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

September 19, 2013

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, September 19, 2013, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Fred Catcott, Alderman Steve Kahrs, Alderman John Olivarri, Alderman Ron Schmitt, and Alderman Kevin Rucker. The City Clerk, Diann Warner was present and performed the duties of that office.

Mayor's Communications.

Mayor Lyons asked for a moment of silence to honor the victims of the Navy Yard massacre.

Mayor Lyons reported that the Fall Festival was back at City Hall and it was very successful. There were lots of vendors and visitors and she thanked all the volunteers that made the event a success. Mayor Lyons commented that she wants to see it return to the City Park next year because there is a larger area for the kids to enjoy and we can continue to promote the park for community use.

Mayor Lyons expressed her appreciation for the opportunity to attend the 79th MML Conference. Among the presenters was City Attorney Rucker along with David Bushek from Gilmore & Bell. The title of the presentation was the Battle of the Lake with information on Tax Increment Financing. It was very well attended and there are plans for next year's conference. Mayor Lyons thanked the Board members and staff that were able to attend.

Citizens Communications.

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

Consent Agenda.

Alderman Rucker moved to approve the consent agenda which includes minutes of the regular meeting held on September 5, 2013, and the bill list as submitted. Alderman Schmitt seconded the motion which was voted on and passed.

Unfinished Business.

Bill No. 13-54. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO AMEND THE CITY CODE TO CONFORM TO A NEW STATE LAW SENATE BILL 99 WHICH LOWERS THE AGE AT WHICH A PERSON MAY SERVE AS ALDERMAN IN A CITY OF THE FOURTH CLASS FROM 21 TO 18 YEARS OF AGE.

Mayor Lyons presented the second and final reading of Bill No. 13-54 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 13-54. Alderman Catcott seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-54 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Rucker, Alderman Catcott, Alderman Kahrs, Alderman Olivarri. "Nays": None. Bill No. 13-54 was passed and approved as Ordinance No. 13.54.

New Business.

Bill No. 13-57. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 115.010, DEFINITIONS, APPOINTED OFFICERS AND SECTION 510.210, B AND C BE AMENDED BY CHANGING THE NAME OF PUBLIC WORKS SUPERINTENDENT TO PUBLIC WORKS DIRECTOR

City Attorney Ed Rucker stated that Bill No. 13-57 deletes the Public Works Superintendent and enacts a Public Works Director who must be an engineer. Additionally, Bill No. 13-57 makes various changes in the code where the position of Public Works Superintendent appears.

Mayor Lyons presented the first reading of Bill No. 13-57 by title only. It was noted that Bill No. 13-57 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 13-57 as presented. Alderman Schmitt seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 13-57 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 13-57. Alderman Catcott seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-57 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Schmitt. "Nays": None. Bill No. 13-57 was passed and approved as Ordinance No. 13.57.

Bill No. 13-58. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH STOCKMAN CONSTRUCTION, INC. FOR THE 2013 STORM DRAIN IMPROVEMENTS

The following bids were submitted for the 2013 Storm Drain Improvements:

J. C. Industries, Inc.	$115,225.00
Stockman Construction Corp.	$100,387.50
Travis Hodge Hauling, LLC	$121,732.60

The apparent low bidder is Stockman Construction in the amount of $100,387.50. Funding for these improvements, which includes ten projects, may be obtained partially from Transportation/Misc. Streets with a balance of $21,804. Section 4, Zebra Road will be funded from 20-00-773206. The Osage Beach Special Road District agreed at their September 10, 2013 meeting to fund the remaining amount. The Engineering Department recommended approval. Public Works Director Nick Edelman thanked the Osage Beach Special Road District for funding a portion of this project. It was noted that all improvements are either draining from or on City streets.

Mayor Lyons presented the first reading of Bill No. 13-58 by title only. It was noted that Bill No. 13-58 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 13-58 as presented. Alderman Schmitt seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 13-58 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 13-58. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second reading of Bill

No. 13-58 and to pass same into Ordinance: "Ayes": Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Schmitt, Alderman Rucker. "Nays": None. Bill No. 13-58 was passed and approved as Ordinance No. 13.58.

Bill No. 13-59. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A COST APPORTIONMENT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO PARTICIPATE IN THE COST OF THE PUBLIC IMPROVEMENT AT KEY LARGO ROAD AND OSAGE BEACH PARKWAY

Public Works Director Nick Edelman explained that this agreement is another step in the process to improve the Key Largo Intersection. The Key Largo Cost Share Project was discussed and approved at the April 18th Board of Aldermen meeting and it includes a truss mounted sign. The sign is included in the agreement under 6 (C), and is mentioned in Exhibit B of the agreement.

Section 6 of the agreement outlines what MoDOT will be paying for and what the City's responsibility will be. The City's portion of this work is $99,318. This is close to the original estimated amount of $96,100. There is some contingent money in the amount of 2% of the estimate for possible change orders.

This agreement is a lump sum agreement. As stated in 6 (B), "The Commission will be responsible for all overruns and will retain all under runs associated with the project cost." If bids come in high, the City's cost will remain the same.

