

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

September 15, 2011

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, September 15, 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. Deputy City Clerk Nancy Clark was present and performed the duties of the City Clerk.

**Mayor's Communications.**

Mayor Lyons expressed her thanks to all the Aldermen, employees and volunteers who made the Fall Festival a great success. People continue to be surprised to find a large park located in the center of the city, commented Lyons. The park has been host to a couple of weddings and most recently a memorial service. Next month the Kids' Fishing Derby will be held with over 100 kids learning how to fish. Volunteers are needed.

On Tuesday, Mayor Lyons met with the Appropriations Committee for the Agriculture and Natural Resources (DNR) in Jefferson City. Representative Diane Franklin asked Lyons to speak to the committee.

Mayor Lyons reported that the hearing opened with a presentation by Representative Franklin on the "Resident Geese." Committee members questioned the DNR on the lack of progress in removing the geese. The Committee, containing about two-thirds Republicans and 90% farmers, was not impressed by the proposed and on-going studies of the DNR. The DNR was told to have a solution to the geese problem by December.

Mayor Lyons was next to address the Committee. She commented on the lack of support the City received from the DNR on the quarry site next to the Joint Sewer Treatment Plant. A timeline and other pertinent information along with a map and a copy of a letter sent to Representative John Cauthorn were presented to the Committee. Several questions were asked and follow up letters were sent offering the Mayor's participation in providing further testimony and information.

Kris Franken, Camden County Presiding Commissioner, was also present and spoke on the permitting process, which can take up to twenty-four (24) months for a septic permit from the DNR. Several others were present and addressed the Commission regarding other concerns and oversights of DNR.

Mayor Lyons said she has already thanked Representative Franklin on behalf of the Joint Sewer Treatment Board and our cities.

**Citizens Communications.**

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

**Consent Agenda.**

Alderman Rucker moved to approve the consent agenda which includes minutes of the regular meeting held on September 1, 2011; corrected minutes of the special meeting held on September 1, 2011; minutes of the closed session held on September 1, 2011; the bill list as submitted, and the issuance of a caterer's license to Seven Springs Winery for September 10, 2011 (Fall Festival). Alderman Schmitt seconded the motion which was voted on and unanimously passed.

**New Business.**

**Selection of Board Member to be Representative on Planning Commission.**

Deputy City Clerk Nancy Clark explained that since the passing of Alderman Dave Gasper, the Board no longer has a member representative serving on the Planning Commission. The next Planning Commission meeting is scheduled for October 11, 2011. The Board may select a new representative prior to that meeting date.

Alderman Rucker commented that the blue sheet was incorrect, stating that the Board is not required to have a representative on the Commission. City Attorney Ed Rucker explained that Alderman Rucker was correct, stating that the Board may or may not choose to appoint a representative to the Planning Commission.

Alderman Schmitt moved to select Alderman Lois Farmer to serve as the Board representative to the Planning Commission. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

**Proposed Contract Modification for Cove Road Reconstruction.**

City Engineer Nicholas Edelman stated that work is proceeding on the utilities and grading operations of Cove Road, but numerous issues have developed since the storm water improvements, including: 1) residential gravity sewer service line was in the path of the concrete ditch; 2) a water line thrust block was larger than required and in the way of the storm water pipe; 3) the necessary removal of a tree which was used as a dock anchor; 4) an electrical line which was not buried properly and in the path of the concrete storm inlet, all of which have caused the depletion of the force account. Additionally, Edelman explained that relocation of the storm sewer pipe will be an added cost in work and material. According to Edelman concrete work will begin soon. He is requesting an increase in the force account of \$25,000. A budget amendment will be made at a later date.

Alderman Olivarri moved to increase the force account by \$25,000 to cover the added expenses related to the Cove Road Reconstruction. Alderman Farmer seconded the motion which was vote on and passed.

**Bid Award. City Manhole Repairs.**

City Engineer Nicholas Edelman presented Construction Contract OB11-014, City Manhole Repairs and requested it be awarded to the apparent low bidder, Travis Hodge Hauling, LLC, in the amount of \$37,302.21. The project requires construction and installation of a concrete manhole on Hwy D, and epoxy lining on manholes located on Dude Ranch Road and at the Sands Lift Station. Edelman also recommends a budget amendment to meet the costs of the project, which follows later in this agenda.

Alderman Farmer moved to award the Manhole Repair Contract to Travis Hodge Hauling, LLC in the amount of \$37,302.21. Alderman Olivarri seconded the motion which was vote on and passed.

**Bill 11-52. Reestablishing the Utility Franchise Tax.**

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.

City Attorney Ed Rucker presented Bill 11-52 to reestablish the utility franchise tax as directed in Section 393.275 of the Revised Statutes of Missouri. The tax must be accomplished within sixty (60) days of the rate increase which was approved on July 31, 2011.

Alderman Olivarri questioned the impact on other utilities. Attorney Ed Rucker explained that only AmerenUE is imposing the rate increase. The impact of not reenacting the tax could create a loss to the City of approximately \$200,000 according to Mr. Rucker.

