORT HANGAR	227.71
			LCF AIRPORT HANGAR	46.16
		INTERNAL REVENUE SERVICE	FICA	262.30
			Medicare	61.35
		ICMA	Retirement 401	248.00
		MO PILOTS' ASSOCIATION	MO STATE AVIATN DAY SPONSR	100.00
			TOTAL:	1,213.27
NON-DEPARTMENTAL	Grand Glaize Airpo	MO DEPT OF REVENUE	State Withholding	69.00
		INTERNAL REVENUE SERVICE	Fed WH	139.15

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
				000012
			FICA	187.29
			Medicare	43.80
		ICMA	Retirement 457 &	69.27
			TOTAL:	508.51
Grand Glaize Airport	Grand Glaize Airpo	AMEREN UE	GG AIRPORT HANGAR	37.57
			GG AIRPORT HANGAR	9.18
			AIRPORT RD HWY 54	269.59
			GG AIRPORT SHOP	69.34
			GRAND GLAIZE AIRPORT	8.40
			TBLC EXT D GG AIRPORT	19.73
			GG AIRPORT SLEEPY	36.34
		INTERNAL REVENUE SERVICE	FICA	187.29
			Medicare	43.80
		ICMA	Retirement 401	186.63
		MO PILOTS' ASSOCIATION	MO STATE AVIATN DAY SPONSR	100.00
			TOTAL:	967.87

----- FUND TOTALS -----		
10	General Fund	55,330.95
20	Transportation	7,565.75
30	Water Fund	5,838.64
35	Sewer Fund	7,770.30
40	Ambulance Fund	4,742.22
45	Lee C. Fine Airport Fund	2,058.41
47	Grand Glaize Airport Fund	1,476.38

GRAND TOTAL:		84,782.65

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	000013	AMOUNT
Mayor & Board	General Fund	HY-VEE FOOD & DRUG STORES INC CUSTOMIZED PROMOTIONAL PRODUCTS	COOKIES & DRINKS		53.57
			PICNIC BLANKETS		629.00
			TOTAL:		682.57
City Administrator	General Fund	STAPLES BUSINESS ADVANTAGE	45X53 WIDE LIP ECONOMY MAT		79.98
			AAG MTH APPTBK 9X11, LEAD		18.04
			TOTAL:		98.02
City Clerk	General Fund	MO DEPT OF REVENUE	FEB SALES TAX REPORT		35.00
			TOTAL:		35.00
Municipal Court	General Fund	UNIVERSITY OF MISSOURI DATA COMM INC	MACA PROFESSIONAL DEV - EI		200.00
			XSTAMPER INK PAD		9.75
			TOTAL:		209.75
Building Inspection	General Fund	FLEET ONE INTL ASSOC ELECT INSPECTOR	BLDG DEPT FUEL		41.35
			IAEI MEMBERSHIP - ALTON		102.00
			TOTAL:		143.35
Building Maintenance	General Fund	ECO-PEST ELECTRONICS UNLIMITED GB MAINTENANCE SUPPLY CED PHILLIPS & CO SHANNON PAINTER DBA B & H CLEANING HIGH BROTHERS LUMBER CO COMFORT CARE GEO-ENTERPRISES, INC UNIFIRST CORPORATION	PEST CONTROL		42.00
			TELEPHONE CABLE, CONN, PLA		1,145.89
			CHECK DOORS, PHONE & DATA,		113.75
			TOWELS, TRASH CAN LINERS		170.35
			HID LAMPS - 64417		56.46
			02/23-03/23/10 CLEANING SE		1,541.67
			CTN RADAR ILLUSION 2/24		455.90
			AMBULANCE AREA DRYER VENT		546.00
			HEAT/COOLING SYSTEM REPAIR		2,128.37
			CITY HALL SHOE SCRAPER		10.50
			CITY HALL FLOOR MATS		21.50
			CITY HALL SHOE SCRAPER		10.50
			CITY HALL FLOOR MATS		22.36
			CITY HALL FLOOR MATS		22.36
			TOTAL:		6,287.61
Parks	General Fund	WOODS LAWN & GARDEN MEEKS BUILDING CENTER FLEET ONE AMERICAN STAMP & MARKING PROD INC MOTOR HUT O'REILLY AUTO PARTS LAKE SUN LEADER 81525 & 1586450	WHEEL KIT		44.50
			PROPANE CYLINDER		6.98
			COIL CHAINS, CLEVIS HOOKS		67.08
			DUST MASK		3.29
			LEADFREE SOLDER KIT		17.49
			COPPER PIPE, CAPS, ELBWS,		32.38
			TUBING CUTTER		9.29
			ADHESIVE		3.49
			FLOOD BULB		8.79
			PARKS FUEL		126.04
			PARKS FUEL		115.89
			SLIMLINE INSERT		24.61
			FILTER		5.00
			MINI LAMP		1.80
			SANDING RLS		3.47
			FUEL FILTER		2.62
			AIR, OIL, FUEL FILTERS; OI		50.48
FUEL HOSE & CLAMP, CARB CL		8.10			
SPRK PLUGS, GAP & FEELR GA		11.46			
STR FLUID		5.38			
CONCESSION SERVICES BID		103.50			

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			000014	
		SHERWIN-WILLIAMS	SHERSTRIPE ATH WHTWB	39.48
		HD SUPPLY WATERWORKS LTD	BLUE FLAGGING TAPE	22.80
		APAC MO INC	MASON SAND	336.50
		CARD SERVICES 4091	HITCH PINS	7.98
		UNIFIRST CORPORATION	PARK DEPT UNIFORMS	9.02
			PARK DEPT UNIFORMS	9.38
			PARK DEPT UNIFORMS	9.38
		GILSON COMPANY INC	AIR BLEEDER VALVE GASKET	24.62
			TOTAL:	1,110.80
Human Resources	General Fund	OCCUPATIONAL MEDICINE CLINIC	DOT PHYSICALS	110.00
			TOTAL:	110.00
Overhead	General Fund	STAPLES BUSINESS ADVANTAGE	BLUE PAPER	35.95
		HY-VEE FOOD & DRUG STORES INC	AMOX TR-K CLV	32.99
		LAKE REGIONAL HEALTH SYSTEM	WORKERS COMPENSATION	683.18
		STAPLES ADVANTAGE	ENVELOPES, RVL N SEAL	130.85
			LETTER OPENER	1.10
		LAKE OF THE OZARKS RADIOLOGY	WORKERS COMPENSATION	35.00
			TOTAL:	919.07
Police	General Fund	WALMART COMMUNITY BRC	WORKPANT, LUNCH BAGS	27.44
		EWERS TIRES INC	4 TIRES PD33	634.56
		RP LUMBER INC	TRTD STAND,SCREWS, BITS, H	27.04
		FLEET ONE	PUBLIC SAFETY FUEL	975.59
			PUBLIC SAFETY CAR WASH	58.00
			PUBLIC SAFETY FUEL	1,045.10
			PUBLIC SAFETY CAR WASH	54.00
		AMERICAN STAMP & MARKING PROD INC	SLIMLINE INSERT	22.61
		STAPLES BUSINESS ADVANTAGE	CARD READERS, PENS KEY TAG	103.72
		LARRY'S LAKESIDE AUTO REPAIR INC	OIL CHG, TRANS SERV PD 34	170.65
			OIL CHG, SERV TRANS PD19	113.07
			OIL CHG, A/T FLUID PD32	147.88
			OIL CHANGE AB8 N8U	36.28
			MOUNT, BALANCE, DISPOSE PD	59.06
			OIL CHG, ROTATE TIRES PD23	53.42
			MOUNT, BALANCE, DISPOSE PD	23.53
		PETCO	DOG FOOD	47.99
		SOUTHERN UNIFORM & EQUIPMENT	UNIFORMS	2,079.59
			HOLSTRS, BLT, CUFF/MACE CA	1,242.96
		STAPLES ADVANTAGE	MARKRS, PAPER, TAPE, TONER	250.33
			TOTAL:	7,172.82
911 Center	General Fund	STAPLES ADVANTAGE	PRINT CARTRIDGE	130.47
			TOTAL:	130.47
Planning	General Fund	FLEET ONE	PLANNING FUEL	67.07
			TOTAL:	67.07
Engineering	General Fund	QUILL	HP INK COMBO PACK RETURNED	24.59
			HP INK COMBO PACK	52.19
			QB LITERATURE MAILERS BIND	88.00
		FLEET ONE	CITY ENG FUEL	110.17
			CITY ENG FUEL	38.90
		AMERICAN STAMP & MARKING PROD INC	SLIMLINE INSERT	17.10
		STAPLES BUSINESS ADVANTAGE	BROTHER RIBBON & CORRECTN	18.50

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
				000015
				TOTAL: 300.27
Information Technology	General Fund	WORLD WIDE TECHNOLOGY, INC	PRINTER REPAIR	125.00
		STAPLES BUSINESS ADVANTAGE	SONY 100 PK DVD+R	59.08
		LAKE SUN LEADER 81525 & 1586450	WEBSITE DEVELOPMENT BID	99.00
				TOTAL: 283.08
Emergency Management	General Fund	FLEET ONE	EMER MNGT FUEL	30.43
		OUTDOOR WARNING CONSULTING LLC	TOPSIDER - BATTERIES INSTA	695.00
		WOODSON, GARY	CONF MEALS - WOODSON	150.00
		RADISSON HOTEL	EMERGENCY MGMT CONF-WOODSO	358.80
				TOTAL: 1,234.23
Economic Development	General Fund	GILMORE & BELL	PROF SERVICE HIGH PT CTR T	11,043.75
		JOY A HOWARD DBA	HIGH PT TIF ADVISORY SERV	225.00
				TOTAL: 11,268.75
Transportation	Transportation	USA BLUE BOOK	LIME MESH VEST	19.50
			SCRUBS IN-A-BUCKET	51.99
		PURCELL TIRE CO	PASS FRONT FLAT REPAIR #53	20.80
		MEEKS BUILDING CENTER	QUIKRETE, CEMENT	71.32
		FLEET ONE	TRANS FUEL	272.33
			TRANS FUEL	510.96
		GB MAINTENANCE SUPPLY	TALL TRASH CAN LINERS	17.67
		ALLEN SURVEYING INC	HARBOR HEIGHTS SUBDIVISION	300.00
		HDR INC	STREET LIGHTING ONE-WAY CO	1,040.63
		NORTHERN SAFETY CO INC	WASP SPRAY, IBUPROFEN, GLO	27.90
		O'REILLY AUTO PARTS	STOP LEAK	9.99
			ADDITIVE, HYDRIL OIL	55.97
		LEHMAN CONSTRUCTION CO LLC	OB09031 HWY 54 SIDEWALK	81,117.54
		CED PHILLIPS & CO	DETECTOR-NC-50-1---V	15.23
		UNIFIRST CORPORATION	STREET DEPT UNIFORMS	30.08
			STREET DEPT FLOOR MATS	5.00
			STREET DEPT UNIFORMS	30.08
			STREET DEPT FLOOR MATS	5.00
				TOTAL: 83,601.99
Water	Water Fund	EZARD'S ACE HARDWARE	SCRUBR, BRASSO, SOS	8.57
			SPRAY PAINT	21.63
			SPRAY PAINT	10.47
			TIEDOWN TARP STRAP, HAND T	10.75
			HARDWARE	23.88
		FLEET ONE	WATER FUEL	252.50
			WATER FUEL	184.56
		HDR INC	WATER MASTER PLAN	46.03
		HACH CO	FLUORIDE, REAGENT	358.49
		MO ONE CALL SYSTEM INC	LOCATES	42.25
		SCHULTE SUPPLY INC	METER INTERFACE UNITS	1,609.20
			METER INTERFACE UNITS	1,609.20
		NORTHERN SAFETY CO INC	WASP SPRAY, IBUPROFEN, GLO	27.90
		O'REILLY AUTO PARTS	STOP/TAIL LIGHTS	11.00
			BALL MOUNT	24.99
		PRAIRIEFIRE COFFEE & ROASTERS	RENTAL FEE	35.00
		APAC MO INC	1" CLEAN	224.14
		UNIFIRST CORPORATION	WATER DEPT UNIFORMS	18.81
			WATER DEPT FLOOR MATS	5.00

000016

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			WATER DEPT UNIFORMS	18.81
			WATER DEPT FLOOR MATS	5.00
			TOTAL:	4,548.18
Sewer	Sewer Fund	USA BLUE BOOK	SCRUBS IN-A-BUCKET	51.99
		QUILL	POST-IT BOARD	19.01
		EZARD'S ACE HARDWARE	WD-40, SAWZAL BLADES	69.94
			CONCRETE FOR METER POST	10.98
			PLUMBING SUPPLIES	1.56
		RP LUMBER INC	PREMIX CONCRETE - TTA ESTA	11.97
			PREMIX CONCRETE	39.90
		FLEET ONE	SEWER FUEL	416.06
			SEWER FUEL	324.30
		HDR INC	SEWER MASTER PLAN	106.87
			AE OB05-024 AIRPORT/W SIDE	3,892.00
		MO ONE CALL SYSTEM INC	LOCATES	42.25
		MUNICIPAL EQUIPMENT CO	GRINDER PUMPS	105,552.50
		NORTHERN SAFETY CO INC	WASP SPRAY, IBUPROFEN, GLO	27.90
		O'REILLY AUTO PARTS	WIPES, WASHR SOLV, BCK-UP	23.82
			.85oz PLSTWLD	4.99
			HOSE CLAMP, FUEL HOSE & FI	32.45
			FUEL FILTER	5.57
			HOSE CLAMP	2.70
		OCCUPATIONAL MEDICINE CLINIC	WORKERS COMPENSATION	610.39
			WORKERS COMPENSATION	95.00
		CED PHILLIPS & CO	2-1/2X2 REDUCER WASHERS	9.09
		LAKE OZARK-OSAGE BEACH JOINT SEWER PLA	FEB PLANT OPERATIONS	30,461.17
			FEB PLANT EXPANSION	1,841.00
		HD SUPPLY WATERWORKS LTD	PVC, BRASS NIPPLES	66.34
			BRASS NIPPLES	130.40
		JCI	PUMP REPAIR #0110486	1,487.00
			PUMP REPAIR #011048	1,487.00
			PUMP REPAIR #0196541	1,487.00
			PUMP REPAIR #0164239	995.00
			PUMP REPAIR #0110584	995.00
			PUMP REPAIR #0212497	995.00
			PUMP REPAIR #0241500	995.00
			PUMP REPAIR #0164262	995.00
			PUMP REPAIR #60388	995.00
			PUMP REPAIR #018760	995.00
			PUMP REPAIR #0242034	995.00
			PUMP REPAIR #0113501	995.00
			PUMP REPAIR #0110477	1,487.00
		UNIFIRST CORPORATION	SEWER DEPT UNIFORMS	33.11
			SEWER DEPT FLOOR MATS	4.99
			SEWER DEPT UNIFORMS	37.40
			SEWER DEPT FLOOR MATS	4.99
		HUTCHINS TELECOM LLC	OB10-002 SANDS LIFT STATN	77,900.20
		LARC CONTRACTING LLC	OB10-008 GP 15 RELOCATION	9,206.43
			TOTAL:	245,940.27
Ambulance	Ambulance Fund	WALMART COMMUNTIY BRC	PUREX, DAWN, LYSOL, COFFEE	67.97
			SPOT SHOT, RESOLVE, LIGHT	8.74
		FLEET ONE	AMB FUEL	46.23
			AMB FUEL	47.89
		GRELLNER SALES & SERVICE INC	WATER & COOLER RENTAL	65.80

