



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)

OPEN MEETING

TENTATIVE AGENDA  
REGULAR MEETING  
September 15, 2011 – 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 09/01/11; Special Meeting of 09/01/11; Closed Meeting of 09/01/11
- Bills (Page 07)
- Liquor Licenses (Page 18)
  1. Seven Springs Winery - Caterer's License for 09/10/11

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

- A. Board Representation on Planning Commission. (Page 19)
- B. Proposed Contract Modification No. 1 for Cove Road Reconstruction. (Page 20)
- C. Bid Award. City Manhole Repairs. (Page 25)
- D. Bill No. 11-52. Repeal Section 635.010 and Reenact New Section 635.010, Utility Tax. First and Second Readings. (Page 28)
- E. Bill No. 11-53. Request Budget Amendment for Manhole Repairs. First and Second Readings. (Page 31)
- F. Bill No. 11-54. Amend Sections 225.090 to 225.150, Adding New Section 225.160, Authorizing City Administrator to Declare Civil Emergency in the Absence of the Mayor. First Reading. (Page 33)

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

**STAFF COMMUNICATIONS**

**ADJOURN**

# UNAPPROVED

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

September 1, 2011

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, September 1, 2011, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Fred Catcott, 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 welcomed Alderman Catcott to the Board of Aldermen.

### 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 August 18, 2011, the bill list as submitted, and the issuance of a caterer's license to Wobbly Boots for 08/26-08/27; and 09/15-09/18; and a caterer's license to Bridgeview Marina for 09/10-09/11. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

### New Business.

#### Bill No. 11-51.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 105.040 OF THE CITY OF OSAGE BEACH MUNICIPAL CODE, REESTABLISHING WARD BOUNDARIES FOR THE CITY OF OSAGE BEACH, MISSOURI.

City Attorney Ed Rucker explained that Bill 11-51 reestablishes the ward boundaries in the City after consideration of the results of the 2010 Census. Redistricting must be done every ten years. The purpose of redistricting is to keep the wards compact, contiguous and equal in population. Every vote must have approximately equal weight. Although the City has grown in population, the growth has been well distributed over the three existing wards. This ordinance does not propose any boundary changes. There are 284 residents in the Miller County portion of the City and 4,067 in Camden County. From the current population figures based on census tract block data the current population for each existing and proposed ward is:

<u>WARD</u>	<u>POPULATION PERCENTAGE</u>	
Ward 1	1467	33.70%
Ward 2	1399	32.15%
Ward 3	1485	34.15%
Total	4351	100.00%

Mayor Lyons presented the first reading of Bill No. 11-51 by title only. It was noted that Bill No.

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11-51 has been available for public review.

Alderman Schmitt moved to approve the first reading of Bill No. 11-51 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. 11-51. Alderman Farmer moved to approve the second and final reading of Bill No. 11-51. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-51 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Rucker, Alderman Schmitt, Alderman Farmer, Alderman Olivarri, Alderman Catcott. "Nays": None. Bill No. 11-51 was passed and approved as Ordinance No. 11.51.

### Request to Dispense with October 20, 2011 Board of Aldermen Meeting.

Because the Chamber of Commerce Annual Dinner Meeting conflicts with the October 20, 2011 Board of Aldermen meeting, Alderman Rucker moved to dispense with the October 20, 2011 Board of Aldermen meeting. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

A special Board of Aldermen meeting will be held on October 13, 2011 at 6:30 p.m. Alderman Rucker asked about other budget meetings that need to be scheduled. City Administrator Nancy Viselli will send out the schedule for the budget meetings.

### Proposed Contract Modification for Connecting Sewer Project.

City Engineer Nick Edelman explained that the major expense on this contract modification is for concrete pavement. This concrete pavement is for the property at 1037 Palisades Boulevard. During the initial negotiations for this easement, we discussed with the property owner about cutting their parking lot which was to occur in November. It was anticipated that the asphalt plants would not be in operation during the winter months. The property owner was notified that the asphalt would be replaced with concrete. At the July 21, Board of Aldermen meeting this agreement with the property owner was forgotten when we asked for a contract modification to do the asphalt work on this parking lot. This contract modification deletes the asphalt portion of the work and replaces it with concrete.

The remaining part of this contract modification is balancing as built quantities. A few line items had an increase in quantities. Also included in this contract modification is a restocking fee for some casing pipe. We were able to save some money on pipe footage by moving the casing and pipe, but since the contractor ordered planned quantities for the casing they would like to be reimbursed the restocking fee. City Engineer Edelman said he plans to ask MoDOT to pay for the concrete work.

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 and 35-00-773177 Connecting Sewer.

The Engineering Department recommends approval of this contract modification as written in the amount of \$36,603.26.

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Alderman Olivarri moved to approve the contract modification in the amount of \$36,603.26 as recommended. Alderman Farmer seconded the motion which was voted on and unanimously passed.

### Bid Award. City Hall Janitorial Services

Building Official Ron White explained that two bids were received as follows:

B & H Cleaning Services, LLC - \$18,000.00  
Jani King of Springfield, MO - \$24,660.00

B & H Cleaning is the apparent low-bidder. This contract is to service the public areas of the City Hall building, leaving the individual offices and cubicles to the responsibility of the employee inhabiting that area. Staff recommended awarding the contract for Janitorial Services to B & H Cleaning Services, LLC in the amount of \$18,000.00 annually. This is a budgeted item - (10-09-742000)

Alderman Schmitt moved to award the bid for the janitorial services to the low bidder, B&H Cleaning Services, LLC in the amount of \$18,000.00. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

### Communications from Board Members.

Alderman Rucker. Kevin Rucker, referring to the Project Overview that is prepared by City Treasurer Karri Bell, stated that there are a number of contracts that remain open prior to 2009, and one contract from 2004 remains open. He asked that these contracts be reviewed to determine which projects have been approved but not started. Alderman Rucker asked for the estimated cost of maintaining Highway 54 after the City takes it over. He asked that Police Chief Todd Davis look at a device that is attached to stop lights that is activated by emergency vehicles to cycle the signal in the direction of the emergency vehicle. He said that the Osage Beach Special Road District funded most of the cost of the device that is attached to the stop light but the units that are installed in the emergency vehicles were not funded. The cost for each vehicle would be approximately \$1,200.

Alderman Rucker asked the City Attorney to clarify the conflict of interest policy so that he has a better understanding of when there is truly a conflict.

Mayor Lyons commented that the priority signaling system was reviewed in the past but was not considered due to the cost per vehicle. She said she thought only the fire district had access to the system. Alderman Rucker said that that the fire district took the lead but the police department did not think the device was needed for small vehicles. He asked this matter to be reviewed.

Alderman Olivarri. John Olivarri welcomed Alderman Catcott. He reported on two Tri-County Lodging meetings that he attended.

Alderman Farmer. Lois Farmer welcomed Alderman Catcott.

Alderman Schmitt. Ron Schmitt commented that there is a need for clarification on the conflict of

## UNAPPROVED

interest policy because he was told he had to vote on each issue unless there is a conflict due to financial gain.

### **Staff Communications.**

City Administrator. Nancy Viselli reported that Superintendent of Public Works has informed her that the entire City has been mowed; \$15,079.09 has been received from FEMA/SEMA for the snow storm last winter; and the first payment in the amount of \$3,944.78 was received from the insurance company for the panel that caught fire. More payments will be received as work progresses.

City Attorney. Responding to the concern about the conflict of interest policy, Ed Rucker stated that he usually errs on the side of caution but he would clarify the policy for Board members.

City Clerk. Diann Warner questioned if Board members wanted to appoint one of their own to represent them on the Planning Commission. There were no objections to placing this item on the next agenda for consideration.

Police Chief. Todd Davis announced that Michael O'Day has been selected to be the new Lieutenant.

Park Manager. Brian Willey reported on upcoming activities at the City Park.

### **Executive Session.**

Alderman Rucker 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 Schmitt seconded the motion.

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

### *CLOSED SESSION*

Alderman Schmitt moved to open the meeting. Alderman Farmer seconded the motion. The following roll call vote was taken to open the meeting: "Ayes": Alderman Schmitt, Alderman Farmer, Alderman Olivarri, Alderman Catcott, Alderman Kahrs, Alderman Rucker. "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 7:25 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 September 1, 2011.

