



CITY OF OSAGE BEACH
BOARD OF ALDERMEN MEETING

REVISED 04/14/10

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 15, 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 04/01/10 (Page 01)
- Bills. (Page 09)
- Liquor Licenses (Page 20)
 1. Bootleggers Saloon – Caterer's license for April 10th
 2. Wobbly Boots – Caterer's license for May 1st and May 22nd

UNFINISHED BUSINESS

- A. Bill No. 10-16. Recodify Speed Limits on Various City Streets. Second Reading (Page 23)

NEW BUSINESS

- A. Certification of Election Results (Page 27)
- B. Oaths of Office (Page 31)
- C. Election of President of the Board of Aldermen (Page 33)
- D. Bill No.10-17. Authorizing Settlement Agreement with Alltel. First and Second Readings (Page 34)
- E. Bill No. 10-18. Authorizing Mayor to Execute Quit Claim Deed Clearing up Language in the Vacation of Cove Road. First and Second Readings (Page 48)
- F. Bill No. 10-19. Authorizing Mayor to Execute the First Amendment to the Tower Lease Agreement with New Cingular Wireless. First and Second Readings (Page 59)
- G. Authorization to Proceed with the Water and Sewer Rate Project (Page 67)
- H. **Bill No. 10-20. Amending the General Speed Limit Ordinance to Clarify the Enforcement of Speed Limits in Construction Zones within the City. First and Second Readings** (Page 84)
- I. **Proposed Contract Modification for the Highway 54 Sidewalk Improvements** (Page 87)

COMMUNICATIONS FROM MEMBERS OF THE BOARD OF ALDERMEN

STAFF COMMUNICATIONS

ADJOURN

CITY OF OSAGE BEACH
BOARD OF ALDERMEN
MEETING

APRIL 15, 2010
6:30 P.M.

NAME

(PLEASE PRINT)

ADDRESS

Eric Madlock

846 Mglib Rd

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

April 15, 2010

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, April 15, 2010, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Lois Farmer, Alderman David Gasper, Alderman Steve Kahrs, Alderman John Olivarri, Alderman Kevin Rucker, Alderman Ron Schmitt. City Clerk Diann Warner was present and performed the duties of that office.

Mayor's Communications. Mayor Lyons congratulated newly elected Aldermen and the City Collector for retaining their seats. She announced that a Public Forum is scheduled for May 4, 2010 from 6:30 p.m. to 8:30 p.m. Topics of interest will be an update on the status of the new website design; Four Seasons litigation; water quality; neighborhood policing; updated information on the Osage Beach City Park; addressing information for Highway 54; information on how to obtain a building permit; and status on road construction projects. The City history book "A Town on Two Rivers" will be available and information about the airports will be distributed.

Mayor Lyons proclaimed the week of April 11-17 – National Public Telecommunicator's Week and presented a Proclamation to Communication's Supervisor Sherie Smith who accepted the proclamation on behalf of Communications Officers.

Citizens Communications. Eric Medlock, 846 Malibu Road, was present to inform elected officials that voters were promised in 1998 that the Capital Improvements Sales Tax would be used to pay off the bonds if the voters approved the bond issue. He stated that the debt service remains fairly constant but the debt subsidy is reduced and is continually being reduced resulting in the inside City rates being increased faster than the outside City rates. Mr. Medlock said that there is no extension of service in the rate structure and the City has spent over \$9 million out of the operation and maintenance fund which is in violation of City ordinances and not being transferred back as required by City ordinance. Mr. Medlock said that discontinuing this practice makes the current rates not only sufficient but a rate decrease would be in order. Mr. Medlock stated that the numbers were being manipulated to justify a rate increase. He asked elected officials to do due diligence. He stated that the City is trying to justify raising rates using unjustifiable reasons.

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the meetings held on April 1, 2010, the bill list as submitted and liquor licenses to Bootleggers Saloon, caterer's license for April 10; Wobbly Boots, caterer's license for May 1 and May 22. Alderman Schmitt seconded the motion which was voted on and passed.

Unfinished Business.

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

Mayor Lyons presented the second and final reading of Bill No. 10-16 by title only. It was noted that Bill 10-16 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill 10-16 as presented. Alderman Gasper seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-16 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Gasper, Alderman Schmitt, Alderman Kahrs, Alderman Olivarri, Alderman Rucker. "Nays": None. Bill 10-16 was passed and approved as Ordinance 10.16.

New Business.

Certification of Election Results. City Clerk Warner presented the election results as certified by the

County Clerks of Camden and Miller Counties as follows:

Camden County

<u>Mayor</u>		
	Penny Lyons	235
<u>Alderman Ward I</u>		
	Kevin Rucker	76
<u>Alderman Ward II</u>		
	Lois Farmer	89
<u>Alderman Ward III</u>		
	David J. Gasper	64
<u>Collector</u>		
	John Berry	236

Miller County

<u>Mayor</u>		
	Penny Lyons	22
<u>Alderman Ward 1</u>		
	Kevin Rucker	21
<u>Collector</u>		
	John Berry	21

Alderman Schmitt moved to approve the Certification of Election Results as presented. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Oaths of Office. The following newly elected officials took the oath of office administered by the City Clerk: Penny Lyons, Mayor; Kevin Rucker, Alderman Ward 1; Lois Farmer, Alderman Ward 2; David Gasper, Alderman Ward 3; John Berry, Collector.

Election of the President of the Board of Aldermen.

Alderman Gasper moved to elect Alderman Steve Kahrs as President of the Board of Aldermen. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bill No. 10-17. Authorizing Settlement Agreement with Alltel.

City Clerk Warner explained that this settlement agreement is similar to those approved with wireless communications companies in the past. The amount the City will receive is \$5,016.70.

Mayor Lyons presented the first reading of Bill 10-17 by title only. It was noted that Bill 10-17 has been available for public review.

Alderman Schmitt moved to approve the first reading of Bill 10-17 as presented. Alderman Farmer

seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-17 by title only. It was noted that Bill 10-17 has been available for public review.

Alderman Gasper moved to approve the second and final reading of Bill 10-17. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-17 and to pass same into Ordinance: "Ayes": Alderman Gasper, Alderman Schmitt, Alderman Kahrs, Alderman Olivarri, Alderman Rucker, Alderman Farmer. "Nays": None. Bill 10-17 was passed and approved as Ordinance 10.17.

Bill No. 10-18. Authorizing Mayor to Execute Quit Claim Deed Clearing up Language in the Vacation of Cove Road.

City Attorney Ed Rucker explained that several years ago the City attempted to vacate a portion of Cove Road however, the original deed was confusing. He said that Bill 10-18 clears up the confusion and has no affect on the City's finances.

Mayor Lyons presented the first reading of Bill 10-18 by title only. It was noted that Bill 10-18 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill 10-18 as presented. Alderman Olivarri seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill 10-18 by title only. It was noted that Bill 10-18 has been available for public review.

Alderman Gasper moved to approve the second and final reading of Bill 10-18 as presented. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-18 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Kahrs, Alderman Olivarri, Alderman Rucker, Alderman Farmer, Alderman Gasper. "Nays": None. Bill 10-18 was passed and approved as Ordinance 10.18.

Bill No. 10-19. Authorizing Mayor to Execute the First Amendment to the Tower Lease Agreement with New Cingular Wireless.

City Attorney Ed Rucker explained that at the last meeting, Special Use Permits were approved for cases 352, 353, and 354. Bill 10-19 authorizes the Mayor to execute the lease agreement with New Cingular Wireless.

Mayor Lyons presented the first reading of Bill 10-19 by title only. It was noted that Bill 10-19 has been available for public review.

Alderman Farmer moved to approve the first reading of Bill 10-19 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-19 by title only. It was noted that Bill 10-19 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill 10-19 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final

reading of Bill 10-19 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Olivarri, Alderman Rucker, Alderman Farmer, Alderman Gasper, Alderman Schmitt. "Nays": None. Bill 10-19 was passed and approved as Ordinance 10.19.

Authorization to Proceed with the Water and Sewer Rate Project.

Assistant City Administrator Jeana Albertson requested authorization to proceed with the Water and Sewer Rate proposal presented on April 8, 2010 at a Special Board of Aldermen meeting. She explained that the Department of Natural Resources has completed their review and approval of the rate structure, and in May information would be mailed to all users; the Board would approve the ordinance in June with rates effective in July.

Alderman Kahrs questioned whether other cities subsidize their rates. He stated that without the subsidy, Osage Beach residents would be paying out of City rates. Alderman Kahrs asked staff to come up with ideas for saving money to show residents that the City is cutting costs. Alderman Olivarri said he spent time going over the numbers with Assistant City Administrator Jeana Albertson and she will be able to answer questions and address concerns.

Alderman Olivarri moved to proceed with the Water and Sewer Rate Proposal presented on April 8, 2010 with the recommendation that staff look at cost savings in operation and maintenance. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Bill 10-20. Amending the General Speed Limit Ordinance to Clarify the Enforcement of Speed Limits in Construction Zones within the City.

City Attorney Rucker explained that Bill 10-20 clarifies that any speed limit posted in a construction zone on a state highway may be enforced by the City Police Department.

Mayor Lyons presented the first reading of Bill 10-20 by title only. It was noted that Bill 10-20 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill 10-20 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill 10-20 by title only. It was noted that Bill 10-20 has been available for public review.

Alderman Gasper moved to approve the second and final reading of Bill 10-20 as presented. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill 10-20 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Rucker, Alderman Farmer, Alderman Gasper, Alderman Schmitt, Alderman Kahrs. "Nays": None. Bill 10-20 was passed and approved as Ordinance 10.20.

Proposed Contract Modification for the Highway 54 Sidewalk Improvements.

City Engineer Nick Edelman explained that at the March 18 Board of Aldermen meeting, Contract Modification No. 2 was approved in the amount of \$50,000. The \$50,000 was used for the following:

- 1) Driveways – total cost \$23,263.27
- 2) Topsoil additional needed - \$6,000.00
- 3) Sod - \$5,218.50

The total additional cost to date is \$34,481.77. Approximately \$15,000 of the original \$50,000 has not been spent.

Contract modification No. 2 is for additional work that is needed for the grade between the Osage Beach Premium Outlet and Hatchery Road. The estimated cost of the work is approximately \$35,000. The contractor originally asked for \$67,171.36. The contractor potholed the area and rock was discovered in the area to be excavated.

The funding for this work can be obtained from 20-00-773211 Hwy 54 Sidewalk Improvements in the amount of \$352,065. Currently \$25,789.00 is available in this account.

The Engineering Department recommends approval of the additional work in the not to exceed amount of \$20,000. City Engineer Edelman stated that even with the contract modifications, the project is under budget by \$70,000 and an additional \$8,000 is available from ARRA funds.

Alderman Rucker moved to approve Contract Modification No. 2 in the amount of \$20,000 as recommended. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Communications from Board Members.

Alderman Kahrs. Alderman Kahrs voiced his concern for the many contract modifications and asked that the projects be closely monitored. He thanked the Board of Aldermen for electing him President of the Board.

Alderman Rucker. Alderman Rucker questioned the reason the Department of Natural Resources is not enforcing the air quality regulations at High Pointe Center during demolition of the buildings. He stated that they are conducting a crushing operation now and there is a great deal of dust. City Engineer Edelman responded that he would speak with the Building Official about this issue.

Alderman Rucker announced that he filed to run for the office of Camden County Clerk; he said he had checked with legal counsel and with the Secretary of State and there is no conflict of interest. He said if he is successful, he would resign his position as alderman in December.

Alderman Olivarri. Alderman Olivarri congratulated the newly elected officials.

Alderman Gasper. Alderman Gasper expressed his appreciation to everyone for reelecting him as Ward 3 Alderman.

Alderman Farmer. Alderman Farmer expressed her appreciation to those who reelected her as Ward 2 Alderman.

Alderman Schmitt. Alderman Schmitt congratulated the newly elected officials.

Staff Communications.

Police Department. Lieutenant Richard Calvino expressed his appreciation to the Mayor for the Proclamation recognizing Communications Officers.

City Planner. City Planner Patterson encouraged everyone to complete the census and return it since it is very important to Osage Beach for every citizen to be counted.

There being no further business to come before the Board, the meeting adjourned at 7:15 p.m.

I, Diann Warner, City Clerk of the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Board of Aldermen of the City of Osage Beach, Missouri, held on April 15, 2010.


Diann Warner, City Clerk


Penny Lyons, Mayor

PROCLAMATION

NATIONAL TELECOMMUNICATOR'S WEEK APRIL 11th – 17th, 2010

WHEREAS, emergencies can occur at anytime that require Police, Fire or Emergency Medical Services; and

WHEREAS, when an emergency occurs, the prompt response of Police Officers, Firefighters and Paramedics is critical to the protection of life and preservation of property; and

WHEREAS, Public Safety Dispatchers are the first contact our residents have with Emergency Services; and

WHEREAS, Public Safety Dispatchers are the vital link for our Police Officers, Firefighters and Paramedics by monitoring their activities, providing them information and insuring their safety; and

WHEREAS, Public Safety Dispatchers are more than a calm and reassuring voice at the other end of the phone. They are the "Unseen First Responders." They are knowledgeable and highly trained individuals who work closely with other Police, Fire, and Medical Personnel; and

WHEREAS, Public Safety Dispatchers of the Osage Beach 911 Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, each Dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year; and

WHEREAS, Public Safety Dispatchers daily serve the public in countless ways without recognition by the beneficiaries of their services.

NOW, THEREFORE, I, PENNY LYONS, Mayor of the City of Osage Beach, do hereby proclaim the week of April 11th through 17th, 2010 to be National Public Safety Telecommunicator Week in honor of the men and women whose diligence and professionalism keep our city and our residents safe.

BE IT FURTHER PROCLAIMED, that this proclamation be spread on the minutes of public records of this City.

Dated this 15th day of April, 2010.

Penny Lyons, Mayor



**CITY OF OSAGE BEACH
BILLS LIST
April 15, 2010**

Bills Paid Prior to Board Meeting	87,686.05
Payroll Paid Prior to Board Meeting	130,705.68
SRF Transfer Prior to Board Meeting	0.00
TIF Transfer Prior to Board Meeting	0.00
TIF Pilots Transfer Prior to Board Meeting	0.00
Bills Pending Board Approval	268,889.97
Total Expenses	<u>487,281.70</u>

*OK
Paul
4/19/10
Dee*

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT		
NON-DEPARTMENTAL	General Fund	FAMILY SUPPORT PAYMENT CENTER	Case# 26v050500201	367.38		
			MO DEPT OF REVENUE	State Withholding	4,281.00	
			INTERNAL REVENUE SERVICE	Fed WH	11,819.12	
					FICA	7,626.82
					Medicare	1,783.68
			CENTIER BANK	Savings Bonds	140.40	
			ICMA	Retirement 457 &	534.42	
				Retirement 457	2,048.50	
				Loan Repayments	902.44	
				Loan Repayments	566.80	
				401 Loan Payment	172.34	
				401 Loan Payment	147.56	
				Retirement Roth IRA	155.00	
				TOTAL:	30,545.46	
		City Administrator	General Fund	INTERNAL REVENUE SERVICE	FICA	406.80
Medicare	95.14					
ICMA	Retirement 401				393.68	
AT & T MOBILITY-CELLS	CELL PHONE SERVICE			27.25		
	TOTAL:			922.87		
City Clerk	General Fund	INTERNAL REVENUE SERVICE	FICA	433.50		
			Medicare	101.38		
		ICMA	Retirement 401	393.12		
			TOTAL:	928.00		
City Treasurer	General Fund	INTERNAL REVENUE SERVICE	FICA	462.52		
			Medicare	108.17		
		ICMA	Retirement 401	447.60		
			TOTAL:	1,018.29		
Municipal Court	General Fund	INTERNAL REVENUE SERVICE	FICA	95.85		
			Medicare	22.42		
		ICMA	Retirement 401	92.76		
			TOTAL:	211.03		
City Attorney	General Fund	INTERNAL REVENUE SERVICE	FICA	272.58		
			Medicare	63.75		
		ICMA	Retirement 401	263.79		
			TOTAL:	600.12		
Building Inspection	General Fund	INTERNAL REVENUE SERVICE	FICA	370.78		
			Medicare	86.71		
			ICMA	Retirement 401	358.83	
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE	68.13		
			TOTAL:	884.45		
Building Maintenance	General Fund	AMEREN UE	CITY HALL	2,729.96		
		ALLIED WASTE SERVICES #435	TRASH SERVICE CITY HALL	215.39		
			TOTAL:	2,945.35		
Parks	General Fund	AMEREN UE	CITY PARK #2 DISPLAY A	19.54		
			LOWER DIAMOND LIGHTS	8.03		
			CITY PARK #2 DISPLAY C	8.45		
			FISH HATCHERY RD SOCCER FI	20.39		
			CITY PARK #2 DISPLAY D	8.45		

