



CITY OF OSAGE BEACH  
BOARD OF ALDERMEN MEETING

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

NOTICE OF OPEN MEETING

TENTATIVE AGENDA  
REGULAR MEETING  
AUGUST 5, 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 07/22/10 (Page 01)
- Bills (Page 07)
- Liquor Licenses: (Page 18)
  1. Shady Gators – Caterer's license; September 16-19
  2. Dogwood Hills Golf Course

## **UNFINISHED BUSINESS**

- A. Bill No. 10-35. Amends Schedule II. Stop Signs by Deleting Stop Signs Located at Golf Road at Nichols Road; the Stop Sign at Broadwater Lane at Highway 54 and Reinstallation of a Stop Sign on an Unnamed Street. Second Reading (Page 20)
- B. Bill No. 10-37. Creating a Limitations Period for Access to the Procedure to Allow for the Administrative Handling of Protests of Various, Fees, Taxes and License Charges. Second Reading (Page 21)
- C. Bill No. 10-38. Banning a Substance Known as "Spice" or "K2" Used as a Marijuana Substitute Second Reading (Page 22)

## **NEW BUSINESS**

- A. Resolution 2010-04. Mutual Aid Agreement with the City of Lebanon (Page 24)
- B. Bill 10-39. T-Mobile Tax Settlement. First and Second Readings (Page 30)
- C. Bill 10-40. Regulatory Traffic Signs; Stop Signs at Various Locations. . First and Second Readings (Page 39)
- D. Bill 10-41. Authorize Mayor to Execute Supplemental Agreements with MoDOT for ARRA Funds for Highway 54 Sidewalk Project. First and Second Readings (Page 43)
- E. Bill 10-42. Regulatory Traffic Sign; No Left Turn at Jesse and Andy onto Highway 42 First and Second Readings (Page 49)
- F. Bill 10-43. Regulatory Traffic Sign; Establishing Speed Limit on Sycamore Valley Drive. First and Second Readings (Page 52)
- G. Bill 10-44. Amendment to Chapter 605, Business Licenses and Regulations. First Reading (Page 54)
- H. Bid Award. Connecting Sewer and Water System Improvements (Page 61)
- I. Bid Award. New Remounted Ambulance (Page 65)
- J. Proposed Contract Modification. Zebra Road and Stewart Drive, Phase 1 (Page 68)

## **COMMUNICATIONS FROM MEMBERS OF THE BOARD OF ALDERMEN**

## **STAFF COMMUNICATIONS**

## **ADJOURN**

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

August 5, 2010

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, August 5, 2010, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Lois Farmer, Alderman David Gasper, Alderman Steve Kahrs, Alderman John Olivarri, Alderman Kevin Rucker and Alderman Ron Schmitt. City Clerk Diann Warner was present and performed the duties of that office.

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

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

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

**Consent Agenda.**

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

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

**Unfinished Business.**

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

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

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

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

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

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

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

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

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

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

**New Business.**

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

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

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

**Bill 10-39.** T-Mobile Tax Settlement.

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

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

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

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

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

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

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

available for public review.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Bid Award.** Connecting Sewer and Water System Improvements.

The following bids were received:

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

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

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

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

**Bid Award.** New Remounted Ambulance.

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

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

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

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

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

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

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

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

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

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

**Communications from Board Members.**

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

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

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

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

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

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

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

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

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

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

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

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

**Staff Communications.**

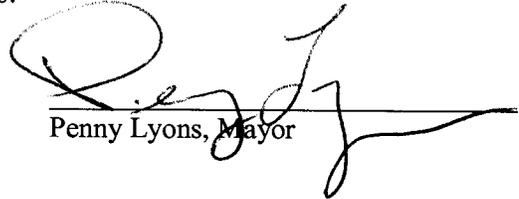
Airport Manager. Budd Hyde expressed his appreciation to everyone who visited the airports last week.

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

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

I, Diann Warner, City Clerk of the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Board of Aldermen of the City of Osage Beach, Missouri, held on August 5, 2010.

  
Diann Warner, City Clerk

  
Penny Lyons, Mayor

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**CITY OF OSAGE BEACH  
BILLS LIST  
August 5, 2010**

<b>Bills Paid Prior to Board Meeting</b>	<b>91,746.32</b>
<b>Payroll Paid Prior to Board Meeting</b>	<b>132,355.25</b>
<b>SRF Transfer Prior to Board Meeting</b>	<b>216,490.27</b>
<b>TIF Transfer Prior to Board Meeting</b>	<b>207,914.43</b>
<b>TIF Pilots Transfer Prior to Board Meeting</b>	<b>11,764.50</b>
<b>Bills Pending Board Approval</b>	<b>137,199.63</b>
<b>Total Expenses</b>	<b><u>797,470.40</u></b>

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT			
NON-DEPARTMENTAL	General Fund	FAMILY SUPPORT PAYMENT CENTER MO DEPT OF REVENUE INTERNAL REVENUE SERVICE	Case# 26v050500201	367.38			
			State Withholding	4,176.00			
			Fed WH	11,063.90			
			FICA	7,636.93			
			Medicare	1,786.05			
			Savings Bonds	128.86			
			Retirement 457 &	676.63			
			Retirement 457	2,308.50			
			Loan Repayments	1,092.88			
			Loan Repayments	654.28			
			401 Loan Payment	292.34			
			401 Loan Payment	147.56			
			Loan Repayments	108.47			
			Retirement Roth IRA	185.00			
			Bond Refund:0098 -01	202.50			
			Bond Refund:0097 -01	75.00			
			Bond Refund:090264345-01	200.00			
			REFUND OVERPAID PARK FEES	36.25			
			TOTAL:	31,138.53			
			Mayor & Board	General Fund	INTERNAL REVENUE SERVICE  LAKE OZARKS CONVENTION & VISITOR BUREA ICMA	FICA	166.36
						Medicare	38.93
						2011 LEVEL 1 MEMBERSHIP	180.00
						Retirement 401	121.00
TOTAL:	506.29						
Collector	General Fund	INTERNAL REVENUE SERVICE	FICA	6.20			
			Medicare	1.45			
			TOTAL:	7.65			
City Administrator	General Fund	INTERNAL REVENUE SERVICE  ICMA	FICA	405.30			
			Medicare	94.79			
			Retirement 401	402.53			
			TOTAL:	902.62			
City Clerk	General Fund	INTERNAL REVENUE SERVICE  ICMA	FICA	410.70			
			Medicare	96.06			
			Retirement 401	393.12			
			TOTAL:	899.88			
City Treasurer	General Fund	INTERNAL REVENUE SERVICE  ICMA	FICA	436.80			
			Medicare	102.16			
			Retirement 401	448.19			
			TOTAL:	987.15			
Municipal Court	General Fund	INTERNAL REVENUE SERVICE  ICMA	FICA	91.55			
			Medicare	21.41			
			Retirement 401	92.76			
			TOTAL:	205.72			
City Attorney	General Fund	INTERNAL REVENUE SERVICE  ICMA RUCKER, EDWARD	FICA	272.58			
			Medicare	63.75			
			Retirement 401	263.79			
			REIMBURSEMENT FOR SEMINAR	125.00			
			TOTAL:	725.12			

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DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT			
Building Inspection	General Fund	INTERNAL REVENUE SERVICE	FICA	362.94			
			Medicare	84.88			
			ICMA	Retirement 401	360.43		
			TOTAL:	808.25			
Building Maintenance	General Fund	AMEREN UE AT & T/CITY HALL	CITY HALL SERVICE	5,205.28			
			JULY SERVICES	1,585.03			
			TOTAL:	6,790.31			
Parks	General Fund	AMEREN UE	LOWER DIAMOND LITES	48.77			
			CITY PARK #2 DISPLAY C	9.59			
			FISH HATCHERY RD SOCCER FI	18.29			
			CITY PARK #2 DISPLAY D	9.56			
			FISH HATCHERY RD BALL FIEL	1,185.66			
			CITY PARK #2 DISPLAY B	9.11			
			BALL DIAMONDS, CONS STAND	98.85			
			CITY PARK #2 DISPLAY A	18.65			
			HWY 42 BALL PK LITES	20.35			
			CITY PARK #2 IRRIGATION PU	9.74			
			INTERNAL REVENUE SERVICE	FICA	285.71		
				Medicare	66.82		
			ICMA	Retirement 401	162.21		
			TOTAL:	1,943.31			
			Human Resources	General Fund	INTERNAL REVENUE SERVICE	FICA	106.37
						Medicare	24.88
ICMA	Retirement 401	113.98					
LAKE AREA HR ASSOCIATION	DONATION TO SHRM FOUNDATIO	75.00					
TOTAL:	320.23						
Overhead	General Fund	NAUGHT NAUGHT INS	D URLICKS 4 YR NOTARY BOND	50.00			
			TOTAL:	50.00			
Police	General Fund	INTERNAL REVENUE SERVICE	FICA	3,128.49			
			Medicare	731.63			
			ICMA	Retirement 401	3,119.47		
			TOTAL:	6,979.59			
911 Center	General Fund	INTERNAL REVENUE SERVICE	FICA	828.43			
			Medicare	193.73			
			ICMA	Retirement 401	822.13		
			TOTAL:	1,844.29			
Planning	General Fund	INTERNAL REVENUE SERVICE	FICA	273.25			
			Medicare	63.91			
			ICMA	Retirement 401	267.38		
			TOTAL:	604.54			
Engineering	General Fund	INTERNAL REVENUE SERVICE	FICA	577.05			
			Medicare	134.95			
			ICMA	Retirement 401	436.86		
			TOTAL:	1,148.86			
Information Technology	General Fund	INTERNAL REVENUE SERVICE	FICA	285.20			
			Medicare	66.70			
			ICMA	Retirement 401	277.66		

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		VERIZON WIRELESS	INTERNET PHONE SERVICE	86.02
			TOTAL:	715.58
NON-DEPARTMENTAL	Transportation	MO DEPT OF REVENUE	State Withholding	333.17
		INTERNAL REVENUE SERVICE	Fed WH	933.61
			FICA	660.97
			Medicare	154.58
		ICMA	Retirement 457	50.00
			Loan Repayments	34.92
			Retirement Roth IRA	79.13
			TOTAL:	2,246.38
Transportation	Transportation	AMEREN UE	STREET LIGHT SERVICE	2,908.90
			STREET LIGHT SERVICE	877.12
		AMEREN UE	680 PASSOVER RD LIGHTING C	98.94
			KETTERLIN IND PK PUBLIC WO	215.85
			KETTERLIN STORAGE FACILITY	9.84
		INTERNAL REVENUE SERVICE	FICA	660.97
			Medicare	154.59
		ICMA	Retirement 401	663.41
			TOTAL:	5,589.62
NON-DEPARTMENTAL	Water Fund	MO DEPT OF REVENUE	State Withholding	271.36
		INTERNAL REVENUE SERVICE	Fed WH	716.85
			FICA	511.30
			Medicare	119.58
		CENTIER BANK	Savings Bonds	26.93
		ICMA	Retirement 457	12.50
			Loan Repayments	101.70
			Loan Repayments	153.06
			401 Loan Payment	64.32
			401 Loan Payment	75.98
			Loan Repayments	68.06
			Retirement Roth IRA	80.34
		CAMDEN COUNTY RECORDER OF DEEDS	WATER LIENS	42.00
			TOTAL:	2,243.98
Water	Water Fund	AMEREN UE	COLUMBIA COLLEGE WELL SERV	3,211.84
		AMEREN UE	PARKVIEW WELL	821.55
			BLUFF RD WATER TOWER	1,282.41
			COLLEGE WELL	33.82
			HOLIDAY SHORES WELL	9.04
			KETTERLIN IND PK PUBLIC WO	215.85
		RICHARDS, RON	MILEAGE REIMB 07/14-07/20/	61.20
		INTERNAL REVENUE SERVICE	FICA	511.31
			Medicare	119.58
		ICMA	Retirement 401	517.79
		BRIZENDINE, TERRY	ON CALL MILEAGE REIMBURSEM	8.00
			MEAL REIMBURSEMENT	195.00
			TOTAL:	6,987.39
NON-DEPARTMENTAL	Sewer Fund	MO DEPT OF REVENUE	State Withholding	415.47
		INTERNAL REVENUE SERVICE	Fed WH	1,016.12
			FICA	787.85
			Medicare	184.27
		ICMA	Retirement 457	32.50

