

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

December 5, 2013

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting and a closed session on Thursday, December 5, 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.**

Police Chief Todd Davis introduced Tom Gorsline, the new Police Detective who previously was employed by the City of Hamilton. Detective Gorsline was welcomed.

**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 regular meeting held on November 21, 2013, the minutes of the special meetings held on November 4, 6, and 18 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. 13-74.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, APPROVING THE INSTALLATION OF ONE STREET LIGHT TO BE LOCATED ON BRADFORD DRIVE NEXT TO 844 BRADFORD DRIVE AND ACCEPTANCE INTO THE CITY INVENTORY OF STREETLIGHTS.

Public Works Director Nick Edelman explained that the appropriate documents have been submitted and the residents wish to have a street light installed on an existing pole next to the residence at 844 Bradford Drive. The pole is a terminal pole and cannot have a street light without additional resources added to it. AmerenUE came up with the idea to install a fiberglass light pole similar to all of the other street lights within the subdivision.

The proposed street light meets the requirements of the Osage Beach Design Guidelines due to the fact that there is an existing curve in the road that has a radius less than 150 feet.

The street light will cost \$1,279.10. This new pole will be about 3 to 4 feet from the curb. This light will be maintained by AmerenUE. The total cost per month for light service and maintenance will be \$21.85.

The Public Works Department recommended approval of Bill No. 13-74.

Mayor Lyons presented the first reading of Bill No. 13-74 by title only. It was noted that Bill No. 13-74 has been available for public review. Alderman Catcott moved to approve the first reading of Bill No. 13-74 as presented. Alderman Myler seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 13-74 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 13-74. Alderman Rucker seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-74 and to pass same into Ordinance: "Ayes": Alderman Myler, Alderman Kahrs, Alderman Rucker, Alderman Catcott, Alderman Olivarri, Alderman Schmitt, "Nays": None. Bill No. 13-74 was passed and approved as Ordinance No. 13.74.

**Bill No. 13-75.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014, AND APPROPRIATING FUNDS PURSUANT THERETO

City Administrator Nancy Viselli explained that Bill No. 13-75 reflects the budget as authorized by the Board during their review of the budget at the work sessions and reflects the changes that were discussed.

Alderman Schmitt questioned the memo from Assistant City Administrator Jeana Woods where \$150,000 was being transferred from the Capital Improvement Sales Tax to the General Fund to repair the Osage Beach City Park. Assistant City Administrator Woods explained that the CIT may be used for capital improvements and historically it has been used for water and sewer, however, she said that additional reserves have been accumulated in the Water and Sewer Fund that will help free up General Fund revenues to repair the Park.

Mayor Lyons presented the first reading of Bill No. 13-75 by title only. It was noted that Bill No. 13-75 has been available for public review. Alderman Rucker moved to approve the first reading of Bill No. 13-75 as presented. Alderman Catcott seconded the motion which was voted on and passed with Alderman Kahrs expressing a negative vote.

**Bill No. 13-76.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ACCEPTING SEVEN EXISTING STREETLIGHTS WITHIN PARKWOOD VILLAGE INTO THE CITY INVENTORY OF STREETLIGHTS

Public Works Director Edelman explained that the appropriate documents have been submitted. The owner wishes to have seven (7) existing street lights accepted into City inventory. These street lights are on the portion of Parkwood Circle which was recently taken into City inventory.

The existing street lights meet the requirements of the Osage Beach Design Guidelines. These lights will be maintained by AmerenUE. The costs for these lights are \$17.04 per light per month.

The Public Works Department recommends placing the seven (7) existing street lights within the Parkwood Village subdivision into the City's inventory.

Mayor Lyons presented the first reading of Bill No. 13-76 by title only. It was noted that Bill No. 13-76 has been available for public review. Alderman Olivarri moved to approve the first reading

of Bill No. 13-76 as presented. Alderman Myler seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 13-76 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 13-76. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-76 and to pass same into Ordinance: "Ayes": Alderman Rucker, Alderman Catcott, Alderman Olivarri, Alderman Schmitt, Alderman Myler, Alderman Kahrs. "Nays": None. Bill No. 13-76 was passed and approved as Ordinance No. 13.76.

**Bill No. 13-77.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, VACATING A PORTION OF JEFFRIES ROAD AS DESCRIBED IN SECTION 1.

Public Works Director Nick Edelman explained that this right of way is no longer needed since MoDOT has finished with the construction of the Route 54 Expressway Project. This could be the first of many vacation requests. When the Route 54 Expressway Project was completed, there were multiple roadways that were cut in half. Some of these roadways no longer have a need to be a City street.

The property owners adjacent to the roadway petitioned the City for this land to be vacated. In this case, MoDOT is the owner of the land to the east. MoDOT has sent us a letter requesting that their portion be transferred to the opposite side of the roadway. The deeds are written that Mr. and Mrs. Ickes and Lakeland Properties get the entire roadway adjacent to them instead of just the portion that is from the centerline of the roadway over to their property line.