000017

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		HY-VEE FOOD & DRUG STORES INC	IBUPROFEN	10.00
		ALLMED	MEDICAL SUPPLIES RETURNED	93.90-
			RETURNING EXPIRED MEDS	1.80-
			MEDICAL SUPPLIES	182.19
			MEDICAL SUPPLIES	387.40
			MEDICAL SUPPLIES	131.67
			MEDICAL SUPPLIES	253.60
		JOSEPH W DAVENPORT	INSTALL GE-10 RO FILTER, C	346.00
		KING, DR ROBERT D	MAR MEDICAL DIRECTOR SERVI	1,000.00
		NATIONAL PHARMACEUTICAL RETURNS INC	DRUG DISPOSAL	141.00
		STERICYCLE INC	BIOHAZARD DISPOSAL MONTHLY	35.87
			TOTAL:	2,628.66
Lee C. Fine Airport	Lee C. Fine Airpor	PURCELL TIRE CO	FLAT REPAIR	30.50
		FLEET ONE	LCF FUEL	45.88
		NAEGLER OIL CO	SATELLITE EQUIP CONNECTION	45.50
			JETA FUEL	19,647.21
		PREFERRED AUTO RENTAL	FEB COURTESY CAR	35.00
		CBA LIGHTING & CONTROLS, INC	LAMPS 45W 6.6A INCAND - G	181.50
		FLYING	FLYING MAGAZINE	20.00
		VAISALA INC	MAR NAVAID EQUIP MAINT FEE	800.00
			TOTAL:	20,805.59
Grand Glaize Airport	Grand Glaize Airpo	NAEGLER OIL CO	SATELLITE EQUIP CONNECTION	45.50
		CBA LIGHTING & CONTROLS, INC	LAMPS 45W 6.6A INCAND - G	181.50
			TOTAL:	227.00

===== FUND TOTALS =====

10	General Fund	30,052.86
20	Transportation	83,601.99
30	Water Fund	4,548.18
35	Sewer Fund	245,940.27
40	Ambulance Fund	2,628.66
45	Lee C. Fine Airport Fund	20,805.59
47	Grand Glaize Airport Fund	227.00
GRAND TOTAL:		387,804.55

Submission Date: March 22, 2010
Submitted By: Planning Commission
Board Meeting Date: April 1, 2010

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Cases 352, 353, 354. Request for Special Use Permit for a Communication Tower equipment replacement. AT&T is requesting Special Use Permits to replace communication hardware on three existing towers, located at the Osage Beach Water Tower on Passover Road (Case 352), the Osage Beach Fire Protection Building at 1170 Bluff Drive (Case 353), and 5715 Highway 54 KRMS (Case 354) to provide 3G coverage in the Lake Area.

Names of Persons, Businesses, Organizations affected by this action:

The applicant and adjacent property owners.

Why is Board Action Required?

Section 405.410 of the Osage Beach zoning code requires a Special Use Permit for communication towers.

Type of Action Requested (Ordinance, Resolution, Motion):

Motion to approve as recommended with the following conditions:

See the enclosed letters from the City's consultant.

Are there any deadlines associated with this action?

No, but the applicant does wish to get the facility on line as soon as possible.

Consultant Comments and Recommendation:

See letter enclosed from the consultant: the City's consultant reported to the Planning Commission at their meeting that the requested co-location was in compliance with both the Federal and City regulations for cellular facilities. The consultant recommended approval of these requests with the conditions listed on the individual letters enclosed within the packet.

Planning Commission Recommendation:

The Planning Commission recommends approval subject to the conditions recommended by the City's consultant.

City Administrator Comments and Recommendation:

Concur with the recommendation of the City's consultant, the City Planner and the Planning Commission.

000020

THE CENTER FOR MUNICIPAL SOLUTIONS

518-439-3079 70 CAMBRIDGE ROAD GLENMONT, NEW YORK 12077 FAX: 518-478-0909

February 25, 2010

Mr. Cary Patterson
City Planner
City of Osage Beach
1000 City Parkway
Osage Beach, MO 65065

(Via regular mail and email)

RE: Special Use Permit Application-Osage Beach MO ATT Otis Dr & Trails End Ct MOD (MO 3617)

Dear Mr. Patterson:

We received and reviewed the above-referenced application, initially submitted on February 8, 2010. Subsequent to that initial review, we responded to the applicant on February 15, 2010 that the application was incomplete and not ready for submission to the Planning and Zoning Commission. A telephone call was undertaken between Dan Lang and the applicant on February 17 to clarify issues contained in the February 15 letter.

On February 19, 2010 we received via FedEx Express, a package of supplemental materials in response to the February 15 letter, and telephone call. We reviewed this supplemental material and find it to be complete and responsive to our earlier comments.

We therefore now find the Application to be complete and ready for submission to the Planning and Zoning Commission for their consideration.

In the event that the Special Use Permit is granted, we recommend that it be subject to the following conditions being met prior to issuance of a Building Permit and start of construction:

1. Applicant to submit the required Performance Security/Removal Bond.
2. Applicant shall have sufficient funds in the escrow account with the City to pay all expenses related to the site review and the issuance of permits.
3. That applicable liability insurance will be provided.
4. That a Geotechnical Report be provided in order to verify the structural adequacy of the water tank.
5. That a copy of the site survey will be provided.

Based upon our previous teleconference call it is understood that the applicant will provide twenty-two (22) copies of the Final Application to you for distribution to the Planning and Zoning Commission, and the Board of Aldermen. One additional copy will be provided to Dick Comi at CMS, and one copy to Dan Lang. We understand that the next meeting of the Planning and Zoning Commission is scheduled for March 9, 2010 and the Board of Aldermen meeting is scheduled for April 1, 2010. A representative of CMS will be in attendance at each of those meetings.

If you should have any questions, please contact me at (518) 439-3079 or Dan Lang at (636) 625-2465.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard A. Comi', with a small mark resembling a '7' to the right.

Richard A. Comi
CMS

Cc: Laurie Jakes (Via regular mail and email)
Dan Lang (Via email)



February 23, 2010

City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065

RE: New Cingular Wireless PCS, LLC ("AT&T") Application for Modification to Existing Special Use Permit ("Application") 163 +/- foot Water Tank with Wireless Communications Facility installation. Parcel ID: 086.013.0000.0002010.000; Lot 2-2nd amendment plat – Parkview Bay Subdivision, Osage Beach, MO (MO3617 Pawhuska Township)

Dear Mr. Patterson:

This letter is submitted in support of the above-referenced Application for AT&T's planned modification of a wireless communications facility ("Facility") on the above-referenced City Owned Water Tank. This letter provides answers to Ordinance No. 07.26 Sections 8 – 33.

Section 8. Special Use Permit Application and Other Requirements

Sections A – D.

Response: N/A

E) An Application for a Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.

Response: I, Laurie Jakes, completed this application and to the best of my knowledge the information contained herewith is accurate and complete.

F) The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.

Response: Please see Exhibit A – Tower Attachment Lease Agreement. Per paragraph 1. Property. Lessor (the City) grants Lessee (AT&T) permission to install, maintain, operate and remove radio communications equipment and appurtenances on Lessor's Water Tower.



G) The Applicant shall include a statement in writing:

1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations;

2) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

Response: Please see Exhibit B.

H) Where a certification is called for in this Ordinance, such certification shall bear the signature and seal of a Professional Engineer licensed in the State

Response: AT&T acknowledges this requirement and will comply.

I) In addition to all other required information as stated in this ordinance, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.

1) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;

Response: AT&T is proposing to modify the existing equipment on the tower (including but not limited to antennas, TMA's and coax) for the purpose of adding additional frequencies and expand the coverage of the 3G network.

2) Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, include an analysis of current and projected usage;

Response: AT&T is not "expanding" its coverage area with the proposed upgrades.

3) The Name, address and phone number of the person preparing the report;

Response: Laurie Jakes Black & Veatch 10950 Grandview Dr T-3 Overland Park, KS 66210 913-850-8413

4) The Name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different than the applicant, provide name and address of the tower owner;



**Response: City of Osage Beach, 1000 City Parkway, Osage Beach, MO 65065
573-302-2030**

5) The Postal address and tax map parcel number of the property;

**Response: Parcel ID: 086.013.0000.0002010.000
Per the City, there is no postal address assigned to this location
Lot 2-2nd amendment plat – Parkview Bay Subdivision, Osage Beach, MO**

6) The Zoning District or designation in which the property is situated;

Response: C-1 General Commercial

7) Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;

Response: There is approximately 5,000 sq ft of property and 325 sq ft for the leased area inside the fenced compound. AT&T has requested that a new survey be done of the property. AT&T will provide a copy of the survey prior to the issuance of the Building Permit.

8) The location of nearest residential structure;

Response: There are several residential structures (Parkview Bay Condominium Complex) surrounding this water tower, the closest being approximately 500 feet to the SE.

9) The location, size and height of all existing and proposed structures on the property which is the subject of the Application;

Response: Please see CD's.

10) The type, locations and dimensions of all proposed and existing landscaping, and fencing;

Response: Please see CD's. Per the Site Walk there is no additional landscaping that needs to be done at this location.

11) The azimuth, size and center line height location of all proposed and existing antennae on the supporting structure;

Response: Please see CD's.

12) The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;

Response: Please see CD's and Exhibit C for specification sheets.



13) The make, model, type and manufacturer of the Tower and design plan stating the tower's capacity to accommodate multiple users;

Response: AT&T has requested this information from the City and has not received to date. AT&T will be gathering this information during the structural analysis and will present to the City prior to the issuance of the Building Permit.

14) A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;

Response: Please see CD's

15) The frequency, modulation and class of service of radio or other transmitting equipment;

Response: Please see Exhibit D

16) The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;

Response: Please see Exhibit D

17) Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;

Response: Per our review of "A Government Officials Guide to Transmitting Antenna RF Emissions Safety, Rules, Procedures and Practical Guidance", this water tank telecommunications facility is Categorically Excluded. Please see Exhibit E.

18) A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;

Response: Please see Exhibit F

19) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;

Response: Please see Exhibit G

20) A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing tower site and if existing tower or water tank site, a copy of the installed foundation design.



Response: There will be no change in the soil conditions on the site as a result of the proposed modification. AT&T has requested that a new geotechnical report be completed at the site and will provide a copy to the City prior to the issuance of the Building Permit. Exhibit H

J) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines, that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

Response: There will be no increase in the height of the Tower.

K) Application for New Tower

Response: N/A

L) The Applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, City, State and Federal structural requirements for loads, including wind and ice loads.

Response: Please see Exhibit I – Structural Analysis. AT&T has requested that a revised structural analysis be performed. AT&T will provide a copy to the City prior to the issuance of the Special Use permit. Exhibit I

M) If proposal is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.

Response: Per discussions with the City, the ANSI report is not applicable for the Water Tank.

N) All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to be the least visually intrusive reasonably possible, given the facts and circumstances involved and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facility.

Response: AT&T has determined that modifications to the existing site are the least visually obtrusive.



O) If a new tower, proposal for a new antenna attachment to an existing structure, or modification adding to a visual impact, the Applicant shall furnish a Visual Impact Assessment, which shall include:

1) If a new tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.

Response: N/A

2) Pictorial representations of "before and after" (photo simulations) views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.

Response: There will no discernable visual impact from any vantage point. Please see Exhibit J – antenna photo.

3) A written description of the visual impact of the proposed facility including and as applicable the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

Response: There will be no additional visual impact to abutting properties and per the Site Walk there is no additional landscaping that needs to be done at this location.

P) The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.

Response: Please see CD's. Per the Site Walk there is no additional landscaping that needs to be done at this location.

Q) The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the City.

Response: N/A

R) All utilities at a Wireless Telecommunications Facilities site shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.



Response: No changes to the utilities will be required.

S) At a Telecommunications Site, an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

Response: No change to the site access or turnaround space is proposed.

T) All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

Response: N/A

U) A holder of a Special Use Permit granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.

Response: N/A

V) There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site. Costs of the City's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.

Response: Pre application Conference call took place January 26, 2010.

W) An Applicant shall submit to the City the number of completed Applications determined to be needed at the pre-application meeting. Written notification of the Application shall be provided to the legislative body of all adjacent municipalities as applicable and/or requested.

Response: AT&T acknowledges this requirement and will comply.

X) The holder of a Special Use Permit shall notify the City of Osage Beach any intended Modification of a Wireless Telecommunication Facility and shall apply to the City to modify, relocate or rebuild a Wireless Telecommunications Facility.



Response: N/A

Sections 9, 10, 11

Response: AT&T is proposing to modify existing telecommunications facilities that already have AT&T installations at the location.

Section 12. Visibility of Wireless Telecommunications Facilities.

A) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.

B) Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance.

C) If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

Response: AT&T is proposing to modify existing telecommunications facilities that already have AT&T installations at the location. No additional height will be added and lighting will stay the same as required per the FAA.

Section 13. Security of Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

A) All Antennas, Towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and

B) Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

Response: AT&T is proposing to modify existing telecommunications facilities and all new equipment will be installed within their leased area inside the gated compound.

Section 14. Signage.

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs



shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

Response: AT&T acknowledges this requirement and will comply.

Sections 15 – 19.

Response: N/A

Section 20. Application Fee.

At the time that a person submits an Application for a Special Use Permit for a new Tower, such person shall pay a non-refundable application fee of \$5,000.00 to the City. If the Application is for a Special Use Permit for co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, the non-refundable fee shall be \$2,500.00.

Response: AT&T acknowledges this requirement and will comply.

Section 21. Performance Security.

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 for a tower facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Use Permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Special Use Permit.

Response: AT&T acknowledges the requirement of a Performance Security Bond and that said Bond will be in place prior to the issuance of the Building Permit, once the Special Use Permit has been approved by the City of Osage Beach.

Section 22. Reservation of Authority to Inspect Wireless Telecommunications Facilities.

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

Response: AT&T acknowledges this requirement and will comply.



Section 23. Liability Insurance.

A) A holder of a Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in amounts as set forth below

- 1) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
- 2) Automobile Coverage: \$1,000,000.00 per occurrence/ \$2,000,000 aggregate;
- 3) Workers Compensation and Disability: Statutory amounts

B) For a Wireless Telecommunications Facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, Boards, employees, committee members, attorneys, agents and consultants as additional insured.

C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.

D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty-(30) days prior written notice in advance of the cancellation of the insurance.

E) Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

F) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the grant of the Special Use Permit, the holder of the Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

Response: AT&T acknowledges the requirement of the applicable liability insurance and that said insurance will be in place prior to the issuance of a Building Permit, once the Special Use Permit has been approved by the City of Osage Beach.

Section 24. Indemnification.

A) Any application for Wireless Telecommunication Facilities that is proposed for City property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, Boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration



of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.

B) Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures a Special Use Permit for Wireless Telecommunications Facilities.

Response: AT&T acknowledges this requirement and will comply. Per the Tower Attachment Lease Agreement between the City of Osage Beach and TeleCorp Realty, LLC (dba AT&T Mobility) this requirement is covered in Section 12 – Indemnification

Sections 25-33.

Response: N/A

Given the reasons above, AT&T Mobility decided the best way to grow their existing network and offer new 3G features to its clients in the Osage Beach area, would be to modify the existing wireless facility on the Subject Property.

The upgrades proposed in Osage Beach are an integral part of the network in this area. Due to close timelines for AT&T to make their Market launch, AT&T is requesting that you consider the application for a March hearing in front of the Planning & Zoning Commission and Board of Alderman, so the upgrades can be completed in time for "prime" lake season beginning in early May 2010.

Should you have any additional questions or if I can be of any assistance, please do not hesitate to contact me. Thank you for your consideration of this application.

Regards,



Laurie Jakes
913-851-8413
jakesle@bv.com

**APPLICATION FOR REZONING/SPECIAL USE PERMIT
CITY OF OSAGE BEACH, MISSOURI**

Please read the attached information thoroughly before completing this application

Instructions:

All questions must be answered in black ink. Please PRINT or TYPE. If a question is not applicable, indicate so by 'N/A'.

Application must be signed by applicant, dated and notarized. Applications mailed or submitted without notarized signatures will be returned via regular mail.

1) Name of property owner: City of Osage Beach

Address: 1000 City Parkway Osage Beach, MO 65065

Phone: 573-302-2000

Fax: 573-302-0528

List all owners of the property. If corporation or partnership, list names, addresses and phone number of principal officers or partners:

2) Name of landowner's representative, if different from above: _____

Address: _____

Phone: _____

Fax: _____

3) All correspondence relative to this application should be directed to whom? Laurie Jakes Black & Veatch

10950 Grandview Dr. T-3 Overland Park, KS 65012

4) General location of property to be rezoned or for which special use permit is sought: (Include street number for existing structures): Trails End Ct and Otis Dr. existing water tank and telecommunications facility

5) Do you have a specific use proposed for this property? Yes: No:

Explain all uses: telecommunications tower and water tank

6) Area of property in square feet or acres: 5,000 sq feet property | 325 sq feet leased area

7) Present zoning classification: C-1

8) Sources of utilities:

Water: N/A

Gas: N/A

Sewer: N/A

Electric: Ameren U-E

9) Proposed zoning classification: same

10) How long have you owned this property?

11) Present use of property: (Describe all present improvements) Water Tank and existing telecommunications tower

12) Present use of all property adjacent to subject property:

North: Vacant

South: vacant

East: Vacant

West: Commerical Parkview Bay Condo Complex

(13) If zoning district or comparable use to that proposed adjoins or lies within the near vicinity of the subject property, please describe the use and it's location: N/A

14) Do you own property abutting or in the near vicinity of the subject property? Yes: No:

If yes, where is this property located and why was it not included in this application:

15) Do any private covenants or restrictions encumber the subject property which could be in conflict with the

proposed zoning classification? Yes: No: If yes, please remit copy of restrictions with

recorder of Deeds book and page number.

16) To your knowledge, has any previous application for the reclassification of the subject property been

submitted? Yes: No:

17) How, in your opinion, will the rezoning affect Public facilities (sewer, water, schools, roads, etc.)? And what mitigating measures does the applicant propose to address these problems if any? Applicant should include letter from or regarding City Engineering Department review of proposed zoning. N/A

18) How, in your opinion, will rezoning affect adjacent properties and what mitigating measures does the applicant propose to address these problems, if any? N/A

19) List the reasons why, in your opinion, this application for rezoning/special use permit should be granted: (*May be left blank if adequately described in application letter to Commission.) see application letter

The undersigned, having read the procedures and instructions, makes application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri, as explained on this application form. In support of this application, all necessary information is attached.

Date of Application 2/16/10

Signature of Applicant [Handwritten Signature]

Signature of Accepting Officer _____

Signature of Property Owner Nancy A. Viselli

Subscribed and sworn to before me this 16 day of February, 2010

My Commission expires: July 18, 2011

Notary Public Trina Lynxwiler State of Missouri, County of Camden

(Seal) **TRINA LYNXWILER**
Notary Public - Notary Seal
Comm. Number 07134695
STATE OF MISSOURI
Miller County
My Commission Expires: Jul. 18, 2011

NOTE: Applications not signed and notarized will be removed from the Commission agenda and returned to the applicant via regular mail.



February 16, 2010

City of Osage Beach
Planning & Zoning Dept.
1000 City Parkway
Osage Beach, MO 65065

RE: MO3617 Pawhuska Township

To whom it may concern:

We the applicant acknowledge that our proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the City ^{CS} in writing, as well as all applicable and permissible local codes, ordinances and regulations, including any and all applicable City, State and Federal laws, rules, and regulations;

Furthermore, that the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that we are authorized to do business in the State of Missouri.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. G. Stockell', is written over a printed name and title.

James G. Stockell
Manager RE&C Missouri/Kansas

000037



February 1, 2010

City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065

RE: MO3617 Pawhuska Twsp

The proposed installation should not cause any physical or RF interference with other telecommunications devices. In the event that this should occur, AT & T agrees to fully cooperate with the party experiencing interference to identify and correct, to the extent reasonably possible, any issues caused by the facility.

Sincerely,

A handwritten signature in cursive script that reads "Ron Humphrey".

Ron Humphrey

Radio Frequency Design Engineer

AT&T Mobility Division

000038

ULS License

PCS Broadband License - KNLF237 - New Cingular Wireless PCS, LLC

PA This license has pending applications: 0004078789, 0004061104

Call Sign	KNLF237	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular

Market

Market	MTA019 - St.Louis	Channel Block	A
Submarket	27	Associated Frequencies (MHz)	001850.00000000- 001865.00000000- 001930.00000000- 001945.00000000

Dates

Grant	07/18/2005	Expiration	06/23/2015
Effective	10/04/2006	Cancellation	

Bulldout Deadlines

1st	06/23/2000	2nd	06/23/2005
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Notification Dates

1st	06/29/2000	2nd	02/08/2005
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Licensee

FRN	0003291192	Type	Limited Liability Company
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Licensee

New Cingular Wireless PCS, LLC 5601 LEGACY DRIVE, MS: A-3 PLANO, TX 75024 ATTN FCC GROUP	P:(469)229-7533 F:(469)229-7297
---	------------------------------------

Contact

Cingular Wireless LLC Dana McNatt 5601 LEGACY DRIVE, MS: A-3 PLANO, TX 75024 ATTN Dana McNatt	P:(469)229-7533 F:(469)229-7297
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Ownership and Qualifications

Radio Service Type	Mobile
Regulatory Status	Common Carrier Interconnected Yes

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race	White
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000041

THE CENTER FOR MUNICIPAL SOLUTIONS

518-439-3079

70 CAMBRIDGE ROAD
GLENMONT, NEW YORK 12077

FAX: 518-478-0909

February 25, 2010

(Via regular mail and email)

Mr. Cary Patterson
City Planner
City of Osage Beach
1000 City Parkway
Osage Beach, MO 65065

RE: Special Use Permit Application-Osage Beach MO ATT Lake Road 54-22 MOD (MO 2172)

Dear Mr. Patterson:

We received and reviewed the above-referenced application, initially submitted on February 8, 2010. Subsequent to that initial review, we responded to the applicant on February 15, 2010 that the application was incomplete and not ready for submission to the Planning and Zoning Commission. A telephone call was undertaken between Dan Lang and the applicant on February 17 to clarify issues contained in the February 15 letter.

On February 19, 2010 we received via FedEx Express, a package of supplemental materials in response to the February 15 letter, and telephone call. We reviewed this supplemental material and find it to be complete and responsive to our earlier comments.

We therefore now find the Application to be complete and ready for submission to the Planning and Zoning Commission for their consideration.

In the event that the Special Use Permit is granted, we recommend that it be subject to the following conditions being met prior to issuance of a Building Permit and start of construction:

1. Applicant to submit the required Performance Security/Removal Bond.
2. Applicant shall have sufficient funds in the escrow account with the City to pay all expenses related to the site review and the issuance of permits.
3. That applicable liability insurance will be provided.

Also, in the event that the Special Use Permit is granted, we recommend that it be subject to the following conditions being met prior to issuance of the Certificate of Compliance:

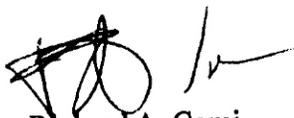
1. Fencing to be completed as per the Construction Drawings and as indicated in the application submittal letter.

000042

Based upon our previous teleconference call it is understood that the applicant will provide twenty-two (22) copies of the Final Application to you for distribution to the Planning and Zoning Commission, and the Board of Aldermen. One additional copy will be provided to Dick Comi at CMS, and one copy to Dan Lang. We understand that the next meeting of the Planning and Zoning Commission is scheduled for March 9, 2010 and the Board of Aldermen meeting is scheduled for April 1, 2010. A representative of CMS will be in attendance at each of those meetings.

If you should have any questions, please contact me at (518) 439-3079 or Dan Lang at (636) 625-2465.

Sincerely,



Richard A. Comi
CMS

Cc: Laurie Jakes (Via regular mail and email)
Dan Lang (Via email)



February 24, 2010

City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065

RE: New Cingular Wireless PCS, LLC ("AT&T") Application for Modification to Existing Special Use Permit ("Application") 195 foot Self Support (MO2172 Osage Beach)
Parcel ID: 09-03-6.1-02-71.001

Dear Mr. Patterson:

This letter is submitted in support of the above-referenced Application for AT&T's planned modification of a wireless communications facility ("Facility") at the above-referenced location. This letter provides answers to Ordinance No. 07.26 Sections 8 – 33.

Section 8. Special Use Permit Application and Other Requirements

Sections A – D.

Response: N/A

- E) An Application for a Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.

Response: I, Laurie Jakes, completed this application and to the best of my knowledge the information contained herewithin is accurate and complete.

- F) The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.

Response: Please see Exhibit A – Lease Agreement (Ground and Tower Lease). Per paragraph 1. PREMISES AND USE.

- G) The Applicant shall include a statement in writing:

1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the City in writing, as well



as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations;

2) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

Response: Please see Exhibit B.

H) Where a certification is called for in this Ordinance, such certification shall bear the signature and seal of a Professional Engineer licensed in the State

Response: AT&T acknowledges this requirement and will comply.

I) In addition to all other required information as stated in this ordinance, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.

1) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;

Response: AT&T is proposing to modify the existing equipment on the tower (including but not limited to antennas, TMA's and coax) for the purpose of adding additional frequencies and expand the coverage of the 3G network.

2) Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, include an analysis of current and projected usage;

Response: AT&T is not "expanding" its coverage area with the proposed upgrades.

3) The Name, address and phone number of the person preparing the report;

Response: Laurie Jakes Black & Veatch 10950 Grandview Dr T-3 Overland Park, KS 66210 913-850-8413

4) The Name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different that the applicant, provide name and address of the tower owner;

Response: City of Osage Beach Fire Protection District, 1170 Bluff Dr, Osage Beach, MO 65065 573-348-1221



5) The Postal address and tax map parcel number of the property;

**Response: 1170 Bluff Dr. Osage Beach, MO 65065
Parcel ID: 09-03-6.1-02-71.001**

6) The Zoning District or designation in which the property is situated;

Response: A-1 per the City of Osage Beach.

7) Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;

Response: 3.2 Acres total property and 2500 sq ft leased area. Please see attached Survey with CD's.

8) The location of nearest residential structure;

Response: This tower is located in a wooded area behind a manned Fire House and the closest residents is 250 ft from the tower.

9) The location, size and height of all existing and proposed structures on the property which is the subject of the Application;

Response: Please see CD's.

10) The type, locations and dimensions of all proposed and existing landscaping, and fencing;

Response: Please see CD's. Per the Site Walk AT&T is to fence in the existing electric meters that are currently outside of the fenced compound with a 6 foot chain link fence.

11) The azimuth, size and center line height location of all proposed and existing antennae on the supporting structure;

Response: Please see CD's.

12) The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;

Response: Please see CD's and Exhibit C for specification sheets.



13) The make, model, type and manufacturer of the Tower and design plan stating the tower's capacity to accommodate multiple users;

Response: 195' Self Support, Stellar Communications Inc., Job #4992-10; Capacity Issues Is N/A

14) A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;

Response: Please see CD's

15) The frequency, modulation and class of service of radio or other transmitting equipment;

Response: Please see Exhibit D

16) The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;

Response: Please see Exhibit D

17) Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;

Response: Per our review of "A Government Officials Guide to Transmitting Antenna RF Emissions Safety, Rules, Procedures and Practical Guidance", this telecommunications facility is Categorically Excluded. Please see Exhibit E.

18) A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;

Response: Please see Exhibit F

19) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;

Response: Please see Exhibit G

20) A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing tower site and if existing tower or water tank site, a copy of the installed foundation design.



Response: There will be no change in the soil conditions on the site as a result of the proposed modification. Therefore, please see Exhibit H for the existing geotechnical report of the tower.

- J) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines, that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

Response: There will be no increase in the height of the Tower.

- K) Application for New Tower

Response: N/A

- L) The Applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, City, State and Federal structural requirements for loads, including wind and ice loads.

Response: Please see Exhibit I – Structural Analysis.

- M) If proposal is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.

Response: Please see Exhibit J.

- N) All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to be the least visually intrusive reasonably possible, given the facts and circumstances involved and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facility.

Response: AT&T has determined that modifications to the existing site are the least visually obtrusive.



- O) If a new tower, proposal for a new antenna attachment to an existing structure, or modification adding to a visual impact, the Applicant shall furnish a Visual Impact Assessment, which shall include:

1) If a new tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.

Response: N/A

2) Pictorial representations of "before and after" (photo simulations) views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.

Response: There will no discernable visual impact from any vantage point. Please see Exhibit K – antenna photo.

3) A written description of the visual impact of the proposed facility including and as applicable the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

Response: There will be no additional visual impact to abutting properties.

- P) The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.

Response: Please see CD's. Per the Site Walk AT&T is to fence in the existing electric meters that are currently outside of the fenced compound with a 6 foot chain link fence prior to the issuance of the Certificate of Compliance.

- Q) The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the City.

Response: N/A



- R) All utilities at a Wireless Telecommunications Facilities site shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

Response: No changes to the utilities will be required.

- S) At a Telecommunications Site, an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

Response: No change to the site access or turnaround space is proposed.

- T) All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

Response: N/A

- U) A holder of a Special Use Permit granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.