**UNAPPROVED**

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Diann Warner, City Clerk

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Penny Lyons, Mayor

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

September 1, 2011

The Board of Aldermen of the City of Osage Beach, Missouri, met for a special meeting on Thursday, September 1, 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 Ron Schmitt and Alderman Kevin Rucker. City Clerk Diann Warner was present and performed the duties of the City Clerk's office.

**Appointment to the Board of Aldermen to Fill Vacancy in Ward III.**

Mayor Lyons appointed Fred Catcott to replace Alderman Gasper in Ward 3 until the next Municipal Election in April. Mayor Lyons announced that five resumes were received to fill the vacant position in Ward 3.

Alderman Farmer moved to approve the appointment of Fred Catcott to fill the vacant seat in Ward 3 until the Municipal Election in April. Alderman Rucker seconded the motion which was voted on and passed.

**Oath of Office.**

City Clerk Diann Warner administered the oath of office to Fred Catcott, Alderman Ward 3.

There being no further business to come before the Board of Aldermen, the special meeting adjourned at 6:10 p.m.

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Diann Warner, City Clerk

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Penny Lyons, Mayor

000007

**CITY OF OSAGE BEACH  
BILLS LIST  
September 15, 2011**

<b>Bills Paid Prior to Board Meeting</b>	<b>107,034.97</b>
<b>Payroll Paid Prior to Board Meeting</b>	<b>129,923.39</b>
<b>SRF Transfer Prior to Board Meeting</b>	<b>0.00</b>
<b>TIF Transfer Prior to Board Meeting</b>	<b>0.00</b>
<b>TIF Pilots Transfer Prior to Board Meeting</b>	<b>0.00</b>
<b>Bills Pending Board Approval</b>	<b>341,463.30</b>
<b>Total Expenses</b>	<b><u>578,421.66</u></b>

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	000008	AMOUNT
NON-DEPARTMENTAL	General Fund	FAMILY SUPPORT PAYMENT CENTER	Case# 26v050500201		344.31
			MO DEPT OF REVENUE	State Withholding	4,005.00
			INTERNAL REVENUE SERVICE	Fed WH	12,359.41
				FICA	4,964.48
				Medicare	1,713.98
			ICMA	Retirement 457 &	284.66
				Retirement 457	1,095.69
				Loan Repayments	1,083.61
				Loan Repayments	898.37
				401 Loan Payment	331.44
				401 Loan Payment	287.56
				Loan Repayments	225.63
				Retirement Roth IRA	235.00
			ONE TIME VENDOR WARD, ALTON RAY	Bond Refund:080779262-01	125.50
			JIMENEZ, MISEAL	Bond Refund:0079 -01	300.00
			ZAK, CHRISTOPHER ALEXA	Bond Refund:101940730-01	75.50
				TOTAL:	28,330.14
City Administrator	General Fund	INTERNAL REVENUE SERVICE	FICA		414.99
			Medicare		97.06
			ICMA	Retirement 401	401.61
			AT & T MOBILITY-CELLS	CELL PHONE SERVICE	34.23
	TOTAL:	947.89			
City Clerk	General Fund	INTERNAL REVENUE SERVICE	FICA		447.45
			Medicare		104.64
			ICMA	Retirement 401	401.33
	TOTAL:	953.42			
City Treasurer	General Fund	INTERNAL REVENUE SERVICE	FICA		462.17
			Medicare		108.09
			ICMA	Retirement 401	447.27
	TOTAL:	1,017.53			
Municipal Court	General Fund	INTERNAL REVENUE SERVICE	FICA		95.85
			Medicare		22.42
			ICMA	Retirement 401	92.76
	TOTAL:	211.03			
City Attorney	General Fund	INTERNAL REVENUE SERVICE	FICA		272.58
			Medicare		63.75
			ICMA	Retirement 401	263.79
	TOTAL:	600.12			
Building Inspection	General Fund	INTERNAL REVENUE SERVICE	FICA		324.49
			Medicare		75.88
			ICMA	Retirement 401	314.02
			AT & T MOBILITY-CELLS	CELL PHONE SERVICE	49.95
	TOTAL:	764.34			
Building Maintenance	General Fund	ALLIED WASTE SERVICES #435	CITY HALL TRASH SERVICE		250.94
			BANKCARD CENTER 7433	HOSE, FUNGICIDE, WAX, OVEN	20.89
	TOTAL:	271.83			
Parks	General Fund	ALLIED WASTE SERVICES #435	PARK TRASH SERVICE		68.53
			AMEREN MISSOURI	CITY PARK #2 DISPLAY C	10.07

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	000009	AMOUNT
			FISH HATCHERY RD SOCCER FI		27.97
			CITY PARK #2 DISPLAY D		10.07
			FISH HATCHERY RD BALL FIEL		539.64
			CITY PARK #2 DISPLAY B		9.56
			CITY PARK #2 DISPLAY A		9.57
			CITY PARK #2 IRRIGATION PU		10.25
		INTERNAL REVENUE SERVICE	FICA		305.03
			Medicare		71.33
		ICMA	Retirement 401		213.32
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE		71.46
			TOTAL:		1,346.80
Human Resources	General Fund	INTERNAL REVENUE SERVICE	FICA		117.78
			Medicare		27.54
		LEIGH, CINDY	MILEAGE MPR BENEFIT/WELLNE		173.16
		ICMA	Retirement 401		113.98
			TOTAL:		432.46
Police	General Fund	BANKCARD CENTER 3770	TRAINING DAVIS, ROBINETT		520.00
		INTERNAL REVENUE SERVICE	FICA		2,972.64
			Medicare		695.23
		ICMA	Retirement 401		2,779.51
		O'DAY, MICHAEL	TRAINING MEALS		275.00
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE		213.23
			TOTAL:		7,455.61
911 Center	General Fund	INTERNAL REVENUE SERVICE	FICA		844.53
			Medicare		197.51
		ICMA	Retirement 401		820.70
			TOTAL:		1,862.74
Planning	General Fund	INTERNAL REVENUE SERVICE	FICA		269.86
			Medicare		63.12
		ICMA	Retirement 401		261.15
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE		28.46
			TOTAL:		622.59
Engineering	General Fund	INTERNAL REVENUE SERVICE	FICA		508.73
			Medicare		119.00
		ICMA	Retirement 401		443.61
		BANKCARD CENTER 5106	PRIORITY MAIL		41.80
			BOX, ROLL FRAME, PRIMING R		8.67
			1-50 CUST PPR CLR		7.35
			18 B&W WF SCANNING		35.82
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE		77.01
			TOTAL:		1,241.99
Information Technology	General Fund	INTERNAL REVENUE SERVICE	FICA		292.50
			Medicare		68.41
		ICMA	Retirement 401		283.06
		AT&T INTERNET/IP SERVICES	SERVICE 08/19-09/18/11		852.50
		AT & T /EMSGTWY_SBC	SERVICE 06/22-07/21/11		369.45
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE		68.65
		VERIZON WIRELESS	AUGUST SERVICE		86.02
			TOTAL:		2,020.59