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			FISH HATCHERY RD BALL FIEL	437.69
			CITY PARK #2 DISPLAY B	8.03
			BALL DIAMONDS CONS STAND	84.37
			HWY 42 BALL PARK LIGHTS	15.03
			CITY PARK #2 IRRIGATION PU	8.45
		INTERNAL REVENUE SERVICE	FICA	338.30
			Medicare	79.12
		ICMA	Retirement 401	247.32
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE	54.51
			TOTAL:	1,337.68
Human Resources	General Fund	INTERNAL REVENUE SERVICE	FICA	117.78
			Medicare	27.54
		ICMA	Retirement 401	113.98
			TOTAL:	259.30
Police	General Fund	BANKCARD CENTER 3770	HOME FIREARM SAFETY PKTS	178.40
		INTERNAL REVENUE SERVICE	FICA	3,225.41
			Medicare	754.30
		ICMA	Retirement 401	3,121.37
		FORD, SAM	MEAL REIMB K9 TRAINING KC	40.00
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE	163.54
		ONE TIME VENDOR NAPWDA	NAPWDA K9 WORKSHOP - FORD	275.00
			TOTAL:	7,758.02
911 Center	General Fund	BANKCARD CENTER 3770	MONENA CONFERENCE, S SMITH	175.00
		INTERNAL REVENUE SERVICE	FICA	829.26
			Medicare	193.95
		ICMA	Retirement 401	802.52
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE	30.24
			TOTAL:	2,030.97
Planning	General Fund	INTERNAL REVENUE SERVICE	FICA	295.72
			Medicare	69.16
		ICMA	Retirement 401	286.19
		BANKCARD CENTER 5106	LINN STATE TRAINING, ALTON	251.85
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE	27.25
			TOTAL:	930.17
Engineering	General Fund	INTERNAL REVENUE SERVICE	FICA	492.43
			Medicare	115.18
		ICMA	Retirement 401	476.53
		CAMDEN COUNTY RECORDER OF DEEDS	FAXING FEES	2.00
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE	68.13
			TOTAL:	1,154.27
Information Technology	General Fund	INTERNAL REVENUE SERVICE	FICA	285.89
			Medicare	66.86
		ICMA	Retirement 401	276.67
		AT & T /EMSGTWY_SBC	MARCH SERVICE	369.45
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE	115.25
		VERIZON WIRELESS	CAMERA TRAILER ACCESS	86.02
			TOTAL:	1,200.14
NON-DEPARTMENTAL	Transportation	MO DEPT OF REVENUE	State Withholding	362.50
		INTERNAL REVENUE SERVICE	Fed WH	978.04

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			FICA	710.27
			Medicare	166.10
		ICMA	Retirement 457	50.00
			Retirement Roth IRA	79.13
			TOTAL:	2,346.04
Transportation	Transportation	ALLIED WASTE SERVICES #435	TRASH SERVICE-PUBLIC WORKS	71.80
		AMEREN UE	PASSOVER RD LIGHTING CONTR	106.48
			KETTERLIN PK-PUBLIC WORKS	184.44
			KETTERLIN IND PK STORAGE F	25.57
		INTERNAL REVENUE SERVICE	FICA	710.27
			Medicare	166.10
		ICMA	Retirement 401	687.36
		CAMDEN COUNTY RECORDER OF DEEDS	EASEMENTS FOR DUDE RANCH S	57.00
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE	27.25
			TOTAL:	2,036.27
NON-DEPARTMENTAL	Water Fund	MO DEPT OF REVENUE	State Withholding	246.69
		INTERNAL REVENUE SERVICE	Fed WH	646.74
			FICA	485.01
			Medicare	113.42
		CENTIER BANK	Savings Bonds	26.93
		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	45.92
		CAMDEN COUNTY RECORDER OF DEEDS	WATER LIEN	14.00
			TOTAL:	2,059.11
Water	Water Fund	AMEREN UE	COLUMBIA COLLEGE WELL	1,212.12
		MILLER CO RECORDER	EASEMENT DEED - WATER	24.00
		ALLIED WASTE SERVICES #435	TRASH SERVICE-PUBLIC WORKS	71.80
		AMEREN UE	PARKVIEW WELL	314.66
			HOLIDAY SHORES WELL	324.38
			KETTERLIN PK-PUBLIC WORKS	184.44
			COLUMBIA COLLEGE TOWER	139.85
		INTERNAL REVENUE SERVICE	FICA	485.00
			FICA	265.71
			Medicare	113.43
			Medicare	62.14
		ICMA	Retirement 401	469.36
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE	81.76
		MANPOWER INTERNATIONAL INC	TEMP HELP WATER DEPT	662.00
			TOTAL:	4,410.65
NON-DEPARTMENTAL	Sewer Fund	MO DEPT OF REVENUE	State Withholding	399.81
		INTERNAL REVENUE SERVICE	Fed WH	1,117.92
			FICA	753.43
			Medicare	176.20
		ICMA	Retirement 457	25.00
			Loan Repayments	177.91
			Loan Repayments	100.91
			401 Loan Payment	155.03

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			401 Loan Payment	26.45
			Retirement Roth IRA	80.53
		CAMDEN COURT	Case #09CM-SC00020	114.55
			Case No. 08CM-AC00292	99.50
		CAMDEN COUNTY RECORDER OF DEEDS	SEWER LIEN	14.00
		ONE TIME VENDOR FRITCHEY, BRANDON	REFUND SEWER FEES	322.28
			TOTAL:	3,563.52
Sewer	Sewer Fund	AMEREN UE	GRINDER PUMPS	2,165.19
			LIFT STATIONS	1,936.55
			GRINDER PUMPS	5,664.68
		MILLER CO RECORDER	EASEMENT DEED - SEWER	24.00
		ALLIED WASTE SERVICES #435	TRASH SERVICE-PUBLIC WORKS	71.79
		AMEREN UE	PASSOVER RD LIFT STATION	135.71
			PRAIRIE HOLLOW RD	9.67
			SEWER WINDGATE BLDG	320.95
			5304 BROADWATER BAY SWR	8.71
			PASSOVER RD	21.27
			COBBLESTONE DR REAR LIFT S	45.45
			PHOENIX ON THE WTR GRPUMP	51.46
			PHOENIX ON THE WTR GRPUMP	10.06
			3797 HIGHWAY 54 PUMP	12.51
			KETTERLIN PK-PUBLIC WORKS	184.45
		INTERNAL REVENUE SERVICE	FICA	753.44
			Medicare	176.19
		PARKER, CLINTON	MILEAGE REIMB 03/24-03/30/	90.00
		ICMA	Retirement 401	729.14
		BRIZENDINE, TERRY	MILEAGE REIMB 03/17-03/23/	4.00
		PEDROLA, TOM	MILEAGE REIMB 03/17-03/23/	75.50
			MILEAGE REIMB 03/24-03/301	15.10
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE	81.76
			TOTAL:	12,587.58
NON-DEPARTMENTAL	Ambulance Fund	FAMILY SUPPORT PAYMENT CENTER	Case# 51055306	209.54
		MO DEPT OF REVENUE	State Withholding	453.00
		INTERNAL REVENUE SERVICE	Fed WH	1,249.62
			FICA	759.68
			Medicare	177.67
		CENTIER BANK	Savings Bonds	23.08
		ICMA	Retirment 457 &	294.07
			Retirement 457	100.00
			Loan Repayments	206.85
			TOTAL:	3,473.51
Ambulance	Ambulance Fund	INTERNAL REVENUE SERVICE	FICA	759.68
			Medicare	177.67
		ICMA	Retirement 401	582.11
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE	82.47
			TOTAL:	1,601.93
NON-DEPARTMENTAL	Lee C. Fine Airpor	MO DEPT OF REVENUE	State Withholding	110.00
		INTERNAL REVENUE SERVICE	Fed WH	311.69
			FICA	264.29
			Medicare	61.80
		ICMA	Retirment 457 &	102.92
			TOTAL:	850.70

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT			
Lee C. Fine Airport	Lee C. Fine Airpor	ALLIED WASTE SERVICES #435 AMEREN UE INTERNAL REVENUE SERVICE ICMA AT & T MOBILITY-CELLS	TRASH SERVICE LCF AIRPORT	99.35			
			NEW AIRPORT HANGAR	76.08			
			KAISER TERMINAL BLDG	277.47			
			FICA	264.29			
			Medicare	61.80			
			Retirement 401	246.62			
			CELL PHONE SERVICE	27.25			
			TOTAL:	1,052.86			
			NON-DEPARTMENTAL	Grand Glaize Airpo	MO DEPT OF REVENUE INTERNAL REVENUE SERVICE ICMA	State Withholding	73.00
						Fed WH	148.47
FICA	192.24						
Medicare	44.96						
Retirment 457 &	68.61						
TOTAL:	527.28						
Grand Glaize Airport	Grand Glaize Airpo	INTERNAL REVENUE SERVICE ICMA AT & T MOBILITY-CELLS	FICA	192.24			
			Medicare	44.96			
			Retirement 401	186.03			
			CELL PHONE SERVICE	27.25			
			TOTAL:	450.48			

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

10	General Fund	52,726.12
20	Transportation	4,382.31
30	Water Fund	6,469.76
35	Sewer Fund	16,151.10
40	Ambulance Fund	5,075.44
45	Lee C. Fine Airport Fund	1,903.56
47	Grand Glaize Airport Fund	977.76

	GRAND TOTAL:	87,686.05

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT			
Mayor & Board	General Fund	BANKCARD CENTER 5569	VOLUNTEER APPRECIATION DIN	1,426.00			
			TOTAL:	1,426.00			
City Clerk	General Fund	STAPLES ADVANTAGE	PENS, CRD FILE, DUST DESTR	67.52			
			TOTAL:	67.52			
Municipal Court	General Fund	WILLIAM F WASHBURN STAPLES ADVANTAGE	APR MUNICIPAL COURT JUDGE	1,679.16			
			STAPLE REMOVER	9.51			
			TOTAL:	1,688.67			
Building Inspection	General Fund	FLEET ONE	BLDG DEPT FUEL	97.23			
			TOTAL:	97.23			
Building Maintenance	General Fund	GB MAINTENANCE SUPPLY PRAIRIEFIRE COFFEE & ROASTERS LAKE RECHARGE & FIRE EQUIPMENT LLC CULLIGAN LAKE OF THE OZARKS UNIFIRST CORPORATION	CUPS, HIGH PERF FINISH GAL	144.78			
			COFFEE, HOT CHOCOLATE	170.00			
			WATER COOLER RENTAL	38.51			
			FIRE EXTINGUISHERS SERV-CI	173.75			
			FIRE EXTINGUISHERS SERV-DP	141.25			
			FIRE EXTINGUISHERS SERVICE	116.75			
			SALT	352.90			
			CITY HALL SHOE SCRAPER	10.50			
			CITY HALL SHOE SCRAPER	10.50			
			CITY HALL FLOOR MATS	22.36			
			TOTAL:	1,181.30			
			Parks	General Fund	PURCELL TIRE CO MEEKS BUILDING CENTER RIBACK SUPPLY CO EZARD'S ACE HARDWARE RP LUMBER INC FLEET ONE NORTHERN SAFETY CO INC O'REILLY AUTO PARTS SHERWIN-WILLIAMS HENDLEY FARM SUPPLY BSN SPORTS MIRACLE RECREATION EQUIPMENT CO UNIFIRST CORPORATION BEACON ATHLETICS XPERTEES	FLAT REPAIR	29.65
						MASONRY BITS	4.98
						SLEEVE ANCHOR, MASONRY BIT	35.18
NUTS, BOLTS, SCREWS, WASHE	12.49						
KILZ LTX PRIMER	8.29						
C X C COUPLINGS	4.05						
KEYS, BATTERIES	10.45						
HARDWARE	2.97						
PULLS, LUMBER,BOLTS, T-HGE	161.00						
RETURN FH PHIL TAPCON	23.99						
1/4X2-3/4 FH PHIL TAPCON	29.99						
WHITE PINE, CAULK, GUN, ST	47.33						
PARKS FUEL	250.06						
PARKS FUEL	114.60						
EAR PLUGS, REPELLENT, GLOV	438.72						
VACUUM CAPS	9.16						
VACUUM CAPS	4.58						
PENETRNTS, THREADLCK	18.49						
KUBOTA, FUEL & OIL FILTRS,	98.28						
FUEL FILTER	2.79						
MOTOR OIL	2.99						
GRAY PAINT, ROLLER CVR, PA	69.44						
SHERSTRIPE ATH WHTWB	78.96						
12-12-12 FERTILIZER	288.00						
GRASS SEED	440.00						
ANCHOR PLUGS, PITCHERS PLA	69.97						
ROCKITE PLGS, S HOOKS, HND	124.12						
PARK DEPT UNIFORMS	9.38						
PRODRY AGNT, PROBRICK SLD	1,715.00						
T-SHIRTS	250.00						
TOTAL:	4,306.93						

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
Overhead	General Fund	XEROX CORP	MAR SERVICE	597.23
		WILLIAMS KEEPERS LLC	2009 AUDIT BILLING #2	16,000.00
		STAPLES ADVANTAGE	COPY PAPER	165.60
			TOTAL:	16,762.83
Police	General Fund	FLEET ONE	PUBLIC SAFETY FUEL	1,104.10
			PUBLIC SAFETY CAR WASH	52.00
			PUBLIC SAFETY FUEL	984.31
			PUBLIC SAFETY CAR WASH	36.00
		SIRCHIE FINGER PRINT LABORATORIES	TOWELETTS, PRE-INKED FP RE	133.72
			SLAB/ROLLER TOWELLETES	14.95
		STAPLES BUSINESS ADVANTAGE	SPLS 8.5X11 BR MULTI	7.85
		INTL CONFERENCE OF POLICE	CHAPLAIN C PHILLIPS MEMBER	125.00
		O'REILLY AUTO PARTS	HITCH PIN	3.99
		LAKE CLEANERS	UNIFORM CLEANING	399.00
		OMB EXPRESS POLICE SUPPLY	MOUNTING BRACKETS	115.20
		LAKE AREA NARCOTICS ENFORCEMENT GROUP	GROUP MEMBERSHIP FEES	8,500.00
		LARRY'S LAKESIDE AUTO REPAIR INC	REPLACE WHEEL BEARING PD 1	139.43
			E-BRAKE, OIL CHG PD 25	127.42
			OIL CHG, ROTATE TIRES PD30	61.63
			CHG OIL, TRANS SERV PD 20	139.34
			OIL CHG, TRANS SERV PD 22	166.86
			BRAKES PD 27	248.18
		FORD, SAM	MEALS - CANINE OFFCR TRAIN	225.00
		EAST COAST MEDICAL EQUIPMENT	MEDTRONIC LIFEPAK, AED, PA	930.00
		HOLIDAY INN AT SIX FLAGS	ROOM - NAPWDA CONF - S FOR	525.55
		LANDMARK DODGE	DODGE CHARGR 2B3AA4CV2AH18	20,513.45
			DODGE CHARGR 2B3AA4CV9AH18	20,513.45
			DODGE CHARGR 2B3AA4CV0AH18	20,513.45
			DODGE CHARGR 2B3AA4CV7AH18	20,513.45
		THEATRICAL SHOP	THEATRICAL MAKE-UP/SUPPLIE	107.00
			TOTAL:	96,200.33
911 Center	General Fund	WIRELESS USA INC	APRIL SERVICE CONTRACT	225.00
		STAPLES BUSINESS ADVANTAGE	USB FLASH DRIVE	12.99
			TOTAL:	237.99
Engineering	General Fund	EZARD'S ACE HARDWARE	SPRAY PAINT	3.18
		FLEET ONE	CITY ENG FUEL	37.13
			CITY ENG FUEL	176.89
		STAPLES BUSINESS ADVANTAGE	RETURN OOPS SIDEWINDER CO	4.99-
			LIFTOFF 6 PK	6.99
		CAMDEN COUNTY RECORDER OF DEEDS	FAX FEES	11.00
	TOTAL:	230.20		
Information Technology	General Fund	STAPLES BUSINESS ADVANTAGE	SONY DVDS	59.08
			SONY DVDS	59.08
			RETURN DVDS	59.08-
			TARGUS 4 PORT USB HUB	35.36
		TYLER TECHNOLOGIES	ANN SOFTWARE MAINT 4/10-3/	656.00
	TOTAL:	750.44		
Economic Development	General Fund	BORDERS PRINTING LLC	DIRECT CONNECT	1,144.00
			TOTAL:	1,144.00
Transportation	Transportation	MARK'S MOBILE GLASS, INC	WINDSHIELD REPAIRS	13.34

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		PURCELL TIRE CO	SEAT BEAD ON WHEEL	20.00
		QUILL	PAPER, PENS, PARTITN FOLDE	41.10
		FLEET ONE	TRANS FUEL	399.02
			TRANS FUEL	310.77
		GB MAINTENANCE SUPPLY	CUPS, CLEANER, PUMP BOTTLE	62.21
		ALLEN SURVEYING INC	CONWAY DR EASEMENT	470.00
		O'REILLY AUTO PARTS	STR FLUID	5.38
			CONSOLE	8.49
			OIL, FILTERS, WRENCH, DRN	114.59
			BATTERY	26.41
		OZARK READY MIX CO INC	3 CUBIC YARDS	313.50
		LEHMAN CONSTRUCTION CO LLC	HWY 54 SIDEWALKS OB09-031	51,568.91
		CED PHILLIPS & CO	CANVAS TOOL BAG	55.03
			YEL WIRE CONN JAR	18.57
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, HOT CHOCLT, CRM, S	59.10
		STOCKMAN CONSTRUCTION	STORM DRAIN OB09-015	14,139.44
		INDEPENDENT SALT COMPANY	HIWAY/TREATED BULK SALT	4,839.50
		VERSLUES CONSTRUCTION CO INC	SALT BIN REPAIR	13,993.00
		UNIFIRST CORPORATION	STREET DEPT UNIFORMS	30.08
			STREET DEPT FLOOR MATS	5.00
			STREET DEPT UNIFORMS	30.08
			STREET DEPT FLOOR MATS	5.00
		BURMAN CO	A/C COMPRESSOR WIRE REPAIR	25.00
		MISSOURI LOCAL TECHNICAL ASST PROGRAM	WK ZONE SAFETY/FLAGGR TRAI	175.00
		MAGRUDER PAVING LLC	ASPHALT	197.40
			ASPHALT	540.60
			TOTAL:	87,466.52
Water	Water Fund	MARK'S MOBILE GLASS, INC	WINDSHIELD REPAIRS	13.33
		QUILL	PAPER, PENS, PARTITN FOLDE	41.10
		EZARD'S ACE HARDWARE	PAINT PAILS, TRAY, SCRAPER	19.26
			GALVANIZE SPRAY PRIMER	11.98
			PAINT BRUSH SET, SAT LTX	49.47
			KEYS, PAINT THINNER, ROLLE	18.95
			BRS COMP ELBOW	3.79
			FLT LTX GALS, MASKING TAPE	43.46
			GAL NIPPLE & PLUMBING SUPP	5.98
			LTXSATNFLR SLTGRY GLS	43.98
			SAT LTX, ROLLERS & FRAMES	10.82-
			RYL LTXSATNFLR SL TGRY GL	43.98
			KEYS, PRIMER, LTX ULTRA GL	48.89
		FLEET ONE	WATER FUEL	272.33
			WATER FUEL	276.72
		SCHULTE SUPPLY INC	METER INTERFACE UNITS VER.	1,609.20
		TALLMAN COMPANY	3/8X1/2 COMPMIP ELL	2.45
		O'REILLY AUTO PARTS	WIRE PLUG	1.52
		LAKE SUN LEADER 81525 & 1586450	WATER TREATMENT CHEMICALS	72.00
		POSTMASTER	APRIL UTILITY BILL MAILING	300.00
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, HOT CHOCLT, CRM, S	59.10
		BRENNTAG MID SOUTH INC	CAUSTIC SODA	2,029.80
			DRUM RETURNS	350.00
		SHERWIN-WILLIAMS	CUSTOM COLOR PAINT	251.73
		HD SUPPLY WATERWORKS LTD	CLAMPS	328.32
			CPLG, BUSHNG, INSERTS, BAL	206.61
			METER TILE, MTR BOX, KEY-	213.45
			GREEN & BLUE MARKING PAINT	97.92