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Loan Repayment	190.36
			Loan Repayments	100.91
			401 Loan Payment	155.03
			401 Loan Payment	26.45
			Retirement Roth IRA	80.53
		CAMDEN COURT	Case #09CM-SC00020	104.90
			Case No. 08CM-AC00292	184.61
		CAMDEN COUNTY RECORDER OF DEEDS	SEWER LIENS	42.00
			TOTAL:	3,321.00
Sewer	Sewer Fund	AMEREN UE	GRINDER PUMPS	4,061.51
		AMEREN UE	749 HWY 42 LIFT STATION	8.50
			800 HWY 42 LIFT STATION	8.95
			835 HWY 42 LIFT STATION	21.06
			5304 BROADWATER BAY SEWER	10.27
			1003 BLUFF GRINDER PUMP	10.98
			COBBLSTONE LIFT STA SERV R	27.16
			3797 54 HWY PUMP	15.38
			PASSOVER RD LIFT STATION	341.49
			PRAIRIE HOLLOW RD LIFT STA	16.28
			KETTERLIN IND PK PUBLIC WO	215.85
		INTERNAL REVENUE SERVICE	FICA	787.84
			Medicare	184.26
		ICMA	Retirement 401	785.67
		MCELROY, SHAWN	ON CALL MILEAGE REIMBURSEM	14.60
		DOLLISON, JOE	MILEAGE REIMB 07/14-07/20/	30.00
		EARP, NATHAN	ON CALL MILEAGE REIMBURSEM	242.00
			TOTAL:	6,781.80
NON-DEPARTMENTAL	Ambulance Fund	MO DEPT OF REVENUE	State Withholding	391.00
		INTERNAL REVENUE SERVICE	Fed WH	1,074.60
			FICA	762.11
			Medicare	178.24
		CENTIER BANK	Savings Bonds	23.08
		ICMA	Retirement 457	100.00
			TOTAL:	2,529.03
Ambulance	Ambulance Fund	INTERNAL REVENUE SERVICE	FICA	762.11
			Medicare	178.24
		ICMA	Retirement 401	538.81
			TOTAL:	1,479.16
NON-DEPARTMENTAL	Lee C. Fine Airpor	MO DEPT OF REVENUE	State Withholding	128.39
		INTERNAL REVENUE SERVICE	Fed WH	378.86
			FICA	326.08
			Medicare	76.26
		ICMA	Retirment 457 &	106.99
			TOTAL:	1,016.58
Lee C. Fine Airport	Lee C. Fine Airpor	AMEREN UE	NEW AIRPORT HANGAR	77.34
			LO STATE PARK LOCALZR	50.66
			FIREHOUSE-AIRPORT	26.44
			KAISER TERMINAL BLDG	507.77
			LCF AIRPORT HANGAR	162.34
			LCF AIRPORT HANGAR	113.86
		INTERNAL REVENUE SERVICE	FICA	326.07

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Medicare	76.26
		ICMA	Retirement 401	256.63
			<b>000012</b>	
			TOTAL:	1,597.37
NON-DEPARTMENTAL	Grand Glaize Airpo	MO DEPT OF REVENUE	State Withholding	113.61
		INTERNAL REVENUE SERVICE	Fed WH	286.57
			FICA	284.32
			Medicare	66.51
		ICMA	Retirment 457 &	71.33
			TOTAL:	822.34
Grand Glaize Airport	Grand Glaize Airpo	INTERNAL REVENUE SERVICE	FICA	284.33
			Medicare	66.51
		ICMA	Retirement 401	202.91
			TOTAL:	553.75

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

10	General Fund	56,577.92
20	Transportation	7,836.00
30	Water Fund	9,231.37
35	Sewer Fund	10,102.80
40	Ambulance Fund	4,008.19
45	Lee C. Fine Airport Fund	2,613.95
47	Grand Glaize Airport Fund	1,376.09
GRAND TOTAL:		91,746.32

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000013

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
NON-DEPARTMENTAL	General Fund	LAKE SUN LEADER 81525 & 1586450	VEHICLES FOR SALE ON EBAY	18.00
			TOTAL:	18.00
Mayor & Board	General Fund	HY-VEE FOOD & DRUG STORES INC	ROBERT WRIGHT FLOWERS	63.86
			GASPER FLOWERS	63.06
			TOTAL:	126.92
City Clerk	General Fund	LAKE SUN LEADER 81525 & 1586450	SEMI-ANNUAL FINANCIAL STAT	324.00
		MO DEPT OF REVENUE	JUNE SALES TAX REPORT	35.00
		STAPLES ADVANTAGE	RUBBERBANDS	3.58
			RUBRBAND, DUSTER, TAPE, LY	68.88
			TOTAL:	431.46
Municipal Court	General Fund	STAPLES ADVANTAGE	MANILA FOLDERS	48.35-
			TOTAL:	48.35-
Building Inspection	General Fund	FLEET ONE	BLDG DEPT FUEL	88.25
		BANKCARD CENTER 7433	NFPA MEMBERSHIP - R WHITE	150.00
			8 x 10 FRAMES	7.50
			TOTAL:	245.75
Building Maintenance	General Fund	EZARD'S ACE HARDWARE	SANDPAPER	1.39
		GB MAINTENANCE SUPPLY	TOWELS, TRASH LINERS	188.15
			TP	177.32
			PLATES, TOWELS, WINDOW CLE	163.14
		CED PHILLIPS & CO	U BENT FLUOR LAMPS	108.64
			FLR LAMPS	56.70
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, HOT COCO, TEA, STI	182.39
		SHANNON PAINTER DBA B & H CLEANING	JULY CLEANING SERVICE	1,541.67
		CULLIGAN LAKE OF THE OZARKS	SALT	113.55
			TOTAL:	2,532.95
Parks	General Fund	EZARD'S ACE HARDWARE	RECIP BLADES	26.98
			BAR & CHAIN OIL, HARDWARE	7.48
			BUCKET; WASP, ANT & ROACH	19.45
		FLEET ONE	PARKS FUEL	189.54
			PARKS FUEL	155.24
		HY-VEE FOOD & DRUG STORES INC	WATER	23.88
		O'REILLY AUTO PARTS	CIRCUIT TSTR, MIRROR, HITC	20.78
			ROLL PIN	3.69
		SHERWIN-WILLIAMS	PAINT, SCRAPER, HAND CLEAN	132.77
		MO STATE AGENCY FOR SURPLUS	CABINETS	300.00
		ROCK ISLAND COUNTRY STORE	FEED SCOOP, BURN BARRELLS	21.36
		UNIFIRST CORPORATION	PARK DEPT UNIFORMS	4.46
		TRAVIS HODGE HAULING LLC	OB10-009 CITY PARK PAVILIO	13,222.46
			TOTAL:	14,128.09
Human Resources	General Fund	SOUTHWEST FAMILY/CHILD TESTING INC	PRE-EMPLOYMENT TESTING	300.00
			PRE-EMPLOYMENT TESTING	300.00
		HY-VEE FOOD & DRUG STORES INC	SAFETY PICNIC	551.46
		MO STATE AGENCY FOR SURPLUS	CABINETS	150.00
			TOTAL:	1,301.46
Overhead	General Fund	HY-VEE FOOD & DRUG STORES INC	WORKERS COMP	12.93
			HY-VEE FOOD & DRUG STORES	9.33
		MOPERM	HOLMAN SCHIAVONE	5,000.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		STAPLES ADVANTAGE	COPY PAPER, FILING LABELS	197.07
			TOTAL:	5,219.33
Police	General Fund	WALMART COMMUNITY BRC	AMMO	23.97
			BATTERIES	9.84
		ED ROEHR SAFETY PRODUCTS INC	CHARGING BASE MAG	53.57
		FLEET ONE	PUBLIC SAFETY FUEL	1,236.17
			PUBLIC SAFETY CAR WASH	40.00
			PUBLIC SAFETY FUEL	1,257.46
			PUBLIC SAFETY CAR WASH	48.00
		STAPLES ADVANTAGE	SHEET PROT, CD ENVELOPES	42.02
		LARRY'S LAKESIDE AUTO REPAIR INC	OIL CHG, ROTATE TIRES #31	54.04
			BATTERY PD 19	166.67
			OIL CHNG, ROTATE, WNDW REG	167.34
			OIL CHANGE, ROTATE TIRES #	53.33
			OIL CHANGE, ROTATE TIRES #	53.33
			OIL CHG, TIRE ROTATE #21	53.33
			OIL CHANGE PD 32	37.33
		PSE INSTALLATION	CIRCUIT BREAKER, FUSEHOLDE	47.00
			V-CON CONTROL BOX INSTALLA	50.00
		STAPLES ADVANTAGE	PAPER, TAPE, CORR FILM, PE	103.59
			DRUM KIT	151.71
		LLOYD BELT AUTOMOTIVE LLC	PROGRAM ABS/TRACTN CNTRL #	59.20
		PRESTON WALDEN	TINT K-9 UNIT WINDOWS	160.00
			TOTAL:	3,867.90
Planning	General Fund	FLEET ONE	PLANNING FUEL	65.00
			TOTAL:	65.00
Engineering	General Fund	EZARD'S ACE HARDWARE	KRAZY GLUE	1.99
		RP LUMBER INC	GRADE STAKES	35.80
		FLEET ONE	CITY ENG FUEL	40.88
			CITY ENG FUEL	82.03
		CAMDEN COUNTY RECORDER OF DEEDS	FAX FEES	12.00
			FAX FEES	5.00
		BANKCARD CENTER 5106	PANASONIC CAMCOR	280.00
			TOTAL:	457.70
Information Technology	General Fund	FLEET ONE	IT FUEL	26.15
		TYLER TECHNOLOGIES	SOFTWARE MAINT/NETWORK SUP	10,101.00
		CIVIC PLUS	WEBSITE SETUP FEES	9,800.00
			TOTAL:	19,927.15
Emergency Management	General Fund	FLEET ONE	EMER MNGT FUEL	23.12
			TOTAL:	23.12
Economic Development	General Fund	STAPLES ADVANTAGE	2GB USB DR, FLATBED SCANNI	14.96
			TOTAL:	14.96
Transportation	Transportation	WALMART COMMUNITY BRC	PENS, CALADRYL, CANNED AIR	8.29
		EZARD'S ACE HARDWARE	SHOVEL	16.99
			CONCRETE MIX	5.49
			THRD HANDLE	5.49
			FASTENERS	6.70
		FLEET ONE	TRANS FUEL	275.69
			TRANS FUEL	406.73