**000010**

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
Economic Development	General Fund	LAKE OF THE OZARKS REG ECON DEV COUNCI POWERS ENTERTAINMENT CAMDENTON UNITED METHODIST CHURCH CINDY FARMER-RYAN ONE TIME VENDOR JERRY & SHARON MAYS BRAD CONDRA	LOREDC PLATINUM MEMBERSHIP	1,000.00
			FF INFLATABLES, DJ, SOUND	3,070.37
			FALL FESTIVAL INFLATABLE L	600.00
			FALL FESTIVAL ZOO	1,385.00
			FALL FESTIVAL ENTERTAINMEN	500.00
			FALL FESTIVAL STAGE & SETU	500.00
			TOTAL:	7,055.37
NON-DEPARTMENTAL	Transportation	MO DEPT OF REVENUE INTERNAL REVENUE SERVICE  ICMA	State Withholding	361.51
			Fed WH	1,192.90
			FICA	481.40
			Medicare	166.20
			Retirement 457	50.00
			Loan Repayments	34.92
			TOTAL:	2,286.93
Transportation	Transportation	MARSHALL, JERRY ALLIED WASTE SERVICES #435 AMEREN MISSOURI  WATERMAN, RANDY INTERNAL REVENUE SERVICE  ICMA	MILEAGE REIMB 08/17-08/23/	18.20
			TRASH SERVICES STREET DEPT	83.65
			680 PASSOVER RD LIGHTING C	114.89
			KETTERLIN IND PK	275.99
			KETTERLIN IND PK STRG FACI	10.58
			MILEAGE REIMB 08/17-08/23/	33.30
			FICA	710.67
			Medicare	166.20
			Retirement 401	687.74
			TOTAL:	2,101.22
NON-DEPARTMENTAL	Water Fund	MO DEPT OF REVENUE INTERNAL REVENUE SERVICE  ICMA	State Withholding	256.69
			Fed WH	797.60
			FICA	319.08
			Medicare	110.17
			Retirement 457	25.00
			Loan Repayments	16.89
			Loan Repayments	22.97
			401 Loan Payment	76.82
			401 Loan Payment	75.98
			Loan Repayments	68.06
TOTAL:	1,769.26			
Water	Water Fund	AMEREN MISSOURI ALLIED WASTE SERVICES #435 AMEREN MISSOURI  RICHARDS, RON INTERNAL REVENUE SERVICE  ICMA BRENNTAG MID SOUTH INC BRIZENDINE, TERRY DUNHAM, LOYD AT & T MOBILITY-CELLS	COLUMBIA COLLEGE WELL	4,688.26
			TRASH SERVICES WATER DEPT	83.65
			PARKVIEW WELL	1,220.81
			KETTERLIN IND PK	275.99
			COLUMBIA COLLEGE TOWER	82.94
			MILEAGE REIMB 08/24-08/30/	45.29
			FICA	471.03
			Medicare	110.18
			Retirement 401	455.83
			DRUM RETURNS	960.00-
			MILEAGE REIMB 08/10-08/16/	8.88
			MILEAGE REIMB 08/17-08/23/	51.06
			CELL PHONE SERVICE	73.61
TOTAL:	6,607.53			
NON-DEPARTMENTAL	Sewer Fund	MO DEPT OF REVENUE INTERNAL REVENUE SERVICE	State Withholding	359.80
			Fed WH	1,171.98

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	000011	AMOUNT
			FICA		498.51
			Medicare		172.11
		ICMA	Retirement 457		45.00
			Loan Repayments		236.18
			Loan Repayments		56.78
			401 Loan Payment		121.17
		CAMDEN COURT	Case #07CM-AC00640		142.26
			TOTAL:		2,803.79
Sewer	Sewer Fund	AMEREN MISSOURI	GRINDER PUMPS & LIFT STATI		2,793.35
			GRINDER PUMPS & LIFT STATI		4,885.68
			GRINDER PUMPS & LIFT STATI		3,614.02
			GRINDER PUMPS & LIFT STATI		11,028.91
		MILLER CO RECORDER	UNDERGROUND UTILITIES EASE		33.00
		GARMANY, DAVID	MILEAGE REIMB 08/17-08/23/		93.24
			MILEAGE REIMB 08/24-08/30/		46.62
		ALLIED WASTE SERVICES #435	TRASH SERVICES SEWER DEPT		83.64
		AMEREN MISSOURI	WINDGATE BLDG SEWER		677.67
			5304 BROADWATER BAY SEWER		11.32
			1003 BLUFF GRINDER		10.71
			PASSOVER RD SEWER		43.98
			1184 JEFFRIES RD LIFT STAT		27.13
			COBBLESTONE DR LIFT STATIO		44.83
			4019 54 HWY GRINDER		9.52
			PASSOVER RD LIFT STATION		474.25
			PRAIRIE HOLLOW RD LIFT STA		27.18
			KETTERLIN IND PK		275.98
		INTERNAL REVENUE SERVICE	FICA		735.87
			Medicare		172.10
		OWENS, BRIAN	MILEAGE REIMB 08/24-08/30/		58.83
		ICMA	Retirement 401		712.14
		BRENNTAG MID SOUTH INC	MURIATIC ACID, CAUSTIC SOD		3,525.70
			DRUM RETURNS		224.00
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE		43.56
		STARK, CHAD	MILEAGE REIMB 08/17-08/23/		18.87
			TOTAL:		29,224.10
NON-DEPARTMENTAL	Ambulance Fund	MO DEPT OF REVENUE	State Withholding		393.00
		INTERNAL REVENUE SERVICE	Fed WH		1,341.95
			FICA		470.34
			Medicare		162.39
			TOTAL:		2,367.68
Ambulance	Ambulance Fund	INTERNAL REVENUE SERVICE	FICA		694.32
			Medicare		162.39
		ICMA	Retirement 401		541.90
		AT & T MOBILITY-CELLS	CELL PHONE SERVICE		84.47
		ONE TIME VENDOR UMKC SCHOOL OF MEDICIN	TRAUMA CONTINUUM CARE-CAUF		110.00
			TOTAL:		1,593.08
NON-DEPARTMENTAL	Lee C. Fine Airpor	MO DEPT OF REVENUE	State Withholding		127.80
		INTERNAL REVENUE SERVICE	Fed WH		445.86
			FICA		201.80
			Medicare		69.66
		ICMA	Retirment 457 &		112.30
			Loan Repayments		16.89

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DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			TOTAL:	974.31
Lee C. Fine Airport	Lee C. Fine Airpor	ALLIED WASTE SERVICES #435	ALLIED WASTE SERVICES #435	116.24
		INTERNAL REVENUE SERVICE	FICA	297.87
		ICMA	Medicare	69.66
			Retirement 401	269.97
			TOTAL:	753.74
NON-DEPARTMENTAL	Grand Glaize Airpo	MO DEPT OF REVENUE	State Withholding	97.20
		INTERNAL REVENUE SERVICE	Fed WH	321.50
		ICMA	FICA	169.27
			Medicare	58.44
			Retirment 457 &	74.86
			TOTAL:	721.27
Grand Glaize Airport	Grand Glaize Airpo	ALLIED WASTE SERVICES #435	GG AIRPORT TRASH SERVICE	118.93
		INTERNAL REVENUE SERVICE	FICA	249.87
		ICMA	Medicare	58.44
		AT & T MOBILITY-CELLS	Retirement 401	242.11
			CELL PHONE SERVICE	28.26
			TOTAL:	697.61

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

10	General Fund	55,134.45
20	Transportation	4,388.15
30	Water Fund	8,376.79
35	Sewer Fund	32,027.89
40	Ambulance Fund	3,960.76
45	Lee C. Fine Airport Fund	1,728.05
47	Grand Glaize Airport Fund	1,418.88
GRAND TOTAL:		107,034.97