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		UNIFIRST CORPORATION	WATER DEPT UNIFORMS	18.81
			WATER DEPT FLOOR MATS	5.00
			WATER DEPT UNIFORMS	18.81
			WATER DEPT FLOOR MATS	5.00
		BURMAN CO	A/C COMPRESSOR WIRE REPAIR	25.00
			TOTAL:	6,477.12
Sewer	Sewer Fund	USA BLUE BOOK	STEM ADAPTERS, GASKET	57.10
		MARK'S MOBILE GLASS, INC	WINDSHIELD REPAIRS	13.33
		QUILL	PAPER, PENS, PARTITN FOLDE	41.09
		EZARD'S ACE HARDWARE	MOPHEADS	23.37
			ELECTRICAL SUPPLIES	11.49
			PVC COUPLES & ADAPTERS	10.53
			CLEAN FILTER/CARB - CONCRT	8.00
			STRETCH CORD, SCREWS, BOLT	17.62
			COUPL HOSE	3.99
		RP LUMBER INC	LANDSCAPE TIMBER, SPIKES	10.78
		FLEET ONE	SEWER FUEL	251.02
			SEWER FUEL	459.54
		SIEMENS WATER TECH CORP	1000 ML CAL CYLINDERS	252.78
		TALLMAN COMPANY	BALL VALVES	53.58
			PVC PRIMER	46.79
		O'REILLY AUTO PARTS	MOTOR OIL, FUNNEL	13.15
			MINI LAMP	2.79
			BATTERY	72.16
			ALTERNATOR #72	234.24
			RETURN ALTERNATOR #72	30.00-
			BATTERY BOXES	35.32
		CED PHILLIPS & CO	SUPPER 33 PLUS TAPE	41.20
			TAPE MEASURES	143.40
		POSTMASTER	APRIL UTILITY BILL MAILING	300.00
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, HOT CHOCLT, CRM, S	59.10
		BILLS TREE AND CRANE SERVICE	PULLED SEWER PUMP	250.00
		BRENNTAG MID SOUTH INC	SOD HYPOCHLRT, HYDROFLUOSI	2,961.94
			DRUM RETURNS	450.00
		HD SUPPLY WATERWORKS LTD	FLAT SEWER LID	27.91
			PVC PIPE	37.40
		JCI	PUMP REPAIR #M5846	995.00
			PUMP REPAIR #0164242	995.00
			PUMP REPAIR #011463	995.00
			PUMP REPAIR #0187589	995.00
			PUMP REPAIR #0062642	1,487.00
			PUMP REPAIR #024149	995.00
			PUMP REPAIR #0093139	995.00
			PUMP REPAIR #M5653	1,357.84
			PUMP REPAIR #0110487	1,487.00
			PUMP REPAIR #M5648	1,357.84
			PUMP REPAIR #7944	995.00
			PUMP REPAIR #768	1,487.00
			PUMP REPAIR #0010496	1,487.00
			PUMP REPAIR #556	1,487.00
			PUMP REPAIR #C41685	1,487.00
		UNIFIRST CORPORATION	SEWER DEPT UNIFORMS	62.27
			SEWER DEPT FLOOR MATS	4.99
			SEWER DEPT UNIFORMS	41.86
			SEWER DEPT FLOOR MATS	4.99

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		HUTCHINS TELECOM LLC	CABANA VILLG SWR FINL OB09	1,000.00
			SANDS LS PIPE OB10-002 FI	1,589.80
		LARC CONTRACTING LLC	RELOCATE GP 15 OB10-008	20,344.29
		BURMAN CO	A/C COMPRESSOR WIRE REPAIR	25.00
			TOTAL:	47,535.50
NON-DEPARTMENTAL	Ambulance Fund	TEK COLLECT	COLLECTION FEES	2.50
			TOTAL:	2.50
Ambulance	Ambulance Fund	WIRELESS USA INC	RADIO SOFTWARE	297.00
		FLEET ONE	AMBULANCE FUEL	60.42
			AMB FUEL	49.14
		STAPLES BUSINESS ADVANTAGE	USB FLASH DRIVE	12.99
		ALLMED	MEDICAL SUPPLIES	8.19
		KING, DR ROBERT D	APR MEDICAL DIRECTOR SERVI	1,000.00
		AMBULANCE REIMBURSEMENT SYSTEMS INC	MAR AMB BILLING FEES	1,333.95
			TOTAL:	2,761.69
Lee C. Fine Airport	Lee C. Fine Airpor	FLEET ONE	LCF FUEL	41.79
			LCF CAR WASH	4.00
		GB MAINTENANCE SUPPLY	TRASH LINERS, TOWELS, CUPS	278.92
		NAEGLER OIL CO	SATELLITE EQUIP CONN FEE A	45.50
		PREFERRED AUTO RENTAL	MARCH COURTESY CAR	130.00
			TOTAL:	500.21
Grand Glaize Airport	Grand Glaize Airpo	EZARD'S ACE HARDWARE	LIQUID ANT BAIT	7.49
		NAEGLER OIL CO	SATELLITE EQUIP CONN FEE A	45.50
			TOTAL:	52.99

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

10	General Fund	124,093.44
20	Transportation	87,466.52
30	Water Fund	6,477.12
35	Sewer Fund	47,535.50
40	Ambulance Fund	2,764.19
45	Lee C. Fine Airport Fund	500.21
47	Grand Glaize Airport Fund	52.99

	GRAND TOTAL:	268,889.97

City of Osage Beach
 1000 City Parkway
 Osage Beach, MO 65065
 573/302-2000 Phone
 573/302-0528 Fax
www.osagebeach.org



Planning Dept.: _____
 Sewer Dept.: _____
 License #: _____

LIQUOR LICENSE APPLICATION

✓ 91374

Date of Application: 5-31-10 Date Application Received: 3-31-10

Trade Name of Establishment: Beetlegers Saloon

Mailing Address: 3791 Hwy 54 Osage Beach 65065

Applicant Name: Michael Walsch
 (as it is to appear on license, if corporation, name of corporation and managing officer)

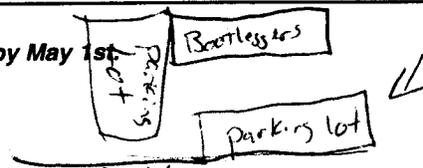
- Original Applications: Submit a copy of your Missouri voter registration card & background check performed by the Missouri State Patrol along with your application.
- Renewal Applications: Submit completed application only. (Background checks and voter registration documents do not need to be submitted with renewals.)

Item	Fee	License Description	City Code
a. ___	375.00	Manufacture and distribution (not sales) of intoxicating malt liquor not more than 5% alcohol by weight.	MDBWT
b. ___	150.00	Distribution or wholesale of intoxicating liquors not more than 5% alcohol by weight.	DBLQWT
c. ___	300.00	Manufacture or distilling of intoxicating liquors in excess of 5% alcohol by weight.	MLQWT
d. ___	750.00	Distribution or wholesale of intoxicating liquors in excess of 5% alcohol by weight.	DLQWT
e. ___	375.00	Retail sales of intoxicating liquors not more than 5% alcohol by weight in original package to be consumed on premises. (Includes Sunday Sales.)	BPR
f. ___	375.00	Retail sales of intoxicating liquors not more than 5% alcohol by weight in original package not to be consumed on premises. (Includes Sunday Sales.)	BPK
g. ___	450.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight to be consumed on premises.	LDRK1
h. ___	750.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight to be consumed on premises. (Includes Sunday Sales.)	LDRK2
i. ___	150.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight in original package not to be consumed or opened on premises.	LPKG1
j. ___	450.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight in original package not to be consumed or opened on premises. (Includes Sunday Sales.)	LPKG2
k. ___	75.00	Retail sales of malt liquor not more than 5% alcohol by weight /or light wines containing in excess of 14% alcohol by weight.	BWDRK1
l. ___	375.00	Retail sales of malt liquor in excess of 5% alcohol by weight /or light wines containing in excess of 14% alcohol by weight. (Includes Sunday Sales.)	BWDRK2
m. ___	300.00	Sunday Liquor Sales	LSUN
n. <u>o</u>	15.00	Caterer per day.	CTLQDY
o. ___	10.00	Picnic per day.	PCLQDY
p. ___	N/C	Change of managing officer.	MGO
q. ___	N/C	Wine tasting.	WTG

If you are applying for a Caterer per day license you must state the event name, location, time and date of event.

Beetlegers Saloon - parking lot
Sat April 10th 4:00 pm - 7:00 pm
Mo Athletic Director Conf - Gathering -

All renewal applications must be received by May 1st



APR 07 2010 ✓ 2090

City of Osage Beach
 1000 City Parkway
 Osage Beach, MO 65065
 573/302-2000 Phone
 573/302-0528 Fax
www.osagebeach.org



Planning Dept.: _____
 Sewer Dept.: _____
 License #: _____

Mark

LIQUOR LICENSE APPLICATION

Date of Application: 4/5/10 Date Application Received: _____
 Trade Name of Establishment: Wobbly Boots Road House
 Mailing Address: 1232 Jeffries Rd. O.B. MO 65065
 Applicant Name: Mark Barrett
(as it is to appear on license, if corporation, name of corporation and managing officer)

- Original Applications: Submit a copy of your Missouri voter registration card & background check performed by the Missouri State Patrol along with your application.
- Renewal Applications: Submit completed application only. (Background checks and voter registration documents do not need to be submitted with renewals.)

Item	Fee	License Description	City Code
a. ___	375.00	Manufacture and distribution (not sales) of intoxicating malt liquor not more than 5% alcohol by weight.	MDBWT
b. ___	150.00	Distribution or wholesale of intoxicating liquors not more than 5% alcohol by weight.	DBLQWT
c. ___	300.00	Manufacture or distilling of intoxicating liquors in excess of 5% alcohol by weight.	MLQWT
d. ___	750.00	Distribution or wholesale of intoxicating liquors in excess of 5% alcohol by weight.	DLQWT
e. ___	375.00	Retail sales of intoxicating liquors not more than 5% alcohol by weight in original package to be consumed on premises. (Includes Sunday Sales.)	BPR
f. ___	375.00	Retail sales of intoxicating liquors not more than 5% alcohol by weight in original package not to be consumed on premises. (Includes Sunday Sales.)	BPK
g. ___	450.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight to be consumed on premises.	LDRK1
h. ___	750.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight to be consumed on premises. (Includes Sunday Sales.)	LDRK2
i. ___	150.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight in original package not to be consumed or opened on premises.	LPKG1
j. ___	450.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight in original package not to be consumed or opened on premises. (Includes Sunday Sales.)	LPKG2
k. ___	75.00	Retail sales of malt liquor not more than 5% alcohol by weight /or light wines containing in excess of 14% alcohol by weight.	BWDRK1
l. ___	375.00	Retail sales of malt liquor in excess of 5% alcohol by weight /or light wines containing in excess of 14% alcohol by weight. (Includes Sunday Sales.)	BWDRK2
m. ___	300.00	Sunday Liquor Sales	LSUN
n. <input checked="" type="checkbox"/>	15.00	*Caterer per day.	CTLQDY
o. ___	10.00	Picnic per day.	PCLQDY
p. ___	N/C	Change of managing officer.	MGO
q. ___	N/C	Wine tasting.	WTG

* If you are applying for a Caterer per day license you must state the event name, location, time and date of event.

May 2nd From 10 am to 9pm
Orack Harley Davidson
6482 Hwy 54 O.B. MO 65065

All renewal applications must be received by May 1st.

APR 07 2010 ✓ 2090

City of Osage Beach
 1000 City Parkway
 Osage Beach, MO 65065
 573/302-2000 Phone
 573/302-0528 Fax
 www.osagebeach.org



Planning Dept.: _____
 Sewer Dept.: _____
 License #: _____

LIQUOR LICENSE APPLICATION

Date of Application: 4/5/10 Date Application Received: _____
 Trade Name of Establishment: Wobbly Boots Road House
 Mailing Address: 1232 Jeffries Rd O.B. MO 65065
 Applicant Name: Mark Barrett
(as it is to appear on license, if corporation, name of corporation and managing officer)

- Original Applications: Submit a copy of your Missouri voter registration card & background check performed by the Missouri State Patrol along with your application.
- Renewal Applications: Submit completed application only. (Background checks and voter registration documents do not need to be submitted with renewals.)

Item	Fee	License Description	City Code
a. ___	375.00	Manufacture and distribution (not sales) of intoxicating malt liquor not more than 5% alcohol by weight.	MDBWT
b. ___	150.00	Distribution or wholesale of intoxicating liquors not more than 5% alcohol by weight.	DBLQWT
c. ___	300.00	Manufacture or distilling of intoxicating liquors in excess of 5% alcohol by weight.	MLQWT
d. ___	750.00	Distribution or wholesale of intoxicating liquors in excess of 5% alcohol by weight.	DLQWT
e. ___	375.00	Retail sales of intoxicating liquors not more than 5% alcohol by weight in original package to be consumed on premises. (Includes Sunday Sales.)	BPR
f. ___	375.00	Retail sales of intoxicating liquors not more than 5% alcohol by weight in original package not to be consumed on premises. (Includes Sunday Sales.)	BPK
g. ___	450.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight to be consumed on premises.	LDRK1
h. ___	750.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight to be consumed on premises. (Includes Sunday Sales.)	LDRK2
i. ___	150.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight in original package not to be consumed or opened on premises.	LPKG1
j. ___	450.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight in original package not to be consumed or opened on premises. (Includes Sunday Sales.)	LPKG2
k. ___	75.00	Retail sales of malt liquor not more than 5% alcohol by weight /or light wines containing in excess of 14% alcohol by weight.	BWDRK1
l. ___	375.00	Retail sales of malt liquor in excess of 5% alcohol by weight /or light wines containing in excess of 14% alcohol by weight. (Includes Sunday Sales.)	BWDRK2
m. ___	300.00	Sunday Liquor Sales	LSUN
n. <input checked="" type="checkbox"/>	15.00	*Caterer per day.	CTLQDY
o. ___	10.00	Picnic per day.	PCLQDY
p. ___	N/C	Change of managing officer.	MGO
q. ___	N/C	Wine tasting.	WTG

* If you are applying for a Caterer per day license you must state the event name, location, time and date of event.
May 22 From 12 pm to 8 pm
Lake of th Ozarks Harley Davidson
6982 HWY 54 O.B. MO 65065

All renewal applications must be received by May 1st.

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 . 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

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

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: 4/1/10 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 _____

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

Submission Date: April 9, 2010
Submitted By: City Clerk
Board Meeting Date: April 15, 2010

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

Description of Item:

Certification of Election Results

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

City, elected officials, citizens of Osage Beach

Why is Board Action Required?

Board must accept the election results.

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

Motion to accept election results.

Are there any deadlines associated with this action?

Yes. Election results must be certified before elected officials take the oath of office.

Department Comments:

Camden County

<u>Mayor</u>		
Penny Lyons		235
<u>Alderman Ward I</u>		
Kevin Rucker		76
<u>Alderman Ward II</u>		
Lois Farmer		89
<u>Alderman Ward III</u>		
David J. Gasper		64
<u>Collector</u>		
John Berry		236

Miller County

<u>Mayor</u>		
Penny Lyons		22

Alderman Ward 1
Kevin Rucker 21

Collector
John Berry 21

City Administrator Comments and Recommendation:

Motion to accept the election results.

**CERTIFICATION OF ELECTION RESULTS
ROWLAND A. TODD, COUNTY CLERK
CAMDEN COUNTY, MISSOURI**

TO: CITY OSAGE BEACH

THE FOLLOWING IS AN **OFFICIAL CERTIFICATION** OF THE ELECTION RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD IN CAMDEN COUNTY, MISSOURI ON APRIL 6, 2010.