000014

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			<b>000015</b>	
		KNAPHEIDE TRUCK INC	FLOOR CHAIN 3500 CHEV	1,260.00
		O'REILLY AUTO PARTS	12 OZ R134A	8.99
		OFFICE BUSINESS EQUIPMENT	RICOH MULTIFUNCTNL MACH RE	28.17
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, HOT CHOCOLATE	46.20
		TRAVELERS	3 SNOW PLOWS, 3 SPREADERS	105.00
		MO STATE AGENCY FOR SURPLUS	CABINETS	150.00
		HEDRICK MOTIV WERKS	AIR FILTER #59	21.22
			LUBE, OIL & AIR FILTERS #6	110.82
			BRAKES, AXEL SEAL #53	1,080.36
		UNIFIRST CORPORATION	STREET DEPT UNIFORMS	30.08
			STREET DEPT FLOOR MATS	5.00
			STREET DEPT UNIFORMS	30.08
			STREET DEPT FLOOR MATS	5.00
			TOTAL:	3,606.30
NON-DEPARTMENTAL	Water Fund	CAMDEN COUNTY RECORDER OF DEEDS	FAX FEES	2.00
			TOTAL:	2.00
Water	Water Fund	MCDUFFEY LAB	DRINKING WATER ANALYSIS LC	25.00
			BACTERIOLOGICAL WATER ANAL	25.00
		WALMART COMMUNITY BRC	PENS, CALADRYL, CANNED AIR	8.29
			PENS, CALADRYL, CANNED AIR	15.13
		EZARD'S ACE HARDWARE	KEYS, DUCT TAPE	8.97
		FLEET ONE	WATER FUEL	231.32
			WATER FUEL	282.37
		MIDWEST BLOCK & BRICK	20 H 040816 SOLID	29.80
		HI-TECH AUTO BODY INC	TOWING CHARGE #56	60.00
		MO ONE CALL SYSTEM INC	LOCATES	89.05
		O'REILLY AUTO PARTS	MOTR OIL, LUBRICANT, WSHR	17.85
			MOTOR OIL, FILTER, AIR FRE	43.51
			MOTOR OIL RETURN	16.10-
			BUS BALUE PACK	8.99
		OFFICE BUSINESS EQUIPMENT	RICOH MULTIFUNCTNL MACH RE	28.17
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, HOT CHOCOLATE	46.20
		HD SUPPLY WATERWORKS LTD	MTR FLANGES	74.12
			BLUE MARKING PAINT	154.80
			BLUE & GREEN MARKING FLAGS	40.00
		SYSTEMS MANUFACTURING INC	REPAIR OF REPEATER RADIOS	2,374.83
			REPAIR OF REPEATER RADIOS	1,255.26
		UNIFIRST CORPORATION	WATER DEPT UNIFORMS	28.04
			WATER DEPT FLOOR MATS	5.00
			WATER DEPT UNIFORMS	28.04
			WATER DEPT FLOOR MATS	5.00
		GS ROBINS & CO	CONTAINER RETURNS	84.00-
		BRIGHT GUY INC	PRINCETON TEC APEX PROS, B.	1,032.35
			TOTAL:	5,816.99
Sewer	Sewer Fund	MCDUFFEY LAB	E COLI ANALYSIS	50.00
		WALMART COMMUNITY BRC	PENS, CALADRYL, CANNED AIR	8.30
			PENS, CALADRYL, CANNED AIR	15.14
		ECC SUPPLY	SQUARE D CONTACTORS	237.04
		EZARD'S ACE HARDWARE	LAWN, GARDEN SUPPLIES	19.98
			FASTENERS, HAND CALCULATOR	9.59
		RP LUMBER INC	HYDRATED LIME	29.97
		FLEET ONE	SEWER FUEL	375.89
			SEWER FUEL	403.60

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
<b>000016</b>				
		MO ONE CALL SYSTEM INC	LOCATES	89.05
		MUNICIPAL EQUIPMENT CO	O-RINGS	137.42
			PROFILE GASKETS	939.34
		OFFICE BUSINESS EQUIPMENT	RICOH MULTIFUNCTNL MACH RE	28.16
		CED. PHILLIPS & CO	BLACK CABLE TIE	33.50
			SPRING NUTS	27.78
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, HOT CHOCOLATE	46.20
		BOWLING ELECTRIC MACHINE	RELAYS	375.60
		HD SUPPLY WATERWORKS LTD	GREEN MARKING PAINT	146.88
			BLUE & GREEN MARKING FLAGS	40.00
		SYSTEMS MANUFACTURING INC	REPAIR OF REPEATER RADIOS	620.00
			REPAIR OF REPEATER RADIOS	1,230.00
		MO STATE AGENCY FOR SURPLUS	CABINETS	150.00
		JCI	PUMP REPAIR #724	1,487.00
			PUMP REPAIR #7372	1,487.00
			PUMP REPAIR #847	1,487.00
		UNIFIRST CORPORATION	SEWER DEPT UNIFORMS	121.59
			SEWER DEPT FLOOR MATS	4.99
			SEWER DEPT UNIFORMS	37.59
			SEWER DEPT FLOOR MATS	4.99
		GS ROBINS & CO	CAUSTIC SODA	1,108.80
			CONTAINER RETURNS	84.00
		LAKE OF THE OZARKS WATER & SEWER	E COLI ANALYSIS	25.00
			<b>TOTAL:</b>	<b>10,693.40</b>
Ambulance	Ambulance Fund	WALMART COMMUNITY BRC	PICT HGR	0.97
			ADJ NOZZLES	7.94
			DRAWRS, KEYS, LEADS, SWVL	51.79
			STORAGE JARS, PAINT, FURN	38.41
		FLEET ONE	AMB FUEL	60.73
			AMB FUEL	94.18
		HI-TECH AUTO BODY INC	DRV SHAFT/AXEL, TOWING MED	110.00
		MO STATE AGENCY FOR SURPLUS	CABINETS	150.00
		ALLMED	MEDICAL SUPPLIES	60.95
			UNIFORMS	151.07
			MEDICAL SUPPLIES	433.94
			MEDICAL SUPPLIES	108.00
			MEDICAL SUPPLIES	61.55
			MEDICAL SUPPLIES	47.00
		PHYSIO CONTROL INC	LIFEPAK NICD BATTERY ASSYS	836.00
			<b>TOTAL:</b>	<b>2,212.53</b>
Lee C. Fine Airport	Lee C. Fine Airpor	WALMART COMMUNITY BRC	MEM CARDS	37.68
			SUGAR	9.44
			ICE	22.80
		NAEGLER OIL CO	JET A FUEL	18,420.09
			AV GAS	13,830.46
			JET A FUEL	19,280.76
		MO STATE AGENCY FOR SURPLUS	CABINETS	150.00
			<b>TOTAL:</b>	<b>51,751.23</b>
Grand Glaize Airport	Grand Glaize Airpo	WALMART COMMUNITY BRC	DECT PHONE	43.97
		EZARD'S ACE HARDWARE	2" GALV PLUG, FASTENERS	15.72
			RETURN FASTENERS	2.57
		RP LUMBER INC	REDUCER, VENT, DUCT	19.18
		FLEET ONE	GG FUEL	49.21

000017

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		NAEGLER OIL CO	AV GAS	14,523.74
		O'REILLY AUTO PARTS	AIR FILTER	6.49
		MO STATE AGENCY FOR SURPLUS	CABINETS	150.00
TOTAL:				14,805.74

----- FUND TOTALS -----

10	General Fund	48,311.44
20	Transportation	3,606.30
30	Water Fund	5,818.99
35	Sewer Fund	10,693.40
40	Ambulance Fund	2,212.53
45	Lee C. Fine Airport Fund	51,751.23
47	Grand Glaize Airport Fund	14,805.74

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GRAND TOTAL: 137,199.63  
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City of Osage Beach  
 1000 City Parkway  
 Osage Beach, MO 65065  
 573/302-2000 Phone  
 573/302-0528 Fax  
[www.osagebeach.org](http://www.osagebeach.org)



Planning Dept.: \_\_\_\_\_  
 Sewer Dept.: \_\_\_\_\_  
 License #: \_\_\_\_\_

**000018**

**LIQUOR LICENSE APPLICATION**

Date of Application: 7/20/10 Date Application Received: 7-27-10 ✓2962

Trade Name of Establishment: Shady Gators

Mailing Address: 12 Allen Rd Eldon MO 65024

Applicant Name: Shady LLC  
 (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. <u>l</u>	<u>375.00</u>	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. ✓	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.

Lake Bikefest, Lake Expo Sept 16, 2010 2pm - Sunday Sept. 19, 2010 5pm  
3850 Columbia Ave  
Osage Beach MO 65065 4-days -

All renewal applications must be received by May 1st.

B60<sup>00</sup>



City of Osage Beach  
 1000 City Parkway  
 Osage Beach, MO 65065  
 573/302-2000 Phone  
 573/302-0528 Fax  
[www.osagebeach.org](http://www.osagebeach.org)



Planning Dept. \_\_\_\_\_  
 Sewer Dept. \_\_\_\_\_  
 License # \_\_\_\_\_

**C00019**

**LIQUOR LICENSE APPLICATION**

Date of Application: 7-23-10 Date Application Received: \_\_\_\_\_

Trade Name of Establishment: Doanwood Hills Golf Club Inc

Mailing Address: 1252 State Hwy K R Osage Beach, MO 65065

Applicant Name: Doanwood Hills Golf Course Inc  
 (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 <b>not to be consumed</b> 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 <b>not to be consumed or opened</b> on premises.	LPKG1
j. ___	450.00	Retail sales of intoxicating liquors in excess of 5% alcohol by weight in original package <b>not to be consumed or opened</b> 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.

Par-Tee for the Troops, Doanwood Hills Golf Resort Lighted driving range.  
5pm - 11pm Saturday, August 14<sup>th</sup>, 2010

All renewal applications must be received by May 1st.

000020

BILL NO. 10-35

ORDINANCE NO. 10.35

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SCHEDULE II, STOP SIGNS, BY DELETING THE STOP SIGN LOCATED AT GOLF ROAD AT NICHOLS ROAD, DELETING THE STOP SIGN FROM BROADWATER LANE AT HIGHWAY 54 FROM THE SCHEDULE OF STOP SIGNS AND ADDING A STOP SIGN ON AN UNNAMED STREET FORMERLY KNOWN AS BROADWATER LANE; THE FIRST ROAD EAST OF CASE ROAD AT HIGHWAY 54, TO SCHEDULE II, STOP SIGNS.

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

Section 1. That Schedule II. STOP SIGNS of the Osage Beach Code of Ordinances be amended by deleting the stop sign located at Golf Road at Nichols Road and the stop sign located at Broadwater Lane at Highway 54 from Schedule II. STOP SIGNS.

Section 2. That Schedule II. STOP SIGNS of the Osage Beach Code of Ordinances be amended by adding a stop sign on an unnamed street formerly known as Broadwater Lane, the first road east of Case Road at Highway 54, to Schedule II. STOP SIGNS.

Section 3. That in all other respects, Schedule II, Stop Signs, remains the same.

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: 7/22/10; READ SECOND TIME: \_\_\_\_\_

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

I hereby certify that the above Ordinance No. 10.35 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. 10.35.

\_\_\_\_\_

000021

BILL NO. 10-37

ORDINANCE NO. 10.37

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING A PERIOD OF LIMITATIONS FOR ACCESS TO THE PROCEDURE TO PROTEST PAYMENTS OF FEES, TAXES AND LICENSE CHARGES

WHEREAS, the City of Osage Beach assesses various fees, taxes and license charges, and;

WHEREAS, the City of Osage Beach has established a procedure whereby any person, firm, or corporation may contest the assessment of any fee, tax or license charge in a speedy and expeditious manner, and;

WHEREAS, it is reasonable to make clear a limitations period for bringing a claim under such procedure as set out in section 140.060;

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

**Section 1.** That a new Section 140.070 within Title I, Chapter 140, of the Code of Ordinances of the City of Osage Beach is hereby enacted which section shall read as follows:

Section 140.070 Period of Limitations on Procedure to Protest Payments of Fees, Taxes, and License Charges

To correct a manifest injustice the City Administrator may allow an untimely claim submitted under section 140.060(A) above, however any action authorized by Section 140.060 shall be commenced within 5 years after the date of the payment of the fee, tax, or license charge protested thereunder, or it is forever barred.

