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

October 17, 2013

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, October 17, 2013, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Fred Catcott, Alderman Steve Kahrs, Alderman Michelle Myler, 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 reported that the Columbia College Lake Area Advisory Board met for updates on the College. They are hoping to offer several new degrees in the future one of which would be a master's program in Human Services. Their search continues for a new college president which should be concluded after the first of the year. Mayor Lyons said that enrollment is down due to the economy and only 46% of the graduates are getting jobs in their fields. Their nursing program continues to do very well and they had a 97% pass rate on their recent tests. Seven of the students applied for and were accepted for internship at Lake Regional.

Mayor Lyons thanked Alderman Steve Kahrs for serving on the Central Ozarks Development Board and she extended her thanks to Alderman John Olivarri for volunteering to replace Alderman Kahrs on that Board.

Citizens Communications.

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

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the special meeting and the regular meeting held on October 3, 2013, and the bill list as submitted. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Unfinished Business.

None

New Business.

Bill No. 13-63. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A DONATION AND CONVEYANCE OF PROPERTY AND SANITARY SEWER FACILITIES FROM THE CITY OF LAKE OZARK, MISSOURI AND AUTHORIZING THE RECORDATION OF DOCUMENT(S) AND FOR FURTHER AUTHORITY IN CONNECTION THEREWITH.

City Attorney Ed Rucker explained that Bill 13-63 is the final step in transferring this infrastructure and these sewer service customers from the Lake Ozark sewer system to the Osage Beach sewer system. The customer transfer was effective on September 16, 2013. The customers are located off of Mace Road on Aver Drive and the City of Lake Ozark has approved execution of the deed.

Mayor Lyons presented the first reading of Bill No. 13-63 by title only. It was noted that Bill No. 13-63 has been available for public review. Alderman Rucker moved to approve the first reading

of Bill No. 13-63 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. 13-63 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 13-63. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-63 and to pass same into Ordinance: "Ayes": Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Schmitt, Alderman Myler, Alderman Rucker. "Nays": None. Bill No. 13-63 was passed and approved as Ordinance No. 13.63.

Bill No. 13-64. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A COMMUNICATIONS SYSTEMS AGREEMENT WITH THE OSAGE BEACH AND LAKE OZARK FIRE PROTECTION DISTRICTS.

Police Chief Todd Davis explained that for several years OBPD Communications Center has provided dispatch services for both fire protection districts. In 2011 the contracts were rewritten allowing for a two year term with an increase option of 5% per year if needed. Chief Davis said an increase in fees is not needed at this time as the revenue received for current calls for service is sufficient. The current contracts expire December 31, 2013.

Alderman Rucker expressed his concern that no increase is proposed yet overall costs have increased 2 to 4% in the last few years. Chief Davis explained that no equipment is being replaced and the communications supervisor did not think an increase was needed.

Mayor Lyons presented the first reading of Bill No. 13-64 by title only. It was noted that Bill No. 13-64 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 13-64 as presented. Alderman Kahrs seconded the motion which was voted on and passed with Alderman Rucker expressing a negative vote.

Mayor Lyons presented the second and final reading of Bill No. 13-64 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 13-64. Alderman Kahrs seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-64 and to pass same into Ordinance: "Ayes": Alderman Kahrs, Alderman Olivarri, Alderman Schmitt, Alderman Myler, Alderman Rucker, Alderman Catcott. "Nays": None. Bill No. 13-64 was passed and approved as Ordinance No. 13.64.

Bill No. 13-65. AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT A BID FROM C.J. ELECTRIC L.L.C. AND EXECUTE A CONTRACT WITH THAT COMPANY FOR THE ELECTRICAL REPAIR OF THE PUBLIC WORKS MATERIALS STORAGE FACILITY

City Attorney Ed Rucker explained that this matter was brought to the Board because the owner of C.J. Electric L.L.C. is the brother of an employee at public works. The employee's spouse also works for C.J. Electric L.L.C. The employee who is related to the owner of C.J. Electric L.L.C. is not involved in evaluating these bids or the staff recommendation to make this award.

