

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

August 4, 2011

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, August 4, 2011, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Lois Farmer, 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 last month the City and the community lost two men who in the short time they were with us, contributed their experience and ideas for the benefit of everyone.

Dave Severson came out of retirement to become our Police Chief. His professional experience and management is reflected in the Police Department. He was very active in Rotary and Citizen's Against Domestic Violence and with his support, the Polar Bear Plunge expanded its activities. As Chief, Mr. Severson developed a network with other local and county law enforcement agencies and he was a respected and well known representative for the City of Osage Beach.

Alderman Dave Gasper was in his second term as an alderman. He had also retired but wanted to be active in the community and he served on the Planning Commission. He was a big supporter of the City's parks. As a former mayor and alderman in Illinois, Dave was familiar with local government, he was always well prepared for the Board meetings and it was a pleasure to work with him. A memorial service for Dave will be held this fall at the City Park.

Mayor Lyons presented Resolutions of Respect to honor both Dave Gasper and Dave Severson.

Mayor Lyons thanked Rick King and the public works employees for their quick response to the Sands Lift station problem. The years of training resulted in minimizing the overflow. Mayor Lyons also expressed her gratitude to the private pumper trucks who responded. It was a very coordinated effort. The excessive heat and difficult work area only added to the problems.

Last Thursday, District T met to hear from their new management group, Waste Corporation of America. According to DNR, the District must appoint a citizen advisory board to assist in solid waste issues. Mayor Lyons announced that Rick King has volunteered to serve and she asked others who are interested in serving to contact her.

Mayor Lyons reported that Thursday afternoon a meeting was held at Public Beach No. 2 of state park employees, local business owners and others to continue the discussion on the Public Beach. Several options were discussed.

Monday, the City Engineer and Mayor Lyons attended a meeting in Jefferson City to hear about on-site systems. There was a large group of state employees, on-site installers and managers. Mayor Lyons discussed HB 89 with Representative Pollack who was the bill's sponsor. Several will be following up on the change in the mining requirements and there will be a follow up meeting in a month.

**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 special meeting held on July 14, 2011, the regular meeting held on July 21, 2011, and the bill list as submitted. Alderman Farmer seconded the motion which was voted on and passed.

**Unfinished Business.**

None

**New Business.**

Lake Area Chamber of Commerce Request for Contribution for Hollywood Sign.

Joe Roeger was present along with Trish Creach, Director of the Lake Area Chamber of Commerce and several other Board members to request funding for a Hollywood type sign to be placed in a location visible from the expressway. The amount of funds needed to erect the sign is approximately \$45,000 with lighting. The amount being requested from the cities of Lake Ozark and Osage Beach is \$5,000 each. The license agreement with MoDOT has a ten year term.

Alderman Kahrs commented that he would like to see a commitment from MoDOT that extends beyond ten years. He said it is a great idea and he suggested the City contribute. Alderman Farmer said that funds are not available to contribute at this time.

Mayor Lyons questioned the time frame and Mr. Roeger said that excavation would begin September 15<sup>th</sup> and it would be complete by the time Highway 242 opens at the end of the year. Mayor Lyons said that the budget process for 2012 begins in six weeks.

Alderman Kahrs moved to contribute \$5,000 to the Lake Area Chamber of Commerce for the construction of the Hollywood type sign. There was no second to the motion therefore, no vote was taken.

Alderman Rucker announced that he is silent on this matter because he is a Chamber of Commerce board member.

Mayor Lyons said this matter would be taken under advisement. In order to raise funds, Mr. Roeger said it is important that this project be endorsed by both Lake Ozark and Osage Beach.

**Bill No. 11-47.**

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE NO. 10.75 ADOPTING THE 2011 ANNUAL BUDGET, ALLOCATION OF ADDITIONAL FUNDS FOR NECESSARY EXPENSES.

City Engineer Nick Edelman explained that Bill No. 11-47 allocates the additional funds necessary for the completion of the Connecting Sewer project. As discussed at the July 21<sup>st</sup> Board of Aldermen meeting, a budget amendment is required.

Line Item 30-00-773182 MoDOT Mandated Project needs an additional \$11,983.72. MoDot agrees with the additional work and they will be reimbursing the City upon completion of the project.