**Section 2.** This Ordinance shall be in full force and effect from and after its date of passage and approval by the Mayor.

READ FIRST TIME: 7/22/10; READ SECOND TIME \_\_\_\_\_;

I hereby certify that the above Ordinance No. 10.37 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

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ENACTING A NEW SECTION 210.580 CONCERNING SALE OF A SUBSTANCE COMMONLY KNOWN OR SOLD AS "SPICE" OR "K2" AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OF SAID ORDINANCE.

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

**WHEREAS**, pursuant to HB 1472 passed by the Missouri General Assembly and signed by the Governor concerning the sale of "Spice" or "K2" the City of Osage Beach, Missouri has the power and authority to enact and ordain an ordinance on the same subject consistent with the Constitution and the laws of the State of Missouri; and,

**WHEREAS**, the Board of Aldermen of the City of Osage Beach, Missouri is desirous of adopting an ordinance prohibiting the possession, sale and offering for sale of the substance commonly known or sold as "Spice" or "K2" and to prescribe penalties for violations of said ordinance; and,

**WHEREAS**, the Board of Aldermen of the City of Osage Beach, Missouri finds and determines that the substance known or sold as "Spice" or "K2" is often used as an alternative to marijuana, that the substance is potentially dangerous to users, that hospitalizations have been reported in connection with use of the substance, and that the long-term effects of the substance are not yet known:

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI THAT**

**Section 1.** There is hereby enacted into the ordinances of the City of Osage Beach the following new Section 210.580 within Title II Chapter 210 to wit:

**SECTION 210.580: POSSESSION, SALE AND OFFERING FOR SALE OF "SPICE" OR "K2" ILLEGAL AND PENALTY**

A. As used in this section, the terms are defined as follows:

1. "Spice", or "K2", includes any substance, whether called tobacco, herbs, incense or any blend thereof, which includes any one or more of the following chemicals:
  - (a) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of isomers;
  - (b) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
  - (c) Indole, or 1-butyl-3(1-naphthoyl) indole;
  - (d) Indole, or 1-pentyl-3(1-naphthoyl) indole;
  - (e) Phenol, CP 47, 497 & homologues,
  - (f) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n=4,6, or 7.

B. It shall be unlawful for any person within the City of Osage Beach to possess, distribute, deliver, sell, offer to sell, publicly display for sale, or attempt to distribute, deliver or sale any "Spice" or "K2" or any product which contains the substances listed in Section A above.

C. Any person violating this section shall, upon guilty plea or a finding of guilty, be punished pursuant to Section 100.190 of this code.

**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.** This Ordinance shall be in full force and effect as of August 28, 2010, with approval by the Mayor.

READ FIRST TIME: 7/22/10 READ SECOND TIME: \_\_\_\_\_

I hereby certify that the above Ordinance No. 10.38 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

**Submission Date:**

July 27, 2010

**000024**

**Submitted By:**

Chief of Police

**Board Meeting Date:**

August 5, 2010

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

**Description of Item:**

Resolution 2010-04 - To authorize the Mayor and Chief of Police to enter into a Mutual Aid Agreement with the City of Lebanon.

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

Citizens and visitors to both Osage Beach and Lebanon.

**Why is Board Action Required?**

Board action is required to authorize the agreement.

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

Motion to approve Resolution 2010-04 authorizing the Mayor and Chief of Police to sign the Mutual Aid Agreement with the City of Lebanon.

**Are there any deadlines associated with this action?**

No

**Comments and Recommendations of Department:**

The City of Lebanon has asked to enter into a Mutual Aid Agreement for each Agency to voluntarily aid and assist each other in the event of an emergency by the interchange of Law Enforcement Services. This is a standard request that has been reviewed by the City Attorney and it is recommended we enter into this agreement.

**City Administrator Comments and Recommendation:**

Concur with the recommendation of the Chief of Police.

A RESOLUTION AUTHORIZING A MUTUAL ASSISTANCE AGREEMENT WITH THE CITY OF LEBANON, MISSOURI.

WHEREAS, RSMo. 70.820 authorizes the City of Osage Beach, Missouri to enter into agreements to respond to emergencies outside the boundaries of the City of Osage Beach or request assistance in emergencies from political subdivisions outside the boundaries of the City of Osage Beach upon request; and

WHEREAS, RSMo. 70.837 authorizes the City of Osage Beach to provide aid or receive aid from public safety agencies or departments formed pursuant to Chapter 44, RSMo., public works departments or public or private contractors of any such public safety agency may provide assistance anywhere in Missouri or in a bordering state at the time of a significant emergency such as a fire, earthquake, flood, tornado, hazardous material incident or other such disaster.

BE IT RESOLVED by the Board of Aldermen of the City of Osage Beach, Missouri, as follows:

1. Revised Statutes of Missouri 70.815 authorizes the City of Osage Beach to enter into agreements providing law enforcement services to political subdivisions upon request.
2. The City of Osage Beach authorizes the Chief of Police or his designee of the City of Osage Beach to provide or receive law enforcement services to or from the City of Lebanon upon request in accordance with RSMo. 70.820 and as shown in the attached Exhibit A.
3. The City of Osage Beach authorizes the Chief of Police or his designee of the City of Osage Beach to render aid or receive aid in emergencies from the City of Lebanon upon request in accordance with RSMo 70.837.
4. The attached Exhibit A must be reviewed annually by the Chief of Police and the Board of Aldermen of the City of Osage Beach, Missouri and may be terminated by either party upon a thirty (30) day written notice.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Osage Beach to be affixed this 5<sup>th</sup> day of August 2010.

Passed by the Board of Aldermen this 5<sup>th</sup> day of August 2010.

I hereby certify that Resolution 2010-04 was duly passed on August 5, 2010 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

000026

Resolution 2010-04  
Page 2 of 2

\_\_\_\_\_  
Date

\_\_\_\_\_  
Diann Warner  
City Clerk

Approved as to form:

\_\_\_\_\_  
Edward B. Rucker  
City Attorney

\_\_\_\_\_  
Diann Warner  
City Clerk

000027

MUTUAL AID ASSISTANCE AGREEMENT

This Agreement made and entered into by and between:

The Osage Beach Police Department and the Lebanon Police Department

Witnesseth: \_\_\_\_\_

**Whereas**, the law of the State of Missouri provides under RSMO 70-837 that each political subdivision with the State of Missouri is empowered to make and enter into Mutual Aid Agreements with other continuous political subdivisions within the State in order to more effectively allocate law enforcement and other public safety services during emergency situations; and

**Whereas**, the undersigned political subdivisions which are parties to the Agreement are desirous of obtaining additional law enforcement protection for the citizens of the several political subdivisions during emergency situations by making the most efficient use of possible of the law enforcement personnel of several political subdivisions; and

**Whereas**, it is desirable that each of the parties hereto should voluntarily aid and assist each other in the event that an emergency situation should occur, by the interchange of law enforcement services; and

**Whereas**, it is necessary and desirable that a Mutual Aid Agreement be executed for the interchange of such mutual aid on a local, county-wide, and regional basis;

**Now, therefore, it is hereby agreed** by and between each and all of the parties hereto as follows:

1. As used herein, the phrase "emergency situation" shall mean an actual or potential condition within the jurisdiction of one or more of the parties that poses an immediate threat to life or property, and which exceeds the resources and capability of the jurisdiction(s) to successfully bring the situation under control.
2. Each party agrees that in the event of an emergency situation, each other party to this Agreement will furnish such personnel, equipment, facilities, or services as is, in the opinion of the assisting member, available. Provided, however, that each party reserves the right to refuse to render assistance or to recall any or all rendered assistance, whenever it is determined that such actions are necessary to the continued protection of the assisting party's jurisdiction.

3. Each party shall designate the law enforcement officials within their jurisdiction who shall have the authority to invoke this Agreement, and shall provide each other party hereto with a regularly updated list specifying the name, rank, agency, and telephone number of such officials.
4. In order to invoke mutual aid under the provision of the Agreement, the designated official from the requesting party shall be required to contact the designated official of the responding party(s) by telephone or in writing. The responding party(s) may request such information from the requesting party as is necessary to confirm the emergency situation, and to assess the types and amounts of assistance that shall be provided.
5. During an emergency situation, all personnel from responding agencies shall report to, and shall work under, the direction and supervision of the designated supervisor of the requesting agency at the emergency site. Provided, however, that at all time officers shall adhere to the policies and procedures of their own department, and shall only be required to respond to lawful orders.
6. Personnel responding to a call for mutual aid outside of the appointed jurisdiction shall have those law enforcement powers provided for by state law.
7. In the event of a mutual aid request involving actual or potential mass arrests, responding party law enforcement officers shall only make arrests for offenses related to the incident, and shall assist in the processing of arrestees as follows:
  - a. Identification of arrestees;
  - b. Control of property obtained from arrestees;
  - c. Completion of arrest certificates;
  - d. Transportation of arrestees; and
  - e. Court duty pertaining to arrests
8. In any emergency situation where Mutual Aid Agreement has been invoked, radio communications should be established between all parties, where possible, through the use of the local public mutual aid radio system.
9. Each party providing personnel under the scope of the Agreements agrees to be responsible for the wages, pension, and worker's compensation benefits incurred by their own personnel as a result of the emergency situation.



**Submission Date:** July 26, 2010

**Submitted By:** City Clerk

**Board Meeting Date:** August 5, 2010

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

**Description of Item:**

Bill 10-39. Authorizing Settlement Agreement with T-Mobile

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

City, T-Mobile

**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 10-39.

**Are there any deadlines associated with this action?**

Yes, the tax settlement claim form must be postmarked by September 14, 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 \$2,440.80. Staff recommends approval.

**City Administrator Comments and Recommendation:**

Concur with the recommendation of the City Clerk.

BILL NO. 10-39

ORDINANCE NO. 10.39

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH T-MOBILE 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 T-Mobile wish to avoid the expense and uncertainty of continued litigation and desire to settle their dispute without further litigation; and

**WHEREAS**, a settlement agreement settling the Lawsuit was signed by the named plaintiffs and T-Mobile, and was filed with and preliminarily approved by the Circuit Court of St. Louis County on June 28, 2010 (the "Settlement Agreement"); and

**WHEREAS**, the Plaintiff's class counsel and T-Mobile 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 City of Osage Beach has received a Notice of T-Mobile Class Action Settlement and Approval Hearing, incorporated herein by reference, and a T-Mobile Municipal Tax Settlement Claim Form, incorporated herein by reference, which identify the settlement proceeds 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 City of Osage Beach desires to approve and accept the Settlement Agreement and the settlement proceeds and further desires to assign a portion of the proceeds to 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 1.** The Board of Aldermen, of 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 T-Mobile, as if the City of Osage Beach, Missouri was an original signatory thereto.

**Section 2.** The Board of Aldermen of the City of Osage Beach, Missouri further approves the payment totaling \$2,440.80 as shown on the T-Mobile 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 T-Mobile as provided for in the Settlement Agreement.

**Section 3.** The Board of Aldermen of the City of Osage Beach, Missouri further assigns to the Missouri Municipal League \$122.04 (5%) of its Settlement 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 4.** The Mayor of the City of Osage Beach, Missouri, on behalf of the Plaintiff, is hereby authorized and directed to execute the T-Mobile Municipal Tax Settlement Claim Form and any other documents necessary under the Settlement Agreement.

**Section 5.** 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 6.** This Ordinance shall be in full force and effect after passage and approval by the Mayor.