Mayor Lyons presented the first reading of Bill No. 13-65 by title only. It was noted that Bill No. 13-65 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 13-65 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. 13-65 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 13-65. Alderman Myler seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-65 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Schmitt, Alderman Myler, Alderman Rucker, Alderman Catcott, Alderman Kahrs. "Nays": None. Bill No. 13-65 was passed and approved as Ordinance No. 13.65.

Bill No. 13-66. 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.

Assistant City Administrator Jeana Woods explained that Bill No. 13-66 appropriates an additional allocation to 47-00-773105 Land Purchase for an adjusted total expenditure of $286,954 (original budget was $100,000). The purchase was approved and finalized in July and an adjustment to the budget is now required. The land purchase will be reimbursed by grant funds in the amount of $271,235.

Mayor Lyons presented the first reading of Bill No. 13-66 by title only. It was noted that Bill No. 13-66 has been available for public review. Alderman Kahrs moved to approve the first reading of Bill No. 13-66 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. 13-66 by title only. Alderman Rucker moved to approve the second and final reading of Bill No. 13-66. Alderman Schmitt seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-66 and to pass same into Ordinance: "Ayes": Alderman Schmitt, Alderman Myler, Alderman Rucker, Alderman Catcott, Alderman Kahrs, Alderman Olivarri. "Nays": None. Bill No. 13-66 was passed and approved as Ordinance No. 13.66.

Bill No. 13-67. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ACCEPTING A PORTION OF PARKWOOD CIRCLE AS A CITY STREET AS DESCRIBED IN SECTION 1.

Engineer Lee Schuman explained that the appropriate documents have been submitted including a Missouri Warranty Deed transferring the property to the City. The residents wish to transfer the remaining private portion of Parkwood Circle to the City. The street was part of the Preliminary Plat so the Planning Commission's recommendation is not required.

The roadway has been constructed in accordance with the Design Guidelines and all inspections have been made.

Mayor Lyons presented the first reading of Bill No. 13-67 by title only. It was noted that Bill No. 13-67 has been available for public review. Alderman Schmitt moved to approve the first reading of Bill No. 13-67 as presented. Alderman Olivarri seconded the motion which was voted on and unanimously passed.

Bill No. 13-68. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE AVIATION PROJECT CONSULTANT SUPPLEMENTAL AGREEMENT NO. 2 WITH CRAWFORD, MURPHY & TILLY, INC. FOR ENGINEERING SERVICES AT THE LEE C. FINE MEMORIAL AIRPORT

As described in Section 17 of the Original Agreement and Exhibit II SA2, the Consultant, Crawford Murphy & Tilly, Inc., will provide additional services which are beyond the scope of services provided in the Original Agreement and Supplemental Agreement No. 1.

The Supplemental Agreement No. 2 is needed for construction administration services by the Consultant. These services are for various issues one of which is the concrete repair required additional meetings and inspections and another issue was that the seal coat was starting to pull up. Multiple meetings were held with the contractor and subcontractor to correct the problems.

The Engineering Department has negotiated with Crawford, Murphy & Tilly for these services.

Funding for this work is available in account 45-00-774128 Airport Capital in the amount of $21,600. The cost of this work is in an amount not to exceed $29,160. The City's portion would be 5% or 10 % of this amount. It was noted that a budget amendment would be needed.

Mayor Lyons presented the first reading of Bill No. 13-68 by title only. It was noted that Bill No. 13-68 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 13-68 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. 13-68 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 13-68. Alderman Myler seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-68 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Catcott, Alderman Kahrs, Alderman Olivarri, Alderman Schmitt, Alderman Myler. "Nays": None. Bill No. 13-68 was passed and approved as Ordinance No. 13.68.

Authorize purchase of ABS Grinder Pumps for Replacement.