WE HEREBY CERTIFY THAT THE ELECTION RESULTS FOR CAMDEN COUNTY ARE:

OSAGE BEACH MAYOR		
	Total	
Number of Precincts	3	
Precincts Reporting	3 100.0 %	
Total Votes	245	
PENNY LYONS	235 95.92%	
Write-in Votes	10 4.08%	
OSAGE BEACH WARD I		
	Total	
Number of Precincts	2	
Precincts Reporting	2 100.0 %	
Total Votes	77	
KEVIN RUCKER	76 98.70%	
Write-in Votes	1 1.30%	
OSAGE BEACH WARD II		
	Total	
Number of Precincts	3	
Precincts Reporting	3 100.0 %	
Total Votes	91	
LOIS FARMER	89 97.80%	
Write-in Votes	2 2.20%	

OSAGE BEACH WARD III		
	Total	
Number of Precincts	2	
Precincts Reporting	2 100.0 %	
Total Votes	65	
DAVID J. GASPER	64 98.46%	
Write-in Votes	1 1.54%	
OSAGE BEACH COLLECTOR		
	Total	
Number of Precincts	3	
Precincts Reporting	3 100.0 %	
Total Votes	237	
JOHN M. BERRY	236 99.58%	
Write-in Votes	1 0.42%	

I, ROWLAND A. TODD, COUNTY CLERK OF CAMDEN COUNTY, MISSOURI, DO HEREBY CERTIFY THAT THE FOREGOING IS A FULL AND ACCURATE RETURN OF ALL VOTES CAST FOR ALL ISSUES AT SAID ELECTION AS CERTIFIED TO ME BY THE DULY QUALIFIED AND ACTING JUDGES OF SAID ELECTION.

SENT THIS 7TH DAY OF APRIL, 2010



Rowland A. Todd
 COUNTY CLERK
 CAMDEN COUNTY, MISSOURI



**CERTIFICATION OF ELECTION RESULTS
 CLAYTON E. JENKINS, COUNTY CLERK
 MILLER COUNTY, MISSOURI**

THE FOLLOWING IS AN OFFICIAL CERTIFICATION OF THE ELECTION RESULTS OF THE
 GENERAL MUNICIPAL ELECTION HELD IN MILLER COUNTY, MISSOURI ON APRIL 6, 2010.

WE HEREBY CERTIFY THAT:

Election Summary Report 04/06/10
MILLER COUNTY 19:53:42
MUNICIPAL ELECTION
OFFICIAL RESULTS
04-06-10

Registered Voters 11870 - Cards Cast 1247
 10.51%

Num. Report Precinct 15 - Num. Reporting 15
 100.00%

OSAGE BEACH MAYOR

	Total	
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Total Votes	22	

PENNY LYONS	22	100.00%
Write-in Votes	0	0.00%

OSAGE BEACH WD1 ALD

	Total	
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Total Votes	21	

KEVIN RUCKER	21	100.00%
Write-in Votes	0	0.00%

OSAGE BEACH COLLECTOR

	Total	
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Total Votes	21	

JOHN M. BERRY	21	100.00%
Write-in Votes	0	0.00%

I, CLAYTON E. JENKINS, COUNTY CLERK OF MILLER COUNTY, MISSOURI, DO HEREBY
 CERTIFY THAT THE FOREGOING IS A FULL AND ACCURATE RETURN OF ALL VOTES CAST
 BOTH FOR AND AGAINST ALL PROPOSITIONS AND FOR ALL CANDIDATES AT SAID
 ELECTION AS CERTIFIED TO ME BY THE DULY QUALIFIED AND ACTING JUDGES OF SAID
 ELECTION.

CERTIFIED THIS 8TH DAY OF APRIL 2010


 CLAYTON E. JENKINS
 COUNTY CLERK MILLER COUNTY, MISSOURI

Submission Date: April 6, 2010

Submitted By: City Clerk

Board Meeting Date: April 15, 2010

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

Description of Item:

Oaths of Office

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

City, elected officials, citizens of Osage Beach

Why is Board Action Required?

Elected officials must take an oath before taking office.

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

Are there any deadlines associated with this action?

Yes.

Department Comments:

Elected officials are sworn in following the certification of election results.

City Administrator Comments and Recommendation:

This must be done each year following the election.



OATH OF OFFICE

STATE OF MISSOURI}

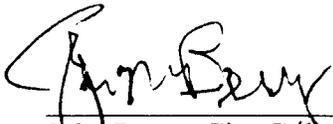
SS

CITY OF OSAGE BEACH}

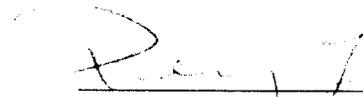
I, John Berry, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Missouri, and the City Ordinances of the City of Osage Beach, and that I will faithfully demean myself as

CITY COLLECTOR

within and for the City of Osage Beach, for which I was elected.



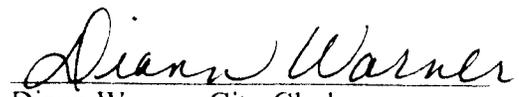
John Berry, City Collector



Penny Lyons, Mayor

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF THE CITY OF OSAGE BEACH, MISSOURI, THIS 15TH DAY OF APRIL 2010.

ATTEST:



Diann Warner, City Clerk



OATH OF OFFICE

STATE OF MISSOURI}

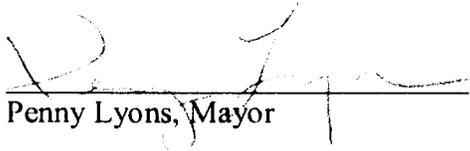
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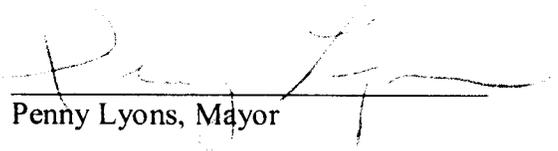
CITY OF OSAGE BEACH}

I, Penny Lyons, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Missouri, and the City Ordinances of the City of Osage Beach, and that I will faithfully demean myself as

MAYOR

within and for the City of Osage Beach, for which I was elected.

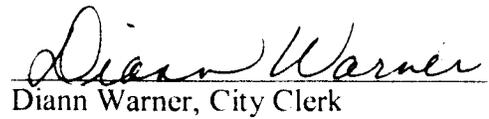

Penny Lyons, Mayor


Penny Lyons, Mayor

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF THE CITY OF OSAGE BEACH, MISSOURI, THIS 15TH DAY OF APRIL 2010.

ATTEST:




Diann Warner, City Clerk



OATH OF OFFICE

STATE OF MISSOURI}

SS

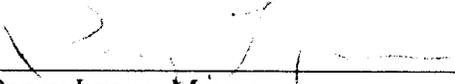
CITY OF OSAGE BEACH}

I, Kevin Rucker, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Missouri, and the City Ordinances of the City of Osage Beach, and that I will faithfully demean myself as

ALDERMAN WARD I

within and for the City of Osage Beach, for which I was elected.

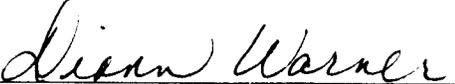

Kevin Rucker, Alderman Ward I


Penny Lyons, Mayor

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF THE CITY OF OSAGE BEACH, MISSOURI, THIS 15TH DAY OF APRIL 2010.

ATTEST:




Diann Warner, City Clerk



OATH OF OFFICE

STATE OF MISSOURI}

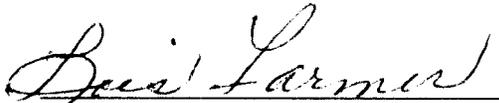
SS

CITY OF OSAGE BEACH}

I, Lois Farmer, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Missouri, and the City Ordinances of the City of Osage Beach, and that I will faithfully demean myself as

ALDERMAN WARD II

within and for the City of Osage Beach, for which I was elected.


Lois Farmer, Alderman Ward II


Penny Lyons, Mayor

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF THE CITY OF OSAGE BEACH, MISSOURI, THIS 15TH DAY OF APRIL 2010.

ATTEST:




Diann Warner, City Clerk



OATH OF OFFICE

STATE OF MISSOURI}

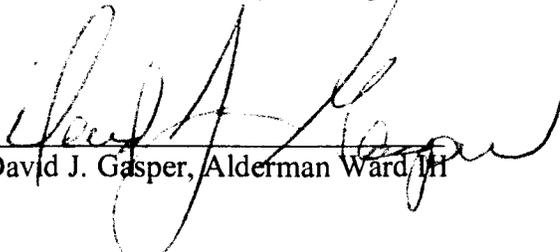
SS

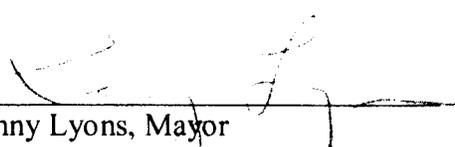
CITY OF OSAGE BEACH}

I, David J. Gasper, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Missouri, and the City Ordinances of the City of Osage Beach, and that I will faithfully demean myself as

ALDERMAN WARD III

within and for the City of Osage Beach, for which I was elected.

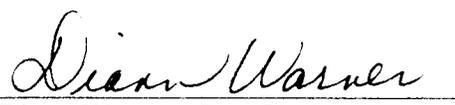

David J. Gasper, Alderman Ward III


Penny Lyons, Mayor

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF THE CITY OF OSAGE BEACH, MISSOURI, THIS 15TH DAY OF APRIL 2010.

ATTEST:




Diann Warner, City Clerk

Submission Date: April 7, 2010

Submitted By: City Clerk

Board Meeting Date: April 15, 2010

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

Description of Item:

Election of President of the Board of Aldermen

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

City, elected officials, citizens of Osage Beach

Why is Board Action Required?

Board members must elect a member of the Board to serve as President of the Board of Aldermen

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

Motion

Are there any deadlines associated with this action?

Yes.

Department Comments:

The Board must elect someone to serve as President of the Board following the Municipal Election.

City Administrator Comments and Recommendation:

This must be done each year following the election.

Submission Date: April 7, 2010

Submitted By: City Clerk

Board Meeting Date: August 15, 2010

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

Description of Item:

Bill 10-17. Authorizing Settlement Agreement with Alltel

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

City, Alltel

Why is Board Action Required?

Board action is required to enact ordinances.

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

Move to approve the first and second readings of Bill 10-17.

Are there any deadlines associated with this action?

Yes, the tax settlement claim form must be postmarked by May 18, 2010.

Comments and Recommendation of Department:

This settlement agreement is similar to those approved for other wireless services. The amount the City will receive from the settlement is \$5,016.79.

City Administrator Comments and Recommendation:

Request first and second readings of Bill 10-17.

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH ALLTEL AND ASSIGNING A PERCENTAGE OF THE SETTLEMENT PROCEEDS TO THE MISSOURI MUNICIPAL LEAGUE

WHEREAS, the City of Osage Beach Missouri (the "Plaintiff") is either a named plaintiff or a putative class member in a lawsuit to recover unpaid Business License Taxes (as defined in the Settlement Agreement described below), which lawsuit is styled *City of University City, Missouri, et al. v. AT&T Wireless, Services, Inc., et al.*, No. 01-CC-004454, and is pending in the Circuit Court of St. Louis County, Missouri (the "Lawsuit"); and

WHEREAS, the Plaintiff and Alltel (as defined in the Settlement Agreement) wish to avoid the expense and uncertainty of continued litigation and desire to settle their dispute(s) without further litigation; and

WHEREAS, a settlement agreement settling the Lawsuit was signed by the named plaintiffs (as class representatives) and Alltel, and was filed with and preliminarily approved by the Circuit Court of St. Louis County on March 11, 2010 (the "Settlement Agreement"); and

WHEREAS, the Plaintiff and Alltel have conducted an investigation and evaluation of the facts and the law relating to the claims in the Lawsuit and believe that the Settlement Agreement is fair, reasonable, adequate and in the best interest of all the parties; and

WHEREAS, pursuant to the Settlement Agreement, the Plaintiff has received a Notice of Class Action Settlement and Approval Hearing, incorporated herein by reference, and an Alltel Municipal Tax Settlement Claim Form, incorporated herein by reference, which identify the Past Tax Payment (as defined in the Settlement Agreement) that will be paid to the Plaintiff pursuant to the Settlement Agreement after the Settlement Agreement becomes Final (as defined in the Settlement Agreement); and

WHEREAS, the Plaintiff desires to approve and accept the Settlement Agreement and the Past Tax Payment and further desires to assign a portion of the proceeds to the the Missouri Municipal League as provided therein;

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

Section One. The City of Osage Beach, Missouri hereby approves, accepts, and adopts all terms and provisions of the Settlement Agreement as a binding and enforceable agreement between the City of Osage Beach, Missouri and Alltel, and as if the City of Osage Beach, Missouri was an original signatory thereto.

Section Two. The City of Osage Beach, Missouri further approves the Past Tax Payment of \$5,016.79 as shown on the Alltel Municipal Tax Settlement Claim Form, along with the other relief provided in the Settlement Agreement, as adequate consideration for the release of claims by the City of Osage Beach, Missouri against Alltel as provided for in the Settlement Agreement.

Section Three. The City of Osage Beach, Missouri further assigns to the Missouri Municipal League 5% of its Past Tax Payment, which amount shall be used for the public purpose of reimbursing the League for revenues expended in its legislative and settlement efforts relating to the Lawsuit and to fund future services performed on behalf of the League's member municipalities.

Section Four. The Mayor of the City of Osage Beach, Missouri, on behalf of the Plaintiff, is hereby authorized and directed to execute the Alltel Municipal Tax Settlement Claim Form and any other documents necessary under the Settlement Agreement.

Section Five. The City of Osage Beach, Missouri, reserves the right to conclude settlement agreements with other wireless telecommunications service providers in the Lawsuit depending upon the circumstances of each case.

Section Six. This Ordinance shall be in full force and effect after passage and approval as required by law.

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.10.17 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 10.17.

Penny Lyons, Mayor

Date

ATTEST:

Diann Warner, City Clerk

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI
Case No. 01-CC--004454
NOTICE OF CLASS ACTION SETTLEMENT AND APPROVAL HEARING

To: City of Osage Beach
1000 City Parkway
Osage Beach, MO 65065

City of University City, Missouri, as individuals,
and on behalf of all others similarly situated and
the general public,

Plaintiffs,

v.

Alltel Communications, LLC, et al.,

Defendants.

This notice explains the settlement of a class action lawsuit concerning business license tax that municipalities sought to impose on Alltel. The settlement has been preliminarily approved by the Court and provides for the payment of past taxes and future taxes to these municipalities.

PLEASE TAKE NOTICE THAT on June 28, 2010, before Senior Judge Bernhardt Drumm of the Circuit Court of St. Louis County, State of Missouri, 7900 Carondelet Avenue, Clayton, Missouri 63105, at 9:00 a.m., a hearing shall be conducted to determine whether to grant final approval to the settlement, consider any timely objections to the settlement, and rule on the fee and expense application submitted by attorneys for the plaintiffs.

No payment of past taxes from Alltel will be made available to municipalities under the settlement agreement until after the settlement has become final and non-appealable.

Read this notice carefully. You may be entitled to share in the settlement proceeds of this lawsuit. Your rights to a monetary award may be affected.

1. What is this lawsuit about?

Plaintiffs contend that Alltel did not pay taxes on gross receipts derived from providing commercial mobile radio services (collectively, "CMRS"), taxes for maintaining antennas or other facilities, and flat taxes with respect to providing such services, and for interest and/or penalties on any such taxes not timely paid. Alltel has denied these allegations and argued that these taxes did not apply to CMRS offered by Alltel.

Based on the information available to both sides, and the risks involved in a trial, attorneys for the class have concluded that the proposed settlement is fair, reasonable, and adequate, and that it serves the best interests of class members.

2. Who are the parties in this class action?

The named plaintiffs in this class action are the City of Blue Springs, Missouri, City of Cape Girardeau, Missouri, City of Chesterfield, Missouri, City of Dexter, Missouri, City of Ellisville, Missouri, City of Ferguson, Missouri, City of Florissant, Missouri, City of Gladstone, Missouri, City of Independence, Missouri, City of Jennings, Missouri, City of Kirksville, Missouri, City of Kirkwood, Missouri, City of Manchester, Missouri, City of Maplewood, Missouri, City of Maryland Heights, Missouri, City of Northwoods, Missouri, City of O'Fallon, Missouri, City of St. Joseph, Missouri, City of Vinita Park, Missouri, City of Warson Woods, Missouri, City of Wellston, Missouri, City of Winchester, Missouri, and City of University City, Missouri. Plaintiffs filed this lawsuit as a class action to assert their own individual claims and to represent a class of municipalities who have similar claims.

The defendants are Alltel Communications, LLC, Missouri RSA 2 Limited Partnership, Missouri RSA 4 Limited Partnership, Missouri RSA # 15 Limited Partnership, and WWC License LLC (who are collectively referred to in this notice as "Alltel").

Other wireless service providers either are defendants in this class action or have settled the municipalities' claims. **The municipalities' claims against these other defendants will not be affected by the settlement agreement with Alltel.**

The lawsuit is pending in the Circuit Court for St. Louis County, State of Missouri before Senior Judge Bernhardt Drumm.

3. What compensation or benefits will the settlement provide?

The settlement, if it is finally approved by the Court, provides for the payment of past taxes and future taxes as described in more detail below.

- a. Payment of Past Taxes. The Settlement specifies a past tax payment with respect to each municipality, and your past tax payment is shown below. This payment was determined as follows:

(1) If you impose a business license tax on gross receipts, the payment includes the amount of tax that would have been paid on Alltel's gross receipts from providing telecommunications service for the period beginning September 1, 2005 and ending March 31, 2009, without regard to any interest or penalty (which shall not be considered in determining the payment).

PLUS

(2) If you impose a flat tax on an annual or other periodic basis, or impose a tax for maintaining an antenna or other facility, then the payment includes the amount of these taxes that would have been paid for any tax period that

includes, in whole or in part, the period beginning September 1, 2005 and ending March 31, 2009, without regard to any interest or penalty (which shall not be considered in determining the payment).