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DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	000013	AMOUNT
NON-DEPARTMENTAL	General Fund	GOVDEALS	SALE OF CASING		501.83
			TOTAL:		501.83
City Clerk	General Fund	STAPLES ADVANTAGE	PLANNER, HARD COVER, 16 MO		61.29
			PREMR MNTH HRDCVR, LABELS		57.49
			TOTAL:		118.78
Municipal Court	General Fund	WASHBURN, WILLIAM F	MUNICIPAL COURT JUDGE SERV		1,679.16
		AMERICAN STAMP & MARKING PROD INC	SELF-INKING PRINTER		50.24
		STAPLES ADVANTAGE	PRINTER CRTG		36.35
		ALPHAGRAPHICS	HELEN EIDSON BUSINESS CARD		40.07
			TOTAL:		1,805.82
City Attorney	General Fund	STAPLES ADVANTAGE	LEGL PAD, BATTERIES, BNDR		50.49
			TOTAL:		50.49
Building Inspection	General Fund	FLEET ONE	BLDG DEPT FUEL		60.52
		INTERNATIONAL CODE COUNCIL INC	APPROVED STICKERS		17.50
			TOTAL:		78.02
Building Maintenance	General Fund	ELECTRONICS UNLIMITED	DOOR LOCK SYS		65.00
		GB MAINTENANCE SUPPLY	ORANGE BURST		122.24
		PRAIRIEFIRE COFFEE & ROASTERS	WATER COOLER RENTAL		38.51
		SHANNON PAINTER DBA B & H CLEANING	08/23-09/23/11 CLEANING SE		1,416.66
		CULLIGAN LAKE OF THE OZARKS	SALT		22.71
		SURECUT LAWN CARE LLC	AUG GROUNDS MAINTENANCE		1,928.57
			SPRINKLER SYS REPAIR		460.00
		GEO-ENTERPRISES, INC	CLEARED DRAIN IN PUMP ROOM		60.00
			TOTAL:		4,113.69
Parks	General Fund	MEEKS BUILDING CENTER	6 - 2X4 92-5/8" STUDS		13.74
			QUIKRETE		46.68
			4 -2X4 92-5/8" STUDS		9.16
			QUIKRETE, 2 - 2X6 8' SPF		19.45
			QUIKRETE		15.56
		EZARD'S ACE HARDWARE	HAMMER		12.49
			FASTENERS, HARDWARE		28.36
			FLOAT MAGNESIUM DS 16X3		24.99
		FLEET ONE	PARKS FUEL		187.24
			PARKS FUEL		195.32
		MOTOR HUT	HYDRO MAX		95.15
		NU WAY CONCRETE FORMS CENTRAL INC	LIME VEST		16.96
		O'REILLY AUTO PARTS	INT DR HANDL, CHAIN LINK		25.14
			LUBRICANT		4.99
			BOOSTER CHGR		59.99
			MOTOR OIL		11.97
		ROCK ISLAND COUNTRY STORE	COPPER SULFATE, SEVIN		44.87
			COPPER SULFATE		114.29
		EXCEL-STONE ENTERPRISES INC DBA	PEST CONTROL		120.00
			PEST CONTROL		70.00
		VAUGHN IRRIGATION LLC	BACK FLOW TEST		150.00
			TOTAL:		1,266.35
Human Resources	General Fund	PAUL'S CASH SAVER #602	ICE CREAM		29.41
			TOTAL:		29.41

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	000014	AMOUNT
Overhead	General Fund	XEROX CORP	AUG BASE COPIER CHARGE		547.32
		AMERICAN STAMP & MARKING PROD INC	SLIMLINE INSERT		24.03
		STAPLES ADVANTAGE	LEGL PAD, BATTERIES, BNR		126.98
			TOTAL:		698.33
Police	General Fund	EWERS TIRES INC	TIRES		1,380.00
		FLEET ONE	PUBLIC SAFETY FUEL		1,378.19
			PUBLIC SAFETY CAR WASH		34.00
			PUBLIC SAFETY FUEL		1,647.97
			PUBLIC SAFETY CAR WASH		36.00
		HI-TECH AUTO BODY INC	VEHICLE REPAIR #23		1,378.90
		MO POLICE CHIEFS ASSC	DARE PROGRAM 9/12-23 HUTZL		400.00
		STAPLES ADVANTAGE	POST IT, STENOS, STAPLES		57.48
		SUN BADGE CO	SLIMLINE NOTEPAD - P100		29.75
		LAKE CLEANERS	UNIFORM CLEANING		688.00
		UNIVERSITY OF MISSOURI-COLUMBIA AR	LAW ENF TRAINING - D SCHWE		125.00
		CREATIVE PRODUCT SOURCING, INC-DARE	WORKBKS, PADFOLIOS, RULERS		1,592.79
			ECO FRIENDLY NOTE JOTTERS		36.00
		STAPLES ADVANTAGE	PRINT CTRG		171.99
			TONER CTRG		56.92
			COPY PAPER		56.58
			PPR CLPS, ENVELOPES, LGL P		44.05
			TONER		73.64
		ALPHAGRAPHICS	J STOUT BUSINESS CARDS		23.65
			M O'DAY BUSINESS CARDS		55.00
		QUARTERMASTER INC	UNIFORM CAPS		80.98
			UNIFORM CAPS, STRAPS		806.66
			UNIFORM STRAP		90.60
			UNIFORM CAPS		59.98
			UNIFORM CAPS		80.97
			TOTAL:		9,759.20
		911 Center	General Fund	WIRELESS USA INC	SEPT SERVICE CONTRACT
	REPAIR PO				132.00
MO STATE HWY PATROL LAW ENFORC ACADEMY	JUL-SEP MULES				1,740.00
	TOTAL:				2,097.00
Planning	General Fund	FLEET ONE	PLANNING FUEL		71.33
		LAKE SUN LEADER 81525 & 1586450	VARIANCE CASE #311		81.00
		ONE TIME VENDOR DANA BRABY CCR #834	VARIANCE CASE #309		250.00
			TOTAL:		402.33
Engineering	General Fund	FLEET ONE	CITY ENG FUEL		125.78
			CITY ENG FUEL		133.71
		LASER SPECIALIST INC	FREIGHT TO RETURN SOKKIA I		20.00
			TOTAL:		279.49
Information Technology	General Fund	WORLD WIDE TECHNOLOGY, INC	HP 4100 LASER/SCANNER		395.50
		HUTCHINS TELECOM LLC	CONNECTION SEWER & WATER		29,706.51
			TOTAL:		30,102.01
Emergency Management	General Fund	FLEET ONE	EMER MNGT FUEL		32.93
			TOTAL:		32.93
Economic Development	General Fund	NU WAY CONCRETE FORMS CENTRAL INC	LIME & ORANGE VESTS		40.80
		CAMDENTON LAWN & GARDEN CENTER`	FESTIVAL DECOR		128.97

**000015**

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		ONE TIME VENDOR COLORINGBOOK WAREHOUSE	BOOKS, CRAYONS	444.54
			TOTAL:	614.31
Transportation	Transportation	MEEKS BUILDING CENTER	BLACKTOP PATCH	28.47
		EZARD'S ACE HARDWARE	CAULK	19.16
		FLEET ONE	TRANS FUEL	253.27
			TRANS FUEL	641.50
		GB MAINTENANCE SUPPLY	PLATES, CUPS	31.09
		HDR INC	KK TO LAZY DAYS STREET LIG	7,537.00
		JACK'S MUNICIPAL SALE & SERVICE INC	TUBLAR MARKER POSTS	195.22
		NORTHERN SAFETY CO INC	IBUPROFEN, HORNET SPRAY	30.05
		O'REILLY AUTO PARTS	BATTERY CLEANER	3.99
			P/S FLUID	5.29
			BATTERY	96.43
		PAUL'S CASH SAVER #602	ICE	10.32
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, HOT CHOC, CREAM, S	51.33
		BARNES MARINE INC	THROTTLE CONTROL STICK	78.98
			SPOOL	8.62
		DULLE OVERHEAD DOORS INC	CABLE REPAIR	33.33
		B & P PATTERSON LLC	OB11-007 COVE RD RECONSTRU	70,446.31
		DREDGING, INC	CREEK SAND	220.96
			CREEK SAND	210.08
			CREEK SAND	207.28
			CREEK SAND	209.12
		UNIFIRST CORPORATION	STREET DEPT UNIFORMS	30.08
			STREET DEPT FLOOR MATS	6.45
			STREET DEPT UNIFORMS	30.08
			STREET DEPT FLOOR MATS	6.45
		H R GREEN INC	OB11-001 SIDEWALK HATCHERY	13,053.00
			TOTAL:	93,443.86
NON-DEPARTMENTAL	Water Fund	MO DEPT NATURAL RESOURCES/ENVIR QUALIT	WTR PRIMACY FEES WEST OF G	4,071.55
			WTR PRIMACY FEES EAST OF G	4,778.56
			TOTAL:	8,850.11
Water	Water Fund	MEEKS BUILDING CENTER	NUTDRIVER, NUTS, BOLTS, WA	16.15
		EZARD'S ACE HARDWARE	DEEP WOOD OFF	17.97
			SHOP TOWELS, THREAD SEAL T	6.96
			BLEACH, FLOOR SCRUBBER PAD	7.61
			PAINT, ROLLER, MSKNG TAPE	47.73
			BROOM	12.49
			FASTENERS, SEAL TAPE, PLUG	13.77
			SHOP TOWELS, TARPS	28.94
		FLEET ONE	WATER FUEL	409.75
			WATER FUEL	370.05
		GB MAINTENANCE SUPPLY	PLATES, CUPS	31.09
		HDR INC	WATER/SEWER ALIGNMENT	1,875.00
		NORTHERN SAFETY CO INC	IBUPROFEN, HORNET SPRAY	30.05
		O'REILLY AUTO PARTS	MINI LAMP	4.29
			MINI LAMP	0.54-
			JB WELD	5.99
		POSTMASTER	SEP UTILITY BILL POSTAGE	335.00
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, HOT CHOC, CREAM, S	51.33
		BRENNTAG MID SOUTH INC	CHLORINE, FLUORIDE	3,694.54
			DRUM RETURNS	325.00-
		DAM STEEL SUPPLY	FLAT BAR	35.01

