

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

May 2, 2013

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, May 2, 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 read a proclamation declaring May 15 as Peace Officers Memorial Day and May 12-19 as National Police Week.

Mayor Lyons expressed condolences to family and friends of Bob O Keefe who passed away April 22<sup>nd</sup>. Bob was a former Osage Beach alderman in Ward 1. He served on many City committees such as Transportation, Public Utilities, Community Law Enforcement, Public Infrastructure and more recently the Osage Beach Citizen Advisory Committee. He also served on the Council of Local Governments and continued to serve as Chairman of the Solid Waste District T. Bob was currently on the Osage Beach Special Road District. He was a long time member of the Shriners and the Elks. Bob readily volunteered for many Chamber events. His willing commitment to the area will be missed.

**Citizens Communications.**

Nathan Bechtold who writes for Lake Expo spoke about the farmers market at Stonecrest Mall that will be open soon and will have many local vendors.

**Consent Agenda.**

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on April 18, 2013, and the bill list as submitted. Alderman Schmitt seconded the motion which was voted on and passed.

**Unfinished Business.**

None

**New Business.**

**Public Hearing.** Amending Appendix A of Section 710.410; Sewer Development Charges

City Engineer Nick Edelman said an additional sewer development area is being added in the Port Lane area.

No one was present to speak in favor of or in opposition to the amendment to the Sewer Development Charges.

**Public Hearing.** Amendment to the Sign Ordinance.

City Planner Cary Patterson said the proposed amendment to the Sign Ordinance was presented to the Planning Commission at their meeting on Tuesday, March 12, 2013. After some discussion the Planning Commission recommended approval of this amendment. The amendment addresses signage on the new expressway and the One Way Couple. He said the proposed amendment will allow large tracts of property to have a primary sign which may be located on the expressway rather than on a collector street.

City Planner Patterson submitted changes to the proposed Ordinance as follows: add the word *sign* after the word *primary* and the words *in total sign height or above street elevation, whichever is greater* in Section 405.380 j. 2.

No one was present to speak in favor of or in opposition to the amendment to the Sign Ordinance.

**Public Hearing.** Special Use Case No. 363. Terry Ross Requests SUP to allow town home rentals in a C-1 General Commercial District

City Planner Cary Patterson presented the following report:

**Department Comments:**

<b><u>Applicant:</u></b>	Terry Ross	
<b><u>Location:</u></b>	Between Ledges Dr. and Port Lane with frontage on Port Lane	
<b><u>Petition:</u></b>	Special Use Permit to allow extended stay rental duplex units in a Commercial District.	
<b><u>Existing Use:</u></b>	The subject property is vacant.	
<b><u>Zoning:</u></b>	C-1 (General Commercial)	
<b><u>Tract Size:</u></b>	3.07 acres	
	<b><u>Surrounding Zoning:</u></b>	<b><u>Surrounding Land Use:</u></b>
<b><u>North:</u></b>	C-1 (General Commercial)	Condo Development/ Single family
<b><u>South:</u></b>	PUD Duplex Rental	Two family
<b><u>East:</u></b>	R-3 (Multi-family) C-1 (Commercial)	Apartments/Marina/ S family
<b><u>West:</u></b>	C-1 w/ PUD overlay	Resort Residential
<b>The Osage Beach Comprehensive Plan Designates this area as appropriate for:</b>	Moderate Density Residential	

**Rezoning History**      **Case #**      **Date**

Ross                              357 (amended)              June, 2011

**Utilities:**      Water: **City**                              Electricity:      **Ameren UE**  
Sewer: **City**

**Access:**      Property has frontage on Port Lane and Ledges Drive.

**Analysis:**

1. The applicant is the owner of the vacant property in question and has been the owner for over two years.
2. The character of the area is mixed containing single-family homes, condominiums, apartments, Blue Moon Marina, storage facilities, and RT's Cove (lake front resort residential).
3. The applicant originally requested the property be rezoned to R-3 with a PUD 1 Overlay for the construction of apartment units
4. The portion of the property that is being requested for rezoning is fronted and serviced by Port Lane.

**Department Comments:**

The property is recommended for Moderate Density Residential, which is defined by the Comprehensive Plan as 5-13 units per acre. If the applicant develops the 22 units on the subject property that would equate to just over 7 units per acre for this property which conforms with what is recommended by the Comprehensive Plan.

