

NOTICE OF MEETING AND BOARD OF ALDERMEN AGENDA



CITY OF OSAGE BEACH BOARD OF ALDERMEN MEETING

1000 City Parkway
Osage Beach, MO 65065
573.302.2000
www.osagebeach.org

TENTATIVE AGENDA

REGULAR MEETING

March 3, 2022 - 6:00 PM
CITY HALL

**** Note:** All cell phones should be turned off or on a silent tone only. If you desire to address the Board, please sign the attendance sheet located at the podium. Agendas are available on the back table in the Council Chambers. Complete meeting packets are available on the City's website at www.osagebeach.org.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S COMMUNICATIONS

CITIZEN'S COMMUNICATIONS

This is a time set aside on the agenda for citizens and visitors to address the Mayor and Board on any topic that is not a public hearing. For those here in person, speakers will be restricted to three minutes unless otherwise permitted. Minutes may not be donated or transferred from one speaker to another.

Visitors attending via online will be in listen only mode. Any questions or comments for the Mayor and Board may be sent to the City Clerk at tberreth@osagebeach.org no later than 10:00

AM on the Board's meeting day (the 1st and 3rd Thursday of each month). Submitted questions and comments may be read during the Citizen's Communications section of the agenda.

The Board of Aldermen will not take action on any item not listed on the agenda, nor will it respond to questions, although staff may be directed to respond at a later time. The Mayor and Board of Aldermen welcome and value input and feedback from the public.

Is there anyone here in person who would like to address the Board?

APPROVAL OF CONSENT AGENDA

If the Board desires, the consent agenda may be approved by a single motion.

- ▶ Minutes of Board of Aldermen meeting February 17, 2022
- ▶ Bills List - March 3, 2022

UNFINISHED BUSINESS

- A. Bill 21-05 - An ordinance of the City of Osage Beach, Missouri, amending the Code of Ordinances, by repealing Chapter 250 entitled "Prescription Drug Monitoring Program," consisting of Sections 250.010 through 250.090, because the City of Osage Beach, Missouri Prescription Drug Monitoring Program has been made redