

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

April 5, 2012

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, April 5, 2012, 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 issued a proclamation recognizing April 8-14 as National Telecommunications Week. She said that what many people do not know is that Osage Beach communications officers also dispatch calls for the fire district.

Mayor Lyons also issued a proclamation recognizing Child Abuse Prevention Awareness Month.

Mayor Lyons reported that last week, the Lake Campus Community Advisory Committee met for an update on the Columbia College Lake Campus. For the year ending October 2011, they had a 10.7% increase in enrollment. The Lake Campus now has 48 teachers on their faculty. The nursing program continues to work with Lake Regional and nurse retention has greatly increased.

Mayor Lyons also reported the following:

- Staff and several members from MoDOT met last week to work on old and new issues for the City.
- The Dierbergs TDD group met and finalized the Transportation Development Districts' organization. Dierbergs announced that bids will be opened at City Hall for their project on April 18.
- Mayor Lyons thanked members of the Board and staff who worked at the Home and Garden Show. There was a great deal of interest in the City's booth and a lot of information was available.
- Mayor Lyons congratulated Aldermen Farmer, Rucker and Catcott on their reelection to the Board of Aldermen, and John Berry as City Collector.
- Mayor Lyons thanked the voters for electing her for a seventh term as Mayor of Osage Beach. She looks forward to seeing the Dierbergs project completed and said she would continue to work on the Hammons Hotel and Convention Center site for the City.

Citizens Communications.

Jim and Carolyn Morris were present to give a synopsis of the Sixth State Aviation Day in Jefferson City. Mr. Morris reported that many people attended and Mrs. Morris thanked the City for their sponsorship and Mayor Lyons for her offer of support.

Consent Agenda.

Alderman Olivarri submitted an amendment to the minutes as follows on Page 2: Alderman Olivarri said he agrees with the concepts *shown in the whereas statements* but it does not translate to the five action items listed in the resolution.

Alderman Schmitt moved to approve the consent agenda which includes minutes of the regular

meeting as amended held on March 15, 2012, the bill list as submitted and liquor licenses to the City of Osage Beach for park concessions; Li'l Rizzo's, for a caterer's license for April 13; and to Robins Resort. Alderman Catcott seconded the motion which was voted on and passed.

Unfinished Business.

Bill No. 12-07. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI AMENDING THE HUMAN RESOURCES SYSTEM (PERSONNEL) RULES AND REGULATIONS CHAPTER 125, BY REPEALING SEVERAL SECTIONS THEREOF AND ENACTING IN LIEU THEREOF NEW SECTIONS

The following is a summary of the changes:

- Department of Public Safety changed to Police Department
- Director of Public Safety changed to Chief of Police
- Department Head changed to Department Manager
- Human Resources Specialist changed to Human Resources Generalist
- At the suggestion of the City Attorney changes to the Human Resources Commission responsibilities were made. Termination decisions for all but the appointed officials are the responsibility of the City Administrator. The Human Resources Commission will hear any full-time employee appeal for any suspension greater than 10 days or termination.
- Expanding bereavement leave to include one day for step parents.
- Verbiage has been added to the Cell Phone and Safety Policies limiting cell phone usage and prohibiting texting while driving.
- Confined space policy and procedures have been added to the Safety Policy.
- The FMLA policy has been updated to current Federal laws.
- The ADA policy has been updated to current Federal law including ADA AAA.
- Merit policy changed to mirror current approved 2012 budget.

Cindy Leigh, Human Resources Generalist, said staff had received questions from elected officials and changes were made as a result and some grammatical and punctuation changes were made. She added that there are seven items that would be reviewed in the near future.

Mayor Lyons presented the first reading of Bill No. 12-07 by title only. It was noted that Bill No. 12-07 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 12-07 as presented. Alderman Farmer seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 12-07 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 12-07. Alderman Farmer seconded the motion. The following roll call vote was taken to approve Bill No. 12-07 and to pass same into Ordinance: "Ayes": Alderman Catcott, Alderman Rucker, Alderman Schmitt, Alderman Farmer, Alderman Olivarri. "Nays": None. "Absent": Alderman Kahrs. Bill No. 12-07 was passed and approved as Ordinance No. 12.07.

New Business.

Certification of Election Results.

City Clerk Warner presented the certified election results as follows:

Camden County

<u>Mayor</u>		
Penny Lyons		237
W. W. Stone		112
<u>Alderman Ward I</u>		
Kevin Rucker		84
<u>Alderman Ward II</u>		
Lois Farmer		114
<u>Alderman Ward III</u>		
Fred Catcott		98
<u>City Collector</u>		
John Berry		302

Miller County

<u>Mayor</u>		
Penny Lyons		36
W.W. Stone		4
<u>Alderman Ward 1</u>		
Kevin Rucker		35
<u>City Collector</u>		
John Berry		37

Alderman Schmitt moved to accept the election results as presented. Alderman Catcott seconded the motion which was voted on and passed.

