

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

May 16, 2013

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, May 16, 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 19 – May 25 as National Public Works Week.

Alderman Farmer presented the Senior Service Award she received from Lieutenant Governor Peter Kinder to Mayor Lyons to be displayed in the foyer at City Hall.

**Citizens Communications.**

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

**Consent Agenda.**

Alderman Kahrs moved to approve the consent agenda which includes minutes of the regular meeting held on May 2, 2013, the bill list as submitted and a caterer's license to Molotoft Cocktails for May 18. Alderman Schmitt seconded the motion which was voted on and passed.

**Unfinished Business.**

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

Mayor Lyons presented the second and final reading of Bill No. 13-17 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 13-17. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-17 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott,. "Nays": None. Bill No. 13-17 was passed and approved as Ordinance No. 13.17.

**New Business.**

**Discussion of Outer Road and Miscellaneous Items with MoDOT Representatives.**

MoDOT District Five Engineer, Dave Silvester, presented the following two options for the outer road that would extend from Osage Beach Parkway to Y Road.

Option 1 – the alignment of the parkway extension follows existing Highway 54. Costs for fill material, pavement and the concrete barrier are higher in this option. Cost is estimated at \$3,970,555.

Option 2 – Follows existing 54 to Executive Drive and then drops down in elevation; more right of way required but less fill material. A portion of the concrete barrier is eliminated. Cost is estimated to be \$3,499,724.

Mr. Silvester said the cost is more than the original estimate because the road from Lamar to Y Road needs more work therefore \$500,000 was added to the cost. The dirt pile at Y Road will be used on the project.

District funds, cost share and the City's contribution will fund the project at 1/3 each. If the City is able to get the right of way donated, it would count towards the City's 1/3 to offset the cost. Moving existing utilities is included in the cost of each option however it does not include the extension of utilities to the outer road. It was noted that lighting is not included in the estimated cost and based on the City's latest contract lighting will add \$400,000 to the cost.

Alderman Catcott questioned whether Mr. Silvester thought the extension to Y Road would increase traffic between KK and Lazy Days. Mr. Silvester responded that he did not know if any infrastructure improvements would increase traffic, although he said it would allow west bound traffic. He added that it would probably increase development in that area which would also help.

Mr. Silvester said that either option would be safe. The conversion at Executive Drive would allow traffic to go onto the outer road and not onto Highway 54 which would improve safety and traffic flow and would allow vehicles to go either direction.

Less right of way is needed in Option 1 because it follows the alignment of Highway 54 but the concrete barrier is more expensive. Option 2 reduces the cost of concrete but more right of way is needed. Mr. Silvester said he prefers Option 2 because it has a safer alignment.

Mr. Silvester explained that Option 2 would still need a concrete barrier between Key Largo and Executive Drive and a guard rail would be installed past Executive Drive.

Alderman Rucker questioned whether the City could negotiate with the property owners to trade right of way for waiving fees to connect to the sewer and water. City Attorney Ed Rucker said he would research the ordinances.

Alderman Kahrs said unless the right of way is donated he would not consider the outer road because the property is not located inside the City limits. Mayor Lyons commented that possibly the property owners would consider annexing into the City.

City Engineer Nick Edelman explained that fees are not waived on vacant commercial property and if utilities are extended to Y Road, fees would be waived to those businesses along the way if they are in the City limits.

Alderman Olivarri thanked Mr. Silvester for taking the time and effort towards Key Largo and the Parkway extension and also for his ability to obtain funding. Mr. Silvester said the next deadline is in the fall and time should be allowed for potential condemnation.

Mayor Lyons questioned the amount of right of way that is needed. Mr. Silvester said the amount is unknown until the design is complete and surveys are taken. He added that if the City decides on one of the options, then MoDOT would start surveying and estimating the amount of right of way needed. Alderman Kahrs said property owners should be contacted to see if they are willing to

donate the right of way, and he said the Board needs to know where the funds are coming from. He added that he has concerns about traffic safety on Nichols Road because the school bus count is going up from 7 to 14 with the new school that is being built.

Alderman Olivarri commented that a work session should be scheduled to address all the issues and he added that he is also concerned about the money situation. He said that possibly by the second meeting in June there would be more information on the right of way.

Alderman Rucker did not agree that unless all right of way was donated the project should be scratched. He added that he would like to see how much is needed. Alderman Olivarri said he is concerned about the amount of money that would be needed for the outer road and he is concerned about the number of projects that might have to be put on hold. He also said that funding needs to be discussed.

Mayor Lyons commented that City Engineer Nick Edelman would contact property owners and gather information.

