

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

March 21, 2013

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, March 21, 2013, 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, Alderman Ron Schmitt. The City Clerk, Diann Warner was present and performed the duties of that office.

**Mayor's Communications.**

Mayor Lyons reported the following:

- Lake of the Ozarks Council of Local Governments met in the lower level of City Hall on March 18. A large crowd was present including representatives of state and federal elected officials. The guest speaker was Bob Lynch, MoDOT Central District Engineer.
- At the noon Rotary meeting on Tuesday, Senior Police Officer Sam Ford and K-9 Officer Axel were introduced by Chief Davis. There was a lot of interest and questions for the team.
- Mayor Lyons attended a meeting about the Camdenton RIII school bond issue at the Osage Beach Elementary School. The bond issue is a very important issue for the school district and Osage Beach.
- Mayor Lyons was notified that City Clerk Diann Warner had received the Everyday Hero Award from the Missouri City Clerks and Finance Officers Association.

**Citizens Communications.**

Phyllis Marose spoke in favor of the proposed no tax increase Camdenton RIII school bond issue. She said the contract for the property had been signed contingent upon passage of the bond issue. The bond issue will pay to construct a new \$20 million plus PreK-4 Osage Beach Elementary School; an addition and renovation to the Hurricane Deck Elementary; security upgrades at Dogwood, Hawthorn, Oak Ridge and the Middle School; and refinance outstanding lease purchase certificates, for a total of \$43 million. Mrs. Marose asked for a Resolution of Support from the Board of Aldermen. Alderman Catcott asked when construction would begin if the bond issue passes and Mrs. Marose said the fall of 2013 and opening the fall of 2014.

Alderman Kahrs moved to prepare a Resolution to support the Camdenton R-III School District bond issue. Alderman Schmitt seconded the motion. Alderman Rucker commented that School of the Osage is also located in Osage Beach and has a bond issue on the April 2<sup>nd</sup> ballot.

The motion to support the Camdenton R-III bond issue was voted on and unanimously passed.

Alderman Rucker moved to support the April 2<sup>nd</sup> School of the Osage bond issue. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Gary Thompson said he and his wife held a 42 mile event around Osage Beach City Park and the State Park. He expressed his appreciation to Brian Willey for opening the gate and turning on the lights at 5 a.m. for the 106 participants. Mr. Thompson said twelve states were represented and

more adventure races are planned for the future.

**Consent Agenda.**

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on March 7, 2013, the bill list as submitted, and a liquor license to Express Mart. Alderman Farmer seconded the motion which was voted on and unanimously passed.

**Unfinished Business.**

**Bill No. 13-11.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING THE OSAGE BEACH DESIGN GUIDELINES SECTION 3, SEWERAGE DESIGN, SUBSECTION 5. b. PRESSURE PIPE

Mayor Lyons presented the second and final reading of Bill No. 13-11 by title only. It was noted that Bill No. 13-11 has been available for public review. Alderman Schmitt moved to approve the second and final reading of Bill No. 13-11. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-11 and to pass same into Ordinance: "Ayes": Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker. "Nays": None. Bill No. 13-11 was passed and approved as Ordinance No. 13.11.

**New Business.**

**Presentation by Warren Witt, Ameren.**

Mr. Witt requested support for legislation in Missouri that would change how electric companies are regulated. The legislation would improve electric infrastructure and economic development and allow for a strong infrastructure which is what manufacturing companies look for. Mr. Witt said the legislation is already in place for gas and water companies but not for investor owned utilities. City Administrator Nancy Viselli commented that the Lake of the Ozarks Regional Economic Development Council (LOREDC) has supported the proposed legislation.

Alderman Rucker moved to support the proposed legislation by sending letters to legislators. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

**Bill No. 13-15.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LAKE OZARK GROUNDS MAINTENANCE, LLC, FOR BASEBALL & SOCCER TURF GRASS MAINTENANCE

Assistant City Administrator Jeana Albertson explained that proposals were opened on March 1, 2013, for the Baseball & Soccer Turf Grass Maintenance Services. Three companies responded to the request, with Lake Ozark Grounds Maintenance, LLC coming in at the lowest, most qualified responder.

The contract will provide turf maintenance (fertilizing, seeding, aerating, etc.) for all sports fields at both the Osage Beach City Park and Peanick Park; five baseball fields and three soccer fields in total. The Parks Department will continue to maintain all mowing, weed eating, etc. for both parks but in conjunction with the awarded turf maintenance contractor.

Staff recommends award of a contract to Lake Ozark Grounds Maintenance, LLC to supply turf maintenance services for all the City's sports fields for an annual fee not to exceed \$16,852 with the option to renew for one (1) additional year. Lake Ozark Grounds Maintenance, LLC has sports field maintenance experience, appropriate certifications for said services to be completed, and references have been very favorable. Lake Ozark Grounds Maintenance, LLC conducted their own site visit to assess the fields' conditions.

