

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

April 4, 2013

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, April 4, 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:

- A proclamation had been issued to Kids Harbor for Child Abuse Prevention Month
- She congratulated Aldermen on their reelection to the Board and was pleased that both school bond issues were approved by voters.
- Mayor Lyons thanked the City for the opportunity to attend the Convention and Visitor Bureau Annual Dinner.

Citizens Communications.

Bill Bennett was present to speak about the Key Largo intersection and said the exit should be properly signed and lighted. The sign should say Osage Beach Parkway – Business District. He believed with proper signage traffic would increase substantially. Mayor Lyons commented that the City has requested MoDOT to install a light and signage would need to be requested from MoDOT.

Kim Loehr welcomed Phillips 66 and LaFiesta to the West side. She said that many options have been discussed over the last few months and she asked if there had been answers from MoDOT regarding the letters that were sent.

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on March 21, 2013, and the bill list as submitted. Alderman Schmitt seconded the motion which was voted on and passed.

Unfinished Business.

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

Mayor Lyons presented the second and final reading of Bill No. 13-16 by title only. It was noted that Bill No. 13-16 has been available for public review. Alderman Olivarri moved to approve the second and final reading of Bill No. 13-16. Alderman Catcott seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-16 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Farmer, Alderman Schmitt. "Nays": None. Bill No. 13-16 was passed and approved as Ordinance No. 13.16.

New Business.

City Clerk Diann Warner asked that the Certification of Election Results, the Oaths of Office and the Election of President of the Board be postponed until the next meeting because all the election results were not received.

Alderman Schmitt moved to postpone the Certification of Election Results, the Oaths of Office and the Election of the President of the Board until the next meeting as requested. Alderman Catcott seconded the motion which was voted on and unanimously passed.

Bill No. 13-19. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION GLOBAL NAVIGATION SATELLITE REAL TIME NETWORK FOR CONTINUOUSLY OPERATING REFERENCE STATIONS USER'S RESPONSIBILITY AND AGREEMENT FOR THE USE AND ACCESS OF DATA

City Engineer Nick Edelman explained that \$20,000 was budgeted for GPS Surveying Equipment. When the 2013 budget was prepared Mr. Edelman said he looked into utilizing MoDOT's Network to save money on equipment. By utilizing MoDOT's network, a base station is not needed.

The City of St. Louis and City of Columbia are two of the cities, as well as multiple surveying and engineering companies that utilize this network. City Engineer Edelman said the equipment is extremely accurate and it will provide data for other departments to utilize.

Mayor Lyons presented the first reading of Bill No. 13-19 by title only. It was noted that Bill No. 13-19 has been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 13-19 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Preliminary Plat of Bella Harbor Subdivision.

City Planner Cary Patterson presented the following report:

Comments and Recommendation of the Planning Department:

<u>Subdivision Name:</u>	Bella Harbor Subdivision Preliminary and Final Plats
<u>Location:</u>	Approximately 600 feet off of Zebra Road on Harbor Heights Lane.
<u>Section/Township/Range:</u>	1/39/15
<u>Applicant:</u>	Terry Ross
<u>Surveyor:</u>	Allen Surveying and Midwest Engineering, LLC.
<u>Tract Size:</u>	2.94 acres (10 single-family lots)

Zoning: R-1a (Single Family Residential)

Surrounding Land Use:

North: Single Family

South: Single Family

East: Single Family

West: Single Family

Department Comments

Preliminary:

- 1) The plat was reviewed for code compliance and was found to be consistent with the preliminary plat requirements.
- 2) All public improvements, (i.e., roadways, parking areas, streetlights, etc.) must be designed and built to city design standards. The City Engineer is currently in the review process with the applicant's engineer. That process should be completed soon.

Final:

- 1) The plat was reviewed for code compliance and was found to be consistent with the final plat requirements.
- 2) An Engineers Estimate and a Letter of Credit for 125% of the estimated cost of construction will be required prior to final Board of Aldermen approval of the Final Plat.

With the approval of the public improvement plans and the submittal of the engineer's estimate and letter of credit, staff recommends approval of both the Preliminary and Final Plats.

The Planning Commission concurred with Staff's recommendation for approval.

Preliminary Plat. Alderman Schmitt moved to approve the preliminary plat of Bella Harbor Subdivision as presented. Alderman Farmer seconded the motion which was voted on and unanimously passed.

Bill No. 13-20. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, APPROVING THE FINAL PLAT OF BELLA HARBOR SUBDIVISION, A SUBDIVISION IN OSAGE BEACH, CAMDEN COUNTY, MISSOURI.