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	000016	AMOUNT
		DULLE OVERHEAD DOORS INC	CABLE REPAIR		33.33
		HD SUPPLY WATERWORKS LTD	FLAT M/WATER SIP WITH LOCK		24.36
			PVC. CPLGS, BUSHING, SS IN		459.50
			REGULATR, PRESS VLV, MTR T		790.13
			METER FLANGE		78.40
			METER TILE		156.16
			5/8X3/4 PJXPJ		109.74
		UNIFIRST CORPORATION	WATER DEPT UNIFORMS		20.93
			WATER DEPT FLOOR MATS		6.45
			WATER DEPT UNIFORMS		20.93
			WATER DEPT FLOOR MATS		6.45
		HUTCHINS TELECOM LLC	CONNECTION SEWER & WATER		3,946.39
			TOTAL:		4,428.17
Sewer	Sewer Fund	EZARD'S ACE HARDWARE	HAND TOOLS/ACCESSORIES		19.53
			HOSE CLAMPS		7.56
			BATTERY		12.49
		RP LUMBER INC	5/16 PROOF COIL CHAINS		239.98
		FLEET ONE	SEWER FUEL		260.88
			SEWER FUEL		577.93
		GB MAINTENANCE SUPPLY	PLATES, CUPS		31.10
		HDR INC	OB05-024 AIRPORT & WESTSID		5,580.00
			WATER/SEWER ALIGNMENT		1,875.00
		SIEMENS WATER TECH CORP	ODO-FREE		8,041.54
		MUNICIPAL EQUIPMENT CO	4" VOLUTE LS 62-3		4,237.04
			GUIDE RAIL BRACKETS		514.36
		KNAPHEIDE TRUCK INC	REPAIR BOOM TRK COIL		75.00
			CABLE ASSY		169.24
		NORTHERN SAFETY CO INC	IBUPROFEN, HORNET SPRAY		30.05
		OSAGE LOCK INC	PADLOCKS		348.00
		PAUL'S CASH SAVER #602	ICE		12.90
		POSTMASTER	APR UTILITY BILL POSTAGE		335.00
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, HOT CHOC, CREAM, S		51.34
		BOWLING ELECTRIC MACHINE	CAPACITORS		269.50
			CAPACITORS		343.75
		BRENNTAG MID SOUTH INC	DRUM RETURNS		112.00
		CAMDEN COUNTY RECORDER OF DEEDS	FAXES		6.00
		MILLER SURVEYING	SURVEY CREW & TECHNICIAN		400.00
		DULLE OVERHEAD DOORS INC	CABLE REPAIR		33.34
		PRECISION AUTO & TIRE SERVICE LLC	REPLACE PIGTAIL #72		106.17
		JCI	PUMP REPAIR SN #M0757047		6,303.41
			PUMP REPAIR SN #7039		3,152.74
			PUMP REPAIR SN #0009439		3,152.74
			PUMP REPAIR SN #M5466		4,640.00
			PUMP REPAIR SN #J52950		3,946.92
			PUMP REPAIR SN #11152		3,152.74
			PUMP REPAIR SN #F7091		5,574.60
		UNIFIRST CORPORATION	SEWER DEPT UNIFORMS		46.89
			SEWER DEPT FLOOR MATS		6.45
			SEWER DEPT UNIFORMS		83.41
			SEWER DEPT FLOOR MATS		6.45
		HUTCHINS TELECOM LLC	CONNECTION SEWER & WATER		80,883.45
		GA INDUSTRIES LLC	BOLT HEX HEAD, CLEVIS SWIN		692.38
		SHAFER, KLINE & WARREN INC	MEETING & ADMIN		642.51
			TOTAL:		135,750.39

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	000017 AMOUNT
Ambulance	Ambulance Fund	FLEET ONE	AMB FUEL	207.21
			AMB FUEL	70.94
		STAPLES ADVANTAGE	TAB DIVIDS PREM SRKSV	35.80
		MOORE MEDICAL CORP	MEDICAL SUPPLIES	429.43
		ALLMED	MEDICAL SUPPLIES	622.00
		WHEN TO WORK INC	SCHEDULE PROGRAM	200.00
			TOTAL:	1,565.38
Lee C. Fine Airport	Lee C. Fine Airpor	EZARD'S ACE HARDWARE	SPARKPLUG, FASTENERS	7.19
			HOOK, BATTERY	15.88
		FLEET ONE	LCF FUEL	0.00
			LCF CAR WASH	0.00
			LCF FUEL	108.64
		NAEGLER OIL CO	JET A FUEL	27,248.02
		O'REILLY AUTO PARTS	FUEL & AIR FILTERS	28.43
		LAKE SUN LEADER 81525 & 1586450	RFQ AIRPORT CONSULTANT	135.00
			TOTAL:	27,543.16
Grand Glaize Airport	Grand Glaize Airpo	EZARD'S ACE HARDWARE	FASTENERS	2.96
		FLEET ONE	GG FUEL	0.00
		LAKELAND OIL CO LLC	OIL	471.50
		H W LOCHNER INC	AUG GG AIRPORT LAND ACQUIS	17,457.78
			TOTAL:	17,932.24

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

10	General Fund	51,949.99
20	Transportation	93,443.86
30	Water Fund	13,278.28
35	Sewer Fund	135,750.39
40	Ambulance Fund	1,565.38
45	Lee C. Fine Airport Fund	27,543.16
47	Grand Glaize Airport Fund	17,932.24
GRAND TOTAL:		341,463.30

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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



Planning Dept. \_\_\_\_\_  
 Sewer Dept. **000018**  
 License #: \_\_\_\_\_

*needs to  
 be notarized  
 & signed  
 needs letter  
 of intent*

**LIQUOR LICENSE APPLICATION**

✓ 4157

Date of Application: \_\_\_\_\_ Date Application Received: 9-1-11 *age*

Trade Name of Establishment: SEVEN SPRINGS WINERY

Mailing Address: P.O. Box 7, OSAGE BEACH MO 65065

Applicant Name: SEVEN SPRINGS WINERY 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. _____	75.00	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. _____	75.00	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.

OSAGE BEACH FALL FESTIVAL  
OSAGE BEACH CITY PARK  
SEPTEMBER 10th, 2011 10 AM - 5 PM

All renewal applications must be received by May 1st.

**Submission Date:** September 8, 2011

**Submitted By:** City Clerk

**Board Meeting Date:** September 15, 2011

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

**Description of Item:**

Board Representation on the Planning Commission

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

The City, Board of Aldermen, citizens and Planning Commission members.

**Why is Board Action Required?**

The Board must select a member to serve on the Planning Commission as allowed by RSMo. 89.320.

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

Motion.

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

No immediate deadline. The Planning Commission will not meet in September. The next scheduled meeting is October 11.

**Comments and Recommendation of Department:**

The Board must choose a member to represent them on the Planning Commission since the death of Alderman David Gasper who previously represented the Board.

**City Administrator Comments and Recommendation:**

No recommendation but request that the Board elect a member to serve on this commission.

