

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

July 25, 2013

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, July 25, 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 Deputy City Clerk, Dorothy Urlicks was present and performed the duties in the absence of the City Clerk.

Mayor's Communications.

Mayor Lyons welcomed everyone to the meeting.

Citizens Communications.

Lauren Cobb stated the Family Birth Center at LRHS is hosting a 5K at the Osage Beach City Park on Saturday July 27, 2013 to raise funds for Relay for Life of Camden County. More than 600 people have already registered. She thanked Brian Willey for his help.

John Rogger was present to express his appreciation for the hard work of the Board, he feels it would be beneficial for the City to add an outer road. He would love to see the road go through and feels it would benefit the whole City.

George Baker stated he has lived in Osage Beach for 39 years. He said we need to be prepared to grow and that safety is also an important issue and we may never again have an opportunity to get State Money for this project. He encouraged the Board to vote in favor of the outer road.

Bob Lynch was present to explain MoDot's "On The Move" Program with the mid-summer update report. Bob explained the four priorities they are working on to craft the vision of transportation that will be expressed in their long-range planning document:

- MAINTAIN EXISTING SYSTEMS & SERVICES
- KEEP TRAVELERS SAFE
- TIE TRANSPORTATION INVESTMENTS TO ECONOMIC DEVELOPMENT
- INTEGRATE OUR ENTIRE TRANSPORTATION SYSTEM AND PROVIDE ALTERNATIVES

He asked that the Board – either as a Board or individually, contact them if they think these are the right things to look at.

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on July 11, 2013, the bill list as submitted.

Alderman Schmitt seconded the motion which was voted on and passed.

Unfinished Business.

Discussion of Outer Road.

Nick Edelman, City Engineer explained his memo and costs associated with this project. He has spoken with all of the property owners regarding property donation. He stated that the project would not start until the spring-summer of 2015 as the cost share funds are already allocated for other projects

Alderman Rucker questioned starting date of the project and the City Engineer verified spring-summer of 2015.

Alderman Catcott asked if funding could be split over a 2 year budget and the City Engineer responded yes, it would be up to the Board.

Alderman Kahrs asked the City Engineer, Nick Edelman, if it was true that Brandvein would donate 50% ONLY if sewer was extended, and asked him what the cost of sewer would be. Nick said his previous estimate for 2014 was \$425,000, but that was using outside engineering services. Since the project now would not be done until 2015, there was a chance that we could do the engineering in-house. He added that the City would need to decide if we do one line or two and if two, funds would be needed for the second line. Alderman Rucker asked if the \$425,000 was for the whole project, and Nick responded yes – it would provide services to the Church, Lamar and HMI.

Alderman Kahrs asked about the number of acres needed and Nick Edelman said 2.88 acres was the total. MoDOT had estimated \$420,000 for the total purchase and the Brandvein property was the largest piece at 1.38 acres. He further explained that MoDOT's costs include administrative costs for appraisals, right-of-way, etc., and some of those costs would be reduced for any property donated.

Alderman Olivarri stated the real advantage to consider is that the City would only have to fund one third, which would impact the City less. He added that in the future, MoDOT said their participation would be 50/50. He added that the question is, "is it worth doing now, for just \$660,000?" Alderman Olivarri added that he is concerned about additional projects – one of which is Zebra Road. We did half of the project and put Phase 2 on hold. He would still like to see the East side of Phase 2 done now and the remainder could be moved to a Phase 3 if needed and said he would like to know the cost. He is also concerned about the new school on Nichols Road and concerned about the busses and asked if we needed more money for that. As a former bus driver, Alderman Olivarri said that there are no shoulders on that road and if someone drives across the yellow line, there could be some real problems. He went on to say he is concerned about using all of the funds, and asked what happens if other situations come up.

City Engineer Nick Edelman said the estimate on Zebra is between \$250,000 and \$275,000 to complete the construction; however, some issues with land owners and a park (owned by

multiple people) have come up which could delay the project. Further discussion took place about how this might be achieved but Nick said that it could be done with the funds available.