Line Item 10-19-774267 Communication Equipment needs an additional \$9,706.51. The General Fund should not exceed the budgeted amount due to the contingency fund not being spent at this point. However, should the contingency funds be used and the entire General Fund exceed the budgeted amount, a budget amendment could be done at a later date. The Engineering Department recommended approval of Bill No. 11-47.

The contract modification for this project was approved at the last meeting. Upon a question from Alderman Rucker about the possibility of being \$9,000 short, Assistant City Administrator Jeana Albertson explained that at the end of the year, a budget amendment would be requested if the line item is over budget.

Alderman Schmitt said that the financial statement shows that the City is 13% below the amount authorized to be spent in the 2011 budget and that staff is keeping the City afloat by being conservative.

Mayor Lyons presented the first reading of Bill No. 11-47 by title only. It was noted that Bill No. 11-47 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 11-47 as presented. Alderman Farmer seconded the motion.

Mayor Lyons presented the second and final reading of Bill No. 11-47. Alderman Farmer moved to approve the second and final reading of Bill No. 11-47. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-47 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Rucker, Alderman Schmitt, Alderman Farmer, Alderman Olivarri. "Nays": None. Bill No. 11-47 was passed and approved as Ordinance No. 11.47.

**Bill No. 11-48.**

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SCHEDULE III. PARKING RESTRICTIONS, OF THE OSAGE BEACH CODE OF ORDINANCES ESTABLISHING DUDE RANCH ROAD BEGINNING AT THE INTERSECTION OF DUDE RANCH ROAD AND NICHOLS ROAD TO THE END OF DUDE RANCH ROAD AS A NO PARKING AREA.

Alderman Olivarri expressed his concern that if no parking signs are erected there would be violators during holidays when residents need additional parking. City Planner Cary Paterson explained that Dude Ranch Road is a collector status street and parking should not be allowed. Alderman Olivarri questioned whether other collector streets are no parking zones. Mr. Patterson responded in the negative.

Police Chief Todd Davis said there should already be no parking on Dude Ranch Road however when Stone Mansion became an issue, parking became an issue. Alderman Farmer commented that Bill No. 11-48 stems from the particular house on Dude Ranch Road and the road is very narrow. Alderman Rucker questioned whether the City should be proactive rather than reactive and he suggested that all collector streets be identified and no parking signs be erected on all of them and he suggested that an ordinance be drafted for no parking on collector streets. Superintendent of Public Works Rick King suggested that this be considered during the 2012 budget sessions so that funds could be budgeted for additional signage. Alderman Olivarri said an

effective date could be placed in the ordinance and a cost estimate for additional signage would assist the Board in making a decision.

Mayor Lyons presented the first reading of Bill No. 11-48 by title only. It was noted that Bill No. 11-48 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 11-48. Alderman Farmer seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 11-48 by title only.

Alderman Farmer moved to approve the second and final reading of Bill No. 11-48. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-48 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Schmitt, Alderman Farmer, Alderman Olivarri, Alderman Kahrs. "Nays": None. Bill No. 11-48 was passed and approved as Ordinance No. 11.48.

**Bill No. 11-49.**

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SCHEDULE III. PARKING RESTRICTIONS, OF THE OSAGE BEACH CODE OF ORDINANCES ESTABLISHING SPINDRIFTER COURT BEGINNING AT THE INTERSECTION OF SPINDRIFTER COURT AND DUDE RANCH ROAD TO THE END OF SPINDRIFTER COURT AS A NO PARKING AREA.

Spindrifter is not a collector street but it addresses the same parking problem as Bill No. 11-48. The residences on Spindrifter have steep driveways and residents park on the street during the winter. City Planner Cary Patterson said the residents should understand the proposed ordinance would also affect them.

Following further discussion, Alderman Rucker moved to postpone Bill No. 11-49 to investigate other options. Alderman Olivarri seconded the motion which was voted on and passed.

City Attorney Rucker said other ordinances would be drafted for the Board to consider.

**Bill No. 11-50.**

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

City Engineer Nick Edelman explained that this Quit Claim Deed will vacate the right-of-way located within the residence of Mr. McFarland at 5270 Melody Lane. This is excess right-of-way that the City does not need. The Engineering Department recommended vacating the right of way.