**Submission Date:** September 6, 2011

**Submitted By:** City Engineer

**Board Meeting Date:** September 15, 2011

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

**Description of Item:**

Contract Modification No. 1  
Construction Contract No. 11-007  
Cove Road Reconstruction

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

Citizens of Osage Beach, B&P Patterson LLC, material suppliers, and City Staff.

**Why is Board Action Required?**

The procurement exceeds \$5000.

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

A motion to approve the contract modification

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

Work is in progress with a contract completion date of October 8, 2011.

**Comments and Recommendation of Department:**

The work is proceeding on the utilities and grading operations. We have encountered numerous issues during the storm water improvements. They include 1) a residential gravity sewer service line was in the way of the concrete paved ditch, 2) a water line that the thrust block was larger than required which was in the way of the storm water pipe, 3) a tree that was used as a dock anchor that had to be taken out, 4) an electrical line that was not to the correct depth and was in the way of a concrete storm inlet. These issues have caused the force account to be depleted plus the corrections for one are larger than the original force account. In the location that the water line was in the way, we need to

relocate the proposed storm sewer pipe to a different location. This will cause an increase in pipe footage and require additional work in the storm drainage structures.

The Engineering Department would like to increase the force account by \$25,000 to correct some of these issues. This would bring the force account line item to \$30,000. A budget amendment will need to be done at a later date when the exact dollar amount is known. There are a few line items that are under budget that can be used at that time.

The Engineering Department recommends approving the contract modification as written.

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

Concur with the recommendation of the City Engineer.



000022

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

September 16, 2011

**CONTRACT MODIFICATION NO. 1**

B&P Patterson, LLC  
Attn: Brian Patterson  
P.O. Box 307  
Linn, MO 65051

Reference: Contract No.011-007  
Cove Road Reconstruction

Dear Mr. Patterson:

In accordance with Article 9 of the General Conditions - Changes in the Work of your Construction Contract No. OB11-007 for the Cove Road Reconstruction 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 30, Force Account from \$5,000 to \$30,000.

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.

**REVISED BID SCHEDULE**

ITEM	MODIFIED QTY	ORIGINAL QTY	UNITS	DESCRIPTION	UNIT PRICE	ITEM COST
1	3	3	EA	Relocate Existing Signs	\$200.00	\$600.00
2	13	13	EA	Relocate Existing Mailboxes	\$180.00	\$2,340.00
3	5	5	EA	Adjust Sewer Valve to Grade	\$300.00	\$1,500.00
4	4	4	EA	Adjust Water Meter to Grade	\$450.00	\$1,800.00
5	6	6	EA	Adjust Water Valve Box to Grade	\$350.00	\$2,100.00
6	9191	9191	SY	Subgrade Preparation Roadway Portion	\$4.50	\$41,359.50
7	1	1	LS	Removal of Wellhouse & Plugging Well	\$1,200.00	\$1,200.00

000023

8	34	34	SY	Rip Rap	\$60.00	\$2,040.00
9	4	4	SY	2" Brown Landscape Rock w/Weed Barrier	\$100.00	\$400.00
10	28	28	LF	2-inch Water Service Line w/PVC Pit and Corp Stop	\$49.00	\$1,372.00
11	1	1	EA	Remove & Relocate Existing Fire Hydrant	\$1,160.00	\$1,160.00
12	10	10	LF	2-inch Pressure Sewer Service Line w/Corp Stop	\$52.00	\$520.00
13	51	51	LF	12-inch Corrugated Metal Pipe	\$76.00	\$3,876.00
14	766	766	LF	18-inch Corrugated Metal Pipe	\$35.00	\$26,810.00
15	3	3	EA	18-inch Corrugated Metal Pipe Flared End Section	\$225.00	\$675.00
16	35	35	LF	Slotted Drain	\$150.00	\$5,250.00
17	7	7	EA	Concrete Curb Inlet 0'-4'	\$2,400.00	\$16,800.00
18	5.5	5.5	LF	Concrete Curb Inlet 4' and Over	\$85.00	\$467.50
19	2	2	EA	Concrete Drop Inlet 0'-4'	\$2,250.00	\$4,500.00
20	1	1	EA	Concrete Baffle Box	\$3,520.00	\$3,520.00
21	136	136	SY	Gravel Driveway Extension (6" Thick)	\$7.00	\$952.00
22	1235	1235	TONS	Bituminous Concrete Pavement	\$105.00	\$129,675.00
23	171	171	SY	Concrete Approach Pavement (6-inch Thick)	\$65.00	\$11,115.00
24	114	114	SY	Concrete Driveway Extension (6-inch Thick)	\$65.00	\$7,410.00
25	3638	3638	LF	Concrete Curb and Gutter (6"-Thick)	\$18.00	\$65,484.00
26	1120	1120	SY	Concrete Sidewalk w/Welded Wire Fabric Reinforcement (4" Thick)	\$31.75	\$35,560.00

27	130	130	LF	Concrete Paved Ditch	\$65.00	\$8,450.00
28	1459	1459	SY	Seeding, Fertilizing, and Mulching	\$1.50	\$2,188.50
29	1	1	EA	Concrete Sidewalk Truncated Domes	\$250.00	\$250.00
30	1	1	LS	Force Account	\$30,000.00	\$30,000.00
<b>TOTAL REVISED BID SCHEDULE</b>						<b>\$409,374.50</b>

Your Contract Amount is hereby revised as indicated:

Original Contract Amount		\$384,374.50
Contract Modification No. 1	ADD	\$25,000.00
Revised Contract Amount		\$409,374.50

There will be no extension of contract time.

Sincerely,

Nancy Viselli  
City Administrator

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B&P Patterson, LLC. hereby accepts the terms and conditions of Contract Modification No. 1.

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B&P Patterson, LLC.

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Date

**Submission Date:** August 31, 2011  
**Submitted By:** City Engineer  
**Board Meeting Date:** September 15, 2011

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

**Description of Item:**

Award the proposed Construction Contract No. OB11-014 for the City Manhole Repairs project

**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.

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

This project involves the construction and installation of a concrete manhole outside of city limits on Hwy. D and epoxy lining of two manholes, one on Dude Ranch Road and one at the Sands Lift Station.

**Comments and Recommendation of Department:**

Bids were opened on August 30, 2011. The apparent low bidder is Travis Hodge Hauling, LLC with a low bid of \$37,302.21. The Bid Tab is attached. This project was discussed at the June 16, 2011 Board of Aldermen meeting. If this project is awarded, a budget amendment will have to be approved.

This project will repair various damaged manholes.

The Engineering Department has worked with Travis Hodge Hauling, LLC on projects in the past with positive results and recommends awarding the City Manhole Repairs project to Travis Hodge Hauling, LLC in the amount of \$37,302.21.

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

Concur with the recommendation of the City Engineer.



**Submission Date:** September 8, 2011  
**Submitted By:** City Attorney  
**Board Meeting Date:** September 15, 2011

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

**Description of Item:**

Bill No. 11-52 - Reestablishes the utility franchise tax. The Missouri Public Service Commission has permitted the Union Electric Company d/b/a Ameren Missouri a rate increase in excess of seven percent (7%). Section 393.275 of the Revised Statutes of Missouri requires that the City reenact its utility franchise tax to maintain the same tax rate in instances where the increase in the utility tariff exceeds seven percent (7%).

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

City residents and businesses using Ameren utility services, Ameren Missouri and the City.

**Why is Board Action Required?**

Board action is required to adopt an ordinance.

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

Request first and second readings of Bill No. 11-52.

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

Yes. Section 393.275 Revised Statutes of Missouri requires that the reenactment of the utility franchise tax must be accomplished within 60 days of the rate increase. The rate increase was granted on July 31, 2011 and this ordinance must be adopted by September 29, 2011.

**Comments and Recommendation of Department:**

Recommend the adoption of this ordinance.

**City Administrator Comments and Recommendation:**

Concur with the recommendation of the City Attorney.

BILL NO. 11-52

ORDINANCE NO. 11.52

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING SECTION 635.010 OF THE OSAGE BEACH CODE OF ORDINANCES AND REENACTING A NEW SECTION 635.010 ON THE SAME SUBJECT TO COMPLY WITH THE PROVISIONS OF SECTION 393.275 OF THE REVISED STATUTES OF MISSOURI.