Response: N/A

- V) There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site. Costs of the City's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.

Response: Pre application Conference call took place January 26, 2010.



- W) An Applicant shall submit to the City the number of completed Applications determined to be needed at the pre-application meeting. Written notification of the Application shall be provided to the legislative body of all adjacent municipalities as applicable and/or requested.

Response: AT&T acknowledges this requirement and will comply.

- X) The holder of a Special Use Permit shall notify the City of Osage Beach any intended Modification of a Wireless Telecommunication Facility and shall apply to the City to modify, relocate or rebuild a Wireless Telecommunications Facility.

Response: N/A

Sections 9, 10, 11

Response: AT&T is proposing to modify existing telecommunications facilities that already have AT&T installations at the location.

Section 12. Visibility of Wireless Telecommunications Facilities.

A) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.

B) Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance.

C) If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

Response: AT&T is proposing to modify existing telecommunications facilities that already have AT&T installations at the location. No additional height will be added and lighting will stay the same as required per the FAA.

Section 13. Security of Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

A) All Antennas, Towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and



B) Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

Response: AT&T is proposing to modify existing telecommunications facilities and all new equipment will be installed within their leased area inside the gated compound.

Section 14. Signage.

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

Response: AT&T acknowledges this requirement and will comply.

Sections 15 – 19.

Response: N/A

Section 20. Application Fee.

At the time that a person submits an Application for a Special Use Permit for a new Tower, such person shall pay a non-refundable application fee of \$5,000.00 to the City. If the Application is for a Special Use Permit for co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, the non-refundable fee shall be \$2,500.00.

Response: AT&T acknowledges this requirement and will comply.

Section 21. Performance Security.

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 for a tower facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Use Permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the



Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Special Use Permit.

Response: AT&T acknowledges the requirement of a Performance Security Bond and that said Bond will be in place prior to the issuance of the Building Permit.

Section 22. Reservation of Authority to Inspect Wireless Telecommunications Facilities.

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

Response: AT&T acknowledges this requirement and will comply.

Section 23. Liability Insurance.

- A) A holder of a Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in amounts as set forth below
- 1) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - 2) Automobile Coverage: \$1,000,000.00 per occurrence/ \$2,000,000 aggregate;
 - 3) Workers Compensation and Disability: Statutory amounts
- B) For a Wireless Telecommunications Facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, Boards, employees, committee members, attorneys, agents and consultants as additional insured.
- C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty-(30) days prior written notice in advance of the cancellation of the insurance.



- E) Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- F) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the grant of the Special Use Permit, the holder of the Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

Response: AT&T acknowledges the requirement of the applicable liability insurance and that said insurance will be in place prior to the issuance of a Building Permit.

Section 24. Indemnification.

- A) Any application for Wireless Telecommunication Facilities that is proposed for City property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, Boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.
- B) Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures a Special Use Permit for Wireless Telecommunications Facilities.

Response: N/A

Sections 25-33.

Response: N/A



Given the reasons above, AT&T Mobility decided the best way to grow their existing network and offer new 3G features to its clients in the Osage Beach area, would be to modify the existing wireless facility on the Subject Property.

The upgrades proposed in Osage Beach are an integral part of the network in this area. Due to close timelines for AT&T to make their Market launch, AT&T is requesting that you consider the application for a March hearing in front of the Planning & Zoning Commission and Board of Alderman, so the upgrades can be completed in time for "prime" lake season beginning in early May 2010.

Should you have any additional questions or if I can be of any assistance, please do not hesitate to contact me. Thank you for your consideration of this application.

Regards,

Laurie Jakes
913-850-8413
jakesle@bv.com

**APPLICATION FOR REZONING/SPECIAL USE PERMIT
CITY OF OSAGE BEACH, MISSOURI**

Please read the attached information thoroughly before completing this application

Instructions:

All questions must be answered in black ink. Please PRINT or TYPE. If a question is not applicable, indicate so by 'N/A'.

Application must be signed by applicant, dated and notarized. Applications mailed or submitted without notarized signatures will be returned via regular mail.

1) Name of property owner: Osage Beach Fire Protection District

Address: Lake Road 54-22, 1170 Bluff Dr. Osage Beach, MO 65065

Phone: 573-348-1221

Fax: 573-348-4742

List all owners of the property. If corporation or partnership, list names, addresses and phone number of principal officers or partners:

Rich Martin

Bill Lacasse

Tony Cicerelli

1170 Bluff Dr. Osage Beach, MO 65065 573-348-1221

2) Name of landowner's representative, if different from above: Jeff Dorhauer

Address: 1170 Bluff Dr. Osage Beach, MO 65065

Phone: 573-348-1221

Fax: 573-348-4742

3) All correspondence relative to this application should be directed to whom? Laurie Jakes Black & Veatch

10950 Grandview Dr. T-3 Overland Park, KS 65012

4) General location of property to be rezoned or for which special use permit is sought: (Include street number

for existing structures): Osage Beach Fire Protection District property listed above - existing telecommunications

facility in the back

5) Do you have a specific use proposed for this property? Yes: No:

Explain all uses: telecommunications tower

6) Area of property in square feet or acres: 3.2 Acres property + 2,500 sq ft lease area

7) Present zoning classification: A-1 / Exempt

8) Sources of utilities:

Water: N/A Gas: N/A

Sewer: N/A Electric: Ameren U-E

9) Proposed zoning classification: same

10) How long have you owned this property? April 1985

11) Present use of property: (Describe all present improvements) Fire House and existing telecommunications tower

12) Present use of all property adjacent to subject property:

North: Vacant South: Vacant

East: Vacant West: House

(13) If zoning district or comparable use to that proposed adjoins or lies within the near vicinity of the subject property, please describe the use and it's location: N/A

14) Do you own property abutting or in the near vicinity of the subject property? Yes: No: X

If yes, where is this property located and why was it not included in this application:

15) Do any private covenants or restrictions encumber the subject property which could be in conflict with the proposed zoning classification? Yes: No: X If yes, please remit copy of restrictions with recorder of Deeds book and page number.

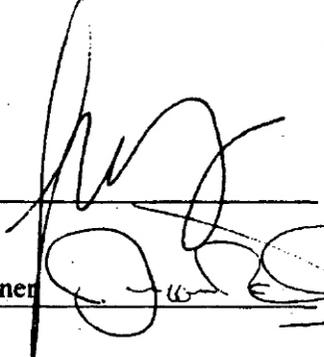
16) To your knowledge, has any previous application for the reclassification of the subject property been submitted? Yes: No: X

17) How, in your opinion, will the rezoning affect Public facilities (sewer, water, schools, roads, etc.)? And what mitigating measures does the applicant propose to address these problems if any? Applicant should include letter from or regarding City Engineering Department review of proposed zoning. N/A

18) How, in your opinion, will rezoning affect adjacent properties and what mitigating measures does the applicant propose to address these problems, if any? N/A

19) List the reasons why, in your opinion, this application for rezoning/special use permit should be granted: (*May be left blank if adequately described in application letter to Commission.) see application letter

The undersigned, having read the procedures and instructions, makes application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri, as explained on this application form. In support of this application, all necessary information is attached.

Date of Application 2/15/10 Signature of Applicant 

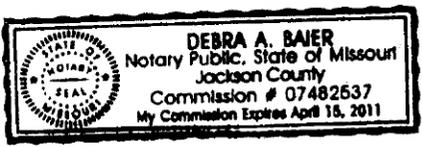
Signature of Accepting Officer Signature of Property Owner 

Subscribed and sworn to before me this 15 day of February, 2010

My Commission expires: April 15, 2011

Notary Public Debra A. Baier State of Missouri, County of Camden

(Seal)



NOTE: Applications not signed and notarized will be removed from the Commission agenda and returned to the applicant via regular mail.



at&t

Your world. Delivered.

February 1, 2010

City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065

RE: MO2172 Osage Beach

To Whom It May Concern:

We the applicant acknowledge that our proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Conditional Use Permit, without exception, unless specifically granted relief by the County in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, State and Federal Laws, rules, and regulations;

Furthermore, that the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that we are authorized to do business in the State of Missouri.

Sincerely,

A handwritten signature in black ink, appearing to read "James G. Stockell", is written over a large, light-colored scribble.

James G. Stockell
Manager RE&C Missouri/Kansas

000059



February 1, 2010

City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065

RE: MO2172 Osage Beach

To Whom It May Concern:

The proposed installation should not cause any physical or RF interference with other telecommunications devices. In the event that this should occur, AT & T agrees to fully cooperate with the party experiencing interference to identify and correct, to the extent reasonably possible, any issues caused by the facility.

Sincerely,

A handwritten signature in cursive script that reads "Ron Humphrey".

Ron Humphrey

Radio Frequency Design Engineer

AT&T Mobility Division

ULS License

Cellular License - KNKN508 - NEW CINGULAR WIRELESS PCS, LLC

PA This license has pending applications: 0004078789

Call Sign	KNKN508	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular

Market

Market	CMA513 - Missouri 10 - Benton	Channel Block	A
Submarket	0	Phase	2

Dates

Grant	09/12/2000	Expiration	10/01/2010
Effective	02/08/2007	Cancellation	

Five Year Bulldout Date

04/26/1996

Control Points

1 1710 DR. MARTIN LUTHER KING DRIVE, ST. LOUIS, MO

Licensee

FRN	0003291192	Type	Limited Liability Company
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Licensee

NEW CINGULAR WIRELESS PCS, LLC 5601 LEGACY DRIVE, MS: A-3 PLANO, TX 75024 ATTN KELLYE E. ABERNATHY	P:(469)229-7422 F:(469)229-7297 E:KELLYE.E.ABERNATHY@CINGULAR.COM
---	---

Contact

AT&T MOBILITY LLC DAVID C JATLOW 11760 US HIGHWAY 1 NORTH PALM BEACH, FL 33408	P:(202)255-1679 F:(561)279-2097 E:DAVID.JATLOW@CINGULAR.COM
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Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Demographics

Race		Gender	
Ethnicity			

000063

THE CENTER FOR MUNICIPAL SOLUTIONS

518-439-3079

70 CAMBRIDGE ROAD
GLENMONT, NEW YORK 12077

FAX: 518-478-0909

February 23, 2010

(Via regular mail and email)

Mr. Cary Patterson
City Planner
City of Osage Beach
1000 City Parkway
Osage Beach, MO 65065

RE: Special Use Permit Application-Osage Beach MO ATT 5715 Hwy 54 MOD (MO 2117)

Dear Mr. Patterson:

We received and reviewed the above-referenced application, initially submitted on February 8, 2010. Subsequent to that initial review, we responded to the applicant on February 15, 2010 that the application was incomplete and not ready for submission to the Planning and Zoning Commission. A telephone call was undertaken between Dan Lang and the applicant on February 17 to clarify issues contained in the February 15 letter.

On February 19, 2010 we received via FedEx Express, a package of supplemental materials in response to the February 15 letter, and telephone call. We reviewed this supplemental material and find it to be complete and responsive to our earlier comments.

We therefore now find the Application to be complete and ready for submission to the Planning and Zoning Commission for their consideration.

In the event that the Special Use Permit is granted, we recommend that it be subject to the following conditions being met prior to issuance of a Building Permit and start of construction:

1. Applicant to submit the required Performance Security/Removal Bond.
2. Applicant shall have sufficient funds in the escrow account with the City to pay all expenses related to the site review and the issuance of permits.
3. That an ANSI Report per Annex E, Tower Maintenance and Inspection Procedures et al be provided, and any noted deficiencies are to be corrected prior to the issuance of a COC.
4. That a Geotechnical Report be provided in order to verify the structural adequacy of the tower.

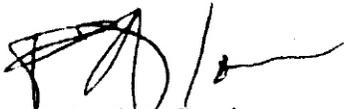
Also, in the event that the Special Use Permit is granted, we recommend that it be subject to the following conditions being met prior to issuance of the Certificate of Compliance:

1. Fencing and landscaping to be completed as per the Construction Drawings and as indicated in the application submittal letter.

Based upon our previous teleconference call it is understood that the applicant will provide twenty-two (22) copies of the Final Application to you for distribution to the Planning and Zoning Commission, and the Board of Aldermen. One additional copy will be provided to Dick Comi at CMS, and one copy to Dan Lang. We understand that the next meeting of the Planning and Zoning Commission is scheduled for March 9, 2010 and the Board of Aldermen meeting is scheduled for April 1, 2010. A representative of CMS will be in attendance at each of those meetings.

If you should have any questions, please contact me at (518) 439-3079 or Dan Lang at (636) 625-2465.

Sincerely,



Richard A. Comi
CMS

Cc: Laurie Jakes (Via regular mail and email)
Dan Lang (Via email)



February 22, 2010

City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065

RE: New Cingular Wireless PCS, LLC ("AT&T") Application for Modification to Existing Special Use Permit ("Application") 160 foot Monopole (MO2117 Turkey Bend)
Parcel ID: 085.015.0000.0002007.001

Dear Mr. Patterson:

This letter is submitted in support of the above-referenced Application for AT&T's planned modification of a wireless communications facility ("Facility") at the above-referenced location. This letter provides answers to Ordinance No. 07.26 Sections 8 – 33.

Section 8. Special Use Permit Application and Other Requirements

Sections A – D.

Response: N/A

- E) An Application for a Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.

Response: I, Laurie Jakes, completed this application and to the best of my knowledge the information contained herewithin is accurate and complete.

- F) The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.

Response: Please see Exhibit A – Lease Agreement (Ground and Tower Lease). Per paragraph 1. LESSEE USE.

- G) The Applicant shall include a statement in writing:

1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the City in writing, as well



as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations;

2) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

Response: Please see Exhibit B.

H) Where a certification is called for in this Ordinance, such certification shall bear the signature and seal of a Professional Engineer licensed in the State

Response: AT&T acknowledges this requirement and will comply.

I) In addition to all other required information as stated in this ordinance, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.

1) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;

Response: AT&T is proposing to modify the existing equipment on the tower (including but not limited to antennas, TMA's and coax) for the purpose of adding additional frequencies and expand the coverage of the 3G network.

2) Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, include an analysis of current and projected usage;

Response: AT&T is not "expanding" its coverage area with the proposed upgrades.

3) The Name, address and phone number of the person preparing the report;

Response: Laurie Jakes Black & Veatch 10950 Grandview Dr T-3 Overland Park, KS 66210 913-850-8413

4) The Name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different than the applicant, provide name and address of the tower owner;

Response: SBA Structures, 5900 Broken Sound Parkway NW, Boca Raton, FL 33487 303-589-9967



5) The Postal address and tax map parcel number of the property;

**Response: 5715 W Highway 54 Osage Beach, MO 65065
Parcel ID: 085.015.0000.0002007.001**

6) The Zoning District or designation in which the property is situated;

Response: C-1 General Commercial per the City of Osage Beach.

7) Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;

Response: 34,787.5 sq ft property and 500 sq ft leased area. Please see Survey with CD's.

8) The location of nearest residential structure;

Response: This tower is located in a commercial use area and does not have any residences closer than 400 ft.