The amount of the Past Tax Payment for you pursuant to the Settlement is:

<i>Business License Tax on gross receipts for 9/1/2005 through 3/31/2009 at 3.00%</i>	5,016.79
<i>Business License Tax at flat rate of 0.00 per year for 9/1/2005 through 3/31/2009</i>	0.00
<i>Business License Tax on zero antenna(s) for 9/1/2005 through 3/31/2009</i>	0.00
PAST TAX PAYMENT	5,016.79

- b. **Payment of Future Taxes.** Alltel has agreed to pay the applicable Business License Tax for tax periods and partial tax periods commencing on and after April 1, 2009. For such taxes that are imposed with respect to gross receipts derived from CMRS that are subject to the federal Mobile Telecommunications Sourcing Act ("MTSA"), Alltel will pay such taxes at the tax rates set forth in your ordinance on all receipts from providing Telecommunications Service that are sourced to you under the federal Mobile Telecommunications Sourcing Act, including receipts from any retail customer now or hereafter exempt from the state sales tax, but excluding any class of users excluded under your Business License Tax. For such taxes that are imposed with respect to gross receipts from "prepaid telephone calling service," as such term is defined by MTSA, Alltel will pay such taxes at the tax rates set forth in your ordinance on all receipts from providing prepaid telephone calling service that are sourced to you under a reasonable allocation method.

IF YOU ARE A MEMBER OF THE CLASS RECEIVING THIS NOTICE AND DO NOT FILE A CLAIM FORM, YOU WILL NOT BE ENTITLED TO RECEIVE ANY PAYMENT FOR PAST TAXES THAT ARE THE SUBJECT OF THIS LAWSUIT.

4. Are you a member of the class?

This notice has been sent to you because you may be a member of a group of municipalities (a class) for whom a settlement with Alltel has been reached. The class consists of all Missouri municipalities (except Monett, Missouri, and Springfield, Missouri) who have imposed a business license tax on or before March 31, 2009, on providers of telephone service, exchange telephone service, or any other type of telecommunications service, including gross receipts taxes, flat-amount annual or other periodic taxes, and antenna taxes.

If the "subtotal" amount for you shown in Section 3 above is zero (0), it signifies that according to records available to Alltel and class counsel you either do not have a Business License Tax or Alltel did not do business in your Municipality during the period from September 1, 2005 through March 31, 2009. If you disagree with this, you can submit an explanation for the basis of your disagreement along with your claim form as described in Section 6(b) below.

5. What do you have to do to receive compensation or benefits from the settlement?

In order to receive compensation or benefits from the settlement, your duly authorized representative must timely submit the attached claim form providing: (1) your name and address; (2) the name, address and telephone number of your duly authorized representative(s), to whom all inquiries regarding the Claim Form and your Business License Tax may be directed; (3) copies of the ordinances or municipal code provisions imposing your Business License Tax between September 1, 2005 and March 31, 2009; (4) copies of an ordinance enacted by you accepting and binding you to all terms and provisions of the Settlement Agreement or—if you can bind yourself to the Settlement Agreement without enacting an ordinance and choose to do so instead of enacting an ordinance—some other acknowledgment binding you to the terms of the Settlement Agreement if the agreement is approved by the Court; and (5) the name and address to which your Past Tax Payment shall be made and mailed by Alltel. If you choose to acknowledge that you are bound by the Settlement Agreement without enacting an ordinance, then you will also need to provide an opinion of counsel, addressed to Alltel, that you are bound by the Settlement Agreement.

The deadline for filing a claim is 60 days from the date of this Notice. Any claim that is postmarked after this date will be rejected and you will not be entitled to any class relief.

6. What are your options?

If you are a member of the class and have received this notice, you will have the following options:

- File a claim if you meet the criteria set out in Section 5 above.
- Do nothing, thereby foregoing the possibility of receiving any class relief.
- Stay in the class and file an objection if you disagree with any part of the settlement or the request for attorneys' fees or expenses.
- Exclude yourself from the class, which means you will not participate in any of the financial benefits from the proposed settlement, will not be bound by the releases made or judgment entered in connection with the settlement, and will not be permitted to object to any part of the settlement.

The following sections explain the consequences of pursuing each option.

a. What happens if you file a claim?

If you are a class member and you complete and mail the enclosed claim form, and if the mailed claim form is approved by Alltel, you will receive the payments described above once the settlement has become final.

Unless you submit a Request for Exclusion (see Section 6(e) below), you will be prohibited from bringing a lawsuit against Alltel based on or related to any of the claims asserted by the plaintiffs.

If you file a claim form, attorneys for the class will act as your representatives while your claim is processed at no cost to you.

b. What happens if the Municipality disagrees with the amount of the Past Tax Payment?

Under the terms of the settlement, a Municipality that disagrees with the Past Tax Payment amount may submit a detailed explanation as to why it believes the Past Tax Payment was incorrectly calculated with its Claim Form. In the event that Alltel disagrees with the Municipality's contention, Alltel is obligated to meet and confer in good faith with Class Counsel and representatives of the Municipality in question in an effort to resolve the issue. If after such consultation, the Municipality and Alltel cannot agree on the Past Tax Payment, the Past Tax Payment contained in this Notice shall be the amount the Municipality is entitled to receive pursuant to the Settlement. If the Municipality does not agree with the amount of the Past Tax Payment, it may either opt-out of the Settlement as set forth in Section 6(e) of this Notice, or nonetheless accept the amount of the Past Tax Payment as calculated by Alltel. The opt-out deadline shall be extended for such Municipality for a period of 30 days to resolve disputes related solely to the amount of the Past Tax Payment. If the parties are unable to resolve a disagreement as to the amount of the Past Tax Payment after the consultation set forth above, such disagreement shall not be subject to other challenge or appeal.

c. What happens if you do not file a claim?

Under the terms of the settlement, if you do not file a claim form, you will not receive any payment for past taxes. Assuming the Court approves the settlement, and if you do not file a claim, but do not submit a request for exclusion, you nevertheless will be prohibited from bringing or joining any lawsuit against Alltel based on or related to any of the claims asserted by the plaintiffs.

d. How do I file an objection?

You must state your objection in writing and file it with the Court postmarked no later than May 15, 2010. The objection should be addressed to the Honorable Senior Judge Bernhardt Drumm of the Circuit Court of St. Louis County, State of Missouri, 7900 Carondelet Avenue, Clayton, Missouri 63105, and marked to indicate "objections to proposed settlement in *City of University City, Missouri v. Alltel*, Case No. 01-CC-004454."

You must simultaneously mail your objection to plaintiffs' attorneys:

John W. Hoffman
Douglas R. Sprong
Korein Tillery, LLC
505 N. 7th Street, Suite 3600
St. Louis, MO 63101

John F. Mulligan, Jr.
1600 South Hanley, Suite 101
Richmond Heights, MO 63144

Howard Paperner
9322 Manchester Road
St. Louis, MO 63119

and to Alltel's attorneys:

Jason L. Ross
Kirsten M. Ahmad
Greensfelder, Hemker & Gale, P.C.
10 S. Broadway, Suite 2000
St. Louis, MO 63102

Included in any such objection must be a statement of the basis for your objection and a declaration stating that you are a member of the class as described in Section 4 above. If you do not properly file and serve an objection by the required date, any objections you have to the settlement will be waived.

e. How do I exclude myself from the class?

You can exclude yourself from the class, which means you will not participate in any aspect of the settlement and you may pursue your own claims, if any, at your own expense against the defendants. To exclude yourself, you must state your request to be excluded in writing and deliver or postmark your request no later than May 18, 2010, to:

Alltel Missouri Municipal Tax Settlement Administrator
One Verizon Way
VC52S223
Basking Ridge, NJ 07920-1097

You must simultaneously mail your exclusion request to plaintiffs' attorneys:

John W. Hoffman
Douglas R. Sprong
Korein Tillery, LLC
505 N. 7th Street, Suite 3600
St. Louis, MO 63101

John F. Mulligan, Jr.
1600 South Hanley, Suite 101
Richmond Heights, MO 63144

Howard Paperner
9322 Manchester Road
St. Louis, MO 63119

and to Alltel's attorneys:

Jason L. Ross
Kirsten M. Ahmad
Greensfelder, Hemker & Gale, P.C.
10 S. Broadway, Suite 2000
St. Louis, MO 63102.

7. When will the Court conduct the Approval Hearing?

The Court will conduct a public hearing to determine whether to approve the proposed settlement, and determine the amount of fees and expenses to be awarded to the attorneys for the plaintiffs and the class, on June 28, 2010. Although the hearing will be open to the public, you will not be permitted to speak in opposition to the issues above at the hearing unless you have filed a timely objection to the settlement, or the attorneys' fees and expenses in the manner described above. If you have filed an objection, you may appear with your own counsel and be heard at the hearing.

8. How much money will the attorneys be paid and who will pay it?

The attorneys for the plaintiffs and the class will submit to the Court for approval a request for attorneys' fees and expenses in the amount of \$510,565, to be paid by defendants. Additionally, Alltel has agreed to pay certain municipalities, who are clients of the law firm of Cunningham, Vogel & Rost, P.C., who are not class counsel and are not affiliated with class counsel, up to \$15,000 in the aggregate for reimbursement of attorneys' fees and expenses incurred by such municipalities in this action.

Alltel has agreed not to oppose an award of fees and expenses in the amount set forth in this Notice. The Court will determine the amount of any fees and expenses awarded to plaintiffs' counsel, which will not be deducted from the credits or refund payments made to the class. The amount of money that any individual class member may receive will not depend upon the amount of fees or expenses awarded to counsel or the number of claim forms submitted.

9. Assignment to the Missouri Municipal League or St. Louis County Municipal League

The settlement allows you to assign up to five percent (5%) of your Past Tax Payment to the Missouri Municipal League or the St. Louis County Municipal League (if you are located within St. Louis County). If you wish to make such assignment, you may check the applicable box on the Claim Form. Additionally, the ordinance or other action that you take making the settlement enforceable against you must specifically authorize the making of this assignment. **The amount of the past tax payment that you receive will be reduced by the amount of this assignment.**

10. Where can you get additional information?

This notice provides only a summary of matters regarding the lawsuit. The documents, settlement agreement, and orders in the lawsuit provide greater detail and may clarify matters that are described only in general or summary terms in this notice. Copies of the settlement agreement, other documents, court orders, and other information related to the lawsuit may be examined at <http://www.mocities.com>.

You may also examine the settlement agreement, the Court orders and the other papers filed in the lawsuit at the Office of the Clerk of the Circuit Court of St. Louis County, Missouri at 7900 Carondelet Avenue, Clayton, Missouri 63105, during regular business hours. If you wish, you may seek the advice and guidance of your own attorney, at your own expense.

If you wish to communicate with or obtain information from attorneys for the class, you may do so by letter at the addresses listed below. You should direct any such inquiries concerning a claim or other matters described in this notice to plaintiffs' attorneys:

John W. Hoffman
Douglas R. Sprong
Korein Tillery, LLC
505 N. 7th Street, Suite 3600
St. Louis, MO 63101

John F. Mulligan, Jr.
1600 South Hanley, Suite 101
Richmond Heights, MO 63144

Howard Paperner
9322 Manchester Road
St. Louis, MO 63119

Please do not contact the Court, Counsel for Alltel, or any Alltel representative for information.

Dated: March 31, 2010

By order of the Circuit Court of St. Louis County, State of Missouri
Honorable Bernhardt Drumm

Alltel Municipal Tax Settlement Claim Form

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

If you want to participate in the Settlement, you must complete this form and submit it along with the necessary claim information to the address below, postmarked by May 31, 2010, after first reading the attached NOTICE.

PAYMENT OF PAST TAX LIABILITY

The Past Tax Payment that would be payable to you is as follows:

<i>Business License Tax on gross receipts for 9/1/2005 through 3/31/2009 at 3.00%</i>	5,016.79
<i>Business License Tax at flat rate of 0.00 per year for 9/1/2005 through 3/31/2009</i>	0.00
<i>Business License Tax on zero antenna(s) for 9/1/2005 through 3/31/2009</i>	0.00
PAST TAX PAYMENT	5,016.79

If you disagree with the amount of the Past Tax Payment, you must submit a detailed explanation as to why you believe the amount was incorrectly calculated. If you are unable to agree with Alltel on the amount of the Past Tax Payment, you may either opt-out of the settlement or accept the amount of the Past Tax Payment as calculated by Alltel.

Please indicate where your Past Tax Payment should be sent by checking one of the following two options:

OPTION 1: Make the check payable in the name of the Municipality listed above and mail it to the duly authorized representative listed below; OR

OPTION 2: Make the Past Tax Payment as follows:

Make Check Payable To: City of Osage Beach

Mail Check to the Attention of: Diann Warner, City Clerk

Street Address: 1000 City Parkway

City, State, Zip Code: Osage Beach, MO 65065

ASSIGNMENT TO MISSOURI MUNICIPAL LEAGUE OR ST. LOUIS COUNTY MUNICIPAL LEAGUE

If you wish to assign up to five percent (5%) of your Past Tax Payment to the Missouri Municipal League or the St. Louis County Municipal League (if you are located within St. Louis County), please mark this box and enter the percentage amount here: 5%. **Please Note: the amount of the Past Tax Payment you receive will be directly reduced by the amount assigned to the Missouri Municipal League or St. Louis County Municipal League.**

CLAIM INFORMATION

In order to obtain the benefits of the Settlement, you must attach BOTH of the following to this Claim Form:

Copies of the ordinances or municipal code provisions imposing Business License Tax between September 1, 2005 and March 31, 2009.

Copies of an ordinance enacted by the Municipality accepting all terms and provisions of the Settlement Agreement, or other acknowledgment that the Municipality agrees to be bound by the terms of the Settlement Agreement if approved by the Court as well as an opinion of counsel, addressed to Alltel, that the Settlement Agreement, if approved by the Court, is a binding obligation of the Municipality. If you have elected to make an assignment to the Missouri Municipal League or St. Louis County Municipal League, the ordinance or other acknowledgment must expressly authorize the assignment.

The Municipality's duly authorized representative, to whom all inquiries regarding this Claim Form may be directed, is:

Name: Edward Rucker

Address: 1000 City Parkway, Osage Beach, MO 65065

Telephone number: 573-302-2000

The Municipality's duly authorized representative, to whom all inquiries regarding its Business License Tax may be directed, is:

Same as above

Other:

Name: _____

Address: _____

Telephone number: _____

I certify that:

1. I am authorized to submit the Claim Form on behalf of the Municipality identified above and to make the representations set forth in this Claim Form on behalf of the Municipality;
2. After due inquiry, the information contained in and submitted with this Claim Form is complete and accurate to the best of my knowledge and that of the Municipality;
3. The Municipality agrees to be bound by the terms of the Settlement Agreement if approved by the Court; and
4. Prior to submitting the Claim Form, the Municipality has taken all actions necessary for the Settlement Agreement to be enforceable against the Municipality.

Signature of Duly Authorized Representative

Date

Penny Lyons
Printed Name

Mayor
Title

MAIL YOUR COMPLETED CLAIM FORM TO

**Alltel Missouri Municipal Tax Settlement Administrator
One Verizon Way
VC52S223
Basking Ridge, NJ 07920-1097**

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, PROMULGATING A NEW TAX RATE OF TWO AND TWO TENTHS PERCENT (2.2%) AS REQUIRED BY SECTION 92.086, RSMo AS AMENDED 2005, BASED ON RATE INFORMATION RECEIVED FROM THE MISSOURI DIRECTOR OF REVENUE AND AS REVIEWED BY THE STATE AUDITOR FOR TAXPAYERS SUBJECT TO ORDINANCE 59 OF THE OSAGE BEACH CODE OF ORDINANCES AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF OSAGE BEACH, MISSOURI, AS FOLLOWS:

Whereas, the General Assembly enacted HB 209, known as the Municipal Telecommunications Business License Simplification Act, Sections 92.074 to 92.095, RSMo (hereinafter referred to as "HB 209") in 2005 which requires that municipalities promulgate and publish a new tax rate for telephone companies consistent therewith by April 1, 2006; and

Whereas, the Department of Revenue was to have provided the City with its calculation of what the effective tax rate would be under Section 92.086 of HB 209 by April 1st, but a tax rate was not available until after that date, and the Department has now provided rate information under the auspices of Section 92.086; and

Whereas, pending the determination of the validity of HB 209, the City is desirous of complying with such statute without waiving rights of the citizens of Osage Beach; and

Whereas, Sections 1.3, 2.16(1) and 19.12 authorize the Board of Aldermen to adopt tax rates by ordinance; and

Whereas, the Circuit Court of Cole County, Missouri, issued a temporary restraining order against the April 1st deadline contained in Section 92.086.6, RSMo, so that cities would be able to enact a valid tax rate after April 1st based on tax rate information provided by the Missouri Department of Revenue; and

Whereas, on April 14, 2006, the Circuit Court of Cole County, Missouri, recognized the inherent unfairness and potential harm to cities if enforcement of the deadline were permitted and extended the temporary restraining order until April 30, 2006.

Whereas, should HB 209 be found to be a valid statutory enactment, the City's effective tax rate from and after July 1, 2006, would be two and two-tenths percent (2.2%) rather than the current three percent (3%) based on information provided to the City at this time by the Missouri Department of Revenue and reviewed by the State Auditor.