READ FIRST TIME: \_\_\_\_\_ READ SECOND TIME: \_\_\_\_\_

I hereby certify that the above Ordinance No. 10.39 was duly passed on \_\_\_\_\_, 2010 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_ Absent: \_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Diann Warner, City Clerk

Approved as to form:

\_\_\_\_\_  
Edward B. Rucker, City Attorney

I hereby APPROVE the above ordinance 10.39.

\_\_\_\_\_  
Penny Lyons, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Diann Warner, City Clerk

T-MOBILE MUNICIPAL TAX SETTLEMENT ADMINISTRATOR  
PO BOX 545  
MINNEAPOLIS, MN 55440-0545

000033

FOR OFFICIAL USE ONLY

IMPORTANT LEGAL MATERIALS ENCLOSED

T-MOBILE MISSOURI MUNICIPAL  
TAX SETTLEMENT

CLAIM FORM (CLASS B CITIES)

00006651

472 - B  
CITY OF OSAGE BEACH  
ATTN: CITY CLERK  
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 September 14, 2010, after first reading the attached NOTICE.

ESTIMATE OF PAYMENT TO BE RECEIVED UNDER SETTLEMENT

Based on information available, Class Counsel and T-Mobile have estimated the amount of the payment(s) to be paid to you if you participate in the settlement and you otherwise qualify to participate. Below is an estimate of the amount of the payment(s) you may receive under the settlement:

I. SETTLEMENT PAYMENT

A.	<i>Business License Taxes on 25% of T-Mobile's gross receipts in City through 8/31/2007 at 3.00%, plus Business License Tax at flat rate of 0 per year and Business License Tax on 0 antenna(s) for period 9/1/2005 through 8/31/2007</i>	\$2,369.98
B.	<i>Business License Taxes from 9/1/2007 through 12/31/2007, plus amount of Business License Taxes underpaid from 1/1/2008 through 1/17/2008 ("Future Tax Period Payment")</i>	\$1,220.17
LESS		
C.	<i>Business License Taxes Actually Paid plus Protest and Escrow Payments To Be Released to the City ("Credit for Taxes Paid" prior to 1/1/2008)</i>	\$1,149.35
	SETTLEMENT PAYMENT (A + B) - C =	\$2,440.80

II. EXHIBIT G PAYMENT

A.	<i>Business License Taxes underpaid by T-Mobile from 1/18/2008 through 12/31/2009</i>	\$0.00
	SETTLEMENT PAYMENT PLUS EXHIBIT G PAYMENT	\$2,440.80

If you disagree with the amount of the Settlement Payment or Exhibit G Payment, you must submit a detailed explanation as to why you believe the amount(s) was incorrectly calculated. If you are unable to agree with T-Mobile on the amount of the Settlement Payment or Exhibit G Payment, you may either opt out of the settlement or accept the amount of the Settlement Payment as calculated by T-Mobile.



**INFORMATION AND DOCUMENTATION NECESSARY FOR VALID CLAIM**

The following information must be provided in order for this Claim Form to be accepted:

**1. Name and Address of Municipality Making Claim**

**000034**

Name: City of Osage Beach

Address: 1000 City Parkway, Osage Beach, MO 65065

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

Name: Edward B. Rucker

Address: 1000 City Parkway, Osage Beach, MO 65065

Telephone number: (573) 302-2000

**3. Acceptance Ordinance Documentation**

Copies of an ordinance enacted by the Municipality accepting all terms and provisions of the Settlement Agreement; or a binding acknowledgment that the Municipality agrees to be bound by the terms of the Settlement Agreement if approved by the Court, which acknowledgment must describe the method used to accept the terms of the Settlement Agreement, as well as an opinion of counsel, addressed to the Administrator, 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.

**4. Taxing Ordinance Documentation**

Information currently in the possession of counsel indicates that you are a Class B City. As such, in order for this Claim Form to be complete, you must submit a copy of all Ordinances or Municipal Code Provisions imposing the Business License Tax for all periods from January 1, 1996 through and including December 16, 2009. In the event you are unable to locate a copy of any such Ordinance or Municipal Code Provision in effect prior to September 1, 2005, you may submit an affidavit sworn to by an authorized representative identifying (a) the services taxed under each such Ordinance or Code Provision; and (b) the applicable tax rate or amount for each such Ordinance or Code Provision.

**5. Settlement Payment and Exhibit G Payment Forwarding Instructions**

The Settlement Payment and Exhibit G Payment, if any, should be made and sent 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 and Zip Code: Osage Beach, MO 65065

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

If you wish to assign part of the Settlement Payment to be received from the Administrator 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 amount here:

\$ 1 2 2 0 4

(the amount may not exceed 5% of the Settlement Payment shown above). Please Note: The amount you receive from the Administrator will be directly reduced by the amount assigned to the Missouri Municipal League or St. Louis County Municipal League.



**VERIFICATION**

**000035**

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: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Printed Name: \_\_\_\_\_

Title: Mayor

**MAIL YOUR COMPLETED CLAIM FORM AND REQUIRED DOCUMENTATION TO:**

T-Mobile Municipal Tax Settlement Administrator  
Attn: Robert V. Mitchell  
PO Box 545  
Minneapolis, MN 55440-0545



BILL NO. 06-18

ORDINANCE NO. 06-18

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.

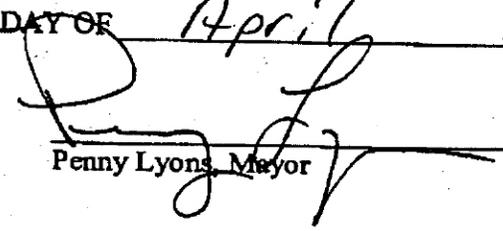
Section 3. Savings Clause. Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy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

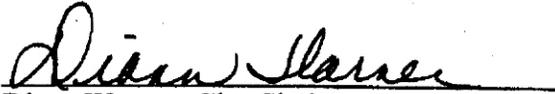
Section 5. The Board of Aldermen finds and declares that this ordinance constitutes an emergency because it pertains to the fixing and levying of a tax rate. Therefore, this ordinance shall be in full force and effect from and after passage.

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

PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF April 2006.

  
Penny Lyons, Mayor

ATTEST:

  
Diann Warner, City Clerk

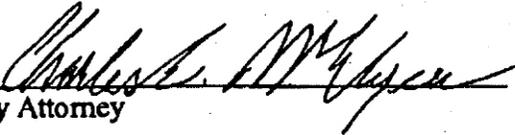
Approved as to form by:

000038

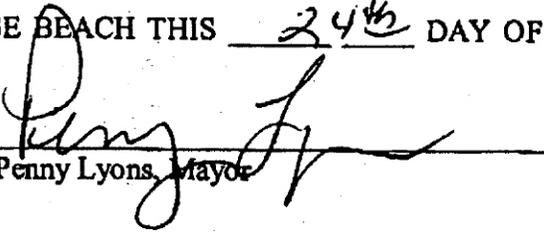
Bill No. 06-18

Ordinance No. 06.18

Page 3

  
City Attorney

APPROVED BY THE MAYOR OF OSAGE BEACH THIS 24<sup>th</sup> DAY OF  
April 2006.

  
Penny Lyons, Mayor

ATTEST:

  
Diann Warner, City Clerk

**Submission Date:**

July 27, 2010

000039

**Submitted By:**

City Engineer

**Board Meeting Date:**

August 5, 2010

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

**Description of Item:**

Bill 10-40 – To establish stop signs for Hatchery Road at Highway 54 and within the Prewitt Point development and the removal of a stop sign at Case Road and Highway 54.

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

Residents, visitors, Department of Public Safety, MoDOT, and other City Staff.

**Why is Board Action Required?**

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

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

First and second readings of Bill 10-40.

**Are there any deadlines associated with this action?**

The signs are not enforceable as of today and we would like one at the Hatchery/Highway 54 intersection.

**Comments and Recommendation of Department:**

The stop signs within Prewitt's Point and the ones that connect to Highway 54 and Highway 42 are not identified as of today. These stop signs are needed for the safety of the public.

The Hatchery Road and Highway 54 intersection does not have a stop sign as of today and it is something that is needed.

The Engineering Department recommends approval of Bill 10-40 and would like a first and second reading.

**City Administrator Comments and Recommendation:**

**000040**

Concur with the recommendation of the City Engineer.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SCHEDULE II, STOP SIGNS, BY ESTABLISHING THE LOCATION OF STOP SIGNS AS INDICATED HEREIN AND DELETING THE STOP SIGN FROM CASE ROAD AT HIGHWAY 54 FROM SCHEDULE II, STOP SIGNS.

Whereas, the Board of Aldermen find that the City Traffic Engineer acting under the authority of City Code Section 315.010, after careful consideration and evaluation, has found that hazards exist and under the authority of City Code Section 335.030 recommends placement of STOP signs at the following locations:

- On Hatchery Road at the intersection with Highway 54
- On Joshua Drive at the intersection with Highway 54
- On Jesse and Andy Avenue at the intersection with Highway 42
- On Jr. Prewitt Drive at the intersection with Highway 42
- On Jesse and Andy Avenue at the intersection with Barry Prewitt Memorial Drive
- On Jesse and Andy Avenue at the intersection with Goldie Pearl
- On Joshua Drive at the intersection with Jesse and Andy Avenue
- On Blue Sky Drive at the intersection with Jesse and Andy Avenue

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

Section 1. That the Code of Ordinances of the City of Osage Beach, Missouri, be amended by adding to Schedule II. STOP SIGNS the following stop signs:

- On Hatchery Road at the intersection with Highway 54
- On Joshua Drive at the intersection with Highway 54
- On Jesse and Andy Avenue at the intersection with Highway 42
- On Jr. Prewitt Drive at the intersection with Highway 42
- On Jesse and Andy Avenue at the intersection with Barry Prewitt Memorial Drive
- On Jesse and Andy Avenue at the intersection with Goldie Pearl
- On Joshua Drive at the intersection with Jesse and Andy Avenue
- On Blue Sky Drive at the intersection with Jesse and Andy Avenue

Section 2. All drivers of motor vehicles shall stop at the STOP signs as located herein as prescribed in the City Traffic Code. Failure to stop shall be considered a misdemeanor offense and the violator subject to citation and fine.

Section 3. That Schedule II. STOP SIGNS of the Osage Beach Code of Ordinances be amended by deleting the stop sign located at Case Road and Highway 54 from Schedule II. STOP SIGNS.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are, in so much as they conflict with this ordinance, hereby repealed.

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

READ FIRST TIME: \_\_\_\_\_ READ SECOND TIME: \_\_\_\_\_

I hereby certify that the above Ordinance No. 10.40 was duly passed on \_\_\_\_\_, 2010 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_ Absent: \_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Diann Warner, City Clerk

Approved as to form:

\_\_\_\_\_  
Edward B. Rucker, City Attorney

I hereby APPROVE the above ordinance 10.40.

\_\_\_\_\_  
Penny Lyons, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Diann Warner, City Clerk

000043

**Submission Date:** July 27, 2010

**Submitted By:** City Engineer

**Board Meeting Date:** August 5, 2010

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

**Description of Item:**

Bill 10-41 – Authorize the Mayor to sign the Supplemental Agreement for the Highway 54 Sidewalk project.

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

Citizens of Osage Beach, Missouri Highway and Transportation Commission, contractors, business owners within the proposed sidewalk project

**Why is Board Action Required?**

Board approval required for Ordinance.

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

Request first and second readings of Bill 10-41 authorizing the Mayor to sign the Supplemental Agreement for the Highway 54 Sidewalk project.

**Are there any deadlines associated with this action?**

In order for the City to be eligible for these funds this agreement has to be signed.

**Comments and Recommendation of Department:**

This Supplemental Agreement increases the funds for the Highway 54 Sidewalk Improvements from \$273,440 to \$319,605. This is an increase in the amount of \$46,165. This is a not to exceed amount. We may not get the entire \$319,605, but if it is available we will.