WHEREAS, Missouri Public Service Commission has permitted the Union Electric Company d/b/a Ameren Missouri a rate increase in excess of seven percent (7%); and

WHEREAS, Section 393.275 of the Revised Statutes of Missouri permits the City to maintain the same tax rate if the tax rate is reenacted by the Board of Aldermen.

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

Section 1. Repeal of Ordinance.

That Section 635.010 of the Osage Beach Code of Ordinances is hereby repealed in its entirety and a new Section 635.010 is hereby enacted in its place to read as follows:

Section 635.010: Utility Tax Enacted

Every person, firm or corporation, now and hereinafter engaged in the business of supplying or furnishing electricity, electrical power and electrical service for compensation for any purpose in the City of Osage Beach, Missouri, shall pay to said City as a license or occupational tax a sum equal to five percent (5%) of the gross receipts derived from the operation of such business within said City.

Section 2. That Chapter 635 is hereby amended by adding a new Section 635.015 to read as follows:

Section 635.015 PROHIBITING AUTOMATIC ADJUSTMENTS IN SECTION 635.010.

Pursuant to Section 393.275 of the Revised Statutes of Missouri, the City shall maintain the tax rate of its business license taxes on the gross receipts of the electric utilities operating within the City including Union Electric Company d/b/a Ameren Missouri, without any change notwithstanding any periodic fluctuations in the tariffs of such utility corporations or any notice thereof including notice provided by Section 393.275 Revised Statutes of Missouri.

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 judgement 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 4. That this Ordinance shall be in full force and effect from date of passage.

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

I hereby certify that the above Ordinance No. 11.52 was duly passed on \_\_\_\_\_, 2011 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 No. 11.52.

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

\_\_\_\_\_  
Date

ATTEST:

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

**Submission Date:** August 31, 2011  
**Submitted By:** City Engineer  
**Board Meeting Date:** September 15, 2011

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

**Description of Item:**

Bill No. 11-53 - Request to amend the 2011 Budget by appropriating additional funds of \$37,303 to 35-00-743300 Repair of System.

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

Citizens, Businesses, Visitors to the area, and City Staff

**Why is Board Action Required?**

Board Action required for approval of ordinances.

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

Request first and second readings of Bill No. 11-53.

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

It is crucial for the decaying manholes to be repaired.

**Comments and Recommendation of Department:**

Bill No. 11-53 appropriates an additional \$37,303 to account 35-00-743300 Repair of System. This will increase the amount in 35-00-743300 to \$109,303.

The Engineering Department recommends approval of this ordinance. We would like a first and second reading of this ordinance.

**City Administrator Comments and Recommendation:**

Concur with the recommendation of the City Engineer.

BILL NO. 11-53

ORDINANCE NO. 11.53

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.

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

Section 1. That the 2011 Annual Budget adopted as Ordinance No. 10.75 is hereby amended by allocating an additional \$37,303 to line item 35-00-743300 designated as Repair of System increasing line item 35-00-743300 from \$72,000 to \$109,303.

Section 2. In all other respects the 2011 Annual Budget adopted in Ordinance No. 10.75 shall remain in full force and effect.

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

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

I hereby certify that the above Ordinance No. 11.53 was duly passed on \_\_\_\_\_, 2011 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 11.53.

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

\_\_\_\_\_  
Date

ATTEST:

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

**Submission Date:** September 8, 2011  
**Submitted By:** City Attorney  
**Board Meeting Date:** September 15, 2011

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

**Description of Item:**

Bill No. 11-54 - Allows the Mayor or in the Mayor's absence the City Administrator to declare a civil emergency and sets forth various powers to respond thereto. A redline copy of current Sections 225.090 to 225.150 including new Section 225.160 is attached to this blue sheet to illustrate the changes. Members of the Board of Aldermen had requested a review of ordinances dealing with emergency procedures.

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

City residents and businesses, Mayor, City Administrator, Board of Aldermen, City vendors and contractors

**Why is Board Action Required?**

Board action is required to adopt an ordinance.

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

Request first reading of Bill 11-54.

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

No.

**Comments and Recommendation of Department:**

Recommend the adoption of this ordinance.

**City Administrator Comments and Recommendation:**

After reviewing this section of the Code, the City Attorney felt that perhaps it might be too vague, and has drafted the attached change. Request first reading of Bill No. 11-54.

BILL NO. 11-54

ORDINANCE NO. 11.54

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTIONS 225.090, 225.100, 225.130, OF THE OSAGE BEACH CODE OF ORDINANCES AND ENACTING A NEW SECTION 225.160 TO PROVIDE THE MAYOR AND CITY ADMINISTRATOR WITH SPECIFIC AUTHORITY TO DEAL WITH EMERGENCY SITUATIONS.

WHEREAS, emergency situations may constitute a real and present threat to the citizens and the community to which the City must be able to respond to such situations effectively and quickly; and,

WHEREAS, the needs of the community require the responsible City officials to act promptly in the event of a civil emergency.

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

Section 1. Repeal and reenactment of Ordinances 225.090, 225.100, and 225.130.

That Sections 225.090, 225.100, 225.130, of the Osage Beach Code of Ordinances is hereby repealed in its entirety and new Section 225.090, 225.100, and 225.130 are hereby enacted in their place to read as follows:

**SECTION 225.090: DEFINITIONS**

For the purposes of this Article, Section 225.090 to Section 225,160, the following terms shall have the meanings respectively ascribed to them:

**CIVIL EMERGENCY:** A riot or unlawful assembly characterized by the use of force or violence, civil commotion or uprising or any natural or manmade disaster or calamity; or imminent danger of any of the foregoing.

**MAYOR:** The Mayor of the City, or in his/her absence or inability to act, the City Administrator.

**SECTION 225.100: MAYOR TO PROCLAIM EXISTENCE OF CIVIL EMERGENCY, POWER TO CALL A MEETING OF THE BOARD OF ALDERMEN**

When, in the judgment of the Mayor, a civil emergency is deemed to exist, he/she shall forthwith proclaim in writing the existence thereof. Upon the proclamation of a civil emergency, the Mayor shall have the power to call the Board of Aldermen into immediate session for so long as is necessary to deal with the emergency. When the civil emergency is ended, such proclamation shall be withdrawn by the same method used when it was issued.

**SECTION 225.130: POWERS OF MAYOR**

After the proclamation of a civil emergency, the Mayor shall, in addition to all other powers granted to him/her by the laws of the State, this Code and other ordinances of the City, be empowered in the interest of the public safety and welfare and to preserve the peace and order of the City, to exercise any or all of the powers hereinafter granted, as follows:

1. To alert the Civil Defense Organization and the inhabitants of the City of an actual or threatened disaster or upon declaration of a state of emergency by duly authorized Federal, State or County authorities.
2. To make and issue proclamations and regulations on matters reasonably related to the protection of life and property during an actual disaster within the City or pending a threatened or imminent disaster.
3. During an emergency as defined by the Missouri Civil Defense Act of 1967, Chapter 44, RSMo., or during an emergency declared by the Mayor, to waive statutory and ordinance procurement procedures and to authorize procurement by the City of services, supplies, equipment and material without regard to the provisions of such statutory or ordinance procurement procedures, and to bind the City for the cost thereof, and to requisition, commandeer or seize vital and necessary property for public use if necessary, subject to the right of the owner of such property to have damages determined as provided by the State Statutes in case of the exercise of the power of eminent domain. The mayor shall promptly notify the board of any expenditures or contracts made pursuant to this section, for which the board shall then either approve or reject the contract and in the event of a rejection pay to the vendor a reasonable sum in quantum meruit for services or supplies received.
4. To require emergency services of any officials or employees of the City.
5. To requisition necessary material of any City Department.
6. To delegate such duties as are herein authorized for the purpose of implementing and directing the Civil Defense and disaster relief program of the City.
7. To order the closing of any and all business establishments throughout the City or any portion thereof during the period for which the civil emergency exists or during the hours of curfew;
8. To order a reduction in the use of all utilities throughout the City during the State of civil emergency;
9. To order the discontinuance of the selling, distributing, dispensing or giving away of any firearms or other weapons of any character whatsoever;
10. To order the discontinuance of the sale, distribution or giving away of intoxicating liquor or non-intoxicating beer;
11. To order the discontinuance of the selling, distribution or giving away of gasoline or other flammable liquids or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
12. To order any public place or building, public street or alley, sidewalk, parking area and any place closed to motor vehicles, persons and pedestrian traffic; and
13. To order the doing of or refraining from all acts necessary and incidental to the protection of life and property.