City Engineer Nick Edelman then talked about Nichols Road, and said in his conversations with the School District they are not concerned with the road. They have three busses now and plan to have a total of five (and possibly more) at a later date. Nick said we could add shoulders similar to Highway 42, which would be an option before considering a full reconstruction. He added that Nichols Road was one project identified in the Transportation Master Plan, but mostly residents were concerned with the curves. Nick did not have a cost estimate, but felt that adding shoulders would be relatively inexpensive. Nick said in his preliminary 2015 budget numbers we had \$700,000 for projects, plus we would have the \$497,600 from 2014 per his memo.

Alderman Kahrs mentioned the \$400,000 budgeted for the sign and said it was budgeted to make a friendlier entrance into the City. He then asked if we were going to put sewer in along the outer road, why not water? If you add water, Alderman Kahrs indicated the City would be looking at a million dollars. Alderman Kahrs said he would also like to see Zebra finished, and added that there are other projects in Ward 2, such as Three Seasons and Lazy Days Road, that would like sidewalks. Alderman Rucker interjected that the \$400,000 sign was budgeted as "economic development".

Alderman Catcott said he's heard a lot of negatives about the outer road, but wanted to point out some of the positives. He mentioned safety, which was the most important issue, but also said that it's proven that cities locate some of their biggest businesses on outer roads, and mentioned car dealers, restaurants and malls, adding that they get more visibility by being located alongside an Interstate (or in this case, Expressway). Alderman Catcott said that the City would not get another chance to do this for only one third of the cost and now that we have until 2015 to come up with the funds, we could spread it over two years. He pointed out that the City can't grow to the East because Lake Ozark is there, and Highway 42 is mostly industrial, so we have to go West. He said you always hear, "why didn't we buy it years ago when the price was right?" He said the City should take advantage of this and not to let it get by.

Alderman Kahrs then questioned the 20% increase in traffic on the outer road and asked Bob Lynch to tell the Board how MoDOT came up with this number. Bob Lynch explained the process. Alderman Kahrs then asked about the 40% increase in safety, and Bob Lynch explained the process. Further discussion took place about safety and Bob Lynch ended by saying that while there are a lot of areas around the State that are less than desirable, MoDOT considers their offer of the one-third/two-thirds cost share as a partnership between the State and the City and that he believes it makes good business sense.

Alderman Kahrs asked about the cost of an interchange at Key Largo and how MoDOT comes up with their cost estimate. Bob Lynch said that each ramp costs about \$1 million (\$4 million total), plus the cost of the bridge and of course land acquisition, design, and so forth, which comes up to anywhere from \$7 million to \$14 million.

Alderman Kahrs then talked about the amount of vacant land already available in Osage Beach to be developed, and mentioned that the Turkey Bend area was looking to annex into the City, and that the Duenke family owns 700-800 acres of vacant land, and the hospital has 50-60 acres and that he feels a better use of City funds would be to get Tan-Tar-A inside City limits. Mayor Lyons added that City staff has been working with Tan-Tar-A for over five years, and said that both Tan-Tar-A Resort and the Estates are already on our sewer system.

Alderman Rucker said that the issue had already been discussed that the City could borrow money from MoDOT if necessary and that it did not need to go to the voters for approval. He said MoDOT does this all of the time. Alderman Rucker added that the two-third (MoDOT) one-third (City) option is a very important point and said in the past the City has spent money on Highway 54 (such as going from two lanes to three lanes), which they gave to MoDOT, and they felt then it was the positive thing to do. Alderman Rucker said he feels it is a positive project, and the properties mentioned by Alderman Kahrs inside the City already have the infrastructure needed which was the City's responsibility and now it is just up to the owners to develop their property.

Alderman Rucker added that he felt the outer road would benefit the whole town, not just the West side. He said that even though this was not in his ward, he attended meetings held by the West side, and he wants to do what is best for the City.

Alderman Rucker added that the 40% increase in safety was just a best guess, and that we've been told we cannot have a full interchange. He said that while it's been stated that it was supposed to be a full interchange, he doesn't know if that's true – what happened to it, who was on the Board at the time, or who made the decision not to build it – he said all he knows is that we have what we have and we need to look forward.

Alderman Rucker mentioned the letter in the newspaper, which stated that we did not go to the Missouri Highway Transportation Commission. He said the City did go to MoDOT and did work with the State Representatives and that it's easy after the fact to tell you what you should have done. Alderman Rucker said now we have two years to get the funding together, and a lot of projects can still be done, and that the Board is doing the best we can. He said we need to look at the opportunity before us to get this project done for only one-third of the cost and he feels it is of value to the City and to the future of the City and he is in favor of it.

