

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

October 6, 2011

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, October 6, 2011, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Fred Catcott, Alderman Lois Farmer, Alderman John Olivarri, Alderman Kevin Rucker and Alderman Ron Schmitt. Alderman Steve Kahrs was absent. City Clerk Diann Warner was present and performed the duties of that office.

Mayor's Communications.

Mayor Lyons reported that she attended a Lake of the Ozarks Council of Local Governments dinner last week where a speaker from the Attorney General's office presented changes to the Open Meetings and Records Law and distributed new copies of the law. She said it would be beneficial for Board members to read the new sections.

Mayor Lyons reported that the Kids' Fishing Derby is being held Saturday at the Osage Beach City Park. She said the City has 100 bags to distribute and that volunteers are needed.

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 September 15, 2011, the bill list as submitted, and the issuance of a caterer's license to Papa Joe's for October 13, 2011. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Unfinished Business.

Bill 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.

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

Alderman Olivarri moved to approve the second and final reading of Bill No. 11-54. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the first reading of Bill 11-54: "Ayes": Alderman Rucker, Alderman Catcott, Alderman Farmer, Alderman Schmitt, Alderman Olivarri. "Nays": None. "Absent": Alderman Kahrs. Bill No. 11-54 was passed and approved as Ordinance No. 11.54.

New Business.

Appointments to the Board of Adjustment.

Mayor Lyons asked the Board to approve the appointment of Don Sturn to complete the term vacated by Orville Stoeber whose term expires May 2012. Mr. Sturn currently serves as an

alternate member on the Board of Adjustment. She also asked the Board to approve the appointment of Helen Gross as an alternate member of the Board of Adjustment.

Alderman Rucker moved to approve the appointments of Don Sturn as a member of the Board of Adjustment whose term expires May 2012 and Helen Gross as an alternate member of the Board of Adjustment. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Mayor Lyons announced that there is one more alternate position to fill. The Board of Adjustment meets the third Wednesday of each month as necessary.

Approve Release of Vendor Checks.

City Treasurer Karri Bell requested authorization to prepare the bills list as usual and release checks to vendors on Friday, October 21st since the regular meeting on October 20th was cancelled. She explained that if approved, the list of the checks will be included separately from the regular bills list in the packet that will be distributed for the November 3rd meeting.

Alderman Schmitt moved to authorize the release of vendor checks on Friday, October 21st as requested. Alderman Farmer seconded the motion which was voted on and passed.

Authorize Purchase of Side Mount Brush Hog.

Superintendent of Public Works Rick King asked for authorization to purchase a side mount brush hog for the tractor that was purchased in 2009, from the state bid in the amount of \$22,897. Budgeted amount is \$28,000 from line item 2000 774255 from self restricted funds set aside for taking over Highway 54.

Alderman Olivarri moved to authorize the purchase of a side mount brush hog in the amount of \$22,897 from the state bid. Alderman Schmitt seconded the motion which was voted on and passed.

Proposed Contract Modification No. 1 for Stonecrest Circle Reconstruction.

City Engineer Nick Edelman explained that this contract modification is necessary for the following two reasons.

1. It will remove the unsuitable sub grade that exists on this project. This material is not able to handle the traffic loads that will be placed upon it. Without removal, the asphalt material would have premature failure causing potholes and other problems.
2. The adjacent concrete has deteriorated and needs to be removed and replaced.

The Engineering Department recommended approval of the contract modification in the amount of \$34,463.99. A budget amendment follows on the agenda covering this expense if approved.

Alderman Olivarri questioned whether the City would be responsible for maintenance if the concrete is failing. City Engineer Nick Edelman responded in the affirmative and explained that the road improvement project is located entirely within the City's right of way.

Alderman Farmer moved to approve Contract Modification No. 1 for Stonecrest Circle Reconstruction. Alderman Schmitt seconded the motion which was voted on and unanimously passed

Proposed Contract Modification No. 2 for Cove Road Reconstruction.

City Engineer Nick Edelman explained that this contract modification is necessary for the following reasons:

1. The contract modification will remove the unsuitable sub grade that is on this project. This material is not able to handle the traffic loads that will be placed upon it. Without removal, the asphalt material would have premature failure causing potholes and other problems. The cost of this additional work is \$22,949.02.
2. The contract modification is for an Asphalt Overlay. The first 75 feet of Cove Road and a small portion of Zebra Road will not be reconstructed until Zebra Phase 2. This portion of roadway is failing. We are currently working on this project, but it may not be completed in 2012. With the condition of the asphalt, we would like to overlay this portion of roadway. The additional cost of this work is \$13,538.78.

The Engineering Department recommended approving the contract modification as written in the amount of \$36,487.80.

If authorized, a budget amendment has been prepared and follows this request.

Alderman Olivarri moved to approve Contract Modification No. 2 for the Cove Road Reconstruction. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Bill 11-55.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING SECTION 135.070 OF THE OSAGE BEACH CODE OF ORDINANCES AND ENACTING NEW SECTION 135.070 DETAILING THE FORMAL CONTRACT PROCEDURE

City Attorney Ed Rucker explained that Bill No. 11-55 will add to current Section 135.170 a new subsection C sentence which provides the City Administrator with one time purchase authority for sole source purchases or informal bid process purchases of less than \$5,000.

The new section is as follows.

- C. For one time purchases under \$5,000.00 the City Administrator shall have the power to order such one-time purchase of goods or services needed by the City and reasonably obtainable from only a single source, or whenever possible the City Administrator shall follow the process set forth in Section 135.120(B).