Section 1. That the Board of Aldermen of the City of Osage Beach, Missouri hereby adopts pursuant to the Municipal Telecommunications Business License Simplification Act (hereinafter referred to as "HB 209") and more particularly the requirement of Section 92.086.6, RSMo, two and two-tenths percent (2.2%) of gross receipts, together with one percent (1%) of collections as charged by the Department of Revenue, as its effective tax rate, from and after July 1, 2006, for the tax imposed by Ordinance 59 of the Osage Beach Code of Ordinances unless HB 209 is declared to be invalid by the Missouri Supreme Court or other Court of competent jurisdiction, or HB 209 is amended to change the rate a city is to use, or the Missouri Department of Revenue informs the City that a different tax rate should be used. In the event a different tax

rate may be used under state law whether determined by the Missouri Department of Revenue or as a result of an amendment to HB 209 or such legislation being declared invalid, than that adopted herein, such different tax rate shall be utilized in collection of said tax from and after July 1, 2006, or other date if applicable.

Section 2. Should this Ordinance be repealed as a result of HB 209, or any part thereof, being declared invalid by a court of law, or repealed in whole or in part in any other manner relating to said tax rate, or for any other reason HB 209 is no longer applicable to the City of Osage Beach, Missouri, all provisions of Ordinance 59 including the tax rate of three percent (3%), together with one percent (1%) of collections as charged by the Department of Revenue, shall be revived, so that such revived section shall read as follows:

“License Tax for telephone companies “Every person engaged in the business of supplying telephones, and telecommunications and telephonic service, and telecommunications services, within the city shall pay as a license tax a sum equal to three percent of the gross receipts from such business,” together with one percent (1%) of collections as charged by the Department of Revenue.

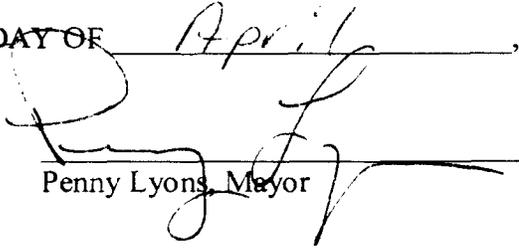
Section 3. Savings Clause. Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 4. The Board of Aldermen hereby authorizes the City Administrator and the City Attorney to take all steps deemed necessary in their respective opinions and discretion to protect the interests of the City with respect to this Ordinance, HB 209 and Ordinance 59 and the validity of any action of this Board pursuant thereto.

Section 5. The Board of Aldermen finds and declares that this ordinance constitutes an emergency because it pertains to the fixing and levying of a tax rate. Therefore, this ordinance shall be in full force and effect from and after passage.

READ FIRST TIME: 4/24/06 READ SECOND TIME: 4/24/06

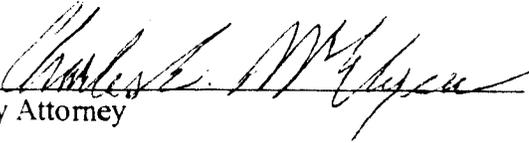
PASSED AND APPROVED THIS 24th DAY OF April, 2006.


Penny Lyons, Mayor

ATTEST:

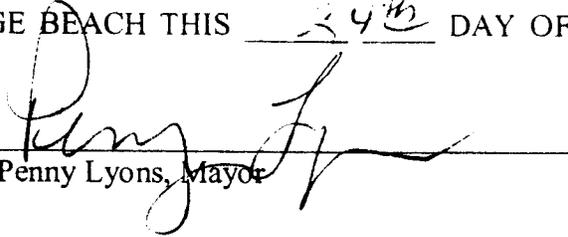

Diann Warner, City Clerk

Approved as to form by:



City Attorney

APPROVED BY THE MAYOR OF OSAGE BEACH THIS 24th DAY OF
April 2006.



Penny Lyons, Mayor

ATTEST:



Diann Warner, City Clerk

AN ORDINANCE PROVIDING FOR A LICENSE TAX TO BE PAID BY PERSONS, FIRMS, COMPANIES OR CORPORATIONS ENGAGED IN THE BUSINESS OF FURNISHING EXCHANGE TELEPHONE SERVICE IN THE CITY OF Osage Beach, MISSOURI.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF Osage Beach, MISSOURI, AS FOLLOWS:

SECTION 1. Every person, firm, company or corporation now or hereafter engaged in the business of furnishing exchange telephone service in the City of Osage Beach, Missouri, shall pay the said City as an annual license tax, three per cent (3 %) of the gross receipts derived and collected from its or their customers located within the city, and any services there provided, except such receipts as represent charges for message rate toll, or long distance telephone service, charges for exclusive interstate service of any kind, charges for Morse, telegraph, television or radio program transmission facilities, or for other services furnished exclusively and permanently in connection with services extending beyond the boundaries of the city, charges for the billing and collecting for telegrams, charges for the sale of and advertising in telephone directories, charges for the rental of plant facilities or other property not currently used by any such company in furnishing its telephone services, and charges which combine both receipts which are herein taxed and which are herein excepted in all cases in which the demonstrable cost to any such telephone company, in making a separation between the revenues taxed and those excepted, shall exceed the evident revenue to be derived therefrom by the city hereunder.

SECTION 2. All such persons, firms, companies or corporations mentioned in Section 1 hereof shall file with the City Clerk of the said City on or before the 1st day of February, 1971, a sworn statement of the gross receipts derived by such person, firm, company or corporation from the furnishing of such service during the period from January 1, 1970 to December 31, 1970 and on or before the 1st day of February of each calendar year thereafter a similar statement of gross receipts derived by such person, firm, company or corporation from the furnishing of such service during the preceding calendar year. At the time of filing any such statement, the person, firm, company or corporation involved shall pay to the City Collector of the said City three per cent (3 %) of such gross receipts. The Telephone Company shall have the privilege of crediting such sums as may be due hereunder with any unpaid balance due said Company for telephone service rendered or facilities furnished to said City.

SECTION 3. The first payment of tax provided for herein shall be due and payable on February 1, 1971, and shall be for the period from January 1, 1971 to December 31, 1971, said first payment to be reduced by any amount which may heretofore have been paid for the period from January 1, 1971 to December 31, 1971.

SECTION 4. The payments required by the provisions of this ordinance shall be in lieu of all other excises, charges, exactions, rentals, impositions, or other license or occupation taxes heretofore imposed upon any person, firm, company or corporation engaged in the business described in Section 1 hereof; but nothing herein contained shall be construed to exempt such person, firm, company or corporation from any general or special ad valorem tax imposed upon the public generally by said City.

SECTION 6. All such persons, firms, companies or corporations mentioned in Section 1 on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other bulky structures. The expense of such temporary removal, raising, or lowering of wires shall be paid by the party or parties requesting such raising or lowering of wires, and payment in advance may be required. Not less than forty-eight hours' advance notice shall be given to arrange for such temporary wire changes.

SECTION 7. The right is hereby granted to all such persons, firms, companies or corporations mentioned in Section 1 to trim trees, brush, or hedges upon and overhanging the streets, alleys, sidewalks, and public places of said City, so as to prevent such foliage from coming in contact with telephone wires and cables; all of said trimming to be done under the supervision and direction of the governing body of said City or of any city official to whom said duties have been or may be delegated.

SECTION 8. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The invalidity of any section or portion thereof of this ordinance shall not affect the validity of the remainder thereof.

SECTION 9. This ordinance shall be in full force and effect beginning

PASSED THIS 5th DAY OF November, 1970

MAYOR

APPROVED THIS 5th DAY OF November, 1970

[Signature]
MAYOR

ATTEST:

Louise M. Brown
CITY CLERK

STATE OF MISSOURI)
COUNTY OF Comden) SS
CITY OF Ozage Beach)

I, Louise M. Brown, City Clerk of the City of Ozage Beach aforesaid, hereby certify the foregoing two (2) pages constitute and are a true and correct copy of Ordinance No. _____ of the City of Ozage Beach, Missouri; passed by the City Council of the City of Ozage Beach on November 5, 1970, and approved by the Mayor of said City of Ozage Beach, Missouri.

WITNESS my hand and seal this 5 day of November, 1970.

Louise M. Brown
CITY CLERK

256

Submission Date: April 7, 2010
Submitted By: City Attorney
Board Meeting Date: April 15, 2010

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

Description of Item:

Bill 10-18 - Authorizing the Mayor to sign a Quit Claim Deed clearing up the language in the vacation of Cove Road. Cove Road was vacated in 1988. The legal description in the original Quit Claim Deed is unclear.

Attached for your reference are:

- a. The email requesting this action and explaining the reason it is needed;
- b. A copy of the original Quit Claim Deed;
- c. The proposed Quit Claim Deed; and
- d. A copy of the new survey.

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

City, owners of the properties adjacent to the vacated road.

Why is Board Action Required?

Board action is required to adopt an ordinance.

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

First and second readings of Bill 10-18.

Are there any deadlines associated with this action?

No

Comments and Recommendation of Department:

Recommend the adoption of this ordinance. The City Planner and City Engineer have been consulted and recommend adoption of this ordinance.

City Administrator Comments and Recommendation:

Concur with the recommendation of the City Planner, City Engineer and City Attorney.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED

WHEREAS, the City in 1988 relocated Cove Road and vacated certain property returning it to the owners of the adjacent property; and,

WHEREAS, the Board of Aldermen hereby finds that the initial deed was confusing and that the proposed deed attached as "Exhibit A" hereto does properly and accurately return the ground no longer needed for Cove Road to the adjacent property owners; and,

WHEREAS, the Board of Aldermen understand that this action is approved and recommended by City staff and is in the best interests of the City and the adjacent property owners and will not confer any additional or new compensation to any person but will only clarify the legal description in the title to the abandoned property.

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

Section 1 That the Mayor is hereby authorized to execute the Quit Claim Deed attached hereto as Exhibit "A" on behalf of the City of Osage Beach.

Section 2. 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 3. 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 4. 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. 10.18 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 _____

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. 10.18.

Penny Lyons, Mayor

Date

ATTEST:

Diann Warner, City Clerk

Nancy Viselli

From: Edward Rucker
Sent: Thursday, April 01, 2010 8:49 AM
To: Jace Kentner
Cc: Nancy Viselli; Penny Lyons
Subject: RE: Vacation of Cove Rd

We will take a look at this. Call when you get back to OB.

Edward B. Rucker
City Attorney
City of Osage Beach
1000 City Parkway
Osage Beach, Missouri 65065
573-302-2000 Ext. 398
816-686-4955 Cell
573-302-2009 (FAX)
erucker@osagebeach.org

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From: Jace Kentner [mailto:jace@kentnerlaw.com]
Sent: Wednesday, March 31, 2010 10:25 PM
To: Edward Rucker
Subject: Vacation of Cove Rd

Ed-- In 1988 the City re-routed Cove Road and Quit Claimed the west half of the abandoned roadway. I have attached the Quit Claim Deed that the City of Osage Beach granted to my predecessors in title to Lots 17 and 18 of Buena Vista Heights Subdivision which are my lots next door to Goodyear/Lake Area Tire accross from the Outlet Mall. I am not comfortable with the language that was used and have paid for a survey which more accurately describes the road area which was vacated in 1988. I have attached Missouri Land Surveying's sketch which clearly shows what I am asking the City to vacate. The 1988 Quit Claim Deed only vacated the west half of the abandoned roadway since I own on both sides of the abandoned road I believe the attached Quit Claim Deed corrects the ambiguity and fully vacates the abandoned roadway.

Of course time is of the essence. Please let me know your thoughts my cell phone number

4/8/2010

is 573-216-8092. I will be out of state until 4/8 but look forward to your call before then. I would hope this is something the Board of Aldermen would authorize without the need to go to the P&Z. I have done the foot work to correct an obvious error and do not want to be caught up in committees for 3 months because I am trying to fix an error by the city made 22 years ago.

Your expertise and consideration are appreciated. Thanks.

Jace Kentner
16319 North Highway 5
Sunrise Beach, MO 65079
Telephone: (573) 374-9990
Fax: (573) 374-7002

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QUIT-CLAIM DEED

THIS INSTRUMENT, Made on the 2nd day of ~~July~~ ^{July}, A.D. One Thousand Nine Hundred and Eighty-Seven by and between the CITY OF OSAGE BEACH, of the County of Camden, State of Missouri, party of the first part, and DONALD E. SHIPP and JACQUELINE A. SHIPP, husband and wife, of the County of Camden, State of Missouri, parties of the second part, Mailing address of said first named grantee is:

WITNESSETH, that the said parties of the first part, in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS to them paid by the said parties of the second part (the receipt of which is hereby acknowledged) by these presents REMISE, RELEASE and FOREVER QUIT CLAIM unto the said parties of the second part, the following described lots, tracts or parcels of land, lying, being and situate in the County of Camden and State of Missouri, to-wit:

All that part of Cove Road as shown on the plat of "BOBBA VISTA HEIGHTS", a subdivision of Camden County, Missouri, more particularly described as the West half of said Cove Road lying West of the centerline of said Cove Road from the intersection of the Northerly line of Lot 17, South to an intersection with U.S. Highway No. 54.

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and appurtenances thereto belonging, unto the said parties of the second part and unto their heirs and assigns forever; so that neither the said parties of the first part nor their heirs or assigns nor any other person or persons, for them or in their name or behalf, shall or will hereinafter claim or demand any right or title to the aforesaid premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seal the day and year above written.



Diann C. Warner
Diann C. Warner, City Clerk

CITY OF OSAGE BEACH, MISSOURI
By: Michael B. Craig
Michael B. Craig, Mayor

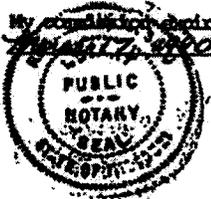
MUNICIPAL CORPORATE ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss.
COUNTY OF CAMDEN)

On this 2nd day of June, 1988, before me appeared MICHAEL B. CRAIG, to me personally known, who being by me duly sworn, did say that he is Mayor of the City of Osage Beach, Missouri, a municipal corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said municipal corporation, and that said instrument was signed and sealed on behalf of said municipal corporation by authority of its Board of Directors, and said MICHAEL B. CRAIG acknowledged said instrument to be the free act and deed of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Osage Beach the day and year last above written.

My commission expires: August 7, 1990



Francis J. Savits
Notary Public

STATE OF MISSOURI)
) ss.
COUNTY OF Camden)

BOOK 0313 PAGE 0393
IN THE RECORDER'S OFFICE:

I, Don Williams, Recorder of said County, do hereby certify that the within instrument of writing was, at 2 o'clock and 11 minutes P.M., on the 6 day of July, A.D., 1988, duly filed for record in my office, and is recorded in the records of this office, in Book 313, at page 399.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Camden this 6 day of July, A.D., 1988.

Don Williams
Recorder

By: Krista Strang
Notary
11.00
41531



0801

RETURN TO:
Lawyers Land Title Company
401 Cliffside Centre
Lake Ozark, MO 65049
0801

QUIT CLAIM DEED

THIS DEED, made this _____ day of April, 2010, by and between GRANTOR, CITY OF OSAGE BEACH, a municipality, of the County of Camden and State of Missouri, and GRANTEES, JACOB C. KENTNER, JR. and LANA J. KENTNER, TRUSTEES OF THE KENTNER FAMILY REVOCABLE TRUST, DATED JULY 5, 2004, whose mailing address is 1152 Osage Beach Rd., Osage Beach, MO 65065.

WITNESSETH: That the GRANTOR in consideration of the payment to them of the sum of TEN DOLLARS and other valuable consideration by the GRANTEES, the receipt of which by the GRANTORS is hereby acknowledged, does by these presents, Remise, Release, and forever Quit-claim all their interest unto the GRANTEES, and their successors and assigns in the following described real estate being, and situate in the County of Camden and State of Missouri,
to-wit:

A tract of land lying in part of Section 01, Township 39 North, Range 16 West, Camden County, Missouri and being more particularly described as follows:

“Commencing from an iron pin marking the Southeast corner of the West half of Lot 6 of the Northeast quarter of Section 01, Township 39 North, Range 16 West and running South a distance of 1,540.78 feet; thence South 47 degrees 11 minutes East a distance of 132.30 feet to the Northern right-of-way line of Highway 54; thence along and with said right-of-way line South 43 degrees 39 minutes West a distance of 140.00 feet; thence South 48 degrees 07 minutes West a distance of 100.09 feet (deed = 101.04 feet); thence South 37 degrees 12 minutes West a distance of 24.28 feet for the POINT OF BEGINNING; thence along and with the Northern right-of-way line of Zebra Road along a curve to the right with a radius of 281.35 feet an arc length of 16.09 feet with a chord direction of South 67 degrees 53 minutes 15 seconds West and a chord length of 16.08 feet; thence departing said right-of-way line, North 00 degrees 57 minutes West a distance of 248.21 feet to a point on the Southern right-of-way line of Cove Road; thence along and with said right-of-way line, North 41 degrees 08 minutes East a distance of 4.31 feet; thence along a curve to the left with a radius of 122.73 feet and an arc length of 20.11 feet; thence South 00 degrees 57 minutes East a distance of 261.59 feet returning to the point of beginning.”

Subject to any right-of-way, restrictions, reservations, condition easements and exceptions of record.

ALSO

A tract of land lying in part of Section 01, Township 39 North, Range 16 West, Camden County, Missouri and being more particularly described as follows:

“Commencing from an iron pin marking the Southeast corner of the West half of Lot 6 of the Northeast quarter of Section 01, Township 39 North, Range 16 West and running South a distance of 1,540.78 feet; thence South 47 degrees 11 minutes East a distance of 132.30 feet to the Northern right-of-way line of Highway 54; thence along and with said right-of-way line South 43 degrees 39 minutes West a distance of 140.00 feet; thence South 48 degrees 07 minutes West a distance of 100.09 feet (deed = 101.04 feet) for the POINT OF BEGINNING; thence South 37 degrees 12 minutes West a distance of 24.28 feet; thence departing said right-of-way line, North 00 degrees 57 minutes West a distance of 188.84 feet, thence South 52 degrees 45 minutes East a distance of 19.09 feet; thence South 00 degrees 57 minutes East a distance of 157.95 feet returning to the point of beginning.”

Subject to any right-of-ways, restrictions, reservations, condition easements and exceptions of record.