There is some remaining land off of the old Jeffries Road. MoDOT owns on both sides of this portion. This will be vacated after MoDOT vacates their portion.

This vacation will vacate approximately 0.18 acres of unused right of way and currently the City is responsible for mowing and maintaining this property. Once vacated, we will no longer be responsible for maintenance.

The Public Works Department recommended approval of this vacation.

Alderman Catcott expressed concern that the survey has been paid by the City, plus he said that the property could have been used for signage. He suggested asking the petitioners to pay for the survey. Alderman Kahrs agreed stating that property owners who are getting additional property should participate in the cost of the survey. Alderman Rucker stated that this particular street vacation began years ago, but future applicants could be asked to pay for the survey.

Mayor Lyons presented the first reading of Bill No. 13-77 by title only. It was noted that Bill No. 13-77 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 13-77 as presented. Alderman Rucker seconded the motion which was voted on and passed with Alderman Catcott expressing a negative vote.

**Bill No. 13-78.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH J. C. INDUSTRIES, INC. FOR THE SUNSET DRIVE SIDEWALK PROJECT AND THE RELOCATION OF GRINDER STATION 22-3

Public Works Director Edelman explained that Grinder Station 22-3 needs to be relocated as soon as possible to help alleviate problems with lift stations located further down Sunset Drive.

35-00-773114	Lift Station Repairs	2014 Budget Balance:	\$524,334
20-00-773210	Special Road District Projects	2014 Budget Balance:	\$273,727

The following bids were received:

J. C. Industries	\$294,700.00
Stockman Construction	\$326,199.25
Hutchins Telecom	\$330,331.50
Strait Line Construction	\$348,580.55
Travis Hodge Hauling	\$355,563.50

J.C. Industries, Inc. is the apparent low bidder. The Public Works Department has worked with J.C. Industries, Inc. in the past with positive results and recommends awarding the Sunset Drive Sidewalk and Relocation of Grinder Station 22-3 project to J.C. Industries, Inc.

The Osage Beach Special Road District is funding the sidewalk portion of this project. The sidewalk bid was \$179,483.50. The grinder station 22-3 relocation is budgeted from sewer funds and is \$115,216.50. \$106,000 was budget for this project. There is a \$15,000 force account on the sewer portion of this project. If the force account is not used, the sewer portion will cost \$100,216.50.

This project will relocate grinder station 22-3 further down Sunset Drive in order to allow the smaller pumps further down Sunset Drive to operate more efficiently. All required right of way and easements have been acquired. Upon a question by Alderman Catcott whether driveways would be disrupted, Public Works Director Edelman responded in the affirmative.

Mayor Lyons presented the first reading of Bill No. 13-78 by title only. It was noted that Bill No. 13-78 has been available for public review. Alderman Kahrs moved to approve the first reading of Bill No. 13-78 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. 13-78 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 13-78. Alderman Myler seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-78 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Schmitt, Alderman Myler, Alderman Kahrs, Alderman Rucker, Alderman Catcott. "Nays": None. Bill No. 13-78 was passed and approved as Ordinance No. 13.78.

**Bill No. 13-79.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH HDR ENGINEERING, INC. FOR ENGINEERING AND ENVIRONMENTAL SERVICES

Public Works Director Nick Edelman explained that the contract is for engineering/design services for the storm repairs and improvements to the Osage Beach City Park in the lump sum amount of \$119,469. The engineering/design will include the repair to the pond dam, removal of debris from the creek which the pond drains into, asphalt removal and replacement in the parking lot, and other

items to get the park back to previous conditions. The following list contains items in the contract that we are unsure if the City will be reimbursed by FEMA:

- 1) Emergency Spillway – This is a ditch or spillway that will be designed to allow additional water flow out of the pond so that it does not over top the dam in the future.
- 2) Jurisdictional Determination – This is a request to the US Army Corps of Engineers to determine if they need to have jurisdiction on the creek running thru the City Park near the concession building. There have been some conversations with US Army Corps personnel about this recently.
- 3) Cable - Buoy System – This is a system that we are looking into to keep debris out of the intake structure in the pond. This will allow easier maintenance and improved flow conditions when debris enters the pond.
- 4) Concrete Box Culvert- This is a design improvement that will allow debris to flow thru the culverts near the storage building. This will remove the three existing corrugated metal pipes and replace them with one concrete box culvert. This is an improvement to the creek. The Parks Department is constantly having debris maintenance issues with this area. The storm water calculations will need to be completed for the creek for other design issues. Since some of the design work is already being done, we thought it would make sense to complete those calculations on what size the culvert needs to be.

Discussion followed on the work to be done at the park.

Mayor Lyons presented the first reading of Bill No. 13-79 by title only. It was noted that Bill No. 13-79 has been available for public review. Alderman Kahrs moved to approve the first reading of Bill No. 13-79 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. 13-79 by title only. Alderman Rucker moved to approve the second and final reading of Bill No. 13-79. Alderman Myler seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-79 and to pass same into Ordinance: “Ayes”: Alderman Schmitt, Alderman Myler, Alderman Kahrs, Alderman Rucker, Alderman Catcott, Alderman Olivarri. “Nays”: None. Bill No. 13-79 was passed and approved as Ordinance No. 13.79.

