

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

April 18, 2013

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, April 18, 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.

State Representative Diane Franklin read a letter from Lt. Governor Peter Kinder in which he informed Alderman Lois Farmer that she had been chosen to receive a Senior Service Award. An awards banquet will be held at the Capitol on May 8, 2013. Alderman Farmer was congratulated by everyone present.

Mayor Lyons read proclamations proclaiming April 14-April 20 as National Public Safety Telecommunications Week; and April 28-May 4 as Local Government Week.

Citizens Communications.

Kim Loehr voiced her displeasure with the Key Largo intersection and with many other improvements that have been made in other parts of the City. She said the exits at Passover and the Nichols intersection were not part of the original plan. Ms. Loehr read a letter of November 19, 2012 from Mayor Lyons to MoDOT and she said there were proposals before the Board on November 15, 2012. Ms. Loehr said an outer road and the termination of Key Largo is unacceptable and she urged the City to choose one of the options to improve Key Largo.

Bill Bennett said Key Largo is the first entrance into the City from the west and there is no signage or lighting.

Steve Norris said he has lived in many locations and redoing the intersection carries a high price tag. Mr. Norris said he has spoken to individuals who have closed their businesses and he has pictures if anyone is interested in viewing them.

Don Neuharth of Econo Lodge moved here in the mid 70's and a great deal of development has occurred. The City built a turn lane and then a five lane road soon after to relieve traffic congestion. After many years, Mr. Neuharth said the expressway is a reality and usually when a highway is built the old road keeps the name of the business route on each end, however that is not the case here. Mr. Neuharth said the City needs proper ingress and egress with diamond interchanges and a disservice has been done to those on the west end. He added that the west end is the nerve center of Osage Beach where City Hall, the hospital and the post office are located. Mr. Neuharth said that the road needs the 54 designation with the federal shield like Lake Ozark has.

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on April 4, 2013, and the bill list as submitted. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Unfinished Business.

Certification of Election Results. City Clerk Warner presented the certified election results as follows:

Camden County

<u>Alderman Ward I</u>	
Ron Schmitt	83
<u>Alderman Ward II</u>	
Steve Kahrs	191
<u>Alderman Ward III</u>	
John Olivarri	124
W.W. Bill Stone	41

Question:

Shall the City of Osage Beach, Missouri impose a local use tax at the same rate as the local sales tax, currently at a rate of two percent (2%) provided that, if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

Yes 182 No 301

Miller County

<u>Alderman Ward 1</u>	
Ron Schmitt	47

Question:

Shall the City of Osage Beach, Missouri impose a local use tax at the same rate as the local sales tax, currently at a rate of two percent (2%) provided that, if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

Yes 22 No 35

Alderman Catcott moved to accept the certification of election results. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Oaths of Office. City Clerk Warner administered oaths of office to the following: Ron Schmitt, Alderman Ward 1; Steve Kahrs, Alderman Ward 2; and John Olivarri, Alderman Ward 3.

Election of President of the Board of Aldermen.

Alderman Kahrs moved that Alderman Schmitt be elected as President of the Board of Aldermen. 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

Mayor Lyons presented the second and final reading of Bill No. 13-19 by title only. It was noted that Bill No. 13-19 has been available for public review. Alderman Schmitt moved to approve the second and final reading of Bill No. 13-19. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-19 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Farmer, Alderman Schmitt. "Nays": None. Bill No. 13-19 was passed and approved as Ordinance No. 13.19.

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 Nick Edelman explained that the 2013 Slurry Seal project is an item funded with self-restricted funds in the Depreciation and Replacement account for Transportation and as budgeted the Seal account (20-00-764206) needs additional monies from the D&R account, \$24,779, to pay for the project. Bill No. 13-22 adjusts the line item 20-00-764206 Seal from the originally budgeted \$60,000 to \$84,779.

Mayor Lyons presented the first reading of Bill No. 13-22 by title only. It was noted that Bill No. 13-22 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 13-22 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. 13-22 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 13-22. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-22 and to pass same into Ordinance: "Ayes": Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker. "Nays": None. Bill No. 13-22 was passed and approved as Ordinance No. 13.22.