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

**000044**

**City Administrator's Comments and Recommendation:**

Concur with the recommendation of the City Engineer.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AMERICAN RECOVERY AND REINVESTMENT ACT FEDERAL AID PROGRAM SUPPLEMENTAL AGREEMENT NO. 2 FOR CONSTRUCTION OF NEW SIDEWALKS ALONG ROUTE 54.

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

Section 1. That the Board of Aldermen of the City of Osage Beach has determined it is in the best interest of the City to authorize the Mayor to execute the Missouri Highways and Transportation Commission American Recovery and Reinvestment Act Federal Aid Program Supplemental Agreement No. 2 for the public improvements designated as Project ARRA-ES05 (007) for construction of new six feet sidewalks along the west side of Route 54 from Redbud Road to Zebra Road. This project also includes new six feet sidewalks along the east side of Route 54 from Zebra Road to Hatchery Road.

Section 2. That the Board of Aldermen agrees to the terms and conditions as set out in the attached Missouri Highways and Transportation Commission American Recovery and Reinvestment Act Federal Aid Program Supplemental Agreement No. 2 and hereby authorizes the Mayor to execute same on behalf of the City of Osage Beach.

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

READ FIRST TIME: \_\_\_\_\_ READ SECOND TIME: \_\_\_\_\_

I hereby certify that the above Ordinance No. 10.41 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 10.41.

\_\_\_\_\_  
Penny Lyons, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Diann Warner, City Clerk

000046

CCO Form: RM17-ARRA SUP  
Approved: 04/09 (MWH)  
Revised:  
Modified:

City of Osage Beach  
Project No. ARRA-ES05 (007)

CFDA Number: CFDA #  
CFDA Title: Highway Planning and Construction  
Award name/number: ARRA-ES05 (007)  
Award Year: FY2009  
Federal Agency: Federal Highway Administration, Department of  
Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
AMERICAN RECOVERY AND REINVESTMENT ACT  
FEDERAL AID PROGRAM  
SUPPLEMENTAL AGREEMENT**

THIS SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and City of Osage Beach (hereinafter, "City").

WITNESSETH:

WHEREAS, on July 6, 2009 the Commission and the City previously entered into an American Recovery and Reinvestment Act Federal Aid Program Agreement as to public improvements designated as ES05 (007), for the construction of sidewalks, (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the City now desire to revise the Original Agreement as provided in this Supplemental Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) **REVISION:** Paragraph 20 of the Original Agreement is hereby removed and replaced with the following:

(20) **REIMBURSEMENT:** The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. All costs incurred by City will be reimbursed up to the lump sum amount of **\$319,605** not to exceed the legal pro rata share. The legal

pro rata share shall be up to one hundred percent (100%). Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(B) The total reimbursement otherwise payable to the City under this Agreement is subject to reduction, offset, levy, judgment, collection or withholding, if there is a reduction in the available federal funding, or to satisfy other obligations of the City to the Commission, the State of Missouri, the United States, or another entity acting pursuant to a lawful court order, which City obligations or liability are created by law, judicial action, or by pledge, contract or other enforceable instrument. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(C) The authority to advertise for bids shall be granted by the Commission when all right-of-way clearances, environmental clearances, and the approval of the Plans, Specification, and Estimate have been completed. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(D) In the event that the City does not submit the Plans, Specification, and Estimate for this project by City, and does not have construction authorization (authority to advertise for bids) by November 25, 2009, the City agrees to reimburse the Commission for any monies previously reimbursed to the City under this Agreement. All monies previously programmed for this project shall be surrendered by City at this time. **Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.**

(2) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Supplemental Agreement, the Original Agreement and all previous Supplemental Agreements between the parties shall remain in full force and effect.

**[Remainder of Page Intentionally Left Blank]**

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Executed by the Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

CITY OF OSAGE BEACH

\_\_\_\_\_

By \_\_\_\_\_

Title: \_\_\_\_\_

Title: Penny Lyons, Mayor

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By \_\_\_\_\_

Title: Diann Warner, City Clerk

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Commission Counsel

\_\_\_\_\_  
Title: Edward B. Rucker, City Attorney

Ordinance No.: 10.41

000049

**Submission Date:** July 28, 2010  
**Submitted By:** City Engineer  
**Board Meeting Date:** August 5, 2010

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

**Description of Item:**

Bill 10-42 - To establish a no left turn sign at the intersection of Jesse and Andy Avenue and Highway 42

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

Persons driving on Jesse and Andy Avenue, Department of Public Safety, and other City Staff.

**Why is Board Action Required?**

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

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

A motion to approve first and second readings of Bill 10-42.

**Are there any deadlines associated with this action?**

There is a concrete median on Highway 42 that prohibits this movement, but it has never been identified by ordinance as a no left turn.

**Comments and Recommendation of Department:**

Jesse and Andy Avenue intersect Highway 42 just east of the Highway 54 – Highway 42 Intersection. This intersection has a concrete median installed in Highway 42 to prohibit left turn movements from Jesse and Andy Avenue onto Highway 42. The Engineering Department recommends that this be enforced.

The Engineering Department recommends approval and would like a first and second reading.

**City Administrator Comments and Recommendation:**

Concur with the recommendation of the City Engineer.

000051

BILL NO. 10-42

ORDINANCE NO. 10.42

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

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

At the Intersection of Jesse and Andy Avenue and Highway 42

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

Section 1. Drivers of motor vehicles shall not make a left turn from Jesse and Andy Avenue onto U.S. Highway 42 in violation of the prohibited left turn sign as located there as prescribed in the City Traffic Code. Failure to abide by this ordinance shall be considered a misdemeanor offence and the violator subject to citation and fine.

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

At the Intersection of Jesse and Andy Avenue and Highway 42

Section 3. Severability

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

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

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

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

READ FIRST TIME: \_\_\_\_\_

READ SECOND TIME: \_\_\_\_\_

000052

**Submission Date:** July 29, 2010  
**Submitted By:** City Engineer  
**Board Meeting Date:** August 5, 2010

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

**Description of Item:**

Bill 10-43 – To establish speed limits on Sycamore Valley Drive.

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

Persons driving on Sycamore Valley Drive, Department of Public Safety, and other City Staff.

**Why is Board Action Required?**

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

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

Request first and second readings of Bill 10-43.

**Are there any deadlines associated with this action?**

ASAP as traffic safety issues are a concern.

**Comments and Recommendation of Department:**

MoDOT's has begun diverting traffic onto Sycamore Valley Drive for residents on Case, Broadwater and Oak Roads. MoDOT plans on posting this roadway at 40 MPH. In order for this to be enforceable this ordinance needs to be approved.

The Engineering Department recommends approval and requests first and second readings of Bill 10-43.

**City Administrator Comments and Recommendation:**

Concur with the recommendation of the City Engineer.

000053

BILL NO. 10-43

ORDINANCE NO. 10.43

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING A POSTED FORTY (40) MILES PER HOUR SPEED LIMIT ON SYCAMORE VALLEY DRIVE AS INDICATED HEREIN.

Whereas, the Board of Aldermen finds that the City Engineer acting under the authority of City Code Section 315.010, after careful consideration and evaluation, has found that a hazard exists and under the authority of City Code Section 320.010 and 320.050 recommends the posting of a forty (40) miles per hour speed limit sign along the following city street:

Sycamore Valley Drive

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

Section 1. That the Code of Ordinances of the City of Osage Beach, Missouri, be amended by adding to the Schedule of Speed Limits, Schedule I – Speed Limits the following:

<u>Street</u>	<u>Speed Limit</u>
Sycamore Valley Drive	40 miles per hour

Section 2. All drivers of motor vehicles shall not exceed the posted speed limit established herein as prescribed in the City Traffic Code. Exceeding such posted speed limit shall be considered a misdemeanor offense and the violator subject to citation and fine.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are, in so much as they conflict with this ordinance, hereby repealed.

Section 4. 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.10.43 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

000054

**Submission Date:** July 30, 2010

**Submitted By:** City Attorney  
City Clerk

**Board Meeting Date:** August 5, 2010

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

**Description of Item:**

Bill 10-44 - Creating a specific description of the liability for a City business license for Real Estate agents and brokers.

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

Real Estate Agents and Brokers, City Clerk, and the public

**Why is Board Action Required?**

The adoption of a new ordinance requires action by the Board of Aldermen.

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

Request first reading of Bill 10-44.

**Are there any deadlines associated with this action?**

No.

**Comments and Recommendation of Department:**

The City Clerk and City Attorney recommend adoption of this ordinance. It will allow us to continue our current practice and make the descriptions in the ordinance more definite and certain.

**City Administrator Comments and Recommendation:**

Concur with the recommendation of the City Clerk and City Attorney.

000055

BILL NO. 10-44

ORDINANCE NO. 10.44

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING SECTION 605.070 CONCERNING BUSINESS LICENSES AND REENACTING A NEW SECTIONS 605.070 CONTAINING NEW MATTER ADDRESSING REAL ESTATE AGENTS AND BROKERS

**WHEREAS**, pursuant to section 94.110 R. S. Mo. the City is authorized to collect a business tax on "Real Estate Agents," and Section 605.070 of the city code mandates collection from among others a "Real estate agent maintaining an office in the City," and,

**WHEREAS**, the Board of Alderman of the City of Osage Beach, Missouri is desirous of continuing the practice in the city of charging the business license fee to each real estate office without directly charging a fee to the individual agents working out of that office,

**WHEREAS**, The Board of Alderman of the City of Osage Beach, Missouri finds and determines that the following amendment to the ordinance is necessary to make clear the scope and intent of the obligations of Real Estate Brokers and Real Estate Agents to pay the Business License Fees mandated by Section 605.020, the new matter in the readopted sections is set out in bold face type below

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI THAT**

**Section 1.** Section 605.070 of the Municipal Code of the City of Osage Beach Missouri is hereby repealed.

**Section 2.** There is hereby enacted into the ordinances of the City of Osage Beach the following new Section 605.070 within Title IV Chapter 605 Article I to wit:

SECTION 605.070: FEE

A. Every person engaged in any of the following listed occupations, businesses, callings, pursuits, professions or trades, or in the keeping or maintaining of any institution in this Section specified and classified, shall procure from the City an occupational license. Unless otherwise specified, the fee for such license shall be thirty-five dollars (\$35.00).

