

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

October 18, 2012

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, October 18, 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 Kevin Rucker and Alderman Ron Schmitt. Alderman John Olivarri was absent. The City Clerk, Diann Warner was present and performed the duties of that office.

**Mayor's Communications.**

Mayor Lyons reported that the Lake of the Ozarks Council of Local Governments and District T met on Monday. District T executive board is reviewing grant applications with \$104,000 to award and \$190,000 in requests.

**Citizens Communications.**

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

**Consent Agenda.**

Alderman Catcott moved to approve the consent agenda which includes minutes of the special meeting held on September 27, 2012; minutes of the regular meeting held on held on October 4, 2012, and the bill list as submitted. Alderman Farmer seconded the motion which was voted on and passed.

**Unfinished Business.**

**MoDOT Presentation.** Review Options for Key Largo Intersection

Bob Lynch representing MoDOT provided a modified design for the Key Largo intersection that provides additional movements with a round about. The ramp allows easier access to Osage Beach Parkway; however some movements will be eliminated. The estimated cost for this design is \$780,000. Mr. Lynch said that the design will not impact the right of way; however it would be necessary to eliminate one bar/restaurant entrance due to the design. Funds have been set aside to purchase the right of way.

Alderman Kahrs questioned whether the property owner of the Tailgate would have access to the round about if the property is developed in the future. Mr. Lynch said it is not included in the design. Alderman Kahrs asked if MoDOT would consider participating in a cost share with the City for constructing the slip ramp with the round about plus the outer road. Mr. Lynch said he cannot answer at this time but he would discuss the matter with Mr. Silvester. He said that MoDOT is interested in the outer road to provide safety on the expressway and allow west bound movements.

Alderman Kahrs commented that the ramp would be completed in the summer of 2013 at a cost of \$783,000; the outer road to Y Road would be completed at the end of 2013 at a cost of \$3,069,000 and an interchange would cost between \$8 and \$15 million and would not be completed until late 2015 or the end of 2016.

Mayor Lyons questioned whether the Tailgate has another entrance. Mr. Lynch responded that another entrance is located east of the building. Alderman Catcott commended Mr. Lynch and

MoDOT for the design and he agreed that both the slip ramp and the outer road are needed and it would allow east and west bound movements. Mr. Lynch said that when the outer road was previously discussed, MoDOT said the Key Largo intersection would be eliminated; however when an entity offers to share in the cost of an improvement, MoDOT has not refused the offer.

Alderman Rucker moved to enter into an agreement with MoDOT to participate in a 50/50 cost share to construct a slip ramp with a round about in the amount of \$783,000; further that MoDOT participate in a cost share with the City to construct an outer road in the amount of \$3,069,000; City's share to be 1/3 of the cost. Alderman Catcott seconded the motion.

Alderman Schmitt did not favor the design because it only solves half the problem at Key Largo and there are less expensive ways to solve it. His opinion is that a stop light would be cheaper and closing Key Largo is not a plausible answer.

The motion to enter into an agreement with MoDOT was voted on and passed with Alderman Schmitt expressing a negative vote.

Mr. Lynch asked for an official letter stating the City's request.

Alderman Rucker moved to direct staff to research funding options to cover the City's share of construction. Alderman Kahrs seconded the motion which was voted on and passed.

**Bill No. 12-31. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CITY OF OSAGE BEACH, MISSOURI.**

Mayor Lyons presented the second and final reading of Bill No. 12-31 by title only. Alderman Catcott moved to approve the second and final reading of Bill No. 12-31. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 12-31 and to pass same into Ordinance: "Ayes: Alderman Schmitt, Alderman Farmer, Alderman Catcott, Alderman Rucker, Alderman Kahrs. "Nays": None. "Absent": Alderman Olivarri. Bill No. 12-31 was passed and approved as Ordinance No. 12.31.

**New Business.**

**Public Hearing. Stonebrook Subdivision Street Dedication.**

Mayor Lyons opened the public hearing at 6:50 p.m.

City Engineer Nick Edelman explained that the appropriate documents have been submitted including a Missouri Warranty Deed transferring a portion of College Boulevard within the subdivision to the City.

Larry Jones, President of the Stonebrook Homeowners Association, was present and distributed a list of property owners transferring the road to the City. Mr. Jones said that one property owner is incapable of signing.

The Planning Commission recommended approval as well as the Public Works Department and the Engineering Department.

There being no further questions or comments, the public hearing closed at 6:55 p.m.

Bill No. 12-35. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ACCEPTING THE STREET IN STONEBROOK SUBDIVISION AS A CITY STREET

Mayor Lyons presented the first reading of Bill No. 12-35 by title only. It was noted that Bill No. 12-35 as been available for public review.

Alderman Catcott moved to approve the first reading of Bill No. 12-35 as presented. Alderman Kahrs seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 12-35 by title only. Alderman Farmer moved to approve the second and final reading of Bill No. 12-35. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 12-35 and to pass same into Ordinance: "Ayes: Alderman Farmer, Alderman Catcott, Alderman Rucker, Alderman Kahrs, Alderman Schmitt. "Nays": None. "Absent": Alderman Olivarri. Bill No. 12-35 was passed and approved as Ordinance No. 12.35.