**Bill No. 13-29.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SCHEDULE V, TURN RESTRICTIONS, BY DELETING THE NO LEFT TURN SIGN LOCATED ON REDBUD ROAD AT OSAGE BEACH PARKWAY

City Engineer Nick Edelman explained that under the 2013 Misc. Street Construction project the island on Redbud Road, which prohibited a left turn movement onto Osage Beach Parkway, has been removed. Vehicles will be allowed to make left turns onto the Parkway from Redbud Road.

Mayor Lyons presented the first reading of Bill No. 13-29 by title only. It was noted that Bill No. 13-29 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 13-29 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. 13-29 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 13-29. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-29 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott, Alderman Kahrs. "Nays": None. Bill No. 13-29 was passed and approved as Ordinance No. 13.29.

**Bill No. 13-30.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SHOW-ME ASPHALT PAVING & MAINTENANCE, LLC FOR THE APPLICATION OF SEAL COAT AND RESTRIPING THE PARKING LOTS AT CITY HALL AND LEE C. FINE AIRPORT

Bids were opened on May 8, 2013 and Show-Me Asphalt Paving & Maintenance, LLC was the apparent low bidder. The project will sealcoat and re-stripe the parking lots at City Hall and Lee C. Fine Airport.

Funding for the airport portion of this project may be obtained from Account 45-00-774128 Airport Capital with a budget balance of \$9,926.40 and funding for the City Hall portion of this project may be obtained from Account 10-09-774256 Building Improvements with a budget balance of \$41,300.

The following amounts will remain in Airport Capital:

\$21,600.00 – Original Budget

\$11,673.60 – Slurry Seal Roadway (minus/previously awarded)

\$ 9,926.40 – Balance before this contract

\$ 2,950.97 – Seal Coat/Re-Stripe Parking Lot (minus/this award)

\$ 6,975.43 – Remaining/under budget

The Building Department budgeted \$41,300 for Building Improvements, of which \$9,500 was budgeted for Seal and Stripe City Hall Parking Lot.

\$9,500.00 – Original Budget

\$5,453.33 – Seal Coat/Re-Stripe Parking Lot (minus/this award)

\$4,046.67 – Remaining/under budget

The Engineering Department recommends awarding the project to Show-Me Asphalt Paving & Maintenance, LLC in the amount of \$8,404.30.

Mayor Lyons presented the first reading of Bill No. 13-30 by title only. It was noted that Bill No. 13-30 has been available for public review. Alderman Schmitt moved to approve the first reading of Bill No. 13-30 as presented. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 13-30 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 13-30. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-30 and to pass same into Ordinance: “Ayes”: Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott, Alderman Kahrs, Alderman Olivarri. “Nays”: None. Bill No. 13-30 was passed and approved as Ordinance No. 13.30.

**Resolution 2013-06.** Neighborhood Improvement District and Community Improvement District Policies

City Attorney Ed Rucker requested approval of Resolution 2013-06 approving and authorizing publication on the City’s website of the Neighborhood Improvement District Policy attached as Exhibit “A” and the Community Improvement District Policy attached as Exhibit “B.” These policies were submitted to the Board on February 19, 2013 for their review. No substantial changes have been requested by any member of the Board since that date, however; some typographical errors have been corrected.

Alderman Kahrs moved to approve Resolution 2013-06 as presented. Alderman Catcott seconded the motion.

City Attorney Rucker explained that the policies are a guide for a developer to approach the City, however the City has the discretion to approve it or not.

The motion to approve Resolution 2013-06 was voted on and unanimously passed.

**Communication from Board Members.**

Alderman Schmitt. Ron Schmitt said someone should attend the Use Tax Seminar that MML is sponsoring. He said the tax did not pass because the City did not present it properly and voters did not understand it.

Alderman Schmitt reported on some historical facts that occurred this day.

Alderman Catcott. Fred Catcott reported that he attended his first Planning Commission meeting and he said it is good to see construction occurring in the City.

Alderman Olivarri. John Olivarri reported that he attended the training session on the Use Tax and all the information that was available was presented to the Board. He added that MML suggested getting a citizen group to promote the use tax and educate the public.

Engineering Department. Nick Edelman reported on a TAC committee meeting he attended. The agenda included developing a priority list for a four county area, however; before a decision is made the committee wanted to wait to see if the Legislature passed a 1% transportation sales tax. He reported that Mark Beeler spoke to the group about an interchange at Key Largo. The next meeting is in July.

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 May 16, 2013.

  
Diann Warner, City Clerk

  
Penny Lyons, Mayor

**APPROVED**  
6/6/13/llc