Airport;

Ambulance service;

Antique shop;

Arts and crafts shop;

Asphalt and rock, other road repair service, sand;

Auction house;

Automobile accessory dealer;

Automobile dealer or agency (new or used cars or trucks);

- Automobile repair shop (where parts are sold);
- Automobile salvage yards;
- Bait and tackle store;
- Baker, retail;
- Banking institution;
- Barbershop (if merchandise of any kind is sold);
- Beauty shop (if merchandise of any kind is sold);
- Boat sales or repairs--marinas;
- Bookkeeping service (other than certified public accountant);
- Bowling alley;
- Bread truck (if bread and bakery products are sold and delivered);
- Buildings supply store;
- Business supply store;
- Butcher, retail;
- Carnival (per day);
- Concrete or cement mixing, manufacturing or distributing plant;
- Confectionery store;
- Contractors;
- Dairy truck (if milk or other dairy products are sold and delivered);
- Dance house;
- Delicatessen;
- Doctor or dentist, no fee;
- Druggist, retail;
- Electronic supply store;

Excavating contractor;

Exterminator;

Florist;

Grocery, retail;

Hardware, retail;

Hatchery;

Heavy equipment sales and service;

Hospital;

Hotel;

Ice cream parlor;

Ice cream truck (if merchandise is sold and delivered);

Ice dealer;

Installment agency (an installment agency is defined to be any person who conducts or carries on the business of selling goods, wares, merchandise on weekly or monthly payments);

Insurance agency maintaining an office in the City;

Junk dealer;

Kennel;

Landscaping service;

Laundromat;

Light industry;

Liquor store or tavern;

Lumber dealer;

Lunch stand or counter;

Manufacturer;

Massage establishment;

Masseur, masseuse or massage therapist;

Merchant, retail;

Miniature golf course;

Motel or motor hotel (where merchandise of any kind is sold);

Movers;

Moving picture show or drive-in theater;

Nursery stock, retail;

Oil station, retail;

Optical, retail;

Peanut and popcorn stand;

Pigeon, squab, pheasant and rabbit farm;

Poultry dealer;

Produce dealer;

Produce stand and/or truck (except farmers selling their own produce);

Radio and TV repair shop (if merchandise or parts are sold);

Radio and TV transmission, service or repair;

**Real estate broker maintaining an office in the City;**

**Real estate agent maintaining an office in the City, who is not affiliated with a Real Estate Broker maintaining an office in the City who shall have obtained a license under this section;**

Recreational facility or shop (where goods or services are sold);

Resort;

Restaurant and cafe;

Secondhand store;

Septic tank/sales/service/cleaning;

Shoe repair shop (if merchandise of any kind is sold);

Skating rink;

Soft drink stand;

Solid waste haulers: per applicant, per vehicle;

Tailor (if merchandise is sold);

Tin or jewelry shop;

Travel agency;

Truck or vehicle doing contract hauling;

Wholesale house.

B. In consideration for the rights, privileges and permit hereby granted, and as compensation to the City for the use of its public ways and placed by cable TV, and in lieu of all occupation and license taxes, cable TV shall on or before the last day of January in each year in which this permit is effective, pay to the City a sum equal to two percent (2%) of the gross subscriber receipts from the sale of community antenna television service within the then existing corporation limits and the City from all consumption for the preceding twelve (12) month period ending on the last day of December. This Subsection shall not be interpreted to preclude the City from charging cable TV for regular permits and licenses including, but not limited to, building permits, electrical permits or paying out fees.

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

READ FIRST TIME: \_\_\_\_\_ READ SECOND TIME: \_\_\_\_\_

I hereby certify that the above Ordinance No. 10. was duly passed on \_\_\_\_\_, 2010 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_ Absent: \_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Diann Warner, City Clerk

Approved as to form:

\_\_\_\_\_  
Edward B. Rucker, City Attorney

I hereby APPROVE the above ordinance 10. .

\_\_\_\_\_  
Penny Lyons, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Diann Warner, City Clerk

**Submission Date:** July 29, 2010

**000061**

**Submitted By:** City Engineer

**Board Meeting Date:** August 5, 2010

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

**Description of Item:**

Award the proposed Construction Contract No. OB10-024 for the Connecting Sewer

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

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

**Why is Board Action Required?**

Board approval required for contracts over \$5000.

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

A motion to approve the contract award to Hutchins Telecom in the amount of \$1,354,877.75.

**Are there any deadlines associated with this action?**

This contract includes the relocates for the Highway 54 Expressway Project.

**Comments and Recommendation of Department:**

Bids were opened on July 27, 2010. There were six bidders. The apparent low bidder is Hutchins Telecom with a bid amount of \$1,354,877.75 and the bidding documents were complete. The Bid Tab is attached.

We have had previous contracts with this company with good results.

This project was budgeted under two accounts, the funding for the sewer and conduit portions, (sections one and three), are available under 35-00-773177 Connecting Sewer (\$1,425,000), a small portion of this work will be reimbursable through MoDOT. The funding for the water portion, (section two) is available under 30-00-773182 MoDOT Mandated Project (\$350,000). The water portion of this project is 100% reimbursed by MoDOT. The total value of the water portion is \$240,710.00.

The Engineering Department recommends awarding this project to Hutchins Telecom in the amount of \$1,354,877.75 subject to the approval of the Missouri Department of Transportation and the Missouri Department of Natural Resources since this project is funded with State Revolving Funds.

**City Administrator's Comments and Recommendation:**

Concur with the recommendation of the City Engineer.

**BID TABULATION**  
**City of Orange Beach, Missouri**  
**Connecting Sewer and Water - OB10-024**

**Section-I Connecting Sewer Improvements**  
 Bid Opening July 27, 2010

Item No.	Description	Est. Quantity	Unit	Hutchins Telecom Bella, MO		J. C. Industries, Inc. Jefferson City, MO		Emery Sapp & Sons Columbia, MO		Roasata Construction, LLC Springfield, MO		Ridge Hill Construction Nixa, MO		Stockman Construction Jefferson City, MO	
				Unit Price	Estimation Figure	Unit Price	Estimation Figure	Unit Price	Estimation Figure	Unit Price	Estimation Figure	Unit Price	Estimation Figure	Unit Price	Estimation Figure
1	16" including all fittings, rock excavation, trenching, backfilling, restoration, and cleanup, complete.	9949	LF	\$94.75	\$944,627.75	\$7.25	\$72,250.00	\$1.25	\$12,423.75	\$7.00	\$69,642.50	\$1.00	\$9,949.00	\$1.00	\$9,949.00
2	12" DIP including all fittings rock excavation, trenching, backfilling, and cleanup, complete.	5315	LF	\$45.00	\$239,175.00	\$3.00	\$15,945.00	\$4.25	\$22,588.75	\$8.00	\$42,520.00	\$7.50	\$39,862.50	\$7.00	\$37,207.50
3	12" DIP Restained Mechanical Joint Pipe installed in existing casing.	110	LF	\$100.00	\$11,000.00	\$2.50	\$275.00	\$105.00	\$11,550.00	\$107.00	\$11,770.00	\$156.00	\$17,160.00	\$132.00	\$14,520.00
4	Asphalt on Concrete Pavement.	600	LF	\$15.00	\$9,000.00	\$69.00	\$41,400.00	\$48.00	\$28,800.00	\$10.00	\$6,000.00	\$25.00	\$15,000.00	\$62.00	\$37,200.00
5	Restoration, complete.	75	LF	\$890.00	\$66,750.00	\$80.00	\$6,000.00	\$725.00	\$54,375.00	\$425.00	\$31,875.00	\$345.00	\$25,875.00	\$1,000.00	\$75,000.00
6	Highway Bore and Casing for 12" Pipe	334	LF	\$135.00	\$45,090.00	\$97.00	\$32,398.00	\$280.00	\$93,920.00	\$90.00	\$30,060.00	\$100.00	\$33,400.00	\$284.00	\$94,856.00
7	Open Cut Bore and Casing for 16" Pipe	125	LF	\$350.00	\$43,750.00	\$550.00	\$68,750.00	\$65.00	\$8,125.00	\$30.00	\$3,750.00	\$215.00	\$26,875.00	\$577.00	\$72,125.00
8	16" Plug Valves and Box, furnished and installed, complete.	2	EA	\$5,500.00	\$11,000.00	\$5,000.00	\$10,000.00	\$5,750.00	\$11,500.00	\$4,500.00	\$9,000.00	\$5,900.00	\$11,800.00	\$3,800.00	\$7,600.00
9	12" Plug Valves and Box, furnished and installed, complete.	2	EA	\$5,500.00	\$11,000.00	\$2,600.00	\$5,200.00	\$3,675.00	\$7,350.00	\$2,500.00	\$5,000.00	\$3,600.00	\$7,200.00	\$3,900.00	\$7,800.00
10	Combination Air and Vacuum Release Valve Valves	10	EA	\$4,000.00	\$40,000.00	\$3,100.00	\$31,000.00	\$4,000.00	\$40,000.00	\$3,800.00	\$38,000.00	\$3,900.00	\$39,000.00	\$10,000.00	\$100,000.00
11	Install City Purchased Duplex Single Phase Grinder Pump Station	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,150.00	\$5,150.00	\$4,900.00	\$4,900.00	\$4,800.00	\$4,800.00	\$9,800.00	\$9,800.00
15	Force Account Work	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
<b>Total Bid</b>					\$1,954,167.75		\$1,127,748.25		\$1,090,070.00		\$1,158,708.00		\$1,422,981.50		\$1,509,600.00

Item No.	Description	Est. Quantity	Unit	Hutchins Telecom Bella, MO		J. C. Industries, Inc. Jefferson City, MO		Emery Sapp & Sons Columbia, MO		Roasata Construction, LLC Springfield, MO		Ridge Hill Construction Nixa, MO		Stockman Construction Jefferson City, MO	
				Unit Price	Estimation Figure	Unit Price	Estimation Figure	Unit Price	Estimation Figure	Unit Price	Estimation Figure	Unit Price	Estimation Figure	Unit Price	Estimation Figure
1	16" Pipe* including all fittings, rock excavation, trenching, backfilling, restoration and cleanup, complete.	2215	LF	\$8.00	\$17,720.00	\$3.00	\$6,645.00	\$8.00	\$17,720.00	\$3.00	\$6,645.00	\$6.25	\$13,843.75	\$8.00	\$17,720.00
2	12" Pipe* including all fittings, rock excavation, trenching, backfilling, restoration and cleanup, complete.	864	LF	\$70.00	\$60,480.00	\$45.00	\$38,880.00	\$67.00	\$57,888.00	\$4.00	\$34,560.00	\$54.00	\$46,836.00	\$66.00	\$57,024.00
3	Open Cut Steel Encasement for 12" Pipe Main Ductile Iron Installed and Complete Force Account Work	334	LF	\$140.00	\$46,760.00	\$71.00	\$23,788.00	\$290.00	\$97,060.00	\$90.00	\$30,060.00	\$100.00	\$33,400.00	\$303.00	\$101,202.00
4	Force Account Work	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
<b>Total Bid</b>					\$260,710.00		\$193,672.00		\$297,008.00		\$221,261.00		\$296,467.75		\$346,502.00

Item No.	Description	Est. Quantity	Unit	Hutchins Telecom Bella, MO		J. C. Industries, Inc. Jefferson City, MO		Emery Sapp & Sons Columbia, MO		Roasata Construction, LLC Springfield, MO		Ridge Hill Construction Nixa, MO		Stockman Construction Jefferson City, MO	
				Unit Price	Estimation Figure	Unit Price	Estimation Figure	Unit Price	Estimation Figure	Unit Price	Estimation Figure	Unit Price	Estimation Figure	Unit Price	Estimation Figure
1	2" Schedule 40 PVC including all fittings rock excavation, trenching, backfilling, restoration and cleanup, complete.	3000	LF	\$20.00	\$60,000.00	\$21.00	\$63,000.00	\$5.00	\$15,000.00	\$20.00	\$60,000.00	\$5.00	\$15,000.00	\$12.00	\$36,000.00
<b>Total Bid</b>					\$60,000.00		\$63,000.00		\$15,000.00		\$60,000.00		\$15,000.00		\$36,000.00

<b>Section-I, II AND III</b>		Est. Quantity	Unit	Unit Price	Estimation Figure
<b>TOTAL SECTION I, II AND III</b>					\$1,954,167.75



**Submission Date:** July 30, 2010

**Submitted By:** Police Chief

**Board Meeting Date:** August 5, 2010

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

**Description of Item:**

To authorize the purchase of a new remounted ambulance.

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

The citizens of and visitors to the City of Osage Beach

**Why is Board Action Required?**

Board action to allocate the funds and approve the purchase.

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

Motion to authorize the purchase.

**Are there any deadlines associated with this action?**

There is an urgency to replace the aged equipment and this particular ambulance opportunity is limited.

