

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

November 17, 2011

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, November 17, 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 the expressway is open and when it is completed, a ribbon cutting will be held. She advised drivers to use caution.

Citizens Communications.

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

Consent Agenda.

Alderman Farmer moved to approve the consent agenda which includes minutes of the regular meeting held on November 3, 2011 and the bill list as submitted. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Unfinished Business.

Bill No. 11-59.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 405.705.2. INCREASING FEES FOR VARIANCE APPLICATIONS

Mayor Lyons presented the second and final reading of Bill No. 11-59 by title only. It was noted that Bill No. 11-59 has been available for public review.

Alderman Schmitt moved to approve the second and final reading of Bill No. 11-59. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second reading of Bill 11-59 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Farmer, Alderman Olivarri, Alderman Catcott, Alderman Rucker. "Nays": None. "Absent": Alderman Kahrs. Bill No. 11-59 was passed and approved as Ordinance No. 11.59.

Bill No. 11-64.

AN ORDINANCE APPROVING THE TRANSPORTATION DEVELOPMENT AGREEMENT AMONG THE CITY OF OSAGE BEACH, MISSOURI, DIERBERGS OSAGE BEACH, LLC, AND THE DIERBERGS OSAGE BEACH TRANSPORTATION DEVELOPMENT DISTRICT.

Mayor Lyons presented the second and final reading of Bill No. 11-64 by title only. It was noted that Bill No. 11-64 has been available for public review.

Alderman Farmer moved to approve the second and final reading of Bill No. 11-64. Alderman Catcott seconded the motion. The following roll call vote was taken to approve the second reading of Bill 11-64 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Olivarri,

Alderman Catcott, Alderman Rucker, Alderman Schmitt. "Nays": None. "Absent": Alderman Kahrs. Bill No. 11-64 was passed and approved as Ordinance No. 11.64.

New Business.

Bill No. 11-68.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTER 245: PARKS AND RECREATION, ARTICLE I. RELATING TO PARKS, OF THE OSAGE BEACH CODE OF ORDINANCES.

Assistant City Administrator Jeana Albertson explained the proposed changes to Chapter 245:

- Email is an acceptable means of applying to use the park
- league fees increased to cover the costs
- allows for the City to pay for an umpire for adult leagues
- changes to vending and concessions to reflect that the City will operate those facilities
- decreasing the cost for advertising on the boards

Mayor Lyons presented the first reading of Bill No. 11-68 by title only. It was noted that Bill No. 11-68 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill 11-68 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 11-68 by title only. It was noted that Bill No. 11-68 has been available for public review.

Alderman Olivarri moved to approve the second and final reading of Bill No. 11-68. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second reading of Bill 11-68 and pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Catcott, Alderman Rucker, Alderman Schmitt, Alderman Farmer. "Nays": None. "Absent": Alderman Kahrs. Bill No. 11-68 was passed and approved as Ordinance No. 11.68.

Resolution 2011-08. Resolution Concerning Annexation of Property – Lazy Days Condominium Association.

Mayor Lyons presented Resolution 2011-08 concerning the voluntary annexation of property located at Lazy Days Condominiums. Resolution 2011-08 establishes a date of December 1, 2011 for the public hearing.

Alderman Olivarri moved to approve Resolution 2011-08 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Approve Termination of Concession Contract with MATC.

Assistant City Administrator Jeana Albertson explained that MATC-Missouri Athletic Training Center contracted with the City on February 13, 2011, to provide concession services at the Osage Beach City Park. MATC provided adequate service at the park, however, they failed to pay part of the funds owed for the 2011 season for both concessions and other park fees. Ms. Albertson

said that MATC has entered into a payment plan for the amount due. City Staff has proposed managing the concessions in house in the 2012 budget.

Staff asked the Board to terminate the contract with MATC upon a thirty (30) day written notice as required in the contract.

Alderman Rucker asked City Attorney Rucker to review the contract with MATC to assure the City is in compliance with the contract.

Alderman Rucker moved to terminate the contract with MATC upon a 30 written notice as required in the contract. Alderman Catcott seconded the motion which was voted on and unanimously passed.

Communications from Board Members.

Alderman Rucker. Kevin Rucker thanked City Engineer Nick Edelman for his research on the fuel tax, and he thanked staff for the many hours spent on the budget. Alderman Rucker urged everyone to contact legislators to let them know how the Federal Energy Regulatory Commission is affecting life in the lake area. FERC's requirements in renewing Ameren Missouri's license to operate and generate electricity at Bagnell Dam have caused a great deal of concern when they demanded structures be removed that are below a certain level. Alderman Rucker said he has heard that FERC wants to put the contours of the lake under the control of the Department of Natural Resources.

Alderman Olivarri. John Olivarri wished everyone a happy Thanksgiving.

Alderman Catcott. Fred Catcott thanked department heads for their work on the budget.

Alderman Farmer. Lois Farmer thanked staff for the outstanding job on the budget and she wished everyone a happy Thanksgiving.

Alderman Schmitt. Ron Schmitt reported on historical events.

Mayor Lyons reported that Ameren Missouri has established a hotline for callers to get information on FERC and they are reestablishing the boundaries. She said that elected officials are working on legislation to change the regulations established by FERC.

Staff Communications.

City Attorney. Ed Rucker reported that Dierbergs will file a petition in Camden County to create the Transportation Development District and the City will file an answer as well as MoDOT. He said the City is not being sued; however, it is a statutory requirement to create the Transportation Development District.

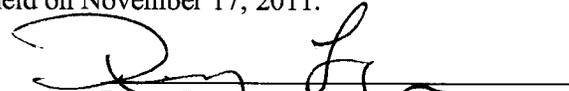
Park Manager.

Brian Willey reported that the concession stands and the restrooms will be closed beginning December 1 to be winterized, however a portable facility will remain during the period the restrooms are closed.

There being no further business to come before the Board, the meeting adjourned at 6:50 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 November 17, 2011.


Diann Warner, City Clerk


Penny Lyons, Mayor

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