During the budget process \$12,000 was added to account 10-10-743100 - Maintenance and Repair to accommodate an outside turf field maintenance contract but the estimate was only for the Osage Beach City Park sports fields (three baseball/three soccer). However, the RFP was written to include both the Osage Beach City Park and Peanick Park fields for turf maintenance as Peanick Park is in as much need for turf maintenance as the Osage Beach City Park sports fields (Peanick Park has two baseball fields). Both parks' fields are rented by various groups throughout the year.

FY2013 Budget for 10-10-743100 Maintenance and Repair is \$20,000. If request is approved for \$16,852; \$3,148 will remain for other maintenance and repair items. If this account is found to be insufficient at year end due to all other park maintenance and repair expenses exceeding the remaining \$3,148 (Note: Expenses for FY2012=\$6,954 and FY2011=\$5,059) a budget adjustment may be required.

Discussion followed on the best maintenance plan for the fields. City Attorney Ed Rucker said that proposals were requested for turf maintenance and the service was not advertised as a bid. He added that there are three responses to the request and advised that it is the Board's prerogative to choose the company they determine has the best turf maintenance plan.

After discussing the services offered by each, Alderman Kahrs said that without the right people and equipment, we would continue to have issues. Alderman Kahrs then moved to award the contract to TurfMark Services. Alderman Catcott seconded the motion.

Alderman Kahrs withdrew the motion and Alderman Catcott the second.

Alderman Kahrs then moved to amend Bill No. 13-15 by deleting Lake Ozark Ground Maintenance LLC and inserting the name TurfMark Services LLC, and deleting the amount of \$16,852 and inserting the amount of \$36,400. Alderman Catcott seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the first reading of Bill No. 13-15 as amended by title only. It was noted that Bill No. 13-15 has been available for public review.

Alderman Kahrs moved to approve the first reading of Bill No. 13-15 as amended. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 13-15 by title only. Alderman Kahrs moved to approve the second and final reading of Bill No. 13-15. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-15 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott. "Nays": None. Bill No. 13-15 was passed and approved as Ordinance No. 13.15.

**Bill No. 13-16.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, CREATING NEW SECTIONS WITHIN CHAPTER 125, SPECIFICALLY SECTIONS 125.260, 125.270,

125.280 AND 125.290 ALL RELATING TO COLLECTIVE BARGAINING BY CITY EMPLOYEES

City Attorney Ed Rucker explained that Bill No. 13-16 addresses the collective bargaining process for the City. It sets out a structure for the designation of a bargaining unit, the determination of a bargaining agent and the bargaining process.

Recent decisions of the Missouri Supreme Court have extended collective bargaining to public employees. See *Independence National Education Association v. Independence School District*, 223 S.W.3d 131 (Mo. Banc 2007), *Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15, v. City of Chesterfield*, 386 S.W.3d 755 ( Mo. Banc 2012), *American Federation of Teachers v. Ledbetter*, 387 S.W.3d 360 (Mo. banc 2012).

Mayor Lyons presented the first reading of Bill No. 13-16 by title only. It was noted that Bill No. 13-16 has been available for public review.

Following discussion, Alderman Rucker moved to amend Bill No. 13-16, Section 125.280, by inserting the words and *approved by the Board of Alderman*, immediately following the words designated by the Mayor. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Alderman Schmitt moved to approve the first reading of Bill No. 13-16 as amended. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Bid Award. Water Treatment and Sewer Odor Control Chemicals

Superintendent of Public Works Rick King explained that the current contract for chemicals has expired. Bids were solicited from five vendors with two responding. DPC Enterprises was the low bidder on sodium hypochlorite (chlorine) at \$1.57 per gallon with a \$40 per drum deposit, hydrofluosilicic acid (fluoride) at \$.495 per pound with a \$20 per carboy deposit. These prices include delivery. Brenntag was the only bidder on sodium hydroxide (caustic) at \$.205 per pound with a \$50 per drum deposit and \$50 fuel surcharge per delivery. Staff recommends the bid be awarded to DPC for hydrofluosilicic acid and sodium hypochlorite and Brenntag for sodium hydroxide. The account numbers will be 30-761-600 and 35-762-700.

Alderman Kahrs moved to award the bid for water treatment and sewer odor control chemicals to DPC Enterprises for the fluoride and to Brenntag for the sodium hydroxide as recommended. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Bid Award. Bunker and Infield Rake

Assistant City Administrator Jeana Woods explained that four different machines were quoted in the bids that were received for the Bunker Rake and Infield Groomer Machine and Equipment Bid; all of which met the specifications in the bid request.

The Parks Department recommends purchasing the 2011 John Deere 1200A demo machine (with less than 40 hours) for \$11,781.11 with the additional Light Kit for \$316.79 for a total price of \$12,097.79 (Budgeted \$13,600, Acct. #10-10-774255).

The 2011 John Deere 1200A includes a front blade, mid-mount base with scarifier, and rear ball field conditioner as bid request stated. The 2011 was not only the lowest costing machine bid but

also includes full warranty as with a new machine purchased and service for said machine can be handled locally.