TO HAVE AND TO HOLD the premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the GRANTEES and unto their successors and assigns, forever; so that neither GRANTOR, nor GRANTOR’S heirs, nor any other person or persons for GRANTOR or in GRANTOR’S name or behalf, shall claim or demand any right or title to these premises, or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the GRANTOR has hereunto set their hands and seal the day and year above written.

GRANTOR, CITY OF OSAGE BEACH, MISSOURI

By: _____
PENNY LYONS, Mayor

DIANN C. WARNER, City Clerk

STATE OF MISSOURI)
) ss.
COUNTY OF CAMDEN)

On this _____ day of April, in the year 2010, before me personally appeared PENNY LYONS, Mayor of Osage Beach, Missouri, a municipality, known to me to be the person who executed the within Quit Claim Deed in behalf of the CITY OF OSAGE BEACH, MISSOURI and acknowledged to me that she executed the same for the purposes therein stated and that said instrument was signed and sealed on behalf of the CITY OF OSAGE BEACH, MISSOURI by authority of its Board of Aldermen

and acknowledged to me that she executed the same as her voluntary, free act and deed for the purposes therein stated.

IN TESTIMONY WHEREOF, I set my hand and affixed my official seal in the County and State aforesaid, on the day and year first above written.

Notary Public

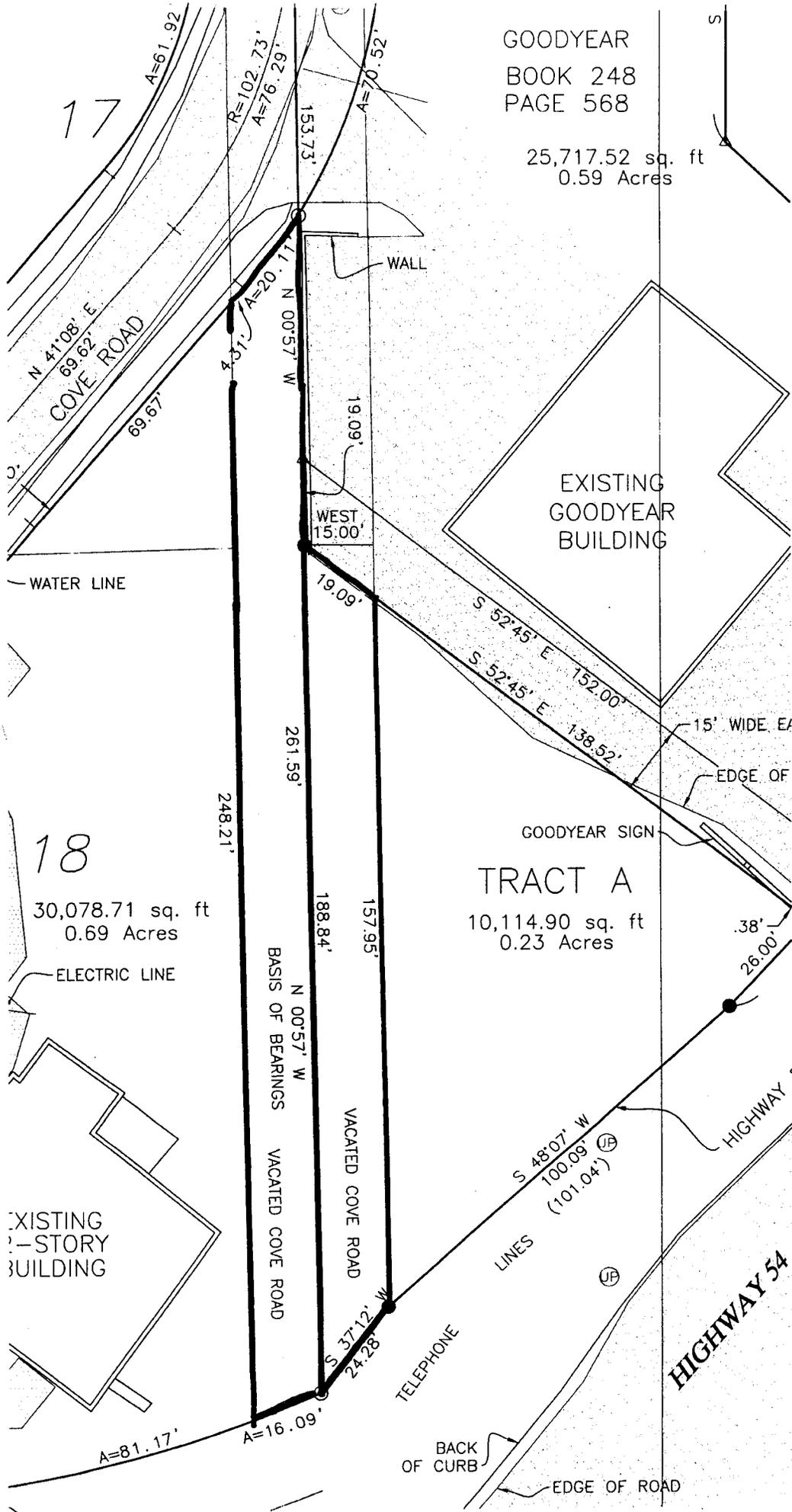
Commissioned in _____ County

My Commission Expires:

SEAL:

GOODYEAR
BOOK 248
PAGE 568

25,717.52 sq. ft
0.59 Acres



18

30,078.71 sq. ft
0.69 Acres

TRACT A
10,114.90 sq. ft
0.23 Acres

HIGHWAY 54

Submission Date: April 7, 2010
Submitted By: City Attorney
Board Meeting Date: April 15, 2010

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

Description of Item:

Bill 10-19 - Authorizing the Mayor to sign the First Amendment to the Tower Lease Agreement with New Cingular Wireless. The change in the special use permits was approved on April 1, 2010. A copy of the amendment is attached to the ordinance.

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

City, Cingular wireless PCS.

Why is Board Action Required?

Board action is required to adopt an ordinance.

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

Request first and second readings of Bill 10-19.

Are there any deadlines associated with this action?

No

Comments and Recommendation of Department:

Recommend the adoption of this ordinance.

City Administrator Comments and Recommendation:

Concur with the recommendation of the City Attorney.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO THE TOWER ATTACHMENT LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS

WHEREAS, the City approved modification of existing special use permits in special use cases 352, 353 and 354 on April 1, 2010 allowing new technology to be installed and used by the lessee in providing services to its wireless customers; and,

WHEREAS, the proposed lease amendment is attached hereto as Exhibit "A"; and,

WHEREAS, the Board of Aldermen understand that this action is necessary to allow the equipment modification previously approved in special use cases 352, 353, and 354 and to update the notification section of the agreement between the City and New Cingular Wireless PCS LLC; and that this action is approved and recommended by City staff and is in the best interests of the City and wireless customers in the area.

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

Section 1 That the Mayor is hereby authorized to execute the **First Amendment To The Tower Attachment Lease Agreement** attached hereto as Exhibit "A" on behalf of the City of Osage Beach.

Section 2. 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 3. 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 4. 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. 10.19 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 _____

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. 10.19.

Penny Lyons, Mayor

Date

ATTEST:

Diann Warner, City Clerk

Market: MISSOURI/KANSAS
Cell Site Number: MO3617
Cell Site Name: PAWHUSKA TOWNSHIP
Fixed Asset Number: 10076796

FIRST AMENDMENT TO TOWER ATTACHMENT LEASE AGREEMENT

THIS FIRST AMENDMENT TO TOWER ATTACHMENT LEASE AGREEMENT (“**First Amendment**”), dated as of the latter of the signature dates below, is by and between the City of Osage Beach, Missouri, having a mailing address of 1000 City Parkway, Osage Beach, Missouri 65065 (“**Landlord**”) and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 (“**Tenant**”).

WHEREAS, Landlord and Tenant entered into a Tower Attachment Lease Agreement dated July 25, 2000, whereby Landlord leased to Tenant certain Premises, therein described, that are a portion of the Property located at Lot 2 -2 amended plat – Parkview Bay Subdivision aka: Otis Drive & Trails End Court, Osage Beach, MO 65065 (“**Agreement**”); and

WHEREAS, Landlord and Tenant desire to amend the Agreement to modify the notice section thereof; and

WHEREAS, Landlord and Tenant desire to amend the Agreement to permit Tenant to add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services; and

WHEREAS, Landlord and Tenant, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

1. **Equipment.** Landlord and Tenant desire to amend Agreement to allow Tenant to modify the equipment at this location, described in Exhibit B. **Exhibit “B” Lessee’s Personal Property.** Landlord and Tenant desire to amend Agreement to remove the existing six (6) panel antennas and replace with six (6) new antenna, add three (3) additional tower mounted amplifiers behind the new antennas, add six (6) additional runs of 1 5/8” coax cable increasing from six (6) to twelve (12) and to correct the height of the antennas to read as follows: “at approximately one hundred and eighty seven feet (187’) on the Tower.”

14. **Notices.** Section 14 of the Agreement is hereby deleted in its entirety and replaced with the following:

NOTICES. All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows.

If to Tenant: New Cingular Wireless PCS, LLC
By: AT&T Mobility Corporation,
Attn: Network Real Estate Administration
Re: Cell Site #:MO3617, Cell Site Name: Pawhuska Township,
12555 Cingular Way, Suite 1300, Alpharetta, GA 30004

If to Landlord: City of Osage Beach
1000 City Parkway
Osage Beach, MO 65065

Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

22. Emergency 911 Service. In the future, without the payment of additional rent and at a location mutually acceptable to Landlord and Tenant, Landlord agrees that Tenant may add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services.

23. Other Terms and Conditions Remain. In the event of any inconsistencies between the Agreement and this First Amendment, the terms of this First Amendment shall control. Except as expressly set forth in this First Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this First Amendment.

24. Capitalized Terms. All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this First Amendment on the dates set forth below.

"LANDLORD"
City of Osage Beach, Missouri

By: _____
Mayor Penny Lyons

Attest: _____
Diann Warner City Clerk

Approved as to form

Edward Rucker, City Attorney

"TENANT"
New Cingular Wireless PCS, LLC,
By: AT&T Mobility Corporation
Its: Manager

By: _____

Name: James G. Stockell

Title: Manager REAC MOKS

Date: Nov. 30, 2010

TENANT ACKNOWLEDGEMENT

STATE OF MO)
COUNTY OF St Charles) ss:

On the 30th day of April, 2010 before me personally appeared James G. Stockell, and acknowledged under oath that he is the Manager of RE+C MOKS of Now Lingular Wireless PCS, LLC, the Tenant named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Corporation.



Monica Rohland
Notary Public

My Commission Expires: 10-18-11

LANDLORD ACKNOWLEDGEMENT

STATE OF MISSOURI)
COUNTY OF CAMDENTON) ss:

On this _____ day of _____, 2010, before me a Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared in person the within named _____, being the person or persons authorized by the **City of Osage Beach, Missouri** to execute such instrument, stating his respective capacity in that behalf, to me personally well known, who stated that he was the Mayor of the City of Osage Beach, Missouri, and was duly authorized in his respective capacity to execute the forgoing instrument for and in the name and behalf of said City, and further stated and acknowledged that he had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2010.

NOTARY PUBLIC

My Commission Expires: _____

EXHIBIT "B"
LESSEE'S PERSONAL PROPERTY
copy of construction drawings will be attached to this agreement

The following Equipment together with any associated wires, cables, pipes, related ancillary equipment and conduit attached thereto and supporting structures associated therewith shall be located on the Leased Premises.

- Six (6) panel antennas measuring approximately 8' 8" height x 11" width 5" depth, including nine (9) Tower Mounted Amplifiers located behind the antennas all mounted at approximately one hundred eighty seven feet (187') on the Tower.
- Twelve (12) cables measuring one and five-eighths inches (1 5/8") in diameter.
- Equipment cabinets on a support frame contained within Leased Premises.

Notes:

1. THIS EXHIBIT MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED BY TENANT.
2. ANY SETBACK OF THE PREMISES FROM THE PROPERTY'S BOUNDARIES SHALL BE THE DISTANCE REQUIRED BY THE APPLICABLE GOVERNMENTAL AUTHORITIES.
3. WIDTH OF ACCESS ROAD SHALL BE THE WIDTH REQUIRED BY THE APPLICABLE GOVERNMENTAL AUTHORITIES, INCLUDING POLICE AND FIRE DEPARTMENTS.
4. THE TYPE, NUMBER AND MOUNTING POSITIONS AND LOCATIONS OF ANTENNAS AND TRANSMISSION LINES ARE ILLUSTRATIVE ONLY. ACTUAL TYPES, NUMBERS AND MOUNTING POSITIONS MAY VARY FROM WHAT IS SHOWN ABOVE.

Submission Date: April 9, 2010
Submitted By: Asst City Administrator
Board Meeting Date: April 15, 2010

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

Description of Item:

Motion to proceed with the Water and Sewer Rate Project as presented on Thursday, April 8, 2010.

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

Citizens of Osage Beach, Utility Customers, and City Staff.

Why is Board Action Required?

Board consensus to proceed with the Water and Sewer Rate Project as presented will assist staff in preparing for the formal approval process.

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

A motion to proceed with the Water and Sewer Rate Project as presented.

Are there any deadlines associated with this action?

Yes, we would implement rates to be effective July 1, 2010.

Comments and Recommendation of Department:

Attached is a revised copy of the presentation from the special meeting held Thursday, April 8, 2010. Corrections were needed in a few places and those are marked throughout the presentation. NO corrections were done to the rate calculations as presented. In addition, I have added some commercial comparisons to the presentation as requested.

I am requesting a motion from the Board of Aldermen to proceed with the rate changes as presented to begin the formal process for an effective date of July 1, 2010.

City Administrator's Comments and Recommendation:

Concur with the recommendation of the Assistant City Administrator.



City of Osage Beach Water and Sewer

Proposal – April 8, 2010

► Changes noted – April 9, 2010

Jeana Albertson
Assistant City Administrator

Water & Sewer User Charge Systems

- Requirements
 - Fair and Equitable Rate for all users (*SRF*)
 - Collect adequate revenues *annually* for O&M, Retiring Debt, Depreciation Reserve, Improvements and Extensions (*SRF*)
 - Annual review of rates

Current Position

- Water

- 5,127 total customers (*5,404 equivalent residential units*)
 - Includes 6 Out-of-City Metered customers (*no Out-of-City Non-metered*)
 - Includes 336 In-City Non-metered customers (*6.6%*)
 - Approximate 7% annual growth since 2004
 - In-City build-out at approximately 98%
 - Billed Consumption – 3 year average – 278,181,525 gallons
-

Current Position

- Sewer

- 6,372 total customers (*6,665 equivalent residential units*)
 - Includes 506 Out-of-City customers (*4 metered, 502 non-metered – 7.9%*)
 - Includes 1,225 In-City Non-metered customers (*19.2%*)
 - Approximate 3% annual growth since 2004
 - In-City build-out at approximately 97%
-

Current Position

- **Water Rates**

- WATER COLLECTION analysis – B/E \$18.28/unit
- Current - \$16.81/unit
- Other revenue sources = 3% - 4% (*i.e. interest, late fees, etc.*)

- **Sewer Rates**

- SEWER COLLECTION analysis – B/E \$26.98/unit
- Current - \$23.98/unit
- Other revenue sources = 3% - 4% (*i.e. interest, late fees, etc.*)

Current Position

- **Water Funding with current rates**

- Annual average funding shortage of 7.7%
- By the end of 2015 shortage = \$1.7 million (\$283,000+/- each year)

- **Sewer Funding with current rates**

- Annual funding shortage of 12.9%
- ▶ □ By the end of 2015 shortage = \$1.6 million (\$266,000+/- each year)

- **Assumptions**

- Growth (*revenue/customer count*) factor used = 2.0%
- Inflation (*expenditures*) factor used = 3.0%

- ▶ Correction made to update shortages per page 4. (04/09/10 ja)

Current Position

■ Water (x \$1,000)

	2010	2011	2012	2013	2014	2015
Revenues						
Fees	1,090	1,112	1,134	1,157	1,180	1,203
Debt Subsidy	2,356	2,230	2,196	2,160	2,122	2,082
Interest & Misc	40	40	41	43	43	44
Total	3,486	3,382	3,371	3,359	3,345	3,328
Expenditures						
Personnel & O&M	(658)	(678)	(697)	(719)	(741)	(762)
Debt Service	(2,789)	(2,771)	(2,771)	(2,761)	(2,752)	(2,736)
D & R Acct	(187)	(187)	(187)	(187)	(187)	(187)
Total	(3,634)	(3,636)	(3,655)	(3,667)	(3,680)	(3,685)
Over(Short)	(148)	(254)	(284)	(308)	(335)	(357)
	(4.1%)	(8.5%)	(7.7%)	(8.4%)	(9.1%)	(9.7%)

Current Position

■ Sewer (x \$1,000)

	2010	2011	2012	2013	2014	2015
Revenues						
Fees	1,917	1,955	1,994	2,034	2,075	2,117
Debt Subsidy	704	583	558	543	502	462
Interest & Misc	63	64	65	67	68	70
Total	2,684	2,673	2,660	2,954	3,074	3,086
Expenditures						
Personnel & O&M	(1,717)	(1,747)	(1,799)	(1,852)	(1,907)	(1,964)
Debt Service	(846)	(836)	(818)	(809)	(785)	(771)
D & R Acct	(391)	(391)	(391)	(391)	(391)	(391)
Total	(2,954)	(2,974)	(3,008)	(3,052)	(3,083)	(3,126)
Over(Short)	(270)	(372)	(348)	(408)	(438)	(483)
	(9.1%)	(12.5%)	(12.8%)	(13.3%)	(14.2%)	(15.2%)