9) The location, size and height of all existing and proposed structures on the property which is the subject of the Application;

Response: Please see CD's.

10) The type, locations and dimensions of all proposed and existing landscaping, and fencing;

Response: Please see CD's. Per the Site Walk AT&T is to provide a new 8 foot wooden privacy fence in place of existing chain link fence and plant Austrian Pines or similar species for the southern leased line and Upright Japanese Plum Yew or similar species for the northern lease line to limit visual impact.

11) The azimuth, size and center line height location of all proposed and existing antennae on the supporting structure;

Response: Please see CD's.

12) The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;

Response: Please see CD's and Exhibit C for specification sheets.



13) The make, model, type and manufacturer of the Tower and design plan stating the tower's capacity to accommodate multiple users;

Response: 160' Tall Monopole; PiRod Inc. (Manufacturer); Eng. File No. A-118533-F1002740; Drawing No. 156890-B; Capacity issues is N/A

14) A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;

Response: Please see CD's

15) The frequency, modulation and class of service of radio or other transmitting equipment;

Response: Please see Exhibit D

16) The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;

Response: Please see Exhibit D

17) Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;

Response: Per our review of "A Government Officials Guide to Transmitting Antenna RF Emissions Safety, Rules, Procedures and Practical Guidance", this telecommunications facility is Categorically Excluded. Please see Exhibit E.

18) A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;

Response: Please see Exhibit F

19) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;

Response: Please see Exhibit G

20) A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing tower site and if existing tower or water tank site, a copy of the installed foundation design.



Response: There will be no change in the soil conditions on the site as a result of the proposed modification. A copy of the geotechnical report will be provided to the City prior to the issuance of the Building Permit. (Exhibit H)

- J) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines, that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

Response: There will be no increase in the height of the Tower.

- K) Application for New Tower

Response: N/A

- L) The Applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, City, State and Federal structural requirements for loads, including wind and ice loads.

Response: Please see Exhibit I – Structural Analysis.

- M) If proposal is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.

Response: Tower owner SBA Communications is in the process of completing an updated ANSI report. A copy of the ANSI inspection report will be provided to the City prior to the issuance of the Building Permit. (Exhibit J)

- N) All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to be the least visually intrusive reasonably possible, given the facts and circumstances involved and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facility.

Response: AT&T has determined that modifications to the existing site are the least visually obtrusive.



- O) If a new tower, proposal for a new antenna attachment to an existing structure, or modification adding to a visual impact, the Applicant shall furnish a Visual Impact Assessment, which shall include:

1) If a new tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.

Response: N/A

2) Pictorial representations of "before and after" (photo simulations) views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.

Response: There will no discernable visual impact from any vantage point. Please see Exhibit K – antenna photo.

3) A written description of the visual impact of the proposed facility including and as applicable the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

Response: There will be no additional visual impact to abutting properties and per the Site Walk AT&T is to provide a new 8 foot wooden privacy fence in place of existing chain link fence and plant Austrian Pines or similar species for the southern leased line and an Upright Japanese Plum Yew or similar species for the northern lease line to limit visual impact.

- P) The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.

Response: Please see CD's. Per the Site Walk AT&T is to provide a new 8 foot wooden privacy fence in place of existing chain link fence and plant Austrian Pines or similar species for the southern leased line and an Upright Japanese Plum Yew or similar species for the northern lease line to limit visual impact to be erected and installed prior to the issuance of the Certificate of Compliance.

- Q) The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural



surroundings, this shall include the utilization of stealth or concealment technology as may be required by the City.

Response: N/A

- R) All utilities at a Wireless Telecommunications Facilities site shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

Response: No changes to the utilities will be required.

- S) At a Telecommunications Site, an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

Response: No change to the site access or turnaround space is proposed.

- T) All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

Response: N/A

- U) A holder of a Special Use Permit granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.

Response: N/A

- V) There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site. Costs of the City's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.



Response: Pre application Conference call took place January 26, 2010.

- W) An Applicant shall submit to the City the number of completed Applications determined to be needed at the pre-application meeting. Written notification of the Application shall be provided to the legislative body of all adjacent municipalities as applicable and/or requested.

Response: AT&T acknowledges this requirement and will comply.

- X) The holder of a Special Use Permit shall notify the City of Osage Beach any intended Modification of a Wireless Telecommunication Facility and shall apply to the City to modify, relocate or rebuild a Wireless Telecommunications Facility.

Response: N/A

Sections 9, 10, 11

Response: AT&T is proposing to modify existing telecommunications facilities that already have AT&T installations at the location.

Section 12. Visibility of Wireless Telecommunications Facilities.

- A) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.
- B) Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance.
- C) If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

Response: AT&T is proposing to modify existing telecommunications facilities that already have AT&T installations at the location. No additional height will be added and lighting will stay the same as required per the FAA.

Section 13. Security of Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- A) All Antennas, Towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and



B) Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

Response: AT&T is proposing to modify existing telecommunications facilities and all new equipment will be installed within their leased area inside the gated compound.

Section 14. Signage.

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

Response: AT&T acknowledges this requirement and will comply.

Sections 15 – 19.

Response: N/A

Section 20. Application Fee.

At the time that a person submits an Application for a Special Use Permit for a new Tower, such person shall pay a non-refundable application fee of \$5,000.00 to the City. If the Application is for a Special Use Permit for co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, the non-refundable fee shall be \$2,500.00.

Response: AT&T acknowledges this requirement and will comply.

Section 21. Performance Security.

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 for a tower facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Use Permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Special Use Permit.



Response: AT&T acknowledges the requirement of a Performance Security Bond and that said Bond will be in place prior to the issuance of the Building Permit.

Section 22. Reservation of Authority to Inspect Wireless Telecommunications Facilities.

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

Response: AT&T acknowledges this requirement and will comply.

Section 23. Liability Insurance.

- A) A holder of a Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in amounts as set forth below
- 1) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - 2) Automobile Coverage: \$1,000,000.00 per occurrence/ \$2,000,000 aggregate;
 - 3) Workers Compensation and Disability: Statutory amounts
- B) For a Wireless Telecommunications Facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, Boards, employees, committee members, attorneys, agents and consultants as additional insured.
- C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty-(30) days prior written notice in advance of the cancellation of the insurance.
- E) Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- F) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the grant of the Special Use Permit, the



holder of the Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

Response: AT&T acknowledges the requirement of the applicable liability insurance and that said insurance will be in place prior to the issuance of a Building Permit, once the Special Use Permit has been approved by the City of Osage Beach.

Section 24. Indemnification.

- A) Any application for Wireless Telecommunication Facilities that is proposed for City property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, Boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.
- B) Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures a Special Use Permit for Wireless Telecommunications Facilities.

Response: N/A

Sections 25-33.

Response: N/A



Given the reasons above, AT&T Mobility decided the best way to grow their existing network and offer new 3G features to its clients in the Osage Beach area, would be to modify the existing wireless facility on the Subject Property.

The upgrades proposed in Osage Beach are an integral part of the network in this area. Due to close timelines for AT&T to make their Market launch, AT&T is requesting that you consider the application for a March hearing in front of the Planning & Zoning Commission and Board of Alderman, so the upgrades can be completed in time for "prime" lake season beginning in early May 2010.

Should you have any additional questions or if I can be of any assistance, please do not hesitate to contact me. Thank you for your consideration of this application.

Regards,

Laurie Jakes
913-850-8413
jakesle@bv.com

A handwritten signature in black ink, appearing to read 'LJakes', written over the typed name and contact information.

**APPLICATION FOR REZONING/SPECIAL USE PERMIT
CITY OF OSAGE BEACH, MISSOURI**

Please read the attached information thoroughly before completing this application

Instructions:

All questions must be answered in black ink. Please PRINT or TYPE. If a question is not applicable, indicate so by 'N/A'.

Application must be signed by applicant, dated and notarized. Applications mailed or submitted without notarized signatures will be returned via regular mail.

1) Name of property owner: VIPER COMMUNICATIONS

Address: PO BOX 225 OSAGE BEACH MO 65065

Phone: 573-692-5716

Fax:

List all owners of the property. If corporation or partnership, list names, addresses and phone number of principal officers or partners:

2) Name of landowner's representative, if different from above: Mike Tangye/Lincoln Addis

Address: 5900 Broken Sound Parkway NW Boca Raton, FL 33487

Phone: 303-589-9967

Fax:

3) All correspondence relative to this application should be directed to whom? Laurie Jakes Black & Veatch

10950 Grandview Dr. T-3 Overland Park, KS 65012

4) General location of property to be rezoned or for which special use permit is sought: (Include street number

for existing structures): 5715 Highway 54 Osage Beach, MO 65065; existing telecommunications facility located on the

East side of property.

5) Do you have a specific use proposed for this property? Yes: No:

Explain all uses: telecommunications tower

6) Area of property in square feet or acres: 34,787.5 sq ft property / 500 sq ft lease area

7) Present zoning classification: C-1

8) Sources of utilities:

Water: N/A Gas: N/A

Sewer: N/A Electric: Ameren U-E

9) Proposed zoning classification: same

10) How long have you owned this property? Tower has been owned/managed by SBA since 2000

11) Present use of property: (Describe all present improvements) Radio Station and existing telecommunications tower

12) Present use of all property adjacent to subject property:

North: Commerical South: Commerical

East: Commerical West: Commerical

13) If zoning district or comparable use to that proposed adjoins or lies within the near vicinity of the subject

property, please describe the use and it's location: There is an additional telecommunications tower located on the SouthWest side of the property

14) Do you own property abutting or in the near vicinity of the subject property? Yes: No: X

If yes, where is this property located and why was it not included in this application:

15) Do any private covenants or restrictions encumber the subject property which could be in conflict with the

proposed zoning classification? Yes: No: X If yes, please remit copy of restrictions with

recorder of Deeds book and page number.

16) To your knowledge, has any previous application for the reclassification of the subject property been

submitted? Yes: No: X

17) How, in your opinion, will the rezoning affect Public facilities (sewer, water, schools, roads, etc.)? And what mitigating measures does the applicant propose to address these problems if any? Applicant should include letter from or regarding City Engineering Department review of proposed zoning. N/A

18) How, in your opinion, will rezoning affect adjacent properties and what mitigating measures does the applicant propose to address these problems, if any? N/A

19) List the reasons why, in your opinion, this application for rezoning/special use permit should be granted:

(*May be left blank if adequately described in application letter to Commission.) please see application letter.

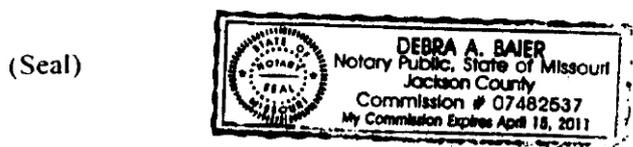
The undersigned, having read the procedures and instructions, makes application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri, as explained on this application form. In support of this application, all necessary information is attached.

Date of Application 2/15/10 Signature of Applicant [Signature]
Signature of Accepting Officer _____ Signature of Property Owner [Signature]

Subscribed and sworn to before me this 15 day of February, 2010

My Commission expires: 4-15-2011

Notary Public Debra A. Baier State of Missouri, County of Camden



NOTE: Applications not signed and notarized will be removed from the Commission agenda and returned to the applicant via regular mail.



February 16, 2010

City of Osage Beach
Planning & Zoning Dept.
1000 City Parkway
Osage Beach, MO 65065

RE: MO 2117 Turkey Bend

To whom it may concern:

We the applicant acknowledge that our proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the County in writing, as well as all applicable and permissible local codes, ordinances and regulations, including any and all applicable City, State and Federal laws, rules, and regulations;

Furthermore, that the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that we are authorized to do business in the State of Missouri.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. G. Stockell', is written over the typed name.

James G. Stockell
Manager RE&C Missouri/Kansas



000081

February 1, 2010

City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065

RE: MO2117 Turkey Bend

To Whom It May Concern:

The proposed installation should not cause any physical or RF interference with other telecommunications devices. In the event that this should occur, AT & T agrees to fully cooperate with the party experiencing interference to identify and correct, to the extent reasonably possible, any issues caused by the facility.

Sincerely,

A handwritten signature in cursive script that reads "Ron Humphrey".

Ron Humphrey

Radio Frequency Design Engineer

AT&T Mobility Division

000082

ULS License

Cellular License - KNKN508 - NEW CINGULAR WIRELESS PCS, LLC

PA This license has pending applications: 0004078789

Call Sign	KNKN508	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular
Market			
Market	CMA513 - Missouri 10 - Benton	Channel Block	A
Submarket	0	Phase	2
Dates			
Grant	09/12/2000	Expiration	10/01/2010
Effective	02/08/2007	Cancellation	

Five Year Bulldout Date

04/26/1996

Control Points

1 1710 DR. MARTIN LUTHER KING DRIVE, ST. LOUIS, MO

Licensee

FRN	0003291192	Type	Limited Liability Company
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Licensee

NEW CINGULAR WIRELESS PCS, LLC 5601 LEGACY DRIVE, MS: A-3 PLANO, TX 75024 ATTN KELLYE E. ABERNATHY	P:(469)229-7422 F:(469)229-7297 E:KELLYE.E.ABERNATHY@CINGULAR.COM
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Contact

AT&T MOBILITY LLC DAVID C JATLOW 11760 US HIGHWAY 1 NORTH PALM BEACH, FL 33408	P:(202)255-1679 F:(561)279-2097 E:DAVID.JATLOW@CINGULAR.COM
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Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Demographics

Race		Gender	
Ethnicity			



13075 WINDHAM RD. SUITE 100
ST LOUIS, MO 63131



BLACK & VEATCH

19750 CHANDLER'S CREEK
CHANDLER'S CREEK, MISSOURI 63110
(314) 764-2000

PROJECT NO: 1433113
ISSUED BY: JAM
CHECKED BY: GPF



P. H. DOYLE E-28889
PROFESSIONAL ENGINEER
STATE OF MISSOURI

MO2117
TURKEY BEND
5715 HWY 54
OSAGE BEACH, MO 65085
UNITS-MONOPOLE

SHEET TITLE
SITE ELEVATION

SHEET NUMBER
C-2

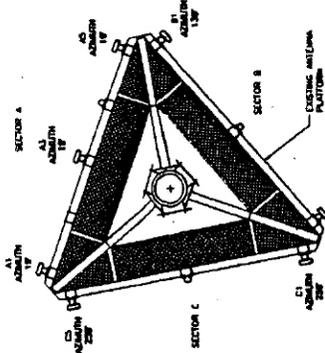
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NOTES

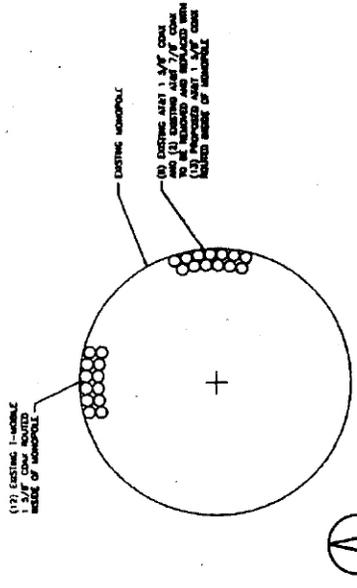
1. ALL WIRE CABLES WILL BE PROVIDED BY COAXIAL CABLE ORDERING 803 41.
2. THE ANTENNA LEVEL IS 10'0" FROM THE GROUND SURFACE.
3. BACK OF TOWER SHALL BE TO THE CENTER OF THE ANTENNA.
4. COAXIAL CABLES SHALL BE INSTALLED TO THE CENTER OF THE ANTENNA.
5. ALL COAXIAL CABLES SHALL BE INSTALLED TO THE CENTER OF THE ANTENNA.
6. ALL COAXIAL CABLES SHALL BE INSTALLED TO THE CENTER OF THE ANTENNA.
7. ALL COAXIAL CABLES SHALL BE INSTALLED TO THE CENTER OF THE ANTENNA.
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9. ALL COAXIAL CABLES SHALL BE INSTALLED TO THE CENTER OF THE ANTENNA.
10. ALL COAXIAL CABLES SHALL BE INSTALLED TO THE CENTER OF THE ANTENNA.