Alderman Olivarri moved to award the bid for the bunker and infield rake to Van-Wall Equipment in the amount of \$11,781.11 for a 2011 John Deere. Alderman Catcott seconded the motion which was voted on and unanimously passed.

### **City Sponsored Billboards.**

Mayor Lyons announced that she was approached by several business owners asking if the City would consider leasing billboard space as you enter Osage Beach (from either the East or the West side of town) advertising that the City has shopping, restaurants, entertainment, etc.; enticing people to exit as they travel the 54 Expressway. Mayor Lyons asked the City Administrator to contact Lamar Advertising to see what a billboard would cost. Former Alderman Rich Martin, who works at Lamar, indicated that we could lease a billboard for \$500 per month, with a one-time cost of \$720 for the vinyl (the actual ad). This would be similar to what the Bagnell Dam Strip Association did as you are coming from Jefferson City and exit by Bagnell Dam/Lake Ozark. Rich said that MoDOT would not allow more than three individual business names; therefore the Lake Ozark billboard (which originally listed more than three individual business names) was changed to be more generic. He also said the City "might get a discount".

At the price quoted, it would cost the City \$13,440 to place a billboard at each end of town for one year. The City budgeted \$5,000 for economic development in our 2013 Budget, as well as \$400,000 for a welcome sign on the west end of town. If the Board is interested in pursuing this idea, staff could bring this to the Board for approval with a budget amendment if necessary.

The purpose of placing this on the agenda is to find out if this is something the Board would be interested in doing. If so, a motion to direct staff to begin this process would be in order.

Alderman Kahrs said he would rather the funds come from the \$400,000 budgeted for the digital sign and look at locations for placing the signs.

Alderman Kahrs moved to direct staff to find out the cost and determine the placement of the signs. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

### **Communications from Board Members.**

Alderman Schmitt. Ron Schmitt complimented Molotoft Cocktails on their advertisement.

Alderman Catcott. Fred Catcott congratulated the City Clerk on her award.

Alderman Kahrs. Steve Kahrs questioned when MoDOT plans to install the directional signs along the expressway. City Engineer Nick Edelman said he would follow up with MoDOT.

Alderman Rucker. Kevin Rucker questioned how the excess right of way would be distributed. City Engineer Edelman responded that the property would be surveyed before proceeding with vacating property and excess right of way.

Alderman Rucker read a letter from Representative Rocky Miller to Dave Silvester about the Key Largo intersection specifically proceeding with a proposal and a cost estimate for the following:

1. Improve the right hand out as planned in previous MoDOT plans.
2. Retain the left hand in as constructed.
3. Emphasize and delineate the existing right hand in and possibly decrease the amount of curvature.
4. Do not add traffic control such as a round about or lights at Osage Beach Parkway.

Mayor Lyons suggested asking Representative Miller if he has received a response from Mr. Silvester. She said the Key Largo intersection would be placed on the next agenda.

Alderman Olivarri. John Olivarri said the award received by the City Clerk is a good example of the great staff that the City has even though staff is not mentioned in every meeting. He also said he appreciates Brian Willey's work at the park. Alderman Olivarri added that he thinks staff is great.

#### **Staff Communications.**

Police Department. Chief Todd Davis reported that he attended a DARE graduation during the last Board of Aldermen meeting with 140 students graduating. He invited elected officials to attend the Camden County Swat Team training exercise at noon at the west side of the hospital on March 22<sup>nd</sup>. Chief Davis reported that the annual golf tournament to support special police projects will be held April 26 at Sycamore Creek Golf Club. Special Police Projects supports local charities and scholarships for seniors.

Chief Davis reported that the open house for Citizens Against Domestic Violence would be tomorrow from 1-4 in Camdenton.

City Planner. Cary Patterson he would appreciate a positive vote for the Camdenton R-III School District bond issue that would bring \$20 million in construction to Osage Beach.

Superintendent of Public Works. Rick King reported that Summit Natural Gas would be holding required training for public works employees next week. He reported that he has only had one complaint about the contractors installing the gas lines.

Parks Manager. Brian Willey reported that the first tournament would be held April 20 at the Osage Beach City Park.

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

#### CLOSED SESSION

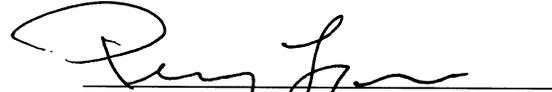
Alderman Kahrs moved to open the meeting. Alderman Catcott seconded the motion. The following roll call vote was taken to open the meeting: "Ayes": Alderman Schmitt, Alderman Rucker, Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Farmer. "Nays": None. The meeting was therefore opened.

No announcements were made following the closed session.

There being no further business to come before the Board, the meeting adjourned at 8:25 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 March 21, 2013.

  
Diann Warner, City Clerk

  
Penny Lyons, Mayor

**APPROVED**  
4/4/13  
Dew