It is also important that the City be willing to promote development on properties such as this in order to stimulate the commercial activity on the West Side of the Grand Glaize Bridge. Simply put, if the City approves this type of development it will serve to put more housing units on the west side of the bridge increasing the customer potential and the sheer numbers from which our businesses can draw patrons.

Under the Section 405.610 of the City Code of Ordinances for Amendments and Changes, bullet point 6 gives five matters that the city should consider before making a change in the use of property.

1. **Relatedness of the proposed amendment to the goals and outlines of the long range physical plan for the City:**

The amended request is in conformance with the density recommendations of the Comprehensive Plan.

The Comprehensive Plan also encourages the City to provide additional work force housing when the opportunity arises to locate it on property where it is compatible.

2. **Existing uses of property within the general area of the property in question:**

As previously stated, the area surrounding the subject property contains mixed uses including single-family residential, apartments, resort residential (RT's Cove), a lake front marina, storage facilities, and condominium development.

The request basically provides a use that conforms to the mix of multi and single family and provides some buffer for some of the residential uses from developing commercial tracts.

**3. The zoning classification of property within the general area of the property in question:**

As I stated previously, the subject property is surrounded on all sides by more intensive zoning districts. The other surrounding dwellings are built within a C-1 zone or higher density residential zone. Some of those homes have been built, constructed additions to, or remodeled with a Special Use Permit for residential construction in a commercial zone.

**4. The suitability of the property in question to the uses permitted under the existing zoning classification:**

The subject property could also develop in a limited commercial capacity. This would most likely be in the form of some type of storage unit facility. With the surrounding uses including a significant amount of residential development containing both low and high density, the requested development of duplex rental units would be a more harmonious addition to the existing residential development.

**5. The trend of development , if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification:**

The area surrounding the subject property is currently seeing new development as a result of the zoning action taken by the current applicant. Individual storage facilities are being constructed on a portion of property that is zoned C-1 (General Commercial) directly across from the main entrance to the Blue Harbor Marina facility.

**Based on the analysis of the conditions pertaining to the subject petition, the Planning Department recommends approval of the request subject to the following provisions regulating the property being granted a SUP for duplex rental units exclusively:**

**Permitted Uses:**

The following uses shall be permitted in those areas as illustrated on the PUD site plan:

1. Residential Uses shall conform to the requested development containing a maximum of 11 duplex buildings for a total of 22 units.
2. Accessory Uses will be designed for and available to the tenants and their guests only and will not be open to the public. Those uses include any administrative office(s) for project management, garages, maintenance facilities, and recreation facilities.

**Construction:**

Construction shall be in accordance with the International Building Code and all other pertaining construction codes as adopted by the City of Osage Beach at the time a building permit is issued for each individual facility.

The layout of the buildings and units will also conform to the building layout plans that were submitted with this petition.

**Bulk, Area, and Height Requirements:**

The buildings and units will also conform to the building layout plans that were submitted with this petition.

**Dimensional Requirements:**

Buildings within this district shall not exceed a minimum setback of 25 feet from the property line fronting Port Lane being considered the front, a minimum setback of 5 feet from the side property lines, and a minimum of 25 feet from the property line fronting Ledges Drive being considered the rear.

**Public Facilities:**

1. Engineering plans for water, streets, and sewer improvements will be constructed in accordance with the Osage Beach Design Guidelines and shall be approved by the City Engineer's Department.

**Access:**

1. Access shall be derived from Port Lane and the 40' road easement that falls between Ledges Drive and Port Lane.

**Parking:**

All development shall adhere to Osage Beach off-street parking requirements at the time that it is constructed.

**Buffering and Screening:**

Waste cans, dumpster units, or other trash receptacles shall be placed where they are least visible from a public street or adjoining properties. Screening/fencing as to make these devices as least visible as possible is required.

**Exterior Lighting:**

1. Exterior lighting shall be designed, located and constructed to eliminate or significantly reduce glare and/or a general increase in lighting intensity within the adjoining existing or proposed residential area(s). Additionally, all exterior lighting shall be so arranged and shielded so as to confine all direct light rays within the boundaries of this district.

2. All street lighting proposed shall meet the City's standards for street lighting on local streets in residential areas. Applicants should coordinate with the City's Engineering Department on street lighting installations.

**Signage:**

The applicant will be required to get a sign permit from the city. At such time that an application is filed, a site plan and engineering will be submitted to assure the signs compliance with the city's sign code.