**Bill No. 13-80.** AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ACCEPTING OSAGE BEACH PARKWAY EAST OF THE GRAND GLAIZE BRIDGE AND WEST OF THE GRAND GLAIZE BRIDGE

Public Works Director Edelman said that MoDOT has completed the required improvements on Wednesday. The Public Works Department recommended approval of the transfer of Osage Beach Parkway to the City.

Bids for maintaining the signal lights are being solicited and Mr. Edelman said that MoDOT has agreed to maintain them until the City has a contract.

If this action is approved and signed by the Mayor, the Public Works Department will start maintaining Osage Beach Parkway Friday, December 6, 2013.

Discussion ensued about the portions of Osage Beach that will be maintained by MoDOT and the portions that will be maintained by the City. Concerns were expressed about the legalities and liability for the City of maintaining portions that belong to MoDOT.

Mayor Lyons presented the first reading of Bill No. 13-80 by title only. It was noted that Bill No. 13-80 has been available for public review. Alderman Olivarri moved to approve the first reading of Bill No. 13-80 as presented. Alderman Rucker seconded the motion which was voted on and passed with Alderman Catcott, Alderman Kahrs and Alderman Schmitt expressing negative votes. Mayor Lyons voted in the affirmative to break the tie. The first reading of Bill No. 13-80 passed.

Mayor Lyons presented the second and final reading of Bill No. 13-80 by title only. Alderman Olivarri moved to approve the second and final reading of Bill No. 13-80. Alderman Myler seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-80 and to pass same into Ordinance: "Ayes": Alderman Myler, Alderman Olivarri. "Nays": Alderman Kahrs, Alderman Rucker, Alderman Catcott, Alderman Schmitt. The second reading of Bill No. 13-80 was voted on and failed.

City Administrator Nancy Viselli said the agreement with MoDOT is clear; however, she and the Public Works Director will meet with MoDOT to clarify some issues.

Discussion continued. Alderman Rucker said he only voted against the second reading of Bill No. 13-80 because some of the questions remain unanswered. City Attorney Ed Rucker stated that someone on the prevailing side may move to reconsider the prior vote at this meeting or the next.

Public Works Director Edelman said he received an email from Bob Lynch that said they do not plan any other maintenance activities after today because the 120 day notice was over and he assumed the City would accept Osage Beach Parkway. It was noted that the forecast is for snow this evening. Edelman added that if the City is not planning on accepting the road, he will contact MoDOT but he did not know what their response time will be. City Administrator Viselli reiterated that the agreement is clear and the map shows the portion each entity would snowplow.

Alderman Catcott asked Public Works Director Edelman if he was comfortable that the agreement with MoDOT says what it should say to cover snowplowing. Edelman responded in the affirmative.

Discussion followed on whether a hazardous condition would be created by lifting the snowplow on areas that MoDOT should maintain. Public Works Director Edelman said MoDOT will not create a dangerous condition for the public and neither would City employees.

Alderman Rucker moved to reconsider Bill No. 13-80. Alderman Kahrs seconded the motion. The following vote was taken to reconsider the second reading of Bill No. 13-80: "Ayes": Alderman Rucker, Alderman Catcott, Alderman Olivarri, Alderman Schmitt, Alderman Myler, Alderman Kahrs. "Nays": None. The vote to reconsider the second reading of Bill No. 13-80 was voted on and unanimously passed.

Alderman Myler moved to approve the second reading of Bill No. 13-80. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 13-80 and to pass same into Ordinance: "Ayes": Alderman Catcott, Alderman Olivarri, Alderman Schmitt, Alderman Myler, Alderman Kahrs, Alderman Rucker. "Nays": None. Bill No. 13-80 was passed and approved as Ordinance No. 13-80.

Alderman Rucker moved to direct staff to work out the issues of snow plowing and create a document to reduce liability to the City. Alderman Kahrs seconded the motion which was voted on and unanimously passed.

**Communication from Board Members.**

No reports.

**Staff Communications.**

City Clerk. Diann Warner announced that the first day of candidate filing for the Municipal Election in April is December 17, 2013 at 8:00 a.m.

Park Manager. Brian Willey reported that the disc golf course will be completed once the repairs have been made at the park.

**Executive Session.**

Alderman Olivarri moved to close the meeting as allowed by RSMo. Section 610.021(1), Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys and 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 Myler seconded the motion. The following roll call was taken to close the meeting: "Ayes": Alderman Olivarri, Alderman Schmitt, Alderman Myler, Alderman Kahrs, Alderman Rucker, Alderman Catcott. "Nays": None. The meeting was therefore closed.

**CLOSED SESSION**

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

There being no further business to come before the Board, the meeting adjourned at 8:12 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 December 5, 2013.

  
Diann Warner, City Clerk

  
Penny Lyons, Mayor

**APPROVED**  
12/19/13  
Dev