Bill No. 12-34. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE OSAGE BEACH FIRE PROTECTION DISTRICT FOR THE CONTINUATION OF DOCK INSPECTIONS WITHIN THE CITY

City Attorney Ed Rucker explained that the Osage Beach Fire Protection District has provided building inspections for dock safety within the City limits at residences that have a dock. Recently adopted HB 1647 and new section 321.228.2 R.S.Mo., appear to remove from a fire protection district the power to enforce a building code where the city has also adopted such a building code. After discussions with Mayor Lyons, Building Official, Ron White and Mr. Kaltenbron, the attorney for the OPFPD, it was determined that this agreement was the most efficient way to continue the system that has worked efficiently in our City. Such agreements are permitted pursuant to section 70.220 R.S.Mo.

Alderman Rucker said he supports Bill No. 12-34 but when he was Fire Chief, he was told the City did not have authority to enforce building codes on docks and he wanted to make sure before adopting Bill No. 12-34. City Attorney Ed Rucker said he would verify that the City has the authority before the second reading.

Mayor Lyons presented the first reading of Bill No. 12-34 by title only. It was noted that Bill No. 12-34 as been available for public review.

Alderman Schmitt moved to approve the first reading of Bill No. 12-34 as presented. Alderman Rucker seconded the motion which was voted on and passed.

Authorize Sale of Surplus Vehicles via Online Auction.

Assistant City Administrator Jeana Woods presented the list of vehicles to be sold as follows:

- 1996 Ford Taurus
- 2000 Chevy pickup
- 2000 Chevy pickup
- 2000 Chevy pickup
- 2001 Ford pickup

2001 Ford 550 dump truck  
2003 Ford pickup  
2004 Ford Crown Vic  
2005 Ford Crown Vic  
2006 Ford Crown Vic

Alderman Rucker moved to authorize the sale of surplus vehicles as recommended. Alderman Schmitt seconded the motion which was voted on and passed.

Authorize Purchase of ArcGIS Upgrades.

Jim Davis, IT Manager explained this software upgrade will allow the City of Osage Beach to continue to utilize the current GIS mapping software in the Virtual Desktop environment. Currently there are 15 ArcView licenses but only 8 need to be upgraded and support for the other 7 licenses will be eliminated. This will result in a yearly maintenance savings to the City. The cost of the upgrades is \$1,800.00 per license for a total of \$14,400.00. This upgrade will come out of Line Item number 1019-774251 which will exceed the amount of money that was allocated for that line item. Savings from other line items will be used to make up the difference.

Alderman Schmitt moved to authorize the purchase of ArcGIS Upgrades in the amount of \$14,400 as recommended. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Bid Award. Lee C. Fine Gate Operators

The following bids were received:

Anchor Fence	\$10,800.00
Eagle Security & Electronics	\$13,316.77

This project was budgeted under Item No. 45-00-774129 Fence Project in the amount of \$15,000.

The Engineering Department has reviewed the bidding documents and found them to be in order. They have worked with Anchor Fence Corp. in the past.

The Engineering Department recommends the bid for Construction Contract OB12-011, for the Lee C. Fine Gate Operators Project be awarded to Anchor Fence Corp. in the amount of \$10,800.00.

Alderman Rucker moved to award the bid for the Lee C. Fine Airport Gate Operators to the low bidder, Anchor Fence, in the amount of \$10,800 as recommended. Alderman Schmitt seconded the motion which was voted on and passed.

Third Quarter Budget Review.

City Administrator Nancy Viselli offered to answer questions and stated that the 2013 draft budget would be distributed to the Board next Friday.

**Communications from Board Members.**

Alderman Schmitt. Ron Schmitt commended Brian Willey, Park Manger for the success of the Fishing Derby for kids at the City Park last week.

Alderman Rucker. Kevin Rucker asked that voters consider Proposition A giving the City of St. Louis the power to operate their own police department.

**Staff Communications.**

City Administrator. Nancy Viselli said she would forward the report to Board members from Representative Diane Franklin that explains all issues that will be on the November ballot.

City Attorney. Ed Rucker reported that a court upheld a funeral protest ordinance and he will continue to monitor the case and will bring back an ordinance for the Board to consider when the issue is settled.

City Planner. Cary Patterson reported on a real estate symposium he served on today where 300 real estate agents were in attendance. He said the mood today was positive and he reported the City should exceed \$20 million in construction this year.

City Engineer. Nick Edelman expressed his thanks to MoDOT for all the help and information they have provided on the Key Largo intersection.

**Executive Session.**

Alderman Rucker moved to close the meeting pursuant to RSMo. Section 610.021(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. Alderman Schmitt seconded the motion.

The following roll call vote was taken to close the meeting: "Ayes": Alderman Rucker, Alderman Kahrs, Alderman Schmitt, Alderman Farmer, Alderman Catcott. "Absent": Alderman Olivarri. "Nays": None. The meeting was therefore closed.

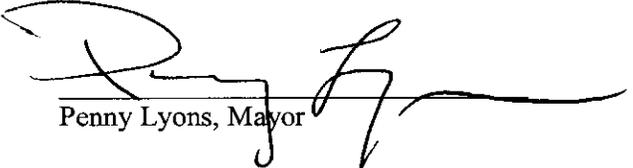
*Closed Session*

Alderman Kahrs moved to open the meeting. Alderman Rucker seconded the motion. The following roll call vote was taken to open the meeting: "Ayes": Alderman Kahrs, Alderman Schmitt, Alderman Farmer, Alderman Catcott, Alderman Rucker. "Nays": None. The meeting was therefore opened.

There being no further business to come before the Board, the meeting adjourned at 7:30 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 18, 2012.

  
Diann Warner, City Clerk

  
Penny Lyons, Mayor

**APPROVED**  
10/18/12 *DLW*