► Correction to 2011 – 2015 fees and ending balances. (04/09/10 ja)

Review Analysis

- Water
 - Last rate increase was July 2007
 - New computer software in 2007
 - More correct data
 - Efficiency
 - Depreciation and Replacement (D & R) account is insufficient
 - Collections are insufficient
 - 12.9% 2010 aggregate rate increase needed
 - 3.5% 2012 aggregate rate increase needed
 - 4.0% 2014 aggregate rate increase needed
-

Review Analysis

- D & R Account – WATER
 - SRF requirement - adequate reserves for asset management
 - 20 year schedule adjusted for inflation and interest
 - Current balance \$681,802
 - Current annual contribution - \$187,000 (*84% needed*)
 - Proposed annual contribution - \$221,912
 - \$3,900,000 – 20 year investment (*today's costs*)
 - Items
 - Tower Painting (*periodic/rotation*)
 - Tank, Tower & Well Improvements (*annual*)
 - Meters & Pumps (*annual*)
 - Minor repair and replacement of system (*annual*)
 - Major repair and replacement of system (*as needed/emergency*)
-

Review Analysis

- Sewer
 - Last rate increase was July 2007
 - New computer software in 2007
 - More correct data
 - Efficiency
 - Depreciation and Replacement (D & R) account is insufficient
 - Collections are insufficient
 - 15.7% 2010 aggregate rate increase needed
 - 4.6% 2012 aggregate rate increase needed
 - 2.8% 2014 aggregate rate increase needed
 - Sewer Classes needed updated - per design guidelines and current usage data
-

Review Analysis

- D & R Account – SEWER
 - SRF requirement – adequate reserves for asset management
 - 20 year schedule adjusted for inflation and interest
 - Current balance \$1,002,000
 - Current annual contribution - \$390,944 (*65% needed*)
 - Proposed annual contribution - \$599,028
 - \$9,720,000 - 20 year investment (*today's costs*)
 - Items
 - Pumps and Panels – new and rebuilds (*annual*)
 - Minor repair and replacement of system (*annual*)
 - Major repair and replacement of system (*as needed/emergency*)
-

Review Analysis

■ Proposed Water Rates

	Current		July 1, 2010		January 1, 2012		January 1, 2014	
	In-City	Out-of-City	In-City	Out-of-City	In-City	Out-of-City	In-City	Out-of-City
5/8"	\$14.38	\$62.21	\$16.11	\$69.48	\$16.56	\$71.26	\$17.05	\$73.12
1"	\$19.86	\$86.81	\$22.22	\$96.94	\$22.82	\$99.41	\$23.47	\$101.97
1 1/2"	\$25.33	\$111.41	\$28.33	\$124.39	\$29.08	\$127.55	\$29.88	\$130.82
2"	\$40.39	\$179.08	\$45.13	\$199.91	\$46.30	\$204.95	\$47.53	\$210.15
3"	\$151.26	\$677.32	\$168.86	\$755.95	\$173.13	\$774.89	\$177.53	\$794.34
4"	\$192.32	\$861.86	\$214.69	\$961.89	\$220.10	\$985.98	\$225.88	\$1,010.71
6"	\$233.39	\$1,046.39	\$260.52	\$1,167.83	\$267.08	\$1,197.07	\$273.83	\$1,227.07
Volumetric (1,000 gal)	\$0.69		\$0.83		\$0.90		\$1.00	
Aggregate % Increase			12.9%		3.5%		4.0%	

Review Analysis

■ Proposed Sewer Rates - METERED

	Current		July 1, 2010		January 1, 2012		January 1, 2014	
	In-City	Out-of-City	In-City	Out-of-City	In-City	Out-of-City	In-City	Out-of-City
5/8"	\$12.11	\$26.38	\$13.98	\$30.39	\$14.62	\$31.77	\$15.06	\$32.72
1"	\$16.29	\$36.28	\$18.78	\$41.77	\$19.63	\$43.66	\$20.22	\$44.97
1 1/2"	\$20.48	\$46.18	\$23.60	\$53.16	\$24.67	\$55.56	\$25.41	\$57.23
2"	\$31.99	\$73.39	\$36.84	\$84.45	\$38.51	\$88.26	\$39.67	\$90.91
3"	\$116.76	\$273.80	\$134.32	\$314.92	\$140.37	\$329.10	\$144.58	\$338.97
4"	\$148.15	\$348.02	\$170.42	\$400.27	\$178.10	\$418.29	\$183.44	\$430.84
6"	\$179.55	\$422.25	\$206.53	\$485.64	\$215.83	\$507.50	\$222.31	\$522.73
Volumetric (1,000 gal)	\$1.64		\$1.94		\$2.04		\$2.08	
Aggregate % Increase			15.7%		4.6%		2.8%	

► Correction made to correct misprint of 5/8" rates for 2010, 2012, 2014. (04/09/10 ja)

Review Analysis

■ Sewer Classes (Non-metered)

	Description	Equiv Meter	Equiv Demand
A	Single Family < 2.5 baths, Small Commercial offices/retail, MF/MU – per unit basis, Max continuous demand < 10 gpm, No laundries or laundromats. No restaurants.	5/8"	1 to 20 gpm
B	Large residences, swimming pools, lawn irrigation w/ lawns < 6,000 sq.ft., Hotel/Motel < 15 rooms, Small restaurants < 75 seats, FF w/ drive-thru, Other Small – Medium Commercial, Max continuous demand < 25 gpm	1"	3 to 50 gpm
C	Hotel/Motel < 35 units, Medium restaurants > 75 seats, no outdoor seating, Other Medium Commercial, Max continuous demand < 50 gpm	1 1/2"	5 to 100 gpm
D	Hotel/Motel < 70 units, Large restaurants > 175 seats, outdoor seating, Other Medium – Large Commercial, Max continuous demand < 80 gpm	2"	8 to 160 gpm
E	Hotel/Motel < 150 units, Other Large Commercial, Max continuous demand < 160 gpm	3"	4 to 320 gpm
F	Hotel/Motel < 300 units, Commercial/Domestic uses w/continuous demand < 250 gpm	4"	6 to 500 gpm (10 to 1,200 gpm turbine)
G	Hotel/Motel > 301 units, Commercial/Domestic uses w/continuous demand > 1000 gpm	6"	8 to 500 gpm (10 to 1,200 gpm turbine)

Review Analysis

■ Proposed Sewer Rates – NON-METERED

	Current		July 1, 2010		January 1, 2012		January 1, 2014	
	In-City	Out-of-City	In-City	Out-of-City	In-City	Out-of-City	In-City	Out-of-City
A	\$22.28	\$36.76	\$25.59	\$40.35	\$26.74	\$42.17	\$27.54	\$43.44
B								
C								
D								
E								
F	\$2,854.15	\$4,709.35	\$3,071.29	\$4,843.50	\$3,209.50	\$5,061.48	\$3,305.79	\$5,213.30
G	\$4,279.55	\$7,061.26	\$4,558.80	\$7,189.31	\$4,763.95	\$7,512.83	\$4,906.87	\$7,738.21

Review Analysis

- Sewer Class Adjustments

	Description	Change
A	Residential/Light Commercial, MF/MU, Residential 1"	Clarified description
B	Hotel/Motel < 15 units, Small-Med Commercial	From Hotel/Motel < 31 units, adjusted restaurant descriptions
C	Hotel/Motel < 35 units, Medium Commercial	From Hotel/Motel < 61 units, adjusted restaurant descriptions
D	Hotel/Motel < 70 units, Medium – Large Commercial	From Hotel/Motel < 121 units, adjusted restaurant descriptions
E	Hotel/Motel < 150 units, Large Commercial	From Hotel/Motel < 200 units, adjusted restaurant descriptions
F	Hotel/Motel < 300 units, Large High Demand Commercial	From Hotel/Motel > 200 units, adjusted restaurant descriptions, adjusted max continuous demand
G	Hotel/Motel > 301 units, Maximum Demand Commercial	From Hotel/Motel > 200 units, adjusted restaurant descriptions, adjusted max continuous demand

Review Analysis

- Sewer Class Adjustments

- 31 class B – E customers affected – lower bills (16% – 30% decreases)
- 5 customers moved **UP** in class
 - 1 Car Wash – based on size and estimated usage of the metered equals
 - 2 restaurants – based on seats and sizing per design guidelines
 - 2 Hotel/Motels – based on rooms per design guidelines

Sample Billing

- Residential, In-City – 5/8" Metered Water & Sewer

	<i>Current</i>	<i>Proposed</i>		<i>Monthly Increase</i>	<i>Annual Increase</i>
Gallons	5,000				
Water	\$17.14	\$19.43	13%	\$2.29	\$27.48
Sewer	\$18.67	\$21.74	16%	\$3.07	\$36.84
TOTAL	\$35.81	\$41.17	15%	\$5.36	\$64.32
Gallons	15,000				
Water	\$24.04	\$27.73	15%	\$3.69	\$44.28
Sewer	\$35.07	\$41.14	17%	\$6.07	\$72.84
TOTAL	\$59.11	\$68.87	17%	\$9.67	\$117.12

Sample Billing

- M/F – 16 unit, In-City – Metered Water & Sewer

	<i>Current</i>	<i>Proposed</i>		<i>Monthly Increase</i>	<i>Annual Increase</i>
Units	16				
Gallons	60,000				
Water	\$260.44	\$294.28	13%	\$33.84	\$406.08
Sewer	\$265.92	\$309.04	16%	\$43.12	\$517.44
TOTAL	\$603.32	\$526.36	15%	\$76.96	\$923.52
Per Unit	\$32.90	\$37.71	15%	\$4.87	\$58.38

Sample Billing

- M/F – 50 unit, In-City – Metered Water & Sewer

	<i>Current</i>	<i>Proposed</i>		<i>Monthly Increase</i>	<i>Annual Increase</i>
Units	50				
Gallons	157,000				
Water	\$792.83	\$894.31	13%	\$101.48	\$1,217.76
Sewer	\$780.98	\$906.58	16%	\$125.60	\$1,507.20
TOTAL	\$1,800.89	\$1,573.81	14%	\$227.08	\$2,724.96
Per Unit	\$31.48	\$36.02	14%	\$4.54	\$54.50

Sample Billing

- Commercial, In-City – 1" Metered Water & Sewer

	<i>Current</i>	<i>Proposed</i>		<i>Monthly Increase</i>	<i>Annual Increase</i>
Gallons	18,000				
Water	\$31.59	\$36.33	15%	\$4.74	\$56.88
Sewer	\$44.17	\$51.76	17%	\$7.59	\$91.08
TOTAL	\$75.76	\$88.09	16%	\$12.33	\$147.96

Sample Billing

- Commercial, In-City – 2" Metered Water & Sewer

	<i>Current</i>	<i>Proposed</i>		<i>Monthly Increase</i>	<i>Annual Increase</i>
Gallons	60,000				
Water	\$86.62	\$100.74	16%	\$14.12	\$169.44
Sewer	\$141.87	\$166.82	18%	\$24.95	\$299.40
TOTAL	\$228.49	\$267.56	17%	\$39.07	\$468.84

Proposed Position

- Water (x \$1,000)

	2010	2011	2012	2013	2014	2015
Revenues						
Fees	1,210	1,357	1,435	1,464	1,559	1,590
Debt Subsidy	2,356	2,230	2,196	2,160	2,122	2,082
Interest & Misc	41	41	43	44	44	45
Total	3,607	3,628	3,674	3,668	3,725	3,717
Expenditures						
Personnel & O&M	(606)	(624)	(642)	(663)	(682)	(702)
Debt Service	(2,789)	(2,771)	(2,771)	(2,761)	(2,752)	(2,736)
D & R Acct	(205)	(222)	(222)	(222)	(222)	(222)
Total	(3,600)	(3,617)	(3,635)	(3,646)	(3,656)	(3,680)
Over/(Short)	7	11	39	22	69	57
	0.2%	0.3%	1.0%	0.6%	1.8%	1.6%

Proposed Position

■ Sewer (x \$1,000)

	2010	2011	2012	2013	2014	2015
Revenues						
Fees	2,054	2,235	2,347	2,393	2,514	2,565
Debt Subsidy	704	583	558	543	502	462
Interest & Misc	65	66	67	69	70	72
Total	2,823	2,684	2,972	3,005	3,086	3,099
Expenditures						
Personnel & O&M	(1,469)	(1,492)	(1,536)	(1,581)	(1,626)	(1,677)
Debt Service	(648)	(536)	(818)	(809)	(785)	(771)
D & R Acct	(495)	(599)	(599)	(599)	(599)	(599)
Total	(2,610)	(2,627)	(2,953)	(2,989)	(3,012)	(3,047)
Over/(Short)	13	(43)	19	16	74	52
	0.5%	(1.5%)	0.7%	0.5%	2.5%	1.7%

Proposed Position

■ Water Funding with proposed rates

- 2010 B/E = \$18.66 – Collections Only (needed \$18.28)
- Other revenue sources = 3% - 4% (i.e. interest, late fees, etc.)
- 2010 – 2015 Average funding overage of 0.9%
- By the end of 2015 collection for reserves = \$205,000

■ Sewer Funding with Proposed rates

- 2010 B/E = \$25.68 – Collections Only (needed \$26.98)
- Other revenue sources = 3% - 4% (i.e. interest, late fees, etc.)
- 2010 – 2015 Average funding overage of 0.7%
- By the end of 2015 overage for reserves = \$131,000

Proposed Position

- **Timeline**
 - Current –
 - DNR Approval Completed
 - Sewer and Water Impact Fees
 - April –
 - Further Discussion, if needed
 - Draft Ordinances
 - May – Mail Informational Flier to all customers
 - June – BOA Approvals
 - July 1, 2010 – Rates Effective

Comparisons

- Residential - In-City, 5,000 gallons

	Camdenton	Osark	Eldon	Horseshoe Bend	Lake Ozark	Shawnee Bend	Laurie
Water	\$18.55	\$18.75	\$16.23	\$16.60	\$26.12	\$16.60	\$42.80
Sewer	\$17.75	\$21.75	\$31.82	\$31.93	\$24.93	\$35.36	\$34.20
Total	\$36.30	\$40.50	\$48.05	\$48.53	\$51.05	\$51.96	\$77.00

Comparisons

- Commercial (*Restaurant – Dine-In, 180 seats*)
 - - In-City, 2" Metered, 110,000 gallons

		Eldon	Camdenton	Lake Ozark	Laurie
Water		\$266.53	\$359.80	\$737.91	\$941.60
Sewer		\$274.67	\$244.47	\$480.92	\$752.40
Total		\$541.12	\$604.27	\$1,218.83	\$1,694.00

► Added commercial comparison per request. Note: The City of Osage Beach (as with Laurie and Camdenton) do NOT differentiate between residential and commercial. ALL users pay an equitable rate based on usage. (04/09/10 ja)

Questions?

Thank You!

Submission Date: April 14, 2010

Submitted By: City Attorney

Board Meeting Date: April 15, 2010

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

Description of Item:

Bill 10-20 - Codify the general speed limit ordinance and clarify the enforcement of speed limits in construction zones within the City.

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 and second readings of Bill 10-20.

Are there any deadlines associated with this action?

No

Comments and Recommendation of Department:

Recommend adoption to clarify our enforcement of speeding limits within construction zones.

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 has previously established speed limits within the city and,

WHEREAS, the Board of Aldermen conclude that state traffic signs, laws or regulations, designating or regulating the speed of vehicles within construction zones is in the best interest of the citizens of Osage Beach, and a new section 2 should be added to section 320.010 of the Code of Ordinances:

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

Section 1 That Section 320.010 STATE SPEED LAWS APPLICABLE of the Osage Beach Code of Ordinances be and is hereby repealed.

Section 2 That a new Section 320.010 STATE SPEED LAWS APPLICABLE of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

SECTION 320.010: STATE SPEED LAWS APPLICABLE

1. The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the City, except that the City may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.
2. Notwithstanding any ordinance of the City regulating the speed of vehicles on any street or highway within the city, all state traffic signs, laws or regulations, designating or regulating the speed of vehicles within construction zones shall be applicable upon any street or highway within the city.

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. 10.20 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 _____

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. 10.20.

Penny Lyons, Mayor

Date

ATTEST:

Diann Warner, City Clerk

Submission Date: April 14, 2010

Submitted By: City Engineer

Board Meeting Date: April 15, 2010

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

Description of Item:

Contract Modification #6
Contract No. OB09-031
Project No. ES05(007)
Hwy 54 Sidewalk Improvements

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

Lehman Construction LLC, Missouri Department of Transportation, material suppliers, and City Staff.

Why is Board Action Required?

Board approval required for modifications over \$5000.

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

A motion to approve the funds for contract modification

Are there any deadlines associated with this action?

This work is ongoing and must be accomplished to make sidewalk project ADA acceptable.

Comments and Recommendation of Department:

At the March 18 Board of Aldermen meeting, Contract Modification #2 was approved in the amount of \$50,000. The \$50,000 has been used for the following.

- 1) Driveways – total cost \$23,263.27
- 2) Topsoil additional needed - \$6,000.00

3) Sod - \$5,218.50

Total additional cost to date = \$34,481.77.

There is a total of approximately \$15,000 of the original \$50,000 that has not been spent.

This modification is needed for the additional work that is needed for the Grade between the Osage Beach Premium Outlets and Hatchery Road. The estimated cost of the work is approximately \$35,000. The contractor originally wanted \$67,171.36. The contractor potholed the area to see if there is rock and there is rock in the area to be excavated.

The funding for this work can be obtained from 20-00-773211 Hwy 54 Sidewalk Improvements in the amount of \$352,065. Currently is there is \$25,789.00 available in this account.

The Engineering Department recommends approval of the additional work with the not to exceed amount of \$20,000.

City Administrator's Comments and Recommendation:

Concur with the recommendation of the City Engineer.