COAXIAL ANTENNA CABLE NOTES

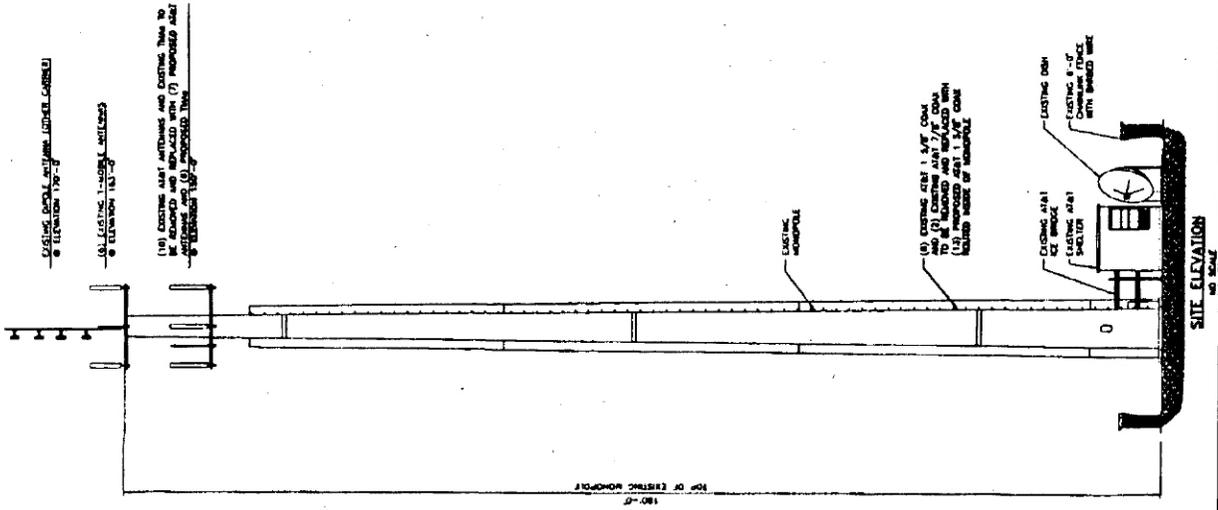
1. TYPES AND SIZES OF THE ANTENNA CABLE ARE BASED ON ESTIMATED LOSSES FROM TO OCCURRING.
2. THE ANTENNA CABLE SHALL BE INSTALLED TO THE CENTER OF THE ANTENNA.
3. COAXIAL CABLE SHALL BE INSTALLED TO THE CENTER OF THE ANTENNA.
4. ALL COAXIAL CABLES SHALL BE INSTALLED TO THE CENTER OF THE ANTENNA.
5. ALL COAXIAL CABLES SHALL BE INSTALLED TO THE CENTER OF THE ANTENNA.
6. COAXIAL CABLE SHALL BE INSTALLED TO THE CENTER OF THE ANTENNA.
7. COAXIAL CABLE SHALL BE INSTALLED TO THE CENTER OF THE ANTENNA.



ANTENNA LAYOUT
NO SCALE



COAX ROUTING DETAIL
NO SCALE



SITE ELEVATION
NO SCALE

Submission Date: March 23, 2010

Submitted By: City Engineer

Board Meeting Date: April 1, 2010

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Contract Modification No. 1 of A/E Services Contract No. AEOB08-003, Design of Roadway and Drainage Improvements for Stewart Drive and the Zebra Connector.

Names of Persons, Businesses, Organizations affected by this action:

Residents and Property Owners on Zebra Road and Stewart Drive, Utility Companies, Howard R. Green Company, City staff

Why is Board Action Required?

The procurement would exceed \$5,000

Type of Action Requested (Ordinance, Resolution, Motion):

A motion to approve the contract modification

Are there any deadlines associated with this action?

This work is nearing completion on Phase 1 of the project. In order for this project to go out for bid during April, this modification needs to be approved.

Comments and Recommendation of Department:

The need for this contract modification arises from multiple items.

During the design of this project, it was noticed that having the entire roadway torn up at one time may not be in the City's best interest. We are looking at the possibility of staging this project. By staging this project, we are looking at the possibility that Deer Run and Harbor Heights would not have to drive through construction. This staging would also eliminate the amount of time that the residents on Stewart have to drive

through the construction area. This contract modification will create the drawings that allow for this staging to occur.

The Highway 54 Sidewalk Project has the crossing at the current High Pointe Shopping Center Light. Seeing that this signal will be moved, we will need to extend the sidewalk down to the proposed Zebra/Chef Street Intersection.

By lining Zebra and Chef Street up, there will be an area near the back of Randy's Frozen Custard that will be excess right of way. This modification proposes to landscape that area.

This project is being broken up in phases due to the High Pointe Development conversation. Phase 1 is almost done. There is additional work that is required to break the project up in phases.

The last issue of this contract modification is the signal. The signals were not planned to be interconnected during the original contract. It is proposed for this signal to "talk" with the Passover Signal.

Funding for this modification can be obtained from the Hwy 54 Sidewalk Improvements 20-00-773211 account. That account was budgeted in the amount of \$400,000. Currently it has obligations not to exceed \$326,276.50. This modification is priced at \$47,934.50. This will leave a balance of \$25,789.00 in this account.

The Engineering Department recommends approval of this contract modification.

City Administrator Comments and Recommendation:

Concur with the recommendation of the City Engineer.



000087

1000 City Parkway • Osage Beach, MO 65065
City Hall [573] 302-2000 • Fax [573] 302-0528

April 2, 2010

CONTRACT MODIFICATION NO. 1

Mr. Richard Cammarata, PE
Vice President
Howard R. Green Company
16020 Swingley Ridge Road, Suite 120
Chesterfield, MO 63017

RE: A/E Services Contract No/ AEOB08-003
Design of the Roadway and Drainage Improvements
For Stewart Drive and Zebra Connector

Dear, Mr. Cammarata:

In accordance with Article I SERVICES OF ENGINEER, you are hereby directed to perform the following additional work:

Exhibit A, EXCLUSIONS TO THIS CONTRACT

Delete, 2. Traffic signal design, warrants for, or any other related traffic signal work.

Delete, 4. Traffic Control or Maintenance of Traffic (the expectations of the City will be within the specifications and it will be the responsibility of the Contractor to provide their plans for mitigating traffic during the construction phase.)

Delete, 5. Landscape Architecture design services or landscaping plans.

Delete, 12. Multiple bid packages (i.e. It is our understanding that the construction of Zebra, Stewart and Links will be completed under on bid package)

TITLE II SERVICES – DESIGN SERVICES

B. Final Design Plans

Insert 13. Traffic Signal Design for the new traffic signal at the Links/Chef/Route 54 Intersection. Traffic Signal shall be interconnected with the Passover/Highway 54 Signal.

Insert 14. Construction phasing drawings to indicate to the eventual contractor how the City intends to construct the project

Insert 15. Landscape design of the right of way remnant in near Randy's Frozen Custard

Insert 16. Sidewalk design of the sidewalk from the existing Traffic Signal at High Pointe Shopping Center to the Chef Drive intersection

Insert 17. Design shall be done in two phase. Phase 1 shall be the "wishbone" concept including Stewart Drive and Phase 2 (intersections with Route 54 and traffic signals,).

SCHEDULE OF COMPLETION

Delete 2. Title II Services: The Owner shall provide Title I review comments within fourteen (14) days of the presentation to the Board of Alderman as to the alternatives to be taken to final design. Upon receipt of Owner comments, final bidding documents shall be transferred to the City within seventy (70) Calendar days.

Insert 2. Title II Services: Final Phase 1 PS&E Check Plan shall be completed by April 5, 2010. Owner shall submit comments within 3 days after receipt of plans and specifications. Engineer will submit Bidding Documents within eleven (11) calendar days of receipt of Owner review comments.

Final Phase 2 PS&E Check Plan submittal shall be completed by August 30, 2010. Owner shall submit comments within 10 days after receipt of plans and specifications. Engineer will submit Bidding Documents within fourteen (14) calendar days of receipt of Owner review comments.

Compensation for the additional work specified herein shall be made in accordance with Exhibit C, PAYMENTS TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES as modified herein:

B. Title II - Design Services:

1. Compensation for design services shall be compensated on a LUMP SUM basis not to exceed amount of \$110,349.50.

Original Contract Amount – Not to Exceed	\$194,463.00
Contract Modification No. 1	\$ 47,934.50
Revised Contract Amount – Not to Exceed	\$242,397.50

If you have any questions please contact Mr. Nicholas Edelman, City Engineer at 573-302-2000, ext. 297.

Sincerely,

Nancy Viselli
City Administrator

The terms and conditions of Contract Modification No. 1 have been reviewed and are acceptable to Howard R. Green Company.

For Howard R. Green Company

Date: _____

Richard Cammarata, PE
Vice President

Submission Date:

March 17, 2010

000089

Submitted By:

City Engineer

Board Meeting Date:

April 1, 2010

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Award the proposed Construction Contract No. OB10-010 Pavement Marking Project

Names of Persons, Businesses, Organizations affected by this action:

Citizens of Osage Beach, Park - Mark, material suppliers, and City Staff.

Why is Board Action Required?

Board approval required for contracts over \$5000.

Type of Action Requested (Ordinance, Resolution, Motion):

A motion to approve the contract award.

Are there any deadlines associated with this action?

We are trying to have the pavement markings completed prior to Memorial Day.

Comments and Recommendation of Department:

Bids were opened on March 17, 2010. There were two bidders. The apparent low bidder is Park Mark Inc. The Bid Tab is attached.

We have done work with Park Mark Inc. in the past with good results.

This project was budgeted under 20-00-764208 Road Striping in the amount of \$15,000.

The Engineering Department recommends awarding the contract to Park Mark Inc., in the amount of \$11,262.20.

City Administrator's Comments and Recommendation:

Concur with the recommendation of the City Engineer.

BID TABULATION
City of Osage Beach, Missouri
2010 PAVEMENT MARKING PROJECT

March 17, 2010				Engineers Estimate		Park - Mark Incorporated		K.W. Luetkemeyer Painting	
Item No.	Description	Est. Quantity	Unit	Unit Price	Extension Figure	Unit Price	Extension Figure	Unit Price	Extension Figure
1	Double Yellow Lines	19,692	LF	\$0.23	\$4,529.16	\$0.200	\$3,938.40	\$0.193	\$3,790.71
2	White Shoulder Lines	65,528	LF	\$0.15	\$9,829.20	\$0.100	\$6,552.80	\$0.125	\$8,191.00
3	12" Wide Stop Lines	80	LF	\$2.50	\$200.00	\$1.00	\$80.00	\$4.50	\$360.00
4	24" Wide Stop Lines	24	LF	\$3.00	\$72.00	\$2.00	\$48.00	\$9.00	\$216.00
5	Painted Directional Arrows	7	EA	\$30.00	\$210.00	\$49.00	\$343.00	\$70.00	\$490.00
6	Cart Paths	3	EA	\$75.00	\$225.00	\$100.00	\$300.00	\$215.00	\$645.00
Account No. 20-00-764208				Total	\$15,065.36		\$11,262.20		\$13,692.71

000090

Submission Date: March 19, 2010

Submitted By: City Engineer
Public Works Superintendent
IT Operations Manager

Board Meeting Date: April 1, 2010

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Conduit and Fiber Optics for Public Works

Names of Persons, Businesses, Organizations affected by this action:

Citizens of Osage Beach, material suppliers, and City Staff.

Why is Board Action Required?

Proposed project is not budgeted.

Type of Action Requested (Ordinance, Resolution, Motion):

A motion to approve the proposed project

Are there any deadlines associated with this action?

The design for the connecting sewer is nearing completion and if we want this work included in this contract we need a decision.

Comments and Recommendation of Department:

The IT Department has been waiting for an opportunity to lay fiber optic cable between City Hall and Public Works for a very long time. Public Works is currently connected to City Hall via Wireless network, which is adversely affected by atmospheric conditions. The Wireless network was the only option we had back in 2002 due to cost. If approved, this fiber optic network connection will allow the City of Osage Beach to not only provide a high-speed network connection to its largest satellite facility, but will also facilitate the use of security cameras and upgraded phone service to the facility.

The Connecting Sewer project will connect the sewer line along Highway 54 to the proposed sewer line on the North side of the Highway 54 Expressway by going next to City Hall. This project will be very close to the Public Works building. Seeing that the trench will already be excavated the conduit and fiber optic is a minimal cost compared to the excavation. Based on prices of the conduit that we are installing for AT&T and Charter, we are estimating the cost of this work being approximately \$40,000. We can make this an additive bid item, that way if the costs come in too high we could not include this portion of work.

The Public Works Department, IT Department, and Engineering Department recommend approval of this project.

City Administrator's Comments and Recommendation:

Since this item was not budgeted, in discussing this with the City Treasurer, the Assistant City Administrator, the City Engineer, Public Works Superintendent and IT Operations Manager, we feel that if approved, a new line item would be created in each department at Public Works (i.e., Water, Sewer and Transportation). The actual cost of the project would be broken into percentages by fund as we do other items such as building expenses. There are unrestricted balances in Transportation and Sewer that funds could be transferred from; however, Water has very little funding, so we would have to use funding that is currently "restricted" for the building of a water tower in the future.

If approved, once the bids are finalized, a budget amendment would be completed to allocate the exact funding for Water, Sewer and Transportation.

Submission Date: March 15, 2010
Submitted By: Building Official
Board Meeting Date: April 1, 2010

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

City Hall Grounds Maintenance contract

Names of Persons, Businesses, Organizations affected by this action:

All City of Osage Beach homeowners, business owners and all visitors to this community.

Why is Board Action Required?

Board approval required for contracts over \$5,000.