New Business.

Key Largo.

Alderman Kahrs thanked MoDOT District Engineer Dave Silvester and State Representative Rocky Miller for attending. He questioned the status of the different options and he asked whether MoDOT funding was still available. Three options had previously been distributed to the Board: 6a, 6a1 and 6b. Mr. Silvester said that MoDOT would fund 100% of the on ramp costs from Key Largo/Osage Beach Parkway to East bound Highway 54 and engineering costs, and 50% of the exit ramp costs from East bound 54 to Key Largo/Osage Beach Parkway and other modifications to Key Largo. Option 6a1 provides a separate entrance and exit and the traffic flow is the same as 6b but it is a better design. The longer acceleration lane going east bound eliminates some of the concerns that were noted in the slip ramp design. The cost of the 6a1 option is approximately \$85,000 and 6b is approximately \$38,000. The type of sign that will be placed in the Key Largo area was discussed. The cost of a shoulder sign is \$5,400 and a cantilever sign is \$16,500.

Alderman Rucker thanked both Mr. Silvester and Representative Miller for attending and for bringing the options to be considered. He added that he is in favor of the outer road but it is a separate issue from the Key Largo intersection and both are viable.

Alderman Catcott explained that the City wants to help the west side of town and the idea of the outer road never displaced the Key Largo intersection. He questioned the construction time for 6a1. Mr. Silvester did not know but he said the design could be done now and the funding for the construction could be included in the STIP in September.

Alderman Olivarri stated that he did not know why the City should have any responsibility in sharing in the cost but he prefers 6a1. He asked the City Attorney if there would be any liability if the City shares in the cost of the improvements. City Attorney Rucker responded that it is MoDOT's road and they would be liable.

Alderman Kahrs moved to share in the cost of constructing option 6a1 at 50% as explained above, further that the City participate in the cost of a cantilever sign funded from the \$400,000 line item budgeted for signage. Alderman Catcott seconded the motion.

Alderman Rucker asked MoDOT to put together a proposal for the extension of Osage Beach Parkway for consideration in the 2014 budget. Mr. Silvester said he has conceptual approval to offer 1/3 cost share; 1/3 Osage Beach funds and 1/3 MoDOT funds for the outer road. Alderman Olivarri requested the removal of the roundabout from the outer road proposal. He also asked Mr. Silvester to consider removing dirt between the East Y Road exit and the current outer road to improve visibility. Mr. Silvester said he would check to see if the dirt is on highway right of way.

The motion to participate in the cost of option 6a1 and participate in the cost of a cantilever sign was voted on and unanimously passed.

Alderman Rucker thanked Representative Miller for his beach closure legislation.

Alderman Kahrs asked Mr. Silvester to provide a map when MoDOT decides what right of way is remaining that could be used for signage and beautification.

Alderman Catcott questioned when the directional signs would be erected. Mr. Silvester said the contractor is scheduled to begin work May 6 with a completion date of July 1; however he would like to see them installed before Memorial Day. The project costs \$88,000.

Alderman Catcott questioned if the sign at Key Largo could be installed before the work starts. Mr. Silvester said it would be installed before the work but cantilever signs take longer to construct due to the design.

Mr. Silvester announced that the pavement repair on Osage Beach Parkway would begin next week with a completion date of May 24. He said APAC was awarded the contract in the amount of \$84,000. He added that additional work has been identified. Mr. Silvester said that lighting would be installed at the Key Largo intersection but not until the design is complete.

Mayor Lyons stated that there is no deceleration lane when coming from the east turning right onto Key Largo. Mr. Silvester said he would look at it to see what could be done. Mayor Lyons thanked Mr. Silvester for attending the meeting and for his action on this issue.

Resolution 2013-03. Authorizing Renewal Contract with Vaisala for Maintenance of Localizer at Lee C. Fine Airport.

Mayor Lyons presented Resolution 2103-03. Alderman Kahrs moved to approve Resolution 2013-03 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Agreements with Missouri State Highway Patrol.

City Administrator Nancy Viselli explained that bids were solicited for a new office in the lower level and an alternate bid was requested to include offices for the Missouri State Highway Patrol. The bid is to expand the space is \$29,008. City Administrator Viselli explained that MSHP will pay the \$29,008 over five years and they will pay \$5,801 until June 30, 2019 and at that time their lease would be readjusted so that they will be paying the full amount of rent.

City Administrator Viselli said it is a good arrangement for both the City and the MSHP. It allows us to finish the office space in the lower level of City Hall at no cost to the City, and in the interim, the City will receive \$2,774.15 more in rent each year than we currently receive.

Alderman Farmer moved to enter into an agreement with the Missouri State Highway Patrol in a form to be approved by the City Attorney. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Bill No. 13-25. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH VIZIER CONSTRUCTION, LLC FOR CONSTRUCTION OF THE LOWER LEVEL BUILD OUT AT CITY HALL.

Building Official Ron White explained that this construction was budgeted in the Operating Capital Account (#1009774256). The estimated budget amount for this particular project (base bid) is \$17,500.00 and the low bid was \$275 over budget.

Two sealed bids were received as follows:

- | | |
|----------------------------------|---|
| 1. Vizier Construction, LLC - | Base \$17,775.00 |
| | Alt 1 \$42,915.00 (Base included) |
| | Alt 2 \$44,640.00 (Base and Alt1 incl) |
| | Alt 3 \$46,783.00 (Base, Alt1 and 2 incl) |
| 2. Thomas Construction Company - | Base \$17,955.00 |
| | Alt 1 \$54,284.00 (Base included) |
| | Alt 2 \$56,236.00 (Base and Alt 1 incl) |
| | Alt 3 \$57,508.00 (Base, Alt1 and 2 incl) |

Alternate 1 encompasses the complete build-out of a 40 foot hallway (200 square feet) and a 760 square foot office area for the State Highway Patrol. Alternate 2 includes the build-out and wall-line countertop to be used as work stations. Alternate 3 includes the build-out, wall line countertop, and base *and* wall cabinets. Alternates 1, 2 and 3 minus the Base of \$17,775 will be funded entirely by the State of Missouri as detailed in the previous Blue Sheet regarding the new rental agreement between the City and State.

The apparent low bidder is Vizier Construction, LLC. Vizier Construction, LLC has performed work inside City limits of Osage Beach, subject to inspection by City staff, and has been found to be reliable and more than capable of performing this work.

Department recommendation is to accept the City Hall Lower Hallway Finish bid from Vizier Construction, LLC in the amount of \$46,783 with the City's portion totaling \$17,775.00 (\$275.00 over budget) and the State's portion at \$29,008.

This \$275.00 difference may be accounted for when purchasing flooring for the lower level fitness room, carpeting for the board room or during the purchase of a new refrigerator for the break room; all of which are budgeted for in the same account.

Mayor Lyons presented the first reading of Bill No. 13-25 by title only. It was noted that Bill No. 13-25 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 13-25 as presented. Alderman Catcott seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 13-25 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 13-25. Alderman Kahrs seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-25 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott. "Nays": None. Bill No. 13-25 was passed and approved as Ordinance No. 13.25.

Bill No. 13-26. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH HUTCHINS TELECOM, LLC TO REPAIR THE SANDS LIFT STATION

City Engineer Nick Edelman explained that bids were solicited to repair the Sands Lift Station. The only bidder was Hutchins Telecom with a bid of \$22,874.88. Hutchins Telecom has completed multiple projects with the City in the past with good results.

Mr. Edelman explained that last year other valves were installed for pumping operations at the lift station and this bid will replace multiple valves inside the vault.

Mayor Lyons presented the first reading of Bill No. 13-26 by title only. It was noted that Bill No. 13-26 has been available for public review. Alderman Kahrs moved to approve the first reading of Bill No. 13-26 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. 13-26 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 13-26. Alderman Catcott seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-26 and to pass same into Ordinance: "Ayes:" Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott, Alderman Kahrs. "Nays": None. Bill No. 13-26 was passed and approved as Ordinance No. 13.26.