Mayor Lyons presented the first reading of Bill No. 13-20 by title only. It was noted that Bill No. 13-20 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 13-20 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. 13-20 by title only. Alderman Farmer moved to approve the second and final reading of Bill No. 13-20. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-20 and to pass same into Ordinance: "Ayes": Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker. "Nays": None. Bill No. 13-20 was passed and approved as Ordinance No. 13.20.

Bill No. 13-21. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH VANCE BROTHERS FOR THE APPLICATION OF SLURRY SEAL TO CITY STREETS

Bids were opened on March 26, 2013. One bid was received from Vance Brothers Inc. with a bid of \$96,452.20.

This project was budgeted under Item No. 20-00-764206, Seal in the amount of \$60,000 and under Item No. 45-00-774128 Airport Capital in the amount of \$21,600. The airport capital item has additional work for this item. The airport work in this bid comes totals \$11,673.60. There are additional projects in the Airport Capital Item.

The scope of work could be reduced or additional funds may be appropriated for the project. The bid is approximately \$24,779 over budget. There are additional funds in the Ozark Meadows Rd Improvements. The current estimated ending balance is \$75,873. This would reduce the funds in the Ozark Meadows account as shown

$\$75,873 - \$24,779 = \$51,094.$

The Engineering Department has reviewed the bidding documents and found them to be in order. We have done work with Vance Brothers in the past.

The Engineering Department recommends approval of the ordinance for Construction Contract OB13-007, for the 2013 Slurry Seal Project to be awarded to Vance Brothers Inc. in the amount of \$96,452.20.

Mayor Lyons presented the first reading of Bill No. 13-21 by title only. It was noted that Bill No. 13-21 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 13-21 as presented. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 13-21 by title only. Alderman Kahrs moved to approve the second and final reading of Bill No. 13-21. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-21 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott. "Nays": None. Bill No. 13-21 was passed and approved as Ordinance No. 13.21.

Bill No. 13-22. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE NO. 12.39 ADOPTING THE 2013 ANNUAL BUDGET, TRANSFER OF FUNDS FOR NECESSARY EXPENSES.

City Engineer Edelman explained that Bill 13-22 allows funds necessary for the 2013 Slurry Seal project. There are additional funds in the 20-00-773216 Ozark Meadows Rd Improvements

project. The Engineering Department is requesting transferring \$24,779 to pay for the 2013 Slurry Seal Project from the additional funds available in the Ozark Meadows Rd Improvements project.

Following a lengthy discussion regarding whether restricted or unrestricted funds should be used for the slurry seal project, Alderman Olivarri moved to postpone Bill No. 13-22 and use money from unrestricted funds rather than funds allocated for Ozark Meadows. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Alderman Catcott asked for a list of account balances.

Bill No. 13-23. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SHAFER, KLINE & WARREN TO PROVIDE PROFESSIONAL SERVICES FOR THE 2013 TRANSPORTATION ENHANCEMENT PROJECT

City Engineer Nick Edelman explained that Bill No. 13-23 authorizes an agreement with Shafer, Kline & Warren, Inc. for engineering services for the sidewalks along Osage Beach Parkway from Hwy. KK to Nichols Road area for the Transportation Enhancement Funds received from the Missouri Department of Transportation.

Funding may be obtained from 20-00-773100 Engineering. This contract has a not to exceed amount of \$43,029.68. This contract is a part of the enhancement funds application in which 80% (\$34,423.74) will be covered by the grant and the remaining 20% (\$8,605.94) will be covered by City funds.

Mayor Lyons presented the first reading of Bill No. 13-23 by title only. It was noted that Bill No. 13-23 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 13-23 as presented. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 13-23 by title only. Alderman Kahrs moved to approve the second and final reading of Bill No. 13-23. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-23 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott, Alderman Kahrs. "Nays": None. Bill No. 13-23 was passed and approved as Ordinance No. 13.23.

Alderman Catcott commented that sidewalks are needed on the East side of the Grand Glaize Bridge from Highway 42 to the east city limits because he has observed people walking in the road and one individual who rides an electric scooter in the highway. Alderman Rucker said there are more sidewalks on the east side than the west side. Alderman Olivarri commented that the last two sidewalk projects were on the east side.

Authorization to Provide Engineering and Contract Administration.

City Engineer Edelman explained that the Osage Beach Special Road District has decided they would like to reconstruct Coral Lane due to requests from residents in the area. The OBSRD would like to utilize the Engineering Department for design services.

The OBSRD and the City have worked on many projects in the past and they have provided funding for various City-owned streets in the past. The Engineering Department recommends providing Engineering Services for this project.