Mayor Lyons presented the first reading of Bill No. 11-50 by title only. It was noted that Bill No. 11-50 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 11-50 as presented. Alderman Rucker seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 11-50 by title only.

Alderman Olivarri moved to approve the second and final reading of Bill No. 11-50. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-50 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Olivarri, Alderman Kahrs, Alderman Rucker, Alderman Schmitt. "Nays": None. Bill No. 11-50 was passed and approved as Ordinance No. 11.50.

**Resolution 2011-07.**

Resolution approving a credit card for the Police Chief.

Mayor Lyons presented Resolution 2011-07 approving a credit card with a limit of \$2,500 for the Police Chief.

Alderman Olivarri moved to approve Resolution 2011-07 authorizing a credit card with a limit of \$2,500 for the Police Chief. Alderman Farmer seconded the motion which was voted on and passed.

**Authorize Organizational Certification and Directive Adding Todd Davis to the Special Police Projects Account.**

Central Bank requires the Board to approve the certification and directive adding individuals to any bank account. This directive approves the addition of Todd Davis to the Special Police Projects Account.

Alderman Farmer moved to approve the organizational certification and directive adding Todd Davis to the Special Police Projects Account. Alderman Schmitt seconded the motion which was voted on and passed.

**Bid Award. Stonecrest Circle Reconstruction**

The following bids were opened on July 26, 2011:

Strait-Line Construction	\$43,870.53
APAC-Missouri	\$33,224.03

The apparent low bidder is APAC-Missouri, Inc., with a low bid of \$33,224.03. This project was budgeted under Item No. 20-00-764207 in the amount of \$38,886. This project will repair the damaged City Street within Stone Crest Mall.

The Engineering Department has worked with APAC-Missouri, Inc., on projects in the past with positive results and recommended awarding the Stonecrest Circle Reconstruction project to APAC-Missouri, Inc. in the amount of \$33,224.03.

Alderman Olivarri moved to award the bid for Stonecrest Circle Reconstruction to the low bidder, APAC-Missouri, Inc. in the amount of \$33,224.03. Alderman Kahrs seconded the motion which was voted on and passed.

**Communications from Board Members.**

Alderman Rucker. Kevin Rucker questioned how ambulance districts operate after property is

annexed into the City since the residents are paying a property tax to the county for an ambulance district when Osage Beach provides ambulance service. Alderman Rucker said he did not think there is any method for removing property from an ambulance district. City Attorney will research the following:

1. If residents in annexed areas continue to pay a tax to the county to support an ambulance district
2. Which ambulance service has primary responsibility when there is a call in an annexed area.

Alderman Farmer. Lois Farmer commended the public works crew for their work during the recent sewer line break. She also commended police officers for the good job they did at the memorial service for former Police Chief Dave Severson last week. She reported that Lowe's employees will provide a tree to be planted at the Osage Beach City Park in memory of Dave Gasper.

**Staff Communications.**

Superintendent of Public Works. Rick King said he appreciated the comments recognizing the public works crew and he would pass on the comments. He said the recent heat wave has been difficult for employees and hard on equipment.

**Executive Session.**

Alderman Schmitt moved to close the meeting pursuant to RSMo. Section 610.021(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. Alderman Farmer seconded the motion.

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

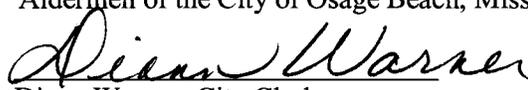
*CLOSED SESSION*

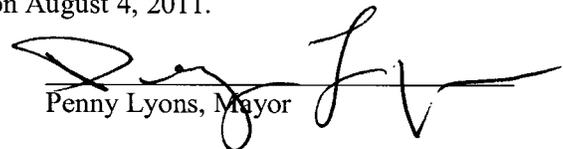
Alderman Olivarri moved to open the meeting. Alderman Kahrs seconded the motion. The following roll call vote was taken to open the meeting: "Ayes": Alderman Rucker, Alderman Schmitt, Alderman Farmer, Alderman Olivarri, Alderman Kahrs. "Nays": None. The meeting was therefore opened.

No announcements were made following closed session.

There being no further business to come before the Board, the meeting adjourned at 8:00 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 4, 2011.

  
Diann Warner, City Clerk

  
Penny Lyons, Mayor

**APPROVED**  
8/18/11  
des