

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

June 7, 2012

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, June 7, 2012, 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 announced that MoDOT will hold a public hearing on June 14, 2012 from 4:00 p.m. to 6:00 p.m. here at City Hall regarding the intersection at Key Largo. She encouraged everyone to attend.

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 and closed session held on May 17, 2012, the bill list as submitted, and liquor licenses as follows:

Applebee's Neighborhood Grill & Bar
Arris' Pizza & Pub
Asia Cuisine, Inc.
Bandana's BBQ
Bear Creek Valley Golf Club
Bootleggers Saloon
Bridgeport Captain's Lounge
Bridgeview Marina
Casey's General Store #2593
Chevy's Bar & Grill Inc.
Chicago Pizza & Pub
Chili's Grill & Bar
City Grill & Blue Room
Crown Petroleum
Culpeeper's Cattle Company
Dog Days Bar & Grill
Dogwood Hills Golf Course, Inc.
Dogwood Hills Golf Course Motel
Dollar General #195
Domenico's Italian Restaurant
Dragon House Buffet
Eagle Lanes
El Jimador
Elks Lodge #2517
Emerald Cruise Lines, Inc.
Fitz Fishing & Tackle Supplies
Flirt LLC

Formula Boats of Missouri
Half Sauced Barbeque
Hideout Bar and Grill
Hy-Vee Food Store
Hy-Vee Gas
I M Tirebiters
Inn at Grand Glaize
J Bruner's Restaurant, LLC
Jiffy Stop Food Marts, LLC
Kelly's Port Boat Store
Kirkwood Lodge
KK Eagle Stop
Lake Liquor & Tobacco
Mexicali Blues
Molotoft Cocktails Bar & Grill
Moorings Gas & Yacht Supply
Murphy Oil USA, Inc.
On the Rise
Outback Steakhouse of Florida
Paul's Supermarket, Inc.
Pizza Hut
Poop Deck & Tiki Bar
Rapid Roberts #113
Sycamore Creek Golf Club
Target Super Store #1914
Topsider
Vista Grande, Inc.
Walgreens #01142
Wal-Mart Supercenter #815
WFO Waverunner
Wobbly Boots, LLC
Woody's Tavern & Sports Bar

Alderman Schmitt seconded the motion which was voted on and passed with Alderman Kahrs abstaining.

Unfinished Business.

None

New Business.

Bill No. 12-17. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, APPROVING THE PLAT OF THE UTILITY AND RIGHT OF WAY SURVEY FOR HARBOR HEIGHTS ADDITION, A SUBDIVISION IN OSAGE BEACH, CAMDEN COUNTY, MISSOURI.

City Engineer Nick Edelman explained that appropriate documents have been submitted including a plat to transfer the property to the City. The developer wishes to transfer Inlet Lane and the other infrastructure development to the City.

The roadways and infrastructure have been constructed in accordance with the Design Guidelines.

Mayor Lyons presented the first reading of Bill No. 12-17 by title only. It was noted that Bill No. 12-17 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 12-17 as presented. Alderman Schmitt seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 12-17 by title only. Alderman Farmer moved to approve the second and final reading of Bill No. 12-17. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve Bill No. 12-17 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Olivarri, Alderman Catcott, Alderman Rucker, Alderman Schmitt, Alderman Farmer. "Nays": None. Bill No. 12-17 was passed and approved as Ordinance No. 12.17.

Proposed Contract Modification for Additional Slurry Seal.

City Engineer Edelman explained the contract modification is for additional slurry seal material for Yacht Club Road that is in the Three Seasons Road area but had never been slurry sealed. The Engineering Department noticed that it is a City street but it had not been slurry sealed in more than 10 years. This road added \$1,330.21 to the project.

The second part of the modification is for quantities being different than originally planned. The width of a few streets was 1 to 2 feet wider and a few were a little longer than was planned.

This project is budgeted in 20-00-764206 Seal. If approved, a budget amendment for this amount, plus the \$19,400 modification approved at the last Board of Aldermen meeting. The original contract came in \$1,678.60 over budget, added to the \$19,400, and the \$14,434.52 for this item, brings the total budget amendment to \$26,573.

Alderman Rucker asked how road miles are determined. City Engineer responded that inventories they used were not correct however the length and width of roads have been updated.