Alderman Olivarri thanked the Osage Beach Special Road District for providing funds for another access point for this subdivision. Alderman Rucker questioned if there is a policy to require residents to dedicate the right of way when a roadway is improved. City Engineer Edelman said the roadway cannot be dedicated to the City until the design is complete to determine how much right of way is needed. He added that there is nothing in place to require residents to transfer ownership to the City however the City makes sure all land acquisitions are obtained before any construction begins.

Alderman Rucker asked City Attorney Rucker to find out if the City could require residents to dedicate the right of way to the City when street improvements have been made.

Alderman Olivarri moved to authorize the Engineering Department to provide engineering and contract administration to the Osage Beach Special Road District for the Reconstruction of Coral Lane. Alderman Rucker seconded the motion which was voted on and unanimously passed.

City Paid Lease of Billboards.

City Administrator Nancy Viselli explained she spoke with Rich Martin and he said there could be other signs available and if the Board is interested, a contract will be brought back to the Board for consideration.

Alderman Olivarri said it is critical to find the right location and size and electric signs are more expensive however if the right location cannot be found, then a digital sign may be considered.

Alderman Catcott said he viewed all the locations of the signs that are available however none of the locations were appropriate. City Administrator Viselli said if there are specific signs the City is interested in, we could wait until they are available. Alderman Kahrs said the sign by Lamar's office, the sign across the Osage River Bridge and the digital signs on each end of the Grand Glaize Bridge are the best.

If the signs are not available, then there were no objections to considering digital signs. Alderman Rucker suggested coming up with verbiage to put on the signs.

Proposal by Flying Dragon Disc Golf Club to Construct an 18-hole Disc Golf Course in the Osage Beach City Park.

Gary Braman of the Flying Dragon Disc Golf Club was present to explain the sport of disc golf and he named the surrounding communities where the volunteer group has constructed them. The first nine holes will be completed by spring. Brush and several trees will have to be cleared.

Alderman Kahrs moved to proceed with the disc golf course at the Osage Beach City Park. Alderman Catcott seconded the motion which was voted on and unanimously passed.

Key Largo Intersection, 54 Expressway.

Discussion followed on the status of the Key Largo intersection and City Administrator Viselli said a response had not been received from MoDOT.

It was agreed there had been miscommunication and the consensus was that answers are needed. It was suggested that Mr. Silvester from MoDOT and Representative Rocky Miller be invited to the next Board meeting to clarify some issues related to the Key Largo intersection.

The outer road to Y Road was briefly discussed and it was agreed that the outer road and the Key Largo intersection are two separate issues. Partial funding had been previously offered however MoDOT must clarify if funding is still available for the outer road.

City Administrator Viselli will contact Mr. Silvester and Representative Miller to invite them to the next Board meeting.

Communications from Board Members.

Alderman Schmitt. Ron Schmitt presented a historical fact that occurred this day 45 years ago.

Alderman Kahrs. Steve Kahrs thanked the citizens of Ward 2 for reelecting him to another two year term. He said it is a humbling experience and that he enjoyed serving them.

Alderman Olivarri. John Olivarri thanked the Board for the opportunity of attending the 2013 Lake Business Conference at Tan-Tar-A last week where he attended three breakout sessions that he found to be helpful. He thanked the citizens of Ward 3 for reelecting him. Alderman Olivarri said he takes the position seriously and that he enjoyed serving.

Staff Communications.

City Clerk. Diann Warner reported that Kay Kaffenberger has announced her retirement effective April 11. A reception will be held in her honor.

Police Department. Todd Davis reported that he attended the CADV open house March 22.

City Planner. Cary Patterson reported that a workshop will be held immediately following the Planning Commission meeting next Tuesday. He invited elected officials to attend.

Parks Manager. Brian Willey thanked the Board for approving the disc golf course at the Osage Beach City Park.

Alderman Olivarri announced that Alderman Lois Farmer had been nominated for the Lt. Governor's Senior Service Award.

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 Kahrs 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 Olivarri moved to open the meeting. Alderman Kahrs 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.

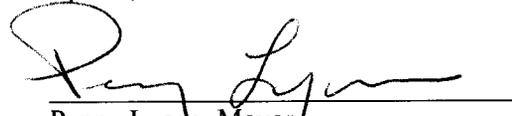
No announcements were made following the closed session.

There being no further business to come before the Board, the meeting adjourned at 8:55 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 4, 2013.



Diann Warner, City Clerk



Penny Lyons, Mayor

APPROVED
4/18/13