**Maintenance of Open Space and Common Areas:**

The maintenance of common area and facilities within the District shall be the responsibility of the property owner(s) and/or the property management administrators. All areas not scheduled for immediate construction are to be seeded and storm drainage facilities are to be maintained as to protect from storm water runoff impact to the Lake of the Ozarks and surrounding properties.

**Platting:**

All platting of property must conform to the Osage Beach Subdivision Code.

**Final Development Plan:**

- a. The individual site development plans submitted with the Building Permit Applications for the proposed buildings will be considered the Final Development Plans.

The Planning Commission recommended approval of Special Use Case No. 363 with the following conditions:

1. Ingress and egress be limited to the Osage Beach Parkway frontage and access serving the existing use on the property. No access shall be gained from properties to the north or west without approval of the Planning Commission
2. All parking and access drives for the proposed use must be paved and constructed in conformance with City design standards at the time its constructed
3. Signage shall be in conformance with the City of Osage Beach Sign Ordinance.
4. This approval does not constitute building permit approval; all other zoning and building regulations must be followed.
5. An annual review of this request will not be required.

Sarah Stevenson who lives on Port Lane also owns Lot 13 spoke in opposition to the Special Use Request. Mrs. Stevenson said the property was zoned commercial in 1986 and everyone has had to get a special use to construct a home. She said she moved here to live in a quiet neighborhood and now there will be changes in sewer charges that they will have to pay for.

Terry Ross, the developer said the entire area is zoned commercial and that condominiums or a hotel would be allowed in a C-1 zone, however townhomes are a better fit with the existing residential uses. He said the density is 62% of the amount allowed.

There being no further comments or questions, Mayor Lyons closed the public hearings at 6:50 p.m.

**Bill No. 13-17.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING APPENDIX A OF SECTION 710.410: SEWER SYSTEM DEVELOPMENT CHARGE.

City Engineer Edelman explained that the new area for Sewer Development Charges will only apply to new development and not will not apply to existing structures. A fee of \$570 will be charged for new structures to handle the upgrades needed in the Port Lane area.

Mayor Lyons presented the first reading of Bill No. 13-17 by title only. It was noted that Bill No. 13-17 has been available for public review. Alderman Olivarri moved to approve first reading of Bill No. 13-17 as presented. Alderman Catcott seconded the motion which was voted on and unanimously passed.

**Bill No. 13-24.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING THE ZONING ORDINANCE, SIGN REGULATIONS – NON RESIDENTIAL USES SECTION 405.380 AND SECTION 405.385

City Planner Patterson explained there is currently no location in the City where a billboard is allowed. The amendment will allow those who have frontage on the expressway to erect a billboard after obtaining a permit from MoDOT.

Mayor Lyons presented the first reading of Bill No. 13-24 by title only. It was noted that Bill No. 13-24 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 13-24 as presented. Alderman Schmitt seconded the motion which was voted on and passed with Alderman Kahrs abstaining.

Mayor Lyons presented the second and final reading of Bill No. 13-24 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 13-24. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-24 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott, Alderman Olivarri. "Nays": None. "Abstain:" Alderman Kahrs. Bill No. 13-24 was passed and approved as Ordinance No. 13.24.

**Approve Findings of Fact.** Special Use Case No. 363. Request Townhome Rentals in a C-1 General Commercial District

Alderman Olivarri moved to approve the Findings of Fact as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

**Vote on Special Use Case No. 363.**

City Planner Patterson explained that the subject property is zoned C-1 and it will develop with or without approval of the SUP. He added that some are interested in expanding the storage facility or building an extended stay hotel. Mr. Patterson said that town homes are a better mix with the

existing residential and condominium uses. The requested use has a lower density and is a better situation than a storage facility or an extended stay hotel.

Alderman Catcott moved to approve Special Use Case No. 363 with the following conditions:

1. Ingress and egress be limited to the Osage Beach Parkway frontage and access serving the existing use on the property. No access shall be gained from properties to the north or west without approval of the Planning Commission
2. All parking and access drives for the proposed use must be paved and constructed in conformance with City design standards at the time it's constructed
3. Signage shall be in conformance with the City of Osage Beach Sign Ordinance.
4. This approval does not constitute building permit approval; all other zoning and building regulations must be followed.
5. An annual review of this request will not be required.