Alderman Olivarri moved to approve Contract Modification No. 2 for 2012 slurry seal as recommended. Alderman Catcott seconded the motion which was voted on and unanimously passed.

Bill No. 12-18. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE NO. 11.70 ADOPTING THE 2012 ANNUAL BUDGET, TRANSFER OF FUNDS FOR NECESSARY EXPENSES.

City Engineer Edelman explained that Bill 12-18 transfers necessary funds for the 2012 Slurry Seal project. There are additional funds in the 20-00-773211 Hwy 54 Sidewalk Improvements project due to the project coming in drastically under budget. This item is under budget by \$130,000. Since this item is an 80/20 cost split with MoDOT the City's cost savings was going to be \$88,296.

The Engineering Department is requesting transferring \$26,573 to pay for the 2012 Slurry Seal Project from the additional funds available in the Hwy 54 Sidewalk Improvements project. This would leave the Hwy 54 Sidewalk Improvements item \$61,723 under budget.

Mayor Lyons presented the first reading of Bill No. 12-18 by title only. It was noted that Bill No. 12-18 has been available for public review.

Alderman Rucker moved to approve the first reading of Bill No. 12-18 as presented. Alderman Catcott seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 12-18 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 12-18. Alderman Farmer seconded the motion. The following roll call vote was taken to approve Bill No. 12-18 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Catcott, Alderman Rucker, Alderman Schmitt, Alderman Farmer, Alderman Kahrs. "Nays": None. Bill No. 12-18 was passed and approved as Ordinance No. 12.18.

Bill No. 12-19. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION FOR TRANSFER OF ENTITLEMENTS TO THE LEE C. FINE MEMORIAL AIRPORT FOR ELIGIBLE PROJECTS

City Engineer Edelman said that Bill No. 12-19 authorizes Mayor Lyons to execute the agreement with MoDOT to transfer entitlement funds from the Grand Glaize Airport to Lee C. Fine Airport. The 2008 funds would be used first because they expire in September. This concept was discussed at the April 17 Board of Aldermen meeting and MoDOT has concurred. City Engineer Edelman said the funds will be used for pavement maintenance at the Lee C. Fine Memorial Airport.

Mayor Lyons presented the first reading of Bill No. 12-19 by title only. It was noted that Bill No. 12-19 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 12-19 as presented. Alderman Farmer seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 12-19 by title only. Alderman Farmer moved to approve the second and final reading of Bill No. 12-19. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve Bill No. 12-19 and to pass same into Ordinance: "Ayes": Alderman Catcott, Alderman Rucker, Alderman Schmitt, Alderman Farmer, Alderman Kahrs, Alderman Olivarri. "Nays": None. Bill No. 12-19 was passed and approved as Ordinance No. 12.19.

Accept Recommendation of WM Financial Strategies to Proceed with the Possibility of Refinancing the City's Tax Increment Revenue Bonds, Prewitt's Point Project, Series 2002.

City Treasurer Karri Bell said that staff agrees with the analysis and recommendation provided by Joy Howard and recommends that the City move forward in the refinance process. An acceptance of this proposal by Stifel Nicolaus does not guarantee a refinancing of the 2002 TIF bonds. The

final offer is contingent on several factors related to Prewitt's Point. These issues will be researched and information will be provided by City staff.

If the City is offered an acceptable proposal by Stifel Nicolaus to refinance, a budget amendment for the TIF Fund may be required. There may be up-front costs, which will be offset by long-term savings. A detailed analysis will be provided to the Board if a reasonable refinancing option is offered.

Alderman Schmitt moved to accept the recommendation of WM Financial Strategies as recommended. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bill No. 12-20. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL WITH GILMORE & BELL FOR BOND COUNSEL SERVICES IN CONECTION WITH THE PROPOSED ISSUANCE OF TAX INCREMENT REFUNDING REVENUE BONDS

City Treasurer Bell said according to the contract, the City will compensate Gilmore & Bell only if an agreeable proposal is accepted by the City and the bonds are refinanced. Staff recommends this contract with Gilmore & Bell so that Sid Douglas can work with Joy Howard to continue this potential refinance process.