**Comments and Recommendation of Department:**

The request for purchase of a remounted, late model ambulance module on a new Ford E450 chassis was released and one company responded with a bid. This is the same company that we had toured and inspected the proposed purchase. U.S. Coachworks price with the requested striping and graphics is \$77,750.00. There is no money currently "budgeted" in Ambulance Operating Capital. However, this is a good piece of equipment at a reasonable price and we recommend approval.

**City Administrator Comments and Recommendation:**

As discussed at the Special Board Meeting held July 8, 2010, the Police Chief and EMS Manager went to Kansas City to view the remounted ambulance. Bid specifications were then mailed out and only one company responded. Funds will be transferred from General Fund to the Ambulance Fund in order to allow for this purchase.



**Submission Date:** July 28, 2010  
**Submitted By:** City Engineer  
**Board Meeting Date:** August 5, 2010

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

**Description of Item:**

Contract Modification #1  
Zebra Road and Stewart Drive Phase 1

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

APAC-Missouri, Inc., 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 contract modification.

**Are there any deadlines associated with this action?**

This work has to be completed to continue with the roadway reconstruction.

**Comments and Recommendation of Department:**

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

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

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The remaining portion of this contract modification will be used to build a retaining wall to save money for the AmerenUE Utility relocates that was talked about at the July 22<sup>nd</sup> Board of Aldermen Meeting.

Funding for this modification can come from 20-00-773206 Zebra Connector.

The Engineering Department recommends approval of this modification in the amount of \$9,579.67.

**City Administrator's Comments and Recommendation:**

Concur with the recommendation of the City Engineer.

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



August 6, 2010

**CONTRACT MODIFICATION NO. 1**

Darren Woods  
APAC-Missouri, Inc.  
P. O. Box 1178  
Linn Creek, MO 65052

Reference: Construction Contract OB10-015  
Zebra Road & Stewart Drive Roadway Construction, Phase I

Dear Mr. Woods:

In accordance with Article 9 of the General Conditions - Changes in the Work of your Construction Contract No. OB10-015 for Zebra Road & Stewart Drive Roadway Construction Phase I, you are hereby directed to perform the following changed and/or additional work. All work shall be in accordance with the applicable portions of the contract specifications.

1. Increase Bid Item 02830.01, "Modular Block Wall (H<4')," 18 S. F. This is for a retaining wall at STA 71+00. This retaining wall will eliminate the need to relocate an Ameren UE utility pole and AT&T pedestal. This item shall cause an increase in Total Contract Price of \$430.02.
2. Create New Bid Item 02280.01, "Demolition of Existing Well House." This is for the demolition of an existing well house near STA 28+75 inside the sloping limits of the new roadway and capping of the well. This item shall cause an increase in Total Contract Price of \$3,549.65.
3. Create New Bid Item 02230.01, "Removal of Extra Trees." This is for the removal and disposal of trees not labeled in the Contract Drawings as "TBR." Said trees had to be removed for AmerenUE utilities and easement requirements with property owners. This shall cause an increase in Total Contract Price of \$5,600.00.

Compensation for the work performed shall be in accordance with the Revised Contract Bid Schedule herein and shall be considered as full compensation for all labor, equipment, materials, and incidentals required to complete the accepted item(s).

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## REVISED BID SCHEDULE

Zebra Road & Stewart Drive Roadway Construction, Phase 1						
Pay Estimate	X		Date: XX/XX/XXXX			
ITEM UNIT	MODIFIED QUANTITY	ORIGINAL QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
02096.01	1	1	LS	Mobilization	\$12,104.06	\$12,104.06
02097.01	1	1	LS	Traffic Control Plan	\$4,711.41	\$4,711.41
02281.01	1	1	EACH	Relocate Existing Signs	\$1,230.17	\$1,230.17
02281.02	124	124	S.F.	Proposed Signs	\$64.01	\$7,937.24
02281.03	18	18	EACH	Relocate Existing Mailboxes	\$166.66	\$2,999.88
02316.01	20652	20652	S.Y.	Subgrade Preparation - Roadway Portion	\$8.72	\$180,085.44
02511.01	1	1	EACH	Adjust Sewer Valve to Grade (Clean Out)	\$160.82	\$160.82
02511.02	9	9	EACH	Adjust Sewer Manhole to Grade	\$345.02	\$3,105.18
02511.03	4	4	EACH	Adjust Water Meter to Grade	\$160.83	\$643.32
02511.04	9	9	EACH	Adjust Water Valve Box to Grade	\$160.83	\$1,447.47
02511.05	1	1	EACH	Adjust Existing Hydrant to Grade	\$493.12	\$493.12
02511.06	1	1	EACH	Provide and Install New Hydrant	\$3,465.62	\$3,465.62
02511.07	52	52	L.F.	1-inch Water Service Line	\$15.76	\$819.52
02511.08	311	311	L.F.	8-inch Water Main	\$40.39	\$12,561.29
02511.09	538	538	L.F.	10-inch Water Main	\$44.10	\$23,725.80
02511.10	449	449	L.F.	12-inch Water Main	\$72.57	\$32,583.93
02511.11	177	177	L.F.	Force Main & Gravity Sewer Encasement in Concrete	\$41.98	\$7,430.46
02511.12	480	480	L.F.	3-inch Sewer Line	\$21.81	\$10,468.80
02511.13	474	474	L.F.	6-inch Sewer Line	\$50.42	\$23,899.08
02511.14	317	317	L.F.	8-inch sewer Line	\$36.45	\$11,554.65
02511.15	2	2	EACH	Sewer Valve Box	\$216.84	\$433.68
02511.16	2	2	EACH	Concrete Sanitary Manhole (48" Diameter) 0'-4'	\$1,700.15	\$3,400.30
02511.17	5	5	L.F.	Concrete Sanitary Manhole (48" Diameter) 4' and Over	\$301.01	\$1,505.05
02511.18	8	8	EACH	House Service Connections (Water or Sewer)	\$230.80	\$1,846.40
02612.01	2705	2705	L.F.	18-inch Corrugated Metal Pipe	\$41.43	\$112,068.15

02612.02	47	47	L.F.	24-inch corrugated Metal Pipe	\$40.44	\$1,900.68
02612.03	104	104	L.F.	Remove and Replace Existing 36-inch Corrugated Metal Pipe	\$40.79	\$4,242.16
02612.04	3	3	EACH	18-inch Corrugated Metal Pipe Flared End Section	\$229.42	\$688.26
02612.05	2	2	EACH	24-inch Corrugated Metal Pipe Flared End Section	\$263.72	\$527.44
02612.06	1	1	EACH	36-inch Corrugated Metal Pipe Flared End Section	\$741.09	\$741.09
02632.01	16	16	EACH	Concrete Curb Inlet (4'x3.25') - 0'-4'	\$2,332.66	\$37,322.56
02632.02	67	67	L.F.	Concrete Curb Inlet (4'x3.25') - 4' and Over	\$256.55	\$17,188.85
02632.03	4	4	EACH	Concrete Double Curb Inlet (8'x3.25') - 0'-4'	\$2,706.32	\$10,825.28
02632.04	6	6	L.F.	Concrete Double Curb Inlet (8'x3.25') - 4' and Over	\$305.54	\$1,833.24
02632.05	6	6	EACH	Concrete Manhole (48" Diameter) - 0'-4'	\$2,041.32	\$12,247.92
02632.06	31	31	L.F.	Concrete Manhole (48" Diameter) - 4' and Over	\$277.50	\$8,602.50
02632.07	1	1	EACH	Concrete Manhole (60" Diameter) - 0'-4'	\$2,929.14	\$2,929.14
02632.08	15	15	L.F.	Concrete Manhole (60" Diameter) - 4' and Over	\$285.89	\$4,288.35
02632.09	1	1	EACH	Area Inlet, Single, Open 4 sides, Untrapped - 0'-4'	\$2,566.84	\$2,566.84
02632.10	3	3	L.F.	Area Inlet, Single, Open 4 sides, Untrapped - 4' and Over	\$342.80	\$1,028.40
02632.11	3	3	EACH	2-grate, Inlet With Side Intake Unit, Type L Grate - 0'-4'	\$2,157.89	\$6,473.67
02632.12	7	7	L.F.	2-grate, Inlet With Side Intake Unit, Type L Grate - 4' and Over	\$195.91	\$1,371.37
02635.01	240	240	S.Y.	Rip Rap - Type 1	\$10.72	\$2,572.80
02635.02	243	243	S.Y.	Rip Rap - Type 2	\$10.66	\$2,590.38
02725.01	485	485	S.Y.	Gravel Driveway Extension (6-inch Thick)	\$12.28	\$5,955.80
02740.01	2897	2897	TONS	Bituminous Concrete Pavement	\$84.18	\$243,869.46
02740.02	10	10	TONS	Plant Mix Bituminous Base PMBB (Base Widening Asphalt 4-in)	\$178.29	\$1,782.90
02740.03	181	181	S.Y.	Cold Milling Bituminous Pavement 3-inch Thick or <	\$8.97	\$1,623.57
02740.04	2789	2789	GAL	Tack Coat	\$2.29	\$6,386.81
02740.05	3373	3373	GAL	Prime Liquid Asphalt (MC-30)	\$4.23	\$14,267.79
02745.01	533	533	S.Y.	Concrete Approach Pavement (6-inch Thick)	\$48.35	\$25,770.55
02745.02	299	299	S.Y.	Concrete Driveway Extension (6-inch Thick)	\$48.79	\$14,588.21

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02778.01	5705	5705	L.F.	Concrete Curb and Gutter (6-inch Thick)	\$13.52	\$77,131.60
02778.02	205	205	L.F.	Concrete Curb and Gutter Type S	\$16.64	\$3,411.20
02778.03	1392	1392	S.Y.	Concrete Sidewalk w/Welded Wire Fabric Reinf. (4-inch Thick)	\$29.12	\$40,535.04
02778.04	280	280	S.F.	Concrete Sidewalk Truncated Domes	\$30.68	\$8,590.40
02825.01	384	384	L.F.	Guardrail, Type A	\$18.00	\$6,912.00
02825.02	4	4	EACH	Crashworthy End Terminal	\$2,200.00	\$8,800.00
02825.03	4	4	EACH	End Anchor	\$800.00	\$3,200.00
02830.01	2664	2646	S.F.	Modular Block Wall (H<4')	\$23.89	\$63,642.96
02835.01	390	390	L.F.	Permanent White Pavement Striping. 6" Wide Paint	\$0.60	\$234.00
02835.02	85	85	L.F.	Permanent White Pavement Striping. 24" Wide Paint	\$4.00	\$340.00
02835.03	3840	3840	L.F.	Permanent Yellow Pavement Striping. 4" Wide Paint	\$0.32	\$1,228.80
02921.01	11266	11266	S.Y.	Seeding, Fertilizing, and Mulching	\$1.90	\$21,405.40
02921.02	3272	3272	L.F.	Silt Fence	\$2.30	\$7,525.60
02921.03	28	28	EACH	Drainage Structure Sedimentation Control Trap	\$135.00	\$3,780.00
ADD	1	1	LS	Force Account (per Section 01800)	\$5,000.00	\$5,000.00
02280.01 MOD 1	1	0	LS	Demolition of Existing Well House	\$3,549.65	\$3,549.65
02230.01 MOD 1	1	0	LS	Removal of Extra Trees	\$5,600.00	\$5,600.00
<b>TOTAL TO DATE:</b>					<b>\$1,155,753.51</b>	

**000074**

Your Contract Amount is hereby revised as indicated:

Original Contract Amount		\$1,146,173.84
Contract Modification No. 1	INCREASE	\$9,579.67
Revised Contract Amount		\$1,155,753.51

There will be no extension of contract time.

Sincerely,

Nancy Viselli  
City Administrator

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APAC-Missouri, Inc. hereby accepts the terms and conditions of Contract Modification No. 1.

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APAC-Missouri, Inc.

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Date