Alderman Farmer seconded the motion which was voted on and unanimously passed.

**Request from Lake Ozark Osage Beach Welcome Sign Committee.**

Joe Roeger explained that with the Chamber of Commerce and the City's help, in 1998 a Welcome Park was developed. Toby's Nursery has maintained it for the last fifteen years however, Toby's cannot continue to do the maintenance. With contributions, there are plans to upgrade and maintain the plant material. Mr. Roeger introduced Bill McKay from Paradise who has agreed to install a \$20,000 plan for \$7,500. The Chamber will purchase the plants at cost and Mr. McKay has reduced the labor by half. Mr. McKay said most of the plants will be permanent with the exception of some annuals in the spring.

Alderman Kahrs moved to contribute \$1,000 for maintaining the Welcome Park that advertises Osage Beach, further that the funds be taken from the line item for the proposed highway sign. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

**Bill No. 13-27.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, APPROVING THE FINAL PLAT OF COTTAGE HILL VILLAS SUBDIVISION, A SUBDIVISION IN OSAGE BEACH, CAMDEN COUNTY, MISSOURI.

**Comments and Recommendation of the Planning Department:**

**Subdivision Name:** Cottage Hill Amended Final Plat

**Location:** Approximately 4000 feet off Highway KK on the East side of Three Seasons Road

**Section/Township/Range:** 9/39/16

**Applicant:** Summit Development Co. LLC

**Surveyor:** Allen Surveying  
**Tract Size:** 2.3 acres (5 two –family lots)  
**Zoning:** R-2 (Two- Family Residential)

**Surrounding Land Use:**

**North:** Single Family  
**South:** Single Family  
**East:** Single Family  
**West:** Single Family

**Department Comments**

**Final:**

The plat was reviewed for code compliance and was found to be consistent with the final plat requirements. The developer is simply reducing the number of lots left in the original subdivision from six to five in order to make them large enough to accommodate the duplex units. The site development plans will not change from the original plat and the individual unit services will be handled at the time a Building Permit is applied for. City Planner Patterson commented that they are working on the drainage issue.

The Planning Commission recommended approval of the Final Plat of Cottage Hill Villas Subdivision.

Mayor Lyons presented the first reading of Bill No. 13-27 by title only. It was noted that Bill No. 13-27 has been available for public review. Alderman Kahrs moved to approve the first reading of Bill No. 13-27 as presented. Alderman Rucker seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 13-27 by title only. Alderman Rucker moved to approve the second and final reading of Bill No. 13-27. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-27 and to pass same into Ordinance: “Ayes”: Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott, Alderman Kahrs, Alderman Olivarri. “Nays”: None. Bill No. 13-27 was passed and approved as Ordinance No. 13.27.

**Bill No. 13-28.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LAMAR COMPANIES TO PROVIDE OUTDOOR ADVERTISING DISPLAYS

Mayor Lyons presented the first reading of Bill No. 13-28 by title only. It was noted that Bill No. 13-28 has been available for public review. Alderman Kahrs moved to approve the first reading of

Bill No. 13-28 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. 13-28 by title only. Alderman Kahrs moved to approve the second and final reading of Bill No. 13-28. Alderman Catcott seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-28 and to pass same into Ordinance: "Ayes:" Alderman Schmitt, Alderman Rucker, Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Farmer. "Nays": None. Bill No. 13-28 was passed and approved as Ordinance No. 13.28.

**Resolution 2013-04.** Mutual Aid Agreement with Camden County Sheriff's Department.

Police Chief Todd Davis explained that Camden County Sheriff's Department is updating the Mutual Aid Agreement currently in place. This is a standard request that has been reviewed by the City Attorney. Chief Davis recommended approval.

Mayor Lyons presented Resolution 2013-04. Alderman Schmitt moved to approve Resolution 2013-04 as presented. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

**Resolution 2013-05.** Mutual Aid Agreement with Lebanon Police Department's Internet Crimes Against Children (ICAC) Task Force.

Police Chief Todd Davis explained the Mutual Aid Agreement currently in place between the City of Lebanon and the City of Osage Beach needs updated due to the fact both Departments have new Chiefs. This is a standard request that has been reviewed by the City Attorney. Chief Davis recommended approval.

Mayor Lyons presented Resolution 2013-05. Alderman Kahrs moved to approve Resolution 2013-05 as presented. Alderman Catcott seconded the motion which was voted on and unanimously passed.