If the City chooses to refinance the 2002 TIF bonds, 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. 12-20 by title only. It was noted that Bill No. 12-20 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 12-20 as presented. Alderman Catcott seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 12-20 by title only. Alderman Farmer moved to approve the second and final reading of Bill No. 12-20. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve Bill No. 12-20 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Schmitt, Alderman Farmer, Alderman Kahrs, Alderman Olivarri, Alderman Catcott. "Nays": None. Bill No. 12-20 was passed and approved as Ordinance No. 12.20.

Resolution 2012-08. Authorize Mutual Aid Agreement with Camdenton Police Department.

Police Chief Todd Davis said Resolution 2012-08 updates the Mutual Aid Agreement between the Osage Beach Police Department and the Camdenton Police Department. The previous agreement was signed in 1995. The City Attorney has reviewed this document and has approved it.

Alderman Farmer moved to approve Resolution 2012-08 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Authorize Purchase of EMC Storage Area Network.

IT Department Manager Jim Davis requested approval to purchase two (2) Storage Area Network devices made by EMC. These devices will have multiple advantages over the current systems that they are replacing. These devices will store vast quantities of data and will automatically replicate that data to each other. One unit will be installed at City Hall and the other will be installed at Public Works. These devices will constantly back up the City's critical data to an offsite location at Public Works. They will also allow for periodic snapshots of the City's data to allow for recovery of files that have been accidentally deleted. These devices will also provide the data storage space necessary for the next several years and beyond. Purchase price for the Two (2) EMC Storage Devices will be \$56,127.11, coded to 10-19-774250. Maintenance on these devices will be \$7,479.90 per year, excluding the first year.

Alderman Olivarri moved to approve the purchase of EMC Storage Area Network as requested. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Authorize Purchase of VMWare Software.

The IT Department Manager requested approval to purchase all VMWare Software required for City business under the Missouri Coop Contract. The City will pay \$21,224.43 this year, coded to 10-19-774251. Next year and the following years will require the City to pay software maintenance in the amount of \$5,116.05 per year. This purchase of Software Maintenance will ensure that the City continues to use the latest and greatest in VMWare software. This licensing model is very similar to maintenance fees the City currently pays to other software vendors. IT Manager Jim Davis said this software is necessary to provide virtual desktops.

Alderman Farmer moved to approve the purchase of VMWare Software as requested. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Authorize Purchase of Microsoft Software.

IT Department Manager recommended approval to purchase all Microsoft Software required for City business under the Missouri State Contract. This Purchase will occur over a three year period due to the purchase requirements of the new licensing model that Microsoft has implemented. The City will pay \$32,065.61 each year for three years at which time the City will own the rights to the software. This will be coded to 10-19-774251.

After that, the City will pay an annual fee of \$20,742.48. The purchase of software maintenance will ensure that the City continues to use the latest and greatest in Microsoft software. This licensing model is similar to maintenance fees the City currently pays to other software vendors. Alderman Farmer moved to approve the purchase of Microsoft Software as recommended. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Bid Award.

Cardiac Monitors/Defibrillators. Two bidders responded to the invitation to bid as follows:

Zoll Medical

\$51,999.00

Physio Control

\$51,414.85

Police Chief Todd Davis recommended the purchase of two (2) Zoll Propaq Cardiac Monitors with the Carbon Monoxide monitor option. Ambulance Supervisor Russ Hogan explained the type of monitor being requested is a more current version than the type budgeted for and includes the carbon monoxide option, raising the price of each monitor by \$1,000.00. This option may be purchased in the future and added to the cardiac monitor, however when purchased separately, their individual price is \$4,000.00. Purchasing now as opposed to in the future, will save the City \$6,000.00. These are cutting edge monitors with the most current technology and are expandable for future generations and updates to service the citizens and visitors of the City of Osage Beach for years to come. These two units will replace the two current units that are over six years old. The total purchase price will be \$51,999.00. This will come from line item 40-00-774254. The old units will be traded in.

Alderman Rucker moved to award the bid for cardiac monitors to Zoll Medical in the amount of \$51,999 as recommended. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Appointments to the Osage Beach Citizen Advisory Committee.

The following members have terms expiring June, 2012: Jace Kentner, Roger Rand, Geniece Tyler, Jim Morris, and Rich Martin. Ron Rule has resigned and Charles Martin is deceased. Both terms expire June 2013 and appointments could be made to replace them if the Board desires. Jim Morris and Roger Rand were contacted and they agreed to serve if reappointed.