Section 2. Enactment of new ordinances

That Chapter 225 be and is hereby amended by adding a new Section 225.160 to read as follows:

**SECTION 225.160 ACTIONS DURING THE CIVIL EMERGENCY**

All actions taken and contracts made on behalf of the City by the Mayor or the City Administrator acting pursuant to a Proclamation of an Emergency shall be ratified or terminated at the next meeting of the Board of Aldermen. For expenditures made without an ongoing contract, approval within the "Bills List" submitted to the Board of Aldermen pursuant to Section 135.020 shall constitute approval for this section.

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 judgement or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

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

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

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

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

I hereby certify that the above Ordinance No. 11.54 was duly passed on \_\_\_\_\_, 2011 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 No. 11.54.

\_\_\_\_\_  
Date

ATTEST:

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

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

REDLINE COPY OF CHANGES AGAINST CURRENT CODE SECTIONS

Deleted: ARTICLE II. CIVIL EMERGENCIES

SECTION 225.090: DEFINITIONS

For the purposes of this Article, Section 225.090 to Section 225.160, the following terms shall have the meanings respectively ascribed to them:

**CIVIL EMERGENCY:** A riot or unlawful assembly characterized by the use of force or violence, civil commotion or uprising or any natural or manmade disaster or calamity; or imminent danger of any of the foregoing.

**MAYOR:** The Mayor of the City, or in his/her absence or inability to act, the City Administrator. (R.O. 2006 §230.090; Code 1975 §§77.010, 77.020; CC 1985 §8-41)

Deleted: Mayor pro tem.

SECTION 225.100: MAYOR TO PROCLAIM EXISTENCE OF CIVIL EMERGENCY. POWER TO CALL A MEETING OF THE BOARD OF ALDERMEN

When in the judgment of the Mayor a civil emergency is deemed to exist, he/she shall forthwith proclaim in writing the existence thereof. Upon the proclamation of a civil emergency the Mayor shall have the power to call the Board of Aldermen into immediate session for so long as is necessary to deal with the emergency. When the civil emergency is ended, such proclamation shall be withdrawn by the same method used when it was issued. (R.O. 2006 §230.100; Code 1975 §§77.010, 77.020; CC 1985 §8-42)

Deleted: SECTION 225.100: MAYOR TO PROCLAIM EXISTENCE OF CIVIL EMERGENCY

SECTION 225.110: NOTIFICATION OF PUBLIC

Any proclamation of a civil emergency shall be promptly communicated to all available news media for dissemination to the public, and the original thereof shall be filed in the office of the City Clerk. (R.O. 2006 §230.110; Code 1975 §§77.010, 77.020; CC 1985 §8-43)

SECTION 225.120: CURFEW

After the proclamation of a civil emergency by the Mayor, he/she may order a general curfew applicable to such geographical areas of the City or to the City as a whole as he/she may deem advisable, and the curfew shall be applicable during the hours of the day or night as he/she may deem necessary in the interest of public safety and welfare. In the designated areas and during the designated hours of any such curfew, all persons shall remove themselves to and remain in their places of residence, remain off and away from

the public streets, sidewalks, parks and all other public or open places; and no persons shall loiter or gather together in groups at any place for any purpose whatsoever; provided, that persons performing medical services, essential public utility services, public officials, Law Enforcement Officers, Firemen and other persons officially designated to perform some duty with reference to the civil emergency are exempt from the curfew. (R.O. 2006 §230.120; Code 1975 §§77.010, 77.020; CC 1985 §8-44)

#### SECTION 225.130: POWERS OF MAYOR

After the proclamation of a civil emergency, the Mayor shall, in addition to all other powers granted to him/her by the laws of the State, this Code and other ordinances of the City, be empowered in the interest of the public safety and welfare and to preserve the peace and order of the City, to exercise any or all of the powers hereinafter granted, as follows:

1. To alert the Civil Defense Organization and the inhabitants of the City of an actual or threatened disaster or upon declaration of a state of emergency by duly authorized Federal, State or County authorities.
2. To make and issue proclamations and regulations on matters reasonably related to the protection of life and property during an actual disaster within the City or pending a threatened or imminent disaster.
3. During an emergency as defined by the Missouri Civil Defense Act of 1967, Chapter 44, RSMo., or during an emergency declared by the Mayor, to waive statutory and ordinance procurement procedures and to authorize procurement by the City of services, supplies, equipment and material without regard to the provisions of such statutory or ordinance procurement procedures, and to bind the City for the cost thereof, and to requisition, commandeer or seize vital and necessary property for public use if necessary, subject to the right of the owner of such property to have damages determined as provided by the State Statutes in case of the exercise of the power of eminent domain. The mayor shall promptly notify the board of any expenditures or contracts made pursuant to this section, for which the board shall then either approve or reject the contract and in the event of a rejection pay to the vendor a reasonable sum in quantum meruit for services or supplies received.
4. To require emergency services of any officials or employees of the City.
5. To requisition necessary material of any City Department.
6. To delegate such duties as are herein authorized for the purpose of implementing and directing the Civil Defense and disaster relief program of the City.

7. To order the closing of any and all business establishments throughout the City or any portion thereof during the period for which the civil emergency exists or during the hours of curfew;

Deleted: 1

8. To order a reduction in the use of all utilities throughout the City during the State of civil emergency;

Deleted: 2

9. To order the discontinuance of the selling, distributing, dispensing or giving away of any firearms or other weapons of any character whatsoever;

Deleted: 3

10. To order the discontinuance of the sale, distribution or giving away of intoxicating liquor or non-intoxicating beer;

Deleted: 4

11. To order the discontinuance of the selling, distribution or giving away of gasoline or other flammable liquids or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

Deleted: 5

12. To order any public place or building, public street or alley, sidewalk, parking area and any place closed to motor vehicles, persons and pedestrian traffic; and

Deleted: 6

13. To order the doing of or refraining from all acts necessary and incidental to the protection of life and property. (R.O. 2006 §230.130; Code 1975 §§77.010, 77.020; CC 1985 §8-45)

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**SECTION 225.140: PROCLAMATION TO REMAIN IN EFFECT -- BOARD OF ALDERMEN TO HAVE POWER TO TERMINATE**

A proclamation issued in accordance with the provisions of this Article shall remain in effect continuously from the date and time of the issuance thereof for such a period of time as may specifically be prescribed therein or upon the issuance of a proclamation determining the civil emergency no longer exists, whichever occurs first; provided, the Board of Aldermen shall have the power to terminate civil emergency at any time. (R.O. 2006 §230.140; Code 1975 §§77.010, 77.020; CC 1985 §8-46)

**SECTION 225.150: CITY MAY ENTER INTO MUTUAL-AID AGREEMENTS WITH OTHER ENTITIES TO ASSIST DURING CIVIL EMERGENCIES**

The City of Osage Beach may enter into mutual-aid arrangements or agreements with other public or private agencies within and without the State for reciprocal aid during the time a civil emergency is deemed to exist. In the time of a civil emergency, the City of Osage Beach may render assistance in accordance with the provisions of such mutual-aid arrangements or agreements. (R.O. 2006 §230.150; Ord. No. 95.44 §1(8-47), 9-21-95)

SECTION 225.160 ACTIONS DURING THE STATE OF EMERGENCY

All actions taken and contracts made on behalf of the City by the Mayor or the City Administrator acting pursuant to a Proclamation of an Emergency shall be ratified or terminated at the next meeting of the Board of Aldermen. For expenditures made without an ongoing contract, approval within the "Bills List" submitted to the Board of Aldermen pursuant to Section 135.020 shall constitute approval for this section.