**Board Representation on Boards and Commissions.**

The Board must select a member to serve on the Planning Commission as allowed by RSMo. 89.320 if the Board chooses to have a member. Board members also serve on the Liquor Control Board and the Joint Sewer Board. Alderman Catcott currently serves on the Joint Sewer Board and the Liquor Control Board. Alderman Farmer serves on the Planning Commission.

Alderman Schmitt moved that Alderman Catcott represent the Board on the Planning Commission and the Liquor Control Board and Alderman Olivarri represent the Board on the Joint Sewer Board. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

**Bid Award. GPS Equipment.**

Bids were solicited for a GS 14 Rover Series and the only bidder is Laser Specialists, Inc. with a bid of \$11,595.00. The Engineering Department has worked with Laser Specialists in the past with good results.

Funds were budgeted in the Office Equipment & Machinery 10-18-774261 in the amount of \$20,000.

The Engineering Department recommends purchasing the GPS equipment from Laser Specialists, Inc. in the amount of \$11,595.00.

Alderman Kahrs moved to award the bid for GS 14 Rover Series in the amount of \$11,595 as recommended. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

**Bid Award.** GPS Trimble Geo Explorer 6000 Series

Bids were solicited from four vendors with Seiler Instruments being the only vendor that responded in the amount of \$5,685. The budgeted amount is \$9,300:

Water	30774255	- \$3100
Sewer	35774255	- \$3100
Street	20774255	- \$3100

Rick King, Superintendent of Public Works explained that when budgeted, the intent was to purchase this main GPS unit plus a smaller hand held for field crews. After re-evaluating existing equipment, the City owns two GPS units. One is used daily by Public Works and a second unit is kept at City Hall with very little use. We propose trading in the heavily used device and utilizing the spare unit for field crews and a back-up unit.

Alderman Schmitt moved to award the bid for GPS Equipment for public work to Seiler Instruments in the amount of \$5,685 as recommended. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

**Authorization to Dispose of Surplus Property.**

Assistant City Administrator Jeana Woods explained that the items on the surplus property list is City property that has been deemed surplus by the City department managers and staff is requesting disposal of the property. The majority of the items will be set up for sale via online auctions, eBay or GovDeals as deemed appropriate, however some items listed are of no value and will be disposed of accordingly.

Alderman Kahrs moved to dispose of the surplus property as recommended. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

**Communications from Board Members.**

Alderman Rucker. Kevin Rucker applauded the individuals operating the Farmers Market. He questioned when committee appointments would be on the agenda. It was noted that appointments will appear on the June agenda. Alderman Rucker asked if there was anything the City could do to get data for GPS' updated because units do not show the One-Way Couple. Following a short discussion, Alderman Catcott said the owner of the GPS needs to update their unit which would solve the problem.

**Staff Communications.**

City Attorney. Ed Rucker reported there has been press coverage about the funeral protest ordinance however, the ordinance is valid and it was upheld by the Court.

Police Department. Todd Davis reported that a Missouri Law Enforcement Candlelight Vigil will be held Friday at 8:00 p.m. in Camdenton, and on Saturday May 4, a vigil will be held at 10:00 a.m. behind the State Capitol next to the river.

City Planner. Cary Patterson expressed his appreciation for the opportunity to attend the APA Conference in Chicago.

Engineering Department. Nick Edelman reported that MoDOT will be here at the next Board meeting on May 16<sup>th</sup> to discuss the extension of Osage Beach Parkway.

Superintendent of Public Works. Rick King reported that the electronic waste collection was a success and a White Goods Recycling Event will begin next Monday for two weeks. He said he attended Capitol Days in Jefferson City and met with Representatives Rocky Miller and Diane Franklin.

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

CLOSED SESSION

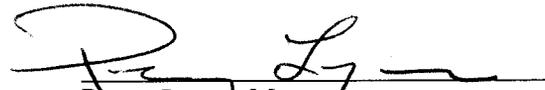
Alderman Catcott moved to open the meeting. Alderman Kahrs seconded the motion. The following roll call vote was taken to open the meeting: "Ayes": Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker. "Nays": None. The meeting was therefore opened.

No announcements were made following the closed session.

There being no further business to come before the Board, the meeting adjourned at 8:00 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 May 2, 2013.

  
Diann Warner, City Clerk

  
Penny Lyons, Mayor

**APPROVED**  
5/16/13