With no further discussion, Alderman Catcott made a motion to move forward with this project and take advantage of the one-third cost. Alderman Rucker seconded the motion. The following roll call was taken to approve the motion: Yes: Alderman Catcott, Alderman Rucker and Alderman Farmer. No: Alderman Kahrs, Alderman Olivarri and Alderman Schmitt. Mayor Lyons said she believed the City has worked well with MoDOT and they have been willing to work with us. She added that we can do this project without borrowing any money and believes this project will open up two-way traffic, remove the "dead end", the City would gain a 7th interchange and we could place our electronic sign just prior to Y Road which would help our business community. She added that the school was also in favor of the outer road and has said they would use it for

their bus traffic. Following these comments, the Mayor stated she is breaking the tie and voting in favor of moving forward with the project.

New Business.

Resolution 2013-07 - To authorize the Chief of Police to execute a Mutual Aid Agreement for police services with the Missouri Department of Natural Resources, Missouri State Park Rangers, for mutual law enforcement aid between the city and the state park police. This agreement does not obligate any response from the City or MDNR that would impair their duties to their primary areas of patrol but does provide for lending of help when requested and available.

Mayor Lyons presented Resolution 2013-07. Alderman Olivarri moved to approve Resolution 2013-07 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Bill 13-43 - To authorize the Mayor to execute a contract modification 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

This modification for additional pavement sealcoating near Hangar A was discussed at the July 11, 2013 Board of Aldermen meeting. Bill 13-43 will approve additional work at Lee C. Fine Airport in the amount of \$2,785.00. Budget Item 45-00-774128 Airport Capital will be \$4,190.00 under budget after this additional expenditure.

Mayor Lyons presented the first reading of Bill No. 13-43 by title only. It was noted that Bill No. 13-43 has been available for public review. Alderman Schmitt moved to approve the first reading of Bill No. 13-43 as presented. Alderman Catcott seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 13-43 by title only. Alderman Farmer moved to approve the second and final reading of Bill No. 13-43. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-43 and to pass same into Ordinance: "Ayes": Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott, Alderman Kahrs, Alderman Olivarri. "Nays": None. Bill No. 13-43 was passed and approved as Ordinance No. 13.43.

Bill 13-44 - To authorize the Mayor to enter into agreement for the award of the proposed Construction Contract No. OB13-015 for the Public Works Storage Building project

Bids were opened on July 18, 2013. The Bid Abstract is attached. Radlund Construction, LLC is the apparent low bidder with a bid amount of \$49,756.47. The Engineering Department has worked with Radlund Construction, LLC in the past with positive results and recommends awarding the Public Works Storage Building project to Radlund Construction, LLC.

This project will provide additional storage for Public Works.

Funding for this project can be obtained from 20-00-773207 Storage Building with a budget balance of \$45,000. The additional funds required to complete this project are available from unrestricted funds in the Transportation Fund which has a balance of \$348,651 for Fiscal Year 2013.

City Engineer, Nick Edelman explained it was bid out with several options but this option will build a 30 X 60 building with a concrete floor and apron driveway. This does not include electric.

Mayor Lyons presented the first reading of Bill No. 13-44 by title only. It was noted that Bill No. 13-44 has been available for public review. Alderman Schmitt moved to approve the first reading of Bill No. 13-44 as presented. Alderman Farmer seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 13-44 by title only. Alderman Farmer moved to approve the second and final reading of Bill No. 13-44. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-44 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott, Alderman Kahrs. "Nays": None. Bill No. 13-44 was passed and approved as Ordinance No. 13.44.

Bill 13-45 - To authorize the Mayor to execute the Missouri Highways and Transportation Commission State Block Grant Agreement for the land acquisition of 5926 Osage Beach Parkway

This agreement allows the City to be reimbursed for the cost of land acquisition.

The amount of this grant is for \$289,496 and represents 95% of eligible project costs. The City matching funds portion of the land acquisition is estimated at \$15,237 and represents 5% of eligible project costs. The dollar amount we receive in this grant is larger than the land costs alone because the grant includes engineering and closing costs.

Alderman Schmitt asked if this included demolition and Nick Edelman responded it did not – that would be a separate agreement.