Alderman Farmer submitted the names of Becky Dow and Brian Schuester for consideration.

Alderman Schmitt moved to approve the following appointments to the Osage Beach Citizen Advisory Committee: Roger Rand, Jim Morris, Becky Dow and Brian Schuester. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Approve the Board Authorization Form for Traffic Safety Grants.

Police Chief Davis said approval of this form is necessary to be eligible for any grant money from the Missouri Department of Transportation Highway Safety Division. The grant funds are used to pay overtime for police officers to enforce hazardous and impaired driving. The Police Department has participated in this grant program for the past several years.

Alderman Olivarri moved to approve the authorization form from the Missouri Department of Transportation Highway Safety Division. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Reappointment of Municipal Judge.

City Administrator Viselli explained the Judge's reappointment has been reviewed with the Mayor, the City Attorney and City staff, and they all feel that Judge William Washburn should continue to serve the City in this capacity. Judge Washburn was contacted and he is interested in being reappointed. Therefore, she requested the Board to reappoint Judge Washburn as Municipal Judge.

Alderman Rucker moved to approve the appointment of William Washburn as Municipal Judge for a term to expire July 2014. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Employee Request for Conflict of Interest Determination.

City Administrator Nancy Viselli explained that Tom Pedrola submitted a request to allow him to continue to do his job in Public Works and run for Camden County Commissioner (if he gets the required petition signatures). In discussing this with Tom, he understands that he cannot do any campaigning while working at the City, nor can he campaign while wearing his City uniform. If elected, Tom will resign his position with the City immediately.

City Administrator Viselli requested approval for Tom Pedrola to run for this office and remain in his position with the City rather than requiring him to take a leave of absence.

Alderman Rucker commented that he did not agree the City has the right to prohibit an employee from running for an elected office. City Administrator Viselli explained that if the Board determines it is a conflict, then an employee would have to take a leave of absence. If there is no conflict, the employee may maintain their employment with the City while running for an elected office. City Attorney Rucker will research the conflict of interest issue.

Alderman Rucker moved to approve Mr. Pedrola's request to run for Camden County Commissioner while remaining in his position with the City. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Resolution 2012-07.

Showing support for Missouri House Bill 1329 regarding sales tax on out of state vehicle purchases.

City Attorney Rucker explained that the state no longer collects sales tax on out of state vehicle sales as the result of a Supreme Court decision, therefore the legislature passed House Bill 1329 that restores the sales tax. The Missouri Municipal League is urging municipalities to send a resolution to the Governor urging him to sign the bill.

Alderman Olivarri moved to approve Resolution 2012-07 as presented. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Communications from Board Members.

Alderman Schmitt. Ron Schmitt said that a decision should be made to change the quarterly budget reviews to an agenda item at the first available meeting at the end of the quarter after the information becomes available.

Alderman Rucker moved to change the quarterly budget reviews to appear as an agenda item at the second Board meeting of the month following the end of the quarter. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Alderman Catcott. Fred Catcott thanked all employees for their good work.

Staff Communications.

Airport Manager. Budd Hyde reported that a retirement reception will be held for Charlotte Stark next Thursday from 1:00 p.m. to 4:00 p.m. at Lee C. Fine Memorial Airport.

Executive Session.

Alderman Schmitt moved to close the meeting as allowed by RSMo. Section 610.021(2) Leasing, purchase, or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. Alderman Farmer seconded the motion. The following roll call vote was taken to close the meeting: "Ayes": Alderman Schmitt, Alderman Farmer, Alderman Kahrs, Alderman Olivarri, Alderman Catcott, Alderman Rucker. "Nays": None. The meeting was therefore closed.

CLOSED SESSION

Alderman Rucker moved to open the meeting. Alderman Farmer seconded the motion. The following roll call vote was taken to open the meeting: Alderman Kahrs, Alderman Olivarri, Alderman Catcott, Alderman Rucker, Alderman Schmitt, Alderman Farmer. "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 7:45 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 June 7, 2012.


Diann Warner, City Clerk


Penny Lyons, Mayor

APPROVED
6/21/12
Dew