Engineer Lee Schuman explained that one lift station has not been functioning properly and for more efficient operation of the station, he requested authorization to purchase 2 10.7 horsepower pumps and the necessary equipment to install them. A third 10.7 horsepower pump is needed for a backup because there are no spare pumps for the multiple stations using this size pump. The cost for the pumps is $19,001. City Administrator Nancy Viselli clarified that three pumps and two assemblies are being requested.

Alderman Rucker moved to authorize the purchase of pumps as requested in the amount of $19,001. Alderman Catcott seconded the motion which was voted on and unanimously passed.

Third Quarter Budget Review.

Alderman Kahrs said even though sales tax is $36,000 more than received last year, the amount projected is less than expected. City Administrator Viselli said some of the accounts were over the amount expected and more information will be provided next Friday when a draft of the proposed 2014 Budget will be distributed.

Alderman Rucker said that the revenues are less than expected in all funds. Assistant City Administrator Jeana Woods responded that sales tax is only one revenue source and there are other revenues that will make up for it. She added that the January 2014 beginning balance in the general fund will be higher than the beginning balance of January 2013. Alderman Rucker stated

that based on the information provided, revenues and expenses are both down and his opinion was he did not believe it was a serious situation.

Communication from Board Members.

Alderman Myler. Michelle Myler thanked everyone for the kind welcome she received at the last meeting. She reported that she had met with some staff members at City Hall.

Alderman Kahrs. Steve Kahrs asked for an update on the City Park. Assistant City Administrator Woods explained that they got an update from FEMA and the Park will be closed until next spring. Alderman Olivarri questioned whether the proposed budget would include plans for the park. Ms. Woods responded in the affirmative and stated that she is creating an update that will be on the City's website listing the projects that need to be done.

Staff Communications.

City Attorney. Ed Rucker said that House Bill 331 and 335 that adversely affected the regulation of cell towers was struck down today. The injunction was granted because the law was adopted in violation of the Constitution. City Attorney Rucker said the judgment today is from Cole County but it can be appealed to the Supreme Court. He felt sure the legislation would be reintroduced during the next term. Mr. Rucker said that Representative Rocky Miller will attend the next Board of Aldermen meeting to discuss the legislation.

Discussion followed on cell phone towers, the fees collected and whether or not the City's procedures need to be changed. Some applications from communications companies are to change existing infrastructure and some are for new towers. City Planner Cary Patterson said only one new replacement tower had been constructed since the City has had a consultant. He added that companies that apply for a new tower must prove the tower is necessary.

City Clerk. Diann Warner asked anyone interested in attending the Camdenton Chamber of Commerce Dinner on November 14 at Tan-Tar-A to contact her.

Police Department. Todd Davis reported calls for dispatching service had increased. In 2012, the Police Department had 1426 calls through September 5, while in 2013 there were 1905 calls, an increase of 479 calls.

City Treasurer. Karri Bell reported that the TIF Reports have been filed with the Department of Revenue and posted on the City's website under the financial section.

Assistant City Administrator. Jeana Woods reported on the Christmas decorations that had been ordered. She said twelve displays had been ordered, some wiring needs to be done and they are determining where they will be placed. Mrs. Woods said the day after Veterans Day the banners would be taken down and the snowflakes and displays would be put up.

Assistant City Administrator Woods will provide photos of the displays that were ordered.

Parks Manager. Brian Willey reported that staff met with FEMA last Friday and discussed the projects that need to be completed. An RFP is out for a consultant for designing the project around the dam. Mr. Willey said if we have a bad winter, the project could be delayed for months. He added that three of four vehicles were totaled and he is working with the insurance company to replace them.

Park Manager Brian Willey reported on the fishing derby on Sunday. He reported that Turf Mark is maintaining the fields at Peanick Park, the soccer fields at Osage Beach City Park but not fields 2 and 3 because the infrastructure must be rebuilt. Alderman Olivarri commented that Peanick Park looks great.

There being no further business to come before the Board, the meeting adjourned at 7:20 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 October 17, 2013.

Diann Warner, City Clerk

Penny Lyons, Mayor

APPROVED
11/7/13
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