Oaths of Office.

The City Clerk administered the oath of office to Penny Lyons, Mayor; Kevin Rucker, Alderman Ward 1; Lois Farmer, Alderman Ward 2; Fred Catcott, Alderman Ward 3; John Berry, City Collector.

Election of Acting President of the Board of Aldermen.

Alderman Catcott moved to elect Alderman Schmitt as Acting President of the Board of Aldermen. Alderman Rucker seconded the motion which was voted on and passed.

Bill No. 12-08. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT WITH THE KAISER INDUSTRIAL PARK PROPERTY OWNER'S ASSOCIATION, INC.

Nick Edelman, City Engineer, explained that the Kaiser Industrial Park Property Owner's Association and City staff have discussed extending City sewer into the Industrial Park because they are interested in connecting onto City sewer. This project, which will be built by the Kaiser Industrial Park, will convert their existing sewer treatment facility into a pump station. This pump station will pump sewer into the City's sewer system however every building will not have a sewage pump station. The Industrial Park will maintain their gravity lines and the City will bill the Association rather than individual owners.

Part of this area has already annexed into the City of Osage Beach and future annexations are possible and it is possible that other City services could be extended. The agreement takes this into account.

City Engineer Nick Edelman said the City will not maintain gravity lines, and information would be provided to potential customers to meet the requirements. Language addressing infiltration is also included in the agreement. Mayor Lyons commented that the treatment plant is clean and she shares the concerns about infiltration.

Mayor Lyons presented the first reading of Bill No. 12-08 by title only. It was noted that Bill No. 12-08 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 12-08 as presented. Alderman Rucker seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 12-08 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 12-08. Alderman Farmer seconded the motion. The following roll call vote was taken to approve Bill No. 12-08 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Schmitt, Alderman Farmer, Alderman Olivarri, Alderman Catcott. "Nays": None. "Absent": Alderman Kahrs. Bill No. 12-08 was passed and approved as Ordinance No. 12.08.

Bill No. 12-09. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING WITH HR GREEN, INC. TO CONDUCT A TRAFFIC STUDY ALONG NICHOLS ROAD FROM ROUTE 54 EXPRESSWAY TO OSAGE BEACH PARKWAY.

City Engineer Edelman explained that the work must be completed by September 30 and a traffic study will be conducted during the weekend of Memorial Day that will show peak times of traffic activity.

Mayor Lyons presented the first reading of Bill No. 12-09 by title only. It was noted that Bill No. 12-09 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 12-09 by title only. Alderman Farmer seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 12-09 by title only. It was noted that Bill No. 12-09 has been available for public review.

Alderman Farmer moved to approve the second and final reading of Bill No. 12-09. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 12-09 and to pass same into ordinance: "Ayes": Alderman Schmitt, Alderman Farmer, Alderman Olivarri, Alderman Catcott, Alderman Rucker. "Nays": None. "Absent": Alderman Kahrs. Bill No. 12-09 was passed and approved as Ordinance No. 12.09

Bill No. 12-10. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, REPEALING AND REENACTING SECTION 340.180 RELATING TO TRAVELING ACROSS PRIVATE PROPERTY TO AVOID INTERSECTIONS TO ACCESS PUBLIC ROADWAYS.

City Attorney Ed Rucker said that complaints have been received by the Police Department in relation to the one way couple on Osage Beach Parkway where drivers cross private property to access public roads. He added that enforcement will be based on complaints from the property owners.

Lieutenant Mike O'Day said Bill No. 12-10 will give the police department a tool to issue violations. He added that people turning around will not constitute a violation.

Mayor Lyons presented the first reading of Bill No. 12-10 by title only. It was noted that Bill No. 12-10 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 12-10 by title only. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 12-10 by title only. It was noted that Bill No. 12-10 has been available for public review.

Alderman Schmitt moved to approve the second and final reading of Bill No. 12-10. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 12-10 and to pass same into ordinance: "Ayes": Alderman Farmer, Alderman Olivarri, Alderman Catcott, Alderman Rucker, Alderman Schmitt. "Nays": None. "Absent": Alderman Kahrs. Bill No. 12-10 was passed and approved as Ordinance No. 12.10.

Bill No. 12-11. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT WITH WM FINANCIAL STRATEGIES TO ADVISE THE CITY ON THE FEASIBILITY AND POTENTIAL REFINANCE OF THE CITY'S TAX INCREMENT REVENUE BONDS, SERIES 2002.

City Attorney Ed Rucker explained that due to the original structure of the 2002 Tax Increment Financing bond issue, it is only after the May 1st 2012 payment of principal that the remaining balance of bonds are callable and should be analyzed for a potential refinancing. According to the contract, the City will compensate WM Financial Strategies only if an agreeable proposal is accepted by the City and the bonds are refinanced. We recommend this contract with Joy Howard; she has assisted the City in these matters previously. City staff has confidence in her and her firm's abilities and professionalism.

