

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

July 21, 2011

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, July 21, 2011, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Lois Farmer, Alderman Dave 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 thanked Alderman Olivarri for representing the City at a meeting on Tuesday in Jefferson City. She reported that there were two other meetings on Tuesday that she had to attend. Tuesday morning, Mayor Lyons attended a meeting as Chairman of the Joint Sewer Board and answered questions on the ability to address wastewater management and the partnership success with Lake Ozark over the last twenty five years. Tuesday afternoon Mayor Lyons attended the Joint Sewer Board meeting. The company that manages the plant, Alliance, reported that the plant continues to produce good, clean effluent.

Citizens Communications.

No one was present who wished to address the Board at this time.

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on July 7, 2011, the bill list as submitted and a liquor license for a caterer's license for October 1, 2011 to the Linn Creek/Osage Beach Lions Club. Alderman Rucker seconded the motion which was voted on and passed with Alderman Schmitt abstaining because he is a member of the Linn Creek/Osage Beach Lions Club.

Unfinished Business.

Bill No. 11-44. *

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CITY OF OSAGE BEACH, MISSOURI.

Zoning Map Amendment. Rezoning Case No. 357. Terry Ross requests rezoning of property located between Ledges Drive and Port Lane with frontage on Dude Ranch Road.

Mayor Lyons presented the second and final reading of Bill No. 11-44 by title only. It was noted that Bill No. 11-44 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill No. 11-44 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-44 and to pass same into Ordinance: "Ayes": Alderman Gasper, Alderman Olivarri, Alderman Rucker, Alderman Schmitt. "Nays": Alderman Kahrs, Alderman Farmer. Bill No. 11-44 was passed and approved as Ordinance No. 11.44.

*The City Clerk received an e-mail from Mick Bednara asking that his protest of Bill No. 11-44 be included in the minutes. The email is attached.

New Business.

Bill No. 11-46.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT WITH SHAFER, KLINE AND WARREN, INC. FOR THE DESIGN OF 3B AND LS D-18-54.

City Engineer Nick Edelman explained that Bill No. 11-46 is to award the engineering contract for the design of grinder station 3B and lift station D-18-54. These sewage stations are included in the 2011 budget.

Funding for this work is included in 35-00-773100 Engineering. The June 30 financial statements indicate that \$69,588.33 remains in this account. If all of the existing contracts and this contract utilize the entire not to exceed amount of funding, they will be over budget by less than \$2,000.

The Engineering Department recommends approval of this contract in an amount not to exceed \$60,253.

Mayor Lyons presented the first reading of Bill No. 11-46 by title only. It was noted that Bill No. 11-46 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill No. 11-46 as presented. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 11-46 by title only.

Alderman Olivarri moved to approve the second and final reading of Bill No. 11-46 as presented. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-46 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Kahrs, Alderman Rucker, Alderman Schmitt, Alderman Farmer, Alderman Gasper. "Nays": None. Bill No. 11-46 was passed and approved as Ordinance No. 11.46.

Authorize a Lump Sum Cost of Living Adjustment for Full Time Employees.

Alderman Rucker commented that in the recent work session, the month of May had the highest sales tax receipts in ten years; however, June was the second worst in a ten year period. He added that predicting sales tax revenue is difficult and if the COLA is approved, the Board must consider where the revenue is coming from. Alderman Rucker said that at the last meeting, discussion was held on the amount that should be held in reserve; however, that amount has not been determined. He added that staff is worth an increase and they have been very conservative on the 2010 and 2011 budgets, but the Board should be cautious.

Alderman Schmitt was encouraged by the sales tax revenues since it has increased the last four consecutive months however it is not predicted to improve.

Alderman Schmitt moved to postpone the discussion of the COLA for three months to see if revenues continue to increase. Alderman Olivarri seconded the motion.

Alderman Olivarri stated that revenues are only up \$37,000 over last year and he believed the Board would be in a better position to make a decision in three months.

Alderman Kahrs said it is a good idea to wait; further the City would not be in this position had the Board not reduced the projected revenue. Consensus was that staff is doing a good in keeping expenditures down.

The motion to postpone discussion of the lump sum cost of living adjustment for three months was voted on and unanimously passed.

Appointment to the Planning Commission.

Mayor Lyons asked the Board to confirm the appointment of Michelle Myler to the Planning Commission. Alderman Olivarri said there is only one representative from Ward 3 on the Planning Commission and he asked Mayor Lyons to keep that in mind when making appointments. Mayor Lyons said she has tried to have equal representation in each ward however that has not worked out.