The City's portion of the intersection improvements is not a budgeted line item and will have to be addressed in a future budget amendment.

Nick Edelman recommended approval of Bill 13-59 and said that a draft plan is available for anyone interested in viewing it.

Mayor Lyons presented the first reading of Bill No. 13-59 by title only. It was noted that Bill No. 13-59 has been available for public review. Alderman Kahrs moved to approve the first reading of Bill No. 13-59 as presented. Alderman Catcott seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 13-59 by title only. Alderman Kahrs moved to approve the second and final reading of Bill No. 13-59. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-59 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Olivarri, Alderman Schmitt, Alderman Rucker, Alderman Catcott. "Nays": None. Bill No. 13-59 was passed and approved as Ordinance No. 13.59.

Bill No. 13-60. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LAMAR COMPANIES TO PROVIDE OUTDOOR ADVERTISING DISPLAYS

City Administrator Nancy Viselli explained that at the last meeting, the Board asked that a survey be taken to determine if the electronic signs have benefitted the businesses and to see if the public would like to see the advertising continue. She added that a survey was taken at the Fall Festival

and all but one asked that the advertising continue. The Lake Sun survey had 330 respondents who said it was a good idea and a survey on the City's website had a 99.3% positive response.

The proposed contract will end December 29, 2013.

Mayor Lyons presented the first reading of Bill No. 13-60 by title only. It was noted that Bill No. 13-60 has been available for public review. Alderman Catcott moved to approve the first reading of Bill No. 13-60 as presented. Alderman Kahrs seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 13-60 by title only. Alderman Rucker moved to approve the second and final reading of Bill No. 13-60. Alderman Catcott seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-60 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Schmitt, Alderman Rucker, Alderman Catcott, Alderman Kahrs. "Nays": None. Bill No. 13-60 was passed and approved as Ordinance No. 13.60.

Authorize Purchase of New Padlocks for Lift Stations and Grinder Stations.

The City currently has over 1,200 lift stations and grinder stations and due to the recent department changes and to ensure better security, staff would like to purchase all new pad locks, keyed alike, for all the stations.

Staff contacted three locksmiths, two of which responded, and staff recommends purchasing from Shelton Key & Lock, the lowest bidder.

Recommended purchase (includes shipping) – Account 35-00-743300 Repair of System:

- 1,250 #3 Master Locks (Commercial Grade) $ 8,750.00 ($7.00 each)

Alderman Olivarri moved to purchase the locks from Shelton Key and Lock, the low bidder, in the amount of $8,750.00. Alderman Catcott seconded the motion which was voted on and passed.

Communication from Board Members.

Alderman Catcott. Fred Catcott reported that it was a good weekend with all the activities here at the Lake.

Alderman Kahrs. Alderman Kahrs questioned the progress at the Park after the flood damage. Public Works Director Nick Edelman explained that he met with SEMA and FEMA yesterday and the President has declared a disaster. He will be meeting with FEMA to determine to the next steps and identify projects. He added that funds for debris removal are available and FEMA would cover 75% of the cost. City Administrator Viselli said that the City's insurance will not pay for anything on land but the concession stand and restrooms have been sanitized and an inventory was conducted and submitted. She added that the deductible is $2,500 with MPR versus $100,000 with our previous carrier. Mrs. Viselli said she did not anticipate the Park would reopen until spring. She added that they are waiting to determine whether the electric system can be saved on the vehicles or if they have to be totaled.

Hazard Mitigation grants are available for the emergency spillway and for debris removal. Mr. Edelman said that FEMA will not pay for anything that insurance pays for. Alderman Kahrs asked

Park Manager Brian Willey for a report on the turf. City Administrator Viselli said a status report will be available on the City's website.

Alderman Rucker. Kevin Rucker expressed his appreciation for the opportunity of attending the MML Conference. He said he learned about Branson's plan for Highway 76 which was very educational.

Staff Communications.

City Administrator. Nancy Viselli asked Board members to contact Public Works Director Edelman if they have any issues regarding taking over the maintenance of Osage Beach Parkway. She added that a list is being compiled to send to MoDOT. Alderman Kahrs asked for a draft copy of the letter before it is sent to MoDOT. City Administrator Viselli said the time frame for accepting the road is December 1, 2013.

City Attorney. Ed Rucker thanked the City for the opportunity of attending the MML Conference. He learned from Richard Sheets, Executive Director of MML, that the outlook for local government in Jefferson City is not good. He also reported that the Market Place Fairness Act is working its way through Congress. He said it is important for Congress to figure out a way to address sales tax on internet sales.

Alderman Olivarri said there is a need for a use tax however he questioned if it becomes a Federal law would a local use tax be required. City Attorney Rucker will research the issue.

City Planner. Cary Patterson reported that he and Lieutenant Mike O'Day attended the first session of Camden County Leadership.

Public Works Director. Nick Edelman thanked the Mayor and Board for the promotion.

There being no further business to come before the Board, the meeting adjourned at 7:10 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 September 19, 2013.

Diann Warner, City Clerk

Penny Lyons, Mayor

APPROVED
10/3/13
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