City Attorney Rucker said if the City chooses to refinance, a budget amendment for the TIF Fund may be required. There may be up-front costs, including this contract that will be offset by long-term savings. A detailed analysis will be provided to the Board if a reasonable refinancing option is located.

Mayor Lyons presented the first reading of Bill No. 12-11 by title only. It was noted that Bill No. 12-11 has been available for public review. Alderman Schmitt moved to approve the first reading of Bill No. 12-11 by title only. Alderman Olivarri seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 12-11 by title only. It was noted that Bill No. 12-11 has been available for public review.

Alderman Farmer moved to approve the second and final reading of Bill No. 12-11. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 12-11 and to pass same into ordinance: "Ayes": Alderman Olivarri, Alderman Catcott, Alderman Rucker, Alderman Schmitt, Alderman Farmer. "Nays": None. "Absent": Alderman Kahrs. Bill No. 12-11 was passed and approved as Ordinance No. 12.11.

Authorize Scoreboard Advertisement Contract.

Assistant City Administrator Jeana Albertson said that Sports Nation is a new advertiser on one of the scoreboards at the Park for an annual advertisement amount of \$950 (General Fund 10-00-450450). Staff recommends approval of the contract.

Alderman Olivarri moved to authorize a scoreboard advertising contract with Sports Nation as recommended. Alderman Catcott seconded the motion which was voted on and passed.

Bid Award. Pavement Markings

The following bids were received:

Park Mark, Inc.	\$20,475.35
KW Luetkemeyer	\$15,483.05
America's Parking Remarking	\$16,474.03
APAC Missouri, Inc.	\$23,181.54

The Engineering Department recommended the bid be awarded to the low bidder, K.W. Luetkemeyer in the amount of \$15,483.05. The amount budgeted for this project was \$25,000 in line item 20-00-764208.

Alderman Rucker moved to award the bid for the Pavement Marking Project to the low bidder, K.W. Luetkemeyer, in the amount of \$15,483.05 as recommended. Alderman Farmer seconded the motion which was voted on and passed.

Bid Award. Asphalt Overlay

Only one bid was received from APAC Missouri, Inc. in the amount of \$97,974.93. The project was budgeted under Item No. 20-00-764207 in the amount of \$139,000 which also included funds for Progress Boulevard behind City Hall. The following streets are included in this project: Locust Court, portions of Forrester Road, Jeffries Road, old Zebra Road that is currently gravel, and Redbud Road.

The Engineering Department has reviewed the bidding documents and found them to be in order and recommended award to APAC Missouri Inc. in the amount of \$97,974.93.

Mayor Lyons questioned whether Progress Boulevard would have an overlay in 2012. City Engineer Edelman responded that he is working on it.

Alderman Schmitt moved to award the bid to Vance Brothers Inc. in the amount of \$97,074.93. Alderman Catcott seconded the motion which was voted on and passed.

Bid Award. Pavement Maintenance at Lee C. Fine Airport

The following two bidders responded:

Huff Sealing Corp.	\$311,193.27
McConnell & Assoc	\$298,868.28

This project was budgeted under Item No.45-00-774128 in the amount of \$450,000. This account is for the engineering and construction.

Funding for this project comes from grant money from MoDOT Aviation with a match from the City. There is some question as to whether the match will be 5% or 10%. We budgeted 5%, but this may have changed recently with the new Aviation Federal Bill. The City budgeted \$22,500 as our original match; so with the bid at \$298,868.28, our match will either be \$14,943.41 or \$29,886.83 if it's 10%. The increase, if the match is 10%, of \$7,386.83 would just be deducted from our anticipated ending balance which is now in excess of \$186,000. If it is only 5%, then there would be a savings of \$7,556.59 in the City's matching funds. The remaining funds in the grant can be used for future airport projects.

The Engineering Department has reviewed the bidding documents and found them to be in order and they recommended award to the low bidder, McConnell and Associates in the amount of \$298,868.28. MoDOT Aviation has approved the contract. City Engineer Nick Edelman said if the bid award is approved, a contract with Crawford, Murphy and Tilly will be on the next agenda for approval.

Alderman Rucker moved to award the bid for the Pavement Maintenance of the runway at Lee C. Fine Airport to the low bidder, McConnell & Associates in the amount of \$298,868.28 as recommended. Alderman Schmitt seconded the motion which was voted on and passed.

Bid Award. Police and Ambulance Vehicle Maintenance and Repair

Lieutenant Mike O'Day recommended the bid be awarded to the low bidder, Hedrick Motiv Werks. After reviewing all submitted bids, Hedrick Motiv Werks provided the low bid for Schedule A and Schedule B services, as well as shop labor. Other bids were received from Precision Auto and Purcell. These charges are coded to 10-14-743200 and 40-00-743200 respectively.