Alderman Kahrs moved to appoint Michelle Myler to the Planning Commission. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Proposed Contract Modification No. 3 for Construction Contract OB10-024; Connecting Sewer Project.

City Engineer Nick Edelman explained the proposed contract modification is for the conduit for the fiber optic line between City Hall and Public Works that is nearing completion. This modification will complete the conduit to Public Works and will install the fiber optics which will allow the transfer of information between the two City assets.

City Engineer Edelman said the other major expense on this contract modification is for asphalt repair. Bids for this project were solicited before the easements for the Palisades owners were completed. This is the property at 1037 Palisades Boulevard and water and sewer line through this parking lot were installed. We estimated that most of the asphalt would be destroyed however it was not included in the bidding documents since we did not know if we would get the easement. We have not come to an agreeable price with the contractor; therefore, a Force Account Item has been created with a not to exceed amount which will be done on a time and material basis.

City Engineer Edelman will be discussing reimbursement for the asphalt portion of the modification with MoDOT. The remaining part of this contract modification includes finalizing the as built quantities.

If this work is approved a budget amendment needs to be approved. Funding would come from multiple sources 30-00-773182 MoDOT Mandated Projects on the water side, 35-00-773177 Connecting Sewer, and 10-19-774267 Communication Equipment under Information Technology.

The Engineering Department recommended approval of this contract modification as written in the amount of \$54,604.83.

Alderman Rucker moved to approve Contract Modification No. 3 for OB10-024; Connecting Sewer Project in an amount not to exceed \$54,604.83. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bid Award. Mariner Circle, Swiss Village Road, Summit Circle and Winn Road

Three bids were received for this project and bids were opened on July 12, 2011. The low bidder is Hutchins Telecom in the amount of \$96,777.75.

The project includes three cul-de-sacs; two on Mariner Circle and one on Swiss Village Road that are being funded by the Osage Beach Special Road District. The work on Winn Road is to modify the existing drainage system. The work on Summit Circle is to fix a concrete drainage structure that is causing storm drainage problems.

The Mariner Circle, Swiss Village Road, and Winn Road work is being paid for by the Osage Beach Special Road District. City Engineer Nick Edelman attended the Osage Beach Special Road District meeting on Monday July 18, 2011 and they agreed to the amount. Overall the work is under budget.

Funding for the City's portion of this work will come from 20-00-773155 Misc. Streets. There is \$83,286.71 remaining in this account as of the June financial statement.

The Engineering Department recommends approval of this contract award to Hutchins Telecom.

Alderman Olivarri moved to award the bid for the Mariner Circle, Swiss Village Road, Summit Circle and Winn Road to the low bidder, Hutchins Telecom, LLC in the amount of \$96,777.75. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Bid Award.

Superintendent of Public Works Rick King explained that bids were solicited from six vendors and Municipal Equipment was the only vendor to submit a bid since they have the franchise for the needed equipment. The budgeted amount for (13) 6.2 horsepower duplex panels, (9) 2 horsepower simplex panels, and (9) 2 horsepower duplex panels is \$59,535.00. The bid amount was \$55,624.00. Staff recommends the bid be awarded to Municipal Equipment. This will be charged to Account # 35 774255.

Alderman Farmer moved to award the bid for panels to Municipal Equipment in the amount of \$55,624.00. Alderman Gasper seconded the motion which was voted on and unanimously passed.

Communications from Board Members.

Alderman Olivarri. John Olivarri reported on a meeting he attended with Representative Diane Franklin to discuss the state park closings at Public Beach #2.

Alderman Schmitt. Ron Schmitt expressed his thanks to Lamar Advertising for the new sign at the entrance to the Osage Beach City Park.

Alderman Schmitt reported on a historical event.

Staff Communications.

City Attorney. Ed Rucker gave a brief update on the Stone Mansion located on Dude Ranch Road that was used as an event venue. An inspection of the pool was made and the inspection showed the pool needed work so no certificate of occupancy could be issued. An inspection will be conducted tomorrow when the house will be vacant.

City Engineer. Nick Edelman reported that the Street Department crew did some patching on the roads in Ozark Meadows rather than issuing a contract modification with the contractor. He said Public Works routinely works with the Engineering Department.

Superintendent of Public Works. Rick King reported that two more loads of sand are needed and they will be ready for the winter weather. He updated the Board on a control panel that burned and said it would be turned over to the insurance company. Mr. King reported that his son has returned safely from serving his second tour in Afghanistan.

There being no further business to come before the Board, the meeting adjourned at 7:12 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 July 21, 2011.

Diann Warner, City Clerk

Penny Lyons, Mayor