Mayor Lyons presented the first reading of Bill No. 11-55 by title only. It was noted that Bill No. 11-55 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 11-55 as presented. Alderman Schmitt seconded the motion which was vote on and unanimously passed.

Bill No. 11-56.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING SECTION 110.230 OF THE OSAGE BEACH CODE OF ORDINANCES AND ENACTING IN LIEU THEREOF ONE NEW SECTION 110.230 TO PROVIDE THE CITY ADMINISTRATOR AND DEPARTMENT HEADS WITH SPECIFIC AUTHORITY TO PLACE MATTERS BEFORE THE BOARD OF ALDERMEN FOR THEIR CONSIDERATION.

City Attorney Rucker explained that Bill No. 11-56 will add to current section 110.230 a new sentence that acknowledges the current practice of staff bringing matters to the attention of the Board of Aldermen. The following amendments in bold are proposed:

- A. All ordinances and resolutions shall be introduced either by members of the Board of Aldermen in written form with the name of the Alderman introducing the same endorsed thereon, the City Administrator or the department heads with the approval of the City Administrator. All proposed ordinances shall be prepared by the City Attorney or bear his/her certification that they are in correct form. A copy thereof shall be sent to each member of the Board of Aldermen in advance of the meeting, to which copy shall be attached a brief resume of the bill together with the reasons for the introduction thereof (as prepared by the proponent thereof), and if any amendment of an existing ordinance is proposed, the nature of the change sought to be made. Failure to follow this procedure shall not invalidate any ordinance or resolution adopted by the Board of Aldermen.
- B. Any bill shall be subject to amendment until the vote upon final passage.

Mayor Lyons presented the first reading of Bill No. 11-56 by title only. It was noted that Bill No. 11-56 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill 11-56 as presented. Alderman Schmitt seconded the motion which was vote on and unanimously passed.

Bill No. 11-57.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING THE LOCATION OF STOP SIGNS AS INDICATED HEREIN.

City Engineer Nick Edelman explained that Bill No. 11-57 established stop signs at the intersection of Live Oak Lane and Sycamore Valley Drive, and at the intersection of Water Drive and Sycamore Valley Drive.

Mayor Lyons presented the first reading of Bill 11-57 by title only. It was noted that Bill No. 11-57 has been available for public review.

Alderman Farmer moved to approve the first reading of Bill 11-57 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. 11-57 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 11-57 by title only. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-57 and to pass same into Ordinance. "Ayes": Alderman Catcott, Alderman Farmer, Alderman Olivarri, Alderman Schmitt, Alderman Rucker. "Nays": None. "Absent": Alderman Kahrs. Bill No. 11-57 was passed and approved as Ordinance No. 11.57.

Bill No. 11-58.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE NO. 10.75 ADOPTING THE 2011 ANNUAL BUDGET, BY TRANSFERRING FUNDS BETWEEN PROJECTS FOR NECESSARY EXPENSES.

City Engineer Edelman said Bill No. 11-58 amends the 2011 Budget to transfer funds from the Highway 54 Sidewalk Improvements to pay for the additional work from the contract modifications on Cove Road and Stonecrest Circle. Mr. Edelman said that he is waiting on MoDOT's approval. He added that the engineer's estimate is drastically under budget.

Mayor Lyons presented the first reading of Bill No. 11-58 by title only. It was noted that Bill No. 11-58 has been available for public review.

Alderman Schmitt moved to approve the first reading of Bill No. 11-58 as presented. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 11-58 by title only.

Alderman Olivarri moved to approve the second and final reading of Bill No. 11-58 by title only. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-58 and to pass same into Ordinance. "Ayes": Alderman Farmer, Alderman Olivarri, Alderman Schmitt, Alderman Rucker, Alderman Catcott. "Nays": None. "Absent": Alderman Kahrs. Bill No. 11-58 was passed and approved as Ordinance No. 11.58.

Communications from Board Members.

Alderman Rucker. Kevin Rucker questioned the status of a reserves policy that the Board discussed at a previous budget meeting. City Administrator Nancy Viselli stated that the information has been prepared and it would be included in the packets that will go out tomorrow.

Alderman Farmer. Lois Farmer commented that the City Hall grounds look beautiful and she had a compliment on how nice the City Park looked at the Fall Festival.

Staff Communications.

City Planner. Cary Patterson thanked the Board for approving the appointments to the Board of Adjustment.

City Engineer. Nick Edelman reported that he attended a TAC meeting last week and Highway 42 is the highest safety concern for District 5. They are looking at adding shoulders at the next STIP five year plan. The project will begin in Osage Beach and continue east on Highway 42, however

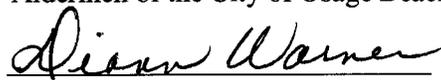
the project has not been designed.

Public Works Department. Superintendent of Public Works Rick King reported that the white goods event began this week and will go through October 14. He said dates for the leaf pick up would be announced soon.

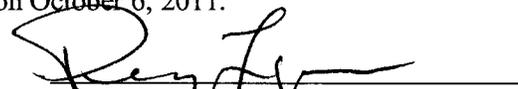
Park Department. Brian Willey announced that the Kids' Fishing Derby will be held on Saturday at the Osage Beach City Park.

There being no further business to come before the Board, the meeting adjourned at 6:55 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 October 6, 2011.



Diann Warner, City Clerk



Penny Lyons, Mayor