Mayor Lyons presented the first reading of Bill No. 11-52 by title only. It was noted that Bill No. 11-52 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill 11-52 as presented. Alderman Schmitt seconded the motion which was vote on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 11-52. Alderman Farmer moved to approve the second and final reading of Bill No. 11-52. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-52 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Rucker, Alderman Olivarri, Alderman Catcott, Alderman Farmer and Alderman Schmitt. "Nays": None. Bill No. 11-52 was passed and approved as Ordinance No. 11.52.

Bill No. 11-53. Request Amendment to 2011 Budget.

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 Nicholas Edelman requested a budget amendment of \$37,303 to line item 35-00-743300 for the Manhole Repair work, increasing the line item from \$72,000 to \$109,303.

Mayor Lyons presented the first reading of Bill No. 11-53 by title only. It was noted that Bill No. 11-53 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill 11-53 as presented. Alderman Schmitt seconded the motion which was vote on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 11-53. Alderman Farmer moved to approve the second and final reading of Bill No. 11-53. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the first reading of Bill 11-53: "Ayes": Alderman Olivarri, Alderman Rucker, Alderman Catcott, Alderman Farmer, Alderman Schmitt and Alderman Kahrs. "Nays": None. Bill No. 11-53 was passed and approved as Ordinance No. 11.53.

Bill No. 11-54. Allows Mayor or City Administrator to Declare Civil Emergency

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.

City Attorney Ed Rucker stated that while acting under a previous request of the Board to review ordinances covering emergency procedures, he found them vague. In an attempt to define some terminology he would request changes to Sections 225.090 through 225.150, to include a new

Section 225.160, allowing both the Mayor and City Administrator (in the Mayor's absence) the ability to declare a civil emergency and to implement the necessary response. Alderman Kahrs asked for an explanation to Section 225.130, No. 5, Powers of the Mayor, questioning whether or not this act is in the best interests of the public. City Attorney Rucker stated that he understands implementing the change is a serious grant of power but it is only realized once the Mayor has declared a state-of-emergency. Alderman Rucker stated that both FEMA and SEMA follow these directions.

Mayor Lyons presented the first reading of Bill 11-54 by title only. It was noted that Bill No. 11-54 has been available for public review.

Alderman Farmer moved to approve the first reading of Bill 11-54 as presented. Alderman Rucker seconded the motion which was vote on and unanimously passed.

**Authorize the Purchase 2010 Mini Utility Vehicle for Parks Department.**

Parks Manager, Brian Willey explained that he had distributed a memo to each Board member detailing a 2010 Mini Utility Vehicle he would like to purchase for the Parks Department. The vehicle is available from State Surplus for \$5,000. Willey was planning to budget \$9,000 for a similar vehicle in 2012 but feels this vehicle is better and more affordable. Alderman Rucker offered his approval to purchase the vehicle, as did Alderman Kahrs and Alderman Olivarri.

Alderman Olivarri moved to approve the purchase of the 2010 utility vehicle in the amount of \$5,000. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

**Communications from Board Members.**

Alderman Rucker. Kevin Rucker thanked City Engineer Nicholas Edelman for the project status report and asked that he add a column for dates.

Alderman Olivarri. John Olivarri stated that he had sent out an email to staff but wanted to express his thanks to Brian Willey and staff for all the work done at the park in preparing for the Fall Festival last weekend. Olivarri said he talked with vendors and children and they were all very pleased with the event. The park looked great before, during and after the event, commented Olivarri.

Alderman Catcott. Fred Catcott said the asphalt roadway to the park allows great access.

Alderman Farmer. Lois Farmer thanked Brian Willey and the Parks staff saying she thought it was the best ever Fall Festival. Farmer said she handed out approximately 400 flags to attendees.

Alderman Schmitt. Ron Schmitt also thanked Brian and his staff.

**Staff Communications.**

City Administrator, Nancy Viselli commented on the great weather last weekend for the Fall Festival.

City Treasurer, Karri Bell updated the Board on a report from last September in which then Emergency Management Coordinator, Gary Woodson enrolled the City in a program (MoEMSAC) to work with cities in collecting and distributing all Medicaid assessments and taxes. According to Bell, the City has collected \$2,516.00 for the program to date. Current Emergency Management

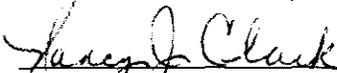
Coordinator, Russ Hogan plans to continue participating in the program according to Bell.

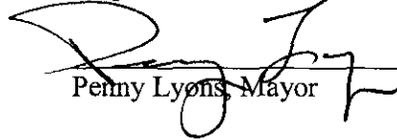
Assistant City Administrator, Jeana Albertson also thanked Brian and his staff as well as Police Chief Davis for their support of the Fall Festival. Davis participated in the 'dunk tank' event.

Park Manager, Brian Willey expressed his thanks to everyone who assisted in the Fall Festival.

There being no further business to come before the Board, the meeting adjourned at 7:04 p.m.

I, Nancy Clark, Deputy 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 15, 2011.

  
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Nancy J. Clark, Deputy City Clerk

  
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Penny Lyons, Mayor