Mayor Lyons presented the first reading of Bill No. 13-45 by title only. It was noted that Bill No. 13-45 has been available for public review. Alderman Schmitt moved to approve the first reading of Bill No. 13-45 as presented. Alderman Olivarri seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 13-45 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 13-45. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-45 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker, Alderman Catcott. "Nays": None. Bill No. 13-45 was passed and approved as Ordinance No. 13.45.

Bill 13-46 - Establishing a Conflict of Interest Policy to Disclose Potential Conflicts.

This ordinance is required by law to be readopted this year and sent to the Ethics Commission. If it is not readopted, all elected and appointed officials would be required to file a Personal Finance Disclosure Statement. The ordinance is effective for two years. Staff recommends approval.

Mayor Lyons presented the first reading of Bill No. 13-46 by title only. It was noted that Bill No. 13-46 has been available for public review. Alderman Schmitt moved to approve the first reading of Bill No. 13-46 as presented. Alderman Rucker seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 13-46 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 13-46. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-46 and to pass same into Ordinance: "Ayes": Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Farmer, Alderman Schmitt, Alderman Rucker. "Nays": None. Bill No. 13-46 was passed and approved as Ordinance No. 13.46.

Heating and Cooling Modification / Installation for new office space.

Ron White, Building Official stated that during construction of the new office space, it was brought to my attention that the existing HVAC configuration is not sufficient. Based on anticipated heat load calculations, 3 new units, plumbing, electrical service and duct work are required to maintain proper conditioning of the inhabited space.

The City has a current service agreement with GEO Enterprises, Inc. As a "preferred customer", Geo Enterprises provides equipment and labor at a discount to the City. While the estimate was \$32,750.00 the actual cost will be \$32,235.95 for the installation of the additional equipment.

My recommendation is to absorb \$15,400.00 of the expense using budgeted amounts in account 10-09-743104 Building Maintenance Operating Capital by the following:

1. Forgo the installation of the City Hall fitness room flooring (\$2,500.00)
2. Forgo the City Hall board room carpet replacement (\$9,000.00) and,
3. Use the \$3,900.00 remaining from the parking lot seal and stripe project (completed under budget).

The remainder will be an "over budget" amount for account 10-09-743104.

In addition, my department will continue to seek every means possible to finish the 2013 Building Inspection and Building Maintenance accounts under budget to assist in off-setting the remaining expense.

Alderman Catcott asked if there was sufficient water flow and Ron White said yes.

Alderman Kahrs moved to authorize Geo Enterprises Inc. to install new HVAC equipment. Alderman Olivarri seconded the motion which was voted on and passed.

Communication from Board Members.

Alderman Schmitt. Ron Schmitt stated that there was an article in the paper with the headlines "No More Beach Closures" HB 51 does not stop beach closures but it does make it harder as Dan Field said in his article if you see Rocky Miller pat him on the back and Diane Franklin helped – thank her too.

There is a new outlet mall opening in St Louis.

Alderman Catcott. Fred Catcott congratulated Brian Willey, Parks Manager for getting people to our park. He then asked how the Disc Golf project was going. Brian answered they are about two months behind schedule but he expects it to pick up when the weather cools down.

Alderman Farmer. Lois Farmer thanked the two officers who came to her home on Saturday, July 13, 2013 due to people fishing on her dock without permission. Officers Joel Shelton and Bobby McCrorey were at her home in four minutes. Lois also had a thank you to Rocky Miller for sending her a letter with her picture.

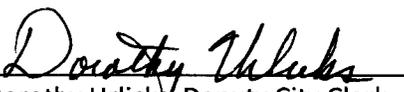
Staff Communications.

Assistant City Administrator. Jeana Woods explained the Young Eagles Event taking place at the Grand Glaize Airport on Saturday, August 10, 2013.

Parks Manager. Brian Willey stated last Saturday at the Dogfest Event a lot of people asked about a fenced in area for dogs. He said the British Soccer Camp has had a good turnout and will be back next year. He then thanked Lois Farmer and her husband for the generous donation of fishing equipment and said it will be put to good use at the next Kid's Fishing Day. He reminded us of the Color Run on Saturday.

There being no further business to come before the Board, the meeting adjourned at 8:02 p.m.

I, Dorothy Urlicks, Deputy 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 July 25, 2013.


Dorothy Urlicks, Deputy City Clerk


Penny Lyons, Mayor

A P P R O V E D
8/1/13