Mayor Lyons asked if the ambulances would have to be taken somewhere else for repairs. Lieutenant O'Day responded that due to warranty work, the ambulances might have to be sent out of town for service.

Alderman Farmer moved to award the bid for Vehicle Maintenance for Police and Ambulance vehicles to the low bidder, Hedrick Motiv Werks as recommended. Alderman Schmitt seconded the motion which was voted on and passed.

Bid Award. ABS Grinder Pumps

Superintendent of Public Works Rick King said one bid was received from Municipal Equipment which is the only supplier for the equipment. The bid amount was \$114,688.00 which is a small increase from last year. The budgeted amount for this equipment is \$115,483.00 in line item 35-774255.

Alderman Rucker moved to award the bid for ABS Grinder Pumps to Municipal Equipment in the amount of \$114,688.00 as recommended. Alderman Farmer seconded the motion which was voted on and passed.

Bid Award. Control Panels for Sewer Stations

One bid was received from Municipal Equipment in the amount of \$58,597.27. The budgeted amount for this equipment is \$62,512.00 in line item 35-774255.

Alderman Catcott moved to award the bid for control panels for sewer stations to Municipal Equipment in the amount of \$58,597.27 as recommended. Alderman Farmer seconded the motion which was voted on and passed.

Communications from Board Members.

Alderman Schmitt. Ron Schmitt congratulated all those who were reelected and he thanked members of the Board for reelecting him as Acting President of the Board. He also gave an interesting historical fact.

Alderman Catcott. Fred Catcott congratulated the Engineering Department for having three items under budget and to the Public Works Department for repairing the Bluff Water Tower.

Alderman Rucker. Kevin Rucker expressed his appreciation to the communications staff for their service. He reported that he had an opportunity to work with an organization in a metropolitan area and the City's communications officers do a great job.

Alderman Olivarri. John Olivarri congratulated those who were reelected.

Staff Communications.

City Administrator. Nancy Viselli reported that she recently judged the Lake of the Ozarks Community Heroes Contest and three of the eleven who were nominated in the public servant category were City employees: Brandon Wyrick, Arlyne Page and Pete Leyva.

City Clerk. Diann Warner reported that when business license renewals were recently mailed, a form for businesses interested in bidding on City services was included. She said a great deal of interest has been generated so far.

City Planner. Cary Patterson reported that all new members of the Planning Commission attended a training seminar that was conducted in March. He reported that Alderman Olivarri, Alderman Farmer and Mayor Lyons also attended. Mr. Patterson said another training session is planned for the summer and possibly two more will be held before the end of the year.

City Engineer. Nick Edelman thanked the City for the opportunity of attending a conference in Branson where he met with many representatives from MoDOT.

City Engineer Nick Edelman reported the following:

- MoDOT is working on safety measures at Key Largo and the Expressway. They have installed two message boards and they will conduct traffic counts and come up with ideas for improving safety.
- Business District signs will be installed on the Expressway

Mayor Lyons commented that five members of MoDOT were very receptive to finishing up some areas that are not complete. City Administrator Nancy Viselli said that the entire Board will view the road before the City takes over Highway 54. She said a bus would be rented so that everyone would get the same information at the same time, possibly before the first meeting in May.

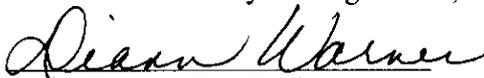
Superintendent of Public Works. Rick King reported that he received emergency response training and one of the speakers was the Assistant Director of Public Works in Joplin. He said he has a great deal of information that he will be sharing with the Board.

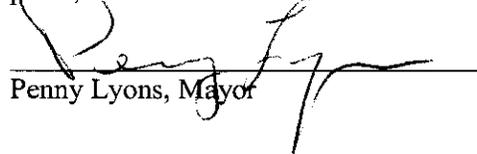
Mr. King reported that all staff on the Street Department received a certification of appreciation from Representative Diane Franklin for their work during the snow storm in 2011. He reported on a community garden that he hoped would have 3,000 pounds of produce to take to Lamb House and Hope House. He said that 25 6th graders helped with the garden.

Mr. King reported on the well at Bluff Drive. He said the well sustained two lightening strikes that were 271,000 amps and 80,000 amps; 50,000 amps are considered to be mega lightening. The electrical engineer that measured the strikes said he had never seen lightening strikes with that many amps. Mr. King said the good news was that no one was without water and the insurance company said they would cover everything but the deductible.

There being no further business to come before the Board, the meeting adjourned at 7:42 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 April 5, 2012.


Diann Warner, City Clerk


Penny Lyons, Mayor

APPROVED
4/19/12
Dew