City Paid Lease of Billboards.

City Administrator Viselli explained that the digital signs will cost \$1,500 per board per month for six months. Alderman Catcott commented that the most desirable signs are already leased but the City could sign a contract if the current lessee did not renew the lease. He explained that the two digital boards on the Grand Glaize Bridge would give recognition to all exits off of the expressway.

Board members were in favor of the digital signs because of the option of rotating as many as five messages on each sign and also the ability to advertise activity in certain areas.

Alderman Kahrs moved to approve the contract to rent two digital signs for a period of six months at a cost of \$3,000 per month, further that a back-up contract be placed on other desired billboards. Alderman Catcott seconded the motion which was voted on and unanimously passed.

Alderman Rucker asked that one person work with Lamar to coordinate messages that will be placed on the signs.

First Budget Quarterly Review.

Financials and a summary report were previously distributed to the Board of Aldermen.

Assistant City Administrator Jeana Woods explained the various funds. It was noted that the general fund is \$56,000 short because some expenditures were underestimated such as the audit

and workers' compensation. Expenditures in other funds were underestimated such as the electricity and grants that were expected and not received. Mrs. Woods said there are enough unrestricted funds to pay for the Key Largo intersection. She will review the amount budgeted for electricity and make adjustments.

Communications from Board Members.

Alderman Schmitt. Ron Schmitt congratulated fellow aldermen on their reelection.

Alderman Catcott. Fred Catcott reported that he attended the Joint Sewer Board meeting and he stated that the operators of the plant do a good job.

Alderman Kahrs. Steve Kahrs expressed his appreciation to Board members for making a commitment to improve the west side.

Alderman Rucker. In an effort to improve the West side, Kevin Rucker said he met with the City Attorney Ed Rucker and Police Chief Todd Davis and to continue the research on open containers to make the City friendlier towards car shows, boat shows and other events. Alderman Olivarri voiced his concerns about open containers and he asked Alderman Rucker to share the content of his conversations with the other Aldermen and staff. Alderman Olivarri felt the request to staff should contain more explicit direction. Alderman Rucker said he is not asking for approval but he would like more information on open containers.

Alderman Rucker moved to direct City Attorney to provide more information about the open container law. Alderman Kahrs seconded the motion. The following roll call vote was taken: "Ayes": Alderman Catcott, Alderman Kahrs, Alderman Rucker. "Nays": Alderman Farmer, Alderman Olivarri, Alderman Schmitt. The vote resulted in a tie. Mayor Lyons voted in the affirmative to break the tie. She asked the City Attorney and the Police Chief to research the open container issue and to provide a list of the pros and cons.

Alderman Kahrs asked the Police Chief to conduct traffic control in the area where Shooters used to be. Chief Davis said they were aware of the problem and officers are providing additional traffic control. Alderman Kahrs asked City Engineer Edelman about sidewalks on Lazy Days Road. Mr. Edelman said they are included in the long range plan.

Staff Communications.

City Administrator. Nancy Viselli reported that a press release would be issued tomorrow announcing the Public Forum on May 9 from 7 p.m. to 8 p.m.

Police Department. Todd Davis reported on the golf tournament that will be held April 26 at Sycamore Golf Course that will benefit Special Police Projects.

Assistant City Administrator. Jeana Woods reported that baseball season is late due to the rain and sign ups are being taken for men and coed teams until the first week of May.

Parks Manager. Brian Willey reported that he worked on the disc golf project at the park last

Sunday.

Airport Manager. Budd Hyde reported that the hangar project is out to bid and it is funded by MoDOT Aviation.

Mayor Lyons announced that the Dierbergs grand opening is Wednesday, April 24.

There being no further business to come before the Board, the meeting adjourned at 8:40 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 18, 2013.


Diann Warner, City Clerk


Penny Lyons, Mayor

A APPROVED **D**
5/2/13