Type of Action Requested (Ordinance, Resolution, Motion):

Motion to award the bid to the lowest responsible bidder as per Section 135.090 of the Municipal Code of the City of Osage Beach, Surecut Lawn Service in the amount of \$12,500.00.

Are there any deadlines associated with this action?

No official deadline; however, the growing season is near and lawn maintenance is scheduled to begin April 1, 2010.

Comments and Recommendations of Department:

The City of Osage Beach solicited bids for the Landscape Maintenance Program for 2010 for the City Hall grounds. Sealed bids were accepted by the office of the City Clerk at City Hall until 10:00 a.m., Friday, March 12, 2010. Six bids were received as follows:

Surecut Lawn Service	
Landscape	\$12,500.00
Man hour costs: \$35.00	
Lake Ozark Grounds Maintenance LLC	
Landscape	\$12,300.00
Man hour costs: \$30.00	
Nelson Land Services	
Landscape	\$13,060.00
Man hour costs: \$32.00	
Paradise, USA	
Landscape	\$15,960.00
Man hour costs: \$42.50	
Tru Green Lawn Care	
Landscape	\$10,536.00
Man hour costs: \$150.00	
Legacy Landscape & Excavating	
Landscape	\$19,400.00
Man hour costs: \$28.00	

The apparent low bidder is Tru Green Lawn Care with a total bid of \$10,536.00. However, several items were missing from their bid packet including: recognition of the addendum, renewal prices for 2011 and 2012, Proof of Commercial Applicator's License and it appears that the total amount is not inclusive of some of the bid specification requirements.

The next apparent low bidder is Lake Ozark Grounds Maintenance LLC with a total bid of \$12,300.00. I have reviewed their paperwork and it appears to be in order. However, I am requesting that this bid be rejected as per Section 135.090 of the Municipal Code of the City of Osage Beach. The City has engaged in a previous contract for these same services in the past which resulted in unsatisfactory services and performance.

Therefore, I am recommending that the contract be awarded to the next apparent low bidder, Surecut Lawn Service with a total bid of \$12,500.00. Surecut Lawn Service has been providing Grounds Maintenance services to the City of Osage Beach for the past three years and has been responsive and responsible in providing their quality service. City staff recommends the City hall Landscape Maintenance contract be awarded to Surecut Lawn Service in the amount of \$12,500.00.

This is a budgeted item (2010 Budget amount = \$14,000.00) and funds are available through Building Maintenance account # 10-09-742200.

City Administrator Comments and Recommendation:

Concur with the recommendation of the Building Official. The landscaping provided by Surecut Lawn Service has been outstanding.

000097

BID OPENING

City Hall Landscape

March 12, 2010

10:00 a.m.

The following bids were opened by City Clerk Diann Warner and witnessed by Deputy City Clerk Nancy Clark.

Bidder Name	Amount of Bid
Lake Ozark Ground Maintenance	\$12,300.00
Man hour costs: \$30.00 2011: \$12,300.00 2012: \$12,300.00	
Paradise, USA	\$15,960.00
Man hour costs: \$42.50 2011: \$16,750.00 2012: \$17,500.00	
Nelson Land Service	\$13,060.00
Man hour costs: \$32.00 2011: \$14,060.00 2012: \$15,060.00	
Sure Cut Lawn Care	\$12,500.00
Man hour costs: \$35.00 2011: \$13,500.00 2012: \$14,500.00	
Legacy Landscape & Excavating	\$19,400.00
Man hour costs: \$28.00 2011: \$20,370.00 2012: \$21,388.00	
Tru Green Lawn Care	\$10,536.00
Man hour costs: \$150.00 2011: \$150.00 2012: \$150.00	

Submission Date: March 24, 2010
Submitted By: Building Official
Board Meeting Date: April 1, 2010

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Replace two heat pumps for rooms 209 (DPS) and 244 (Administration) and coil replacement on six units located throughout City Hall.

Names of Persons, Businesses, Organizations affected by this action:

Employees and visitors to that work area.

Why is Board Action Required?

Expenditure over \$5,000

Type of Action Requested (Ordinance, Resolution, Motion):

Motion to approve the replacement of two complete heat pump units and six heat pump coils as described above in the amount of \$17, 660.43.

Are there any deadlines associated with this action?

There are no deadlines for this purchase, however, with the summer approaching we will need these units installed / repaired as soon as possible.

Comments and Recommendations of Department:

The heat pumps throughout City Hall are reaching the outer limits of their expected "life-span" and we are seeing increasing maintenance costs for these units each year. This is something I have expected the past two years and have reflected in my 2009 and 2010 budget requests. We were fortunate last year (2009) to maintain our units adequately with minimal repairs and maintenance. It is now time to begin some of the larger replacement items. The money is available in the Building Maintenance Fund – account # 10-09-743100.

000099

The Building Department recommends approval to proceed with the replacement of two heat pumps and six unit coils, to be performed by our contracted service provider, Geo-Enterprises, Inc., in the amount of \$17,660.43.

City Administrator Comments and Recommendation:

Concur with the recommendation of the Building Official.

Submission Date: March 18, 2010

Submitted By: City Engineer

Board Meeting Date: April 1, 2010

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Bill 10-14 - Regulatory traffic sign to establish a no left turn sign at the intersection of Red Bud Road and Highway 54

Names of Persons, Businesses, Organizations affected by this action:

Residents of Red Bud Road, Department of Public Safety, and other City Staff.

Why is Board Action Required?

In order to be legally enforceable regulatory signs must be located and established as such by ordinance.

Type of Action Requested (Ordinance, Resolution, Motion):

Request first and second readings of Bill 10-14.

Are there any deadlines associated with this action?

No; however, the contractor has installed the island prohibiting left turns so this needs to be established to make it legally enforceable.

Comments and Recommendation of Department:

The design of the Red Bud Road – Lighthouse Roadway Project required an island to be installed at the intersection of Red Bud Road and Highway 54. Bill 10-14 would make no left turns from Red Bud onto Highway 54 legally enforceable.

City Administrator Comments and Recommendation:

Concur with the recommendation of the City Engineer.

AN ORDINANCE FOR THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING THE LOCATION OF NO LEFT TURNS AS INDICATED HEREIN.

Whereas the Board of Aldermen find that the City Traffic Engineer acting under the authority of City Code Section 315.010 found that a hazard exists and under the authority of City Code Section 325.040 recommends placement of prohibited left turn signs at the following location:

Red Bud Road onto U.S. Highway 54

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI, AS FOLLOWS, WIT.

Section 1. Drivers of motor vehicles shall not make a left turn from Red Bud Road onto U.S. Highway 54 in violation of the prohibited left turn sign as located there as prescribed in the City Traffic Code. Failure to abide by this ordinance shall be considered as a misdemeanor offence and the violator subject to citation and fine.

Section 2. That the Code of Ordinances be amended by changing Schedule V. Turn Restrictions, Table V-B, No Left Turns, to add the following location:

Red Bud Road onto U.S. Highway 54

Section 3. Severability

The chapter, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 4. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 5. This Ordinance shall be in full force and effect upon the date of passage and approval by the Mayor.

READ FIRST TIME: _____ READ SECOND TIME: _____

000102

I hereby certify that the above Ordinance No. 10.14 was duly passed on _____, 2010 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: _____ Nays: _____

Abstentions: _____ Absent: _____

This Ordinance is hereby transmitted to the Mayor for her signature.

Date

Diann Warner, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby APPROVE the above ordinance 10.14.

Penny Lyons, Mayor

Date

ATTEST:

Diann Warner, City Clerk

Submission Date: March 23, 2010

Submitted By: City Engineer

Board Meeting Date: April 1, 2010

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Bill 10-15 - Request to amend the 2010 Budget by transferring \$47,935 from 20-00-773211 Hwy 54 Sidewalk Improvements to 20-00-773100 Engineering

Names of Persons, Businesses, Organizations affected by this action:

Citizens and City Staff

Why is Board Action Required?

Ordinance required to amend the Budget

Type of Action Requested (Ordinance, Resolution, Motion):

Request first and second readings of Bill 10-15.

Are there any deadlines associated with this action?

No

Comments and Recommendation of Department:

This Budget Amendment is for Contract Modification No. 1 for the Engineering Services of the Zebra Connector Project.

The Engineering Department recommends approval of this ordinance. A first and second reading is requested.

City Administrator Comments and Recommendation:

Concur with the recommendation of the City Engineer.

BILL NO. 10-15

ORDINANCE NO. 10.15

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE 09.52 ADOPTING THE 2010 ANNUAL BUDGET, TRANSFERRING APPROPRIATIONS FOR NECESSARY EXPENSES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS, TO WIT:

Section 1. That the 2010 Annual Budget adopted as Ordinance 09.52 is hereby amended by transferring \$47,935 to line item 20-00-773100 designated as Engineering from line item 20-00-773211 Hwy 54 Sidewalk Improvements creating a total appropriation as follows:

	Original item	Amended Item
20-00-773100	\$50,559	\$98,494
20-00-773211	\$400,000	\$352,065

Section 2. In all other respects the 2010 Annual Budget adopted in Ordinance No. 09.52 shall remain in full force and effect.

Section 3. That this Ordinance shall be in full force and effect upon date of passage.

READ FIRST TIME: _____ READ SECOND TIME: _____

I hereby certify that the above Ordinance No. 10.15 was duly passed on _____, 2010 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

This Ordinance is hereby transmitted to the Mayor for her signature.

Date

Diann Warner, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby APPROVE Ordinance 10.15

Penny Lyons, Mayor

Date

ATTEST:

Diann Warner, City Clerk

Submission Date: March 23, 2010

Submitted By: City Attorney

Board Meeting Date: April 1, 2010

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Bill 10-16 - Re-codify the speed limits on various city streets.

Names of Persons, Businesses, Organizations affected by this action:

Osage Beach Police Department, citizens and Municipal Court

Why is Board Action Required?

Board action is required to adopt an ordinance.

Type of Action Requested (Ordinance, Resolution, Motion):

Request first reading of Bill 10-16.

Are there any deadlines associated with this action?

No

Comments and Recommendation of Department:

Recommend adoption to clarify our speed limits as set out in City Code.

City Administrator Comments and Recommendation:

Concur with the recommendation of the City Attorney.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, RE-ESTABLISHING SPEED LIMITS FOR CITY STREETS

WHEREAS, the Board of Aldermen hereby finds that the city has previously established speed limits by ordinances as follows; R.O. 2006 Sch. I; Ord. No. 85.25 §1, 9-12-85; Ord. No. 86.10 §§1--2, 3-13-86; Ord. No. 93.12 §1, 3-4-93; Ord. No. 93.26 §2, 3-3-94; Ord. No. 94.27 §1, 7-21-94; Ord. No. 95.56 §1, 12-7-95; Ord. No. 99.19 §2, 8-19-99; Ord. No. 05.26 §1, 7-7-05; Ord. No. 08.23 §1, 11-6-08; and,

WHEREAS, the Board of Aldermen conclude that restating and re-adopting in one ordinance the speed limits on city streets and Highway 54 is in the best interest of the citizens of Osage Beach:

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1. That Schedule I. SPEED LIMITS of the Osage Beach Code of Ordinances be and is hereby repealed.

Section 2 That a new Schedule I. SPEED LIMITS of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

SCHEDULE I. SPEED LIMITS

In accordance with the provisions of Chapter 320 and when signs are erected giving notice thereof, it shall be unlawful for any person to drive a vehicle at a speed in excess of the speeds listed below on the streets as designated.

Street	Speed Limit in Miles Per Hour (mph)
Airport Road from right-of-way with Highway 54 to the southeast corner of Camden County parcel number 08-05-22-01-07 on City right-of-way.	30 mph
Barry Prewitt Memorial Drive between the intersection with Highway 54 and the intersection with State Route D and Columbia Avenue.	30 mph
Bentwood Drive	15 mph
Bluff Drive from the right-of-way with Highway 54 to the southeast corner of Camden County parcel number 08-01-1.1-03-1.001 on City right-of-way.	30 mph
Bradford Drive	15 mph
Brookfield Lane	15 mph

000107

Case Road from right-of-way with Highway 54 to the northeast corner of Camden County parcel number 08-01-11-08-08 on City right-of-way.	30 mph
Cayman Drive	15 mph
College Boulevard from Bradford Drive to the end of the city right of way	15 mph
College Boulevard from Bradford Drive to Columbia	30 mph
Columbia Avenue between the intersection with State Route D and the intersection with Highway 42.	30 mph
Dude Ranch Road from Nichols to the northwest corner of Camden County parcel number 08-01-11-02-36.	30 mph
Hampton Circle	15 mph
Hatchery Road from the right-of-way with Highway 54 through the Osage Beach City Park.	15 mph
Highway 42, between Highway 54 and Columbia Avenue	35 mph
Highway 42, between Columbia Avenue and City limits.	45 mph
Larkspur Court	15 mph
Lazy Days Road from right-of-way with Highway 54 to northwest corner of Camden County parcel number 08-05-22-02-26.	30 mph
Maple Tree Circle	15 mph
Meadow Lane	15 mph
Nichols Road from Highway 54 to the end of the City right-of-way.	30 mph
Passover Road from Highway 54 to Wilson Road	30 mph
Passover Road from Wilson Road to end of Passover road	25 mph
Pebble Lane	15 mph
State Route D	45 mph
Sunset Drive from Bluff Drive to the northeast corner of Camden County parcel number 08-01-1.2-02-06 on City right-of-way for the first three-tenths of a mile	30 mph

000108

Sunset Drive from Bluff Drive to the northeast corner of Camden County parcel number 08-01-1.2-02-06 on City right-of-way. After the first three tenths of a mile Bluff Drive	25 mph
Swiss Village Road from right-of-way with Highway 54 to City limits.	30 mph
Three Seasons Road from the City limits to the City limits	30 mph
U.S. Highway 54, from east corporate limits to Swiss Village Road.	45 mph
U.S. Highway 54, from Swiss Village Road to west corporate limits.	50 mph

Section 3. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 4. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 5. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: _____ READ SECOND TIME: _____

PASSED AND APPROVED THIS _____ DAY OF _____, 2010.

I hereby certify that the above Ordinance No. 10.16 was duly passed on _____, 2010 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes _____ Nays _____

Abstaining _____ Absent _____

000109

This Ordinance is hereby transmitted to the Mayor for her signature.

Date

Diann Warner, City Clerk

Approved as to form:

Edward B. Rucker,
City Attorney

I hereby APPROVE the above Ordinance No. 10.16.

Penny Lyons, Mayor

Date

ATTEST:

Diann Warner, City Clerk

000110

Submission Date: March 24, 2010

Submitted By: Parks Director

Board Meeting Date: April 1, 2010

**City of Osage Beach
BOARD OF ALDERMEN
AGENDA ITEM SUMMARY SHEET**

Description of Item:

Authorize the Mayor to execute an agreement for concession services for the Osage Beach City Park.

Names of Persons, Businesses, Organizations affected by this action:

Citizens of Osage Beach, Park Visitors, and City Staff.

Why is Board Action Required?

Board approval required for contractual agreements.

Type of Action Requested (Ordinance, Resolution, Motion):

A motion to authorize the Mayor to execute an agreement with 32 Concessions for concession services at Osage Beach City Park pursuant to the terms and conditions of the RFP.

Are there any deadlines associated with this action?

Yes, we would like the concessionaire to be able to begin as soon as possible.

Comments and Recommendation of Department:

An RFP was issued to invite proposers to supply concessionaire services at the concession facility located at the Osage Beach City Park. We had quite a few inquiries and two companies responded. The company we recommend awarding the contract to is 32 Concessions. Mr. Randall supplied, as requested, three business references; and we received very positive responses from all of them.

Attached is the requested narrative details from 32 Concessions, along with the contract that will be presented to Mr. Randall. The contract mirrors the details presented in the RFP and also includes an appendix to the agreement, the Concession Facility Inspection Checklist, for the concessionaire to fill out prior to their use of the facility.

Staff recommends 32 Concessions as the first Osage Beach City Park concessionaire.

City Administrator's Comments and Recommendation:

Concur with the recommendation of the Parks Manager. Both he and the Assistant City Administrator are recommending we enter into an agreement with 32 Concessions.

RFP PROPOSAL

Travis Randall PFG Middendorf

(573)434-9549

000112

Concessions Proposal

1. Executive Summary

I have been in the food business my entire life. I am an industry consultant and territory manager for PFG Middendorf. This is a broad line food distributor out of St. Louis. I have worked for the past 16yrs in the food and beverage industry helping others to become successful in there business venture's. I handle clients such as Silver Dollar City, Springfield Cardinals, Lodge of the Four Season's and many others in the area. I know how to put good product out at a good value and be profitable in the process. I also am very involved with sports and tournament events. I have run my own baseball and softball tournaments for years and have run concessions at those events. We are always VERY profitable and the patrons love the food and service.

2. Financial

My wife and I have the ability to handle a venture of this size. With the knowledge of food costing and innovative marketing idea's that I bring to the table I believe this will be a win/win for all parties.

3. Marketing

I have several marketing opportunities via suppliers such as Farmland, Oscar Meyer, Blue Bunny, and several others that I work with at the Cardinals organization. These tools are free but will help the business. I will also maximize all potential customers in the park and keep them there via competitive pricing and quality product.

4. Personnel

This will be a family run business...Myself (Travis Randall) My wife Melody and my teenage daughter will be there at all times. My mother Carol Leiker has worked in concessions for several years will be there to help should we need it.

5. Operations

Products offered will be typical of most concession's operations but including wraps and other items that are "lighter". I believe children should have alternatives to soda and candy bars so there will be several other options. As I said earlier this is what I do for a living and putting together a quality yet profitable menu is what I do on a daily basis. Quality will be our #1 goal. If they don't like it they won't eat there... I have several product lines that are very cost effective yet are very high quality. Those items will be our focus.

6. Overview

I have consulted with my insurance agent and several vendors and feel that meeting all requirements will not be an issue. I want to make this park a place where our families want to go and want to stay. I believe that with the right people in place people will begin going to the park not only if they have an event of interest but also just to spend there day. I would love to be part of the team that makes that happen. Thanks for the opportunity...

City of Osage Beach
RFP FORM

Proposal for OSAGE BEACH CITY PARK CONCESSIONS

Diann Warner
City Clerk
City of Osage Beach
1000 City Parkway
Osage Beach, MO 65065

SUBMITTED BY: 32 concessions
Company Name
DATE SUBMITTED: 3-20-10

Provide the following personal/business information:

Company Name: 32 concessions
Sole Proprietor Partnership Corporation/Corporation Type
Proposer's Name: Travis Randall
Proposer's Title: owner operator
Address: 206 Sunset DR. Conderton MO
Phone: 573-434-9549 Alternate Phone: 573-434-9633
Proposer's Social Security No. 510-80-0389
Proposer's Driver's License No. _____ State: MO
Business Tax ID No.: State N/A Federal: N/A
Have you ever been convicted of a crime or placed on probation, excluding traffic misdemeanors? Yes No If yes, give details: _____

Provide three business or financial references (Name, Company, Address, Phone Number(s)):

Donna Ray Jonistile/Thompson's General Store Conderton 692-4033
Rick Kuhn RLIC & Associates OSAGE BEACH 314-614-6911
Russ Clay Central Bank OSAGE BEACH 480-7455

The proposer shall submit an organized typed narrative detailing the financial, marketing, personnel and operational management plan for supplying concession products and services to

the Osage Beach City Park and its patrons. **Mark additional sheets "Attachments to Appendix A - Osage Beach City Park Concessions"**

1. **Executive Summary.** Provide a brief overview of the proposer's management goal and qualifications for supplying concession products and services.
2. **Financial.** Provide a brief overview of the organization's type and financial structure and any details needed for clarification of structure. Explain why and how you will make this venture successful.
3. **Marketing.** Explain the marketing plans for the first year and anticipated subsequent years, showing signage and advertising goals.
4. **Personnel.** Provide a list of anticipated concession personnel and staffing requirements, describing job titles, minimum qualifications and supervisory responsibilities.
5. **Operations.** Provide a list of products to be offered, including 'healthy' options. Explain what 'quality' means to you, as the proposer, in regards to each part of supplying concession products and services to the Osage Beach City Park and it's patrons, describing efforts that will be taken to ensure the satisfaction of the customers.

Pursuant to and in accordance with the above stated RFP, the undersigned hereby declares that they have examined the RFP documents and specifications for the Osage Beach City Park Concessions Proposal. The undersigned proposes and agrees that all statements herein are true and correct, and if their proposal is accepted, to furnish the materials and services described in the RFP documents. The undersigned understands that the City reserves the right to immediately terminate the agreement upon any false statement, upon any safety issue putting the public at risk, or any violation by the concessionaire to city, state or federal law.

Company 32 concessions By 
 (Authorized Representative)
 Address 206 Sunset DR. Travis Rands
Camden MO 65020 (Print or type name and title)

Phone 573-434-9549 Email Trandall@pfgc.com
 FAX _____ Date 3-20-10

OSAGE BEACH CITY PARK CONCESSION AGREEMENT

This agreement dated _____, 20 __, between the City of Osage Beach (the "City") and _____ (the "Concessionaire").

The City and the Concessionaire mutually agree that the Concessionaire shall provide goods and services in accordance with the specifications and terms of this agreement.

Section 1 – INTENT:

The intent of this agreement is to establish the terms under which the Concessionaire will supply and support food and drink concession services at the concession facilities located at the Osage Beach City Park (referred to herein as the "Premises").

Section 2 – TERM:

Unless sooner terminated under the provisions of this agreement, the contract term shall begin _____ and end on December 31, 2010. The term may be extended by mutual written agreement an additional one-year term, but not to exceed a total of two years.

The City reserves the right to terminate the agreement upon a thirty (30) day written notice upon failure by the Concessionaire to comply with any term, provision or covenant of this agreement. The City reserves the right to immediately terminate the agreement upon any false statement, upon any safety issue putting the public at risk, or any violation by the concessionaire to city, state or federal law.

Section 3 – LICENSE, COMPLIANCE AND INSURANCE:

The Concessionaire shall obtain all necessary licenses and permits required by the City, County and the State of Missouri, shall conform to all rules, regulations, ordinances, laws and/or directives set forth by the City and/or the State of Missouri and shall conform to any and all changes made to this agreement as a result of any ordinance, law and/or directive issued by the City of Osage Beach or the State of Missouri. Copies of all inspections, reports, notices and licenses shall be forwarded to the City upon receipt of this signed agreement.

The Concessionaire shall purchase and maintain, by a company or companies lawfully authorized to do business in the State of Missouri, the minimum insurance coverages below:

- Commercial General Liability – Minimum limits of \$1,000,000 per occurrence, and an unimpaired products and completed operations aggregate limit and general aggregate limit of \$2,000,000. The policy shall include coverage for: a) bodily injury; b) broad form property damage, including completed operations; c) independent contractors' coverage; d) personal

injury; e) blanket contractual liability; f) products and completed operations coverage, extending one year past acceptance, cancellation or termination of the services or work defined in this contract; and g) any other subjects for which commercial general liability insurance is required within the State of Missouri.

- Business Automobile Liability – Minimum limits of \$1,000,000 per occurrence combined single limit, applicable to claims arising from bodily injury, death or property damage arising out of the ownership, maintenance or use of any auto.
- Workers' Compensation Insurance – As required by the State of Missouri.

Certificates of Insurance shall be acceptable to the City and shall be issued and delivered prior to the commencement of the work defined in this agreement and upon all renewal dates within the defined contract dates. Certificates of Insurance must be certified and name the City as an additional insured. All coverages, conditions, limits and endorsements shall remain in full force and effect as required in the agreement. The City reserves the right to request and receive certified copies of any or all of the above policies and/or endorsements during the term of this Agreement.

The Concessionaire shall indemnify, save, and hold harmless the City of Osage Beach, Missouri, its employees, and agents, against any and all claims, damages, liability and court awards including costs, expenses, and attorney fees incurred as a result of any act or omission by the operator or its employees, agents, subcontractors, or assignees pursuant to the terms of this agreement.

Section 4 – USE OF PREMISES:

The Concessionaire accepts the Premises in an “as is, where is” condition, based on its own inspection and investigation, and without any warranty of the City.

The Concessionaire shall occupy and use the Premises for the purpose of operating concession services in accordance with the terms of this agreement. At its own expenses, the Concessionaire shall comply with all applicable laws in force now and hereafter pertaining to the use, occupancy and possession of the Premises.

Concessionaire shall operate on the Premises concession services during scheduled field or park use and/or other times when concession services may be needed in concurrence with field or park reservations. The City shall supply the concessionaire with dates and times of advanced field or park reservations with, at minimum, a five (5) day advanced written notice.

The Concessionaire shall have access to and use of the Premises and shall maintain one set of necessary keys to the premises. The City shall maintain a master set.

The Concessionaire shall have exclusive right to sell or offer for sale food, beverages and/or merchandise at the location specified in this agreement.

Section 5 – ADVERTISING:

The Concessionaire shall not erect or place any banners or signs on or about the Premises without the City's prior written approval of the location, material, size, design and content. Banners and signs shall only be temporary in use and not permanently constructed, installed or built on City property. All banners and signs shall comply with all City codes, applicable laws and regulations.

Section 6 – MAINTENANCE AND REPAIRS:

All maintenance to property owned, leased or controlled by the City shall be made by the City. All maintenance to property which is owned, leased or controlled by the Concessionaire shall be made by the Concessionaire. Repairs necessitated from misuse by the Concessionaire shall be paid by the Concessionaire. No alterations shall be made to City owned, leased or controlled property by the Concessionaire without the prior written consent of the City.

Prior to signing of an agreement the Concessionaire shall have the right to inspect the Premises and provide written details as to the condition of the Premises prior to use. Appendix A shall serve as written details regarding the condition of the Premises and shall be signed and dated by the City and the Concessionaire and submitted at the commencement of this agreement.

At the termination of this agreement, the Concessionaire shall surrender the Premises in as good condition as the Premises were in on the date of this agreement; referring back to Appendix A, dated at the commencement of this agreement.

Section 7 – PRODUCT AND SERVICES:

Concession services shall include, but not limited to, the sale of food, including candy, and beverages.

The sale of beer and/or wine, or any intoxicating liquor may only be served, dispensed, possessed or consumed in or upon any building or other property owned or occupied by the City with approval from the City. A liquor license must be issued to the Concessionaire and an Alcohol on Public Property Application for Permit must be issued by the City for such licensed premises on a per event basis. For any event for which an Alcohol on Public Property Application is approved and issued to the Concessionaire, the Concessionaire shall be responsible for all possession and consumption of alcohol within the restrictions of the permit. Refer to Municipal Code Section 600.085.

Concessionaire shall supply the necessary equipment, inventory and supplies for providing concession services.

The Concessionaire and its employees must wear identifying uniforms or other easily visible item that identifies them as the Concessionaire or employees of the Concessionaire.

Section 8 – COMMISSIONS AND ACCOUNTABILITY:

The Concessionaire shall pay the City 5% of gross receipts as a commission to the City for all items sold. The term 'gross receipts' is defined as the total amount received for each item before deducting all costs of sales, licenses, taxes of every kind and description or overhead expenses.

The Concessionaire shall submit on a monthly basis commissions due to the City and a monthly report that shows, at a minimum, (1) the specific calendar month and (2) sales: gross receipts and commission amounts for the concession services for that calendar month. The monthly report is due to the City's Accounting Department within fifteen (15) calendar days following the conclusion of the accounting period.

The Concessionaire shall retain for inspection and audit by the City, or its agents, all books, accounts, reports, files and records relating to this agreement for a period of at least three (3) years after expiration or termination of this agreement. However, any records relating to disputes, litigation or the settlement of claims arising out of the performance of this agreement, shall be retained by the Concessionaire, or its agents, until such litigation or claim is fully resolved. The Concessionaire shall provide all records at any office of the City as the City may designate. The City has the right, at the Concessionaire's expense, to request that the commission statements for the current and/or any previous agreement year be examined in accordance with generally accepted auditing standards by an independent certified public accountant.

This agreement sets forth the entire understanding between the City and the Concessionaire. This agreement may be changed or modified only in writing and shall be signed by both parties.

IN WITNESS WHEREOF, the City and the Concessionaire have signed this agreement, effective as of the date stated herein.

THE CITY OF OSAGE BEACH

THE CONCESSIONAIRE

Authorized Signature

Authorized Signature

Print Name

Print Name

Date

Date

ATTEST:

Diann Warner, City Clerk

APPENDIX A
To the Osage Beach City Park Concession Agreement

Concession Facility Inspection Checklist

This checklist is required to be completed by the concessionaire, noting any defects or concerns, and submitted as part of the Osage Beach City Park Concession Agreement prior to concessionaire beginning services at the concession facilities described in the Osage Beach City Park Concession Agreement.

Exterior – Includes outer area of structure.

- Fencing _____
- Foundation _____
- Walls _____
- Doors _____
- Lighting/Fans _____
- Paint _____
- Tables/Fixtures _____
- Other _____

Exiting-Egress – Includes exiting and entering paths of travel.

- Latches, Locks, etc. _____
- Doors _____
- Windows _____
- Halls/Stairways _____
- Other _____

Interior – Includes inside area of structure.

- Ceiling _____
- Walls _____
- Floors _____
- Doors _____
- Windows _____
- Lighting _____
- Countertops/Surfaces _____
- Sinks/Utility outlet _____
- Cabinets _____
- Appliances/Equip _____
- Electrical _____
- Fire Equip/Smoke Detectors _____
- Bathroom (in kitchen) _____
- Other _____

We agree that the defects noted in this Concession Facility Inspection Checklist were present before the undersigned concessionaire began services at the concession facility at the Osage Beach City Park.

THE CITY OF OSAGE BEACH

THE CONCESSIONAIRE

Authorized Signature

Authorized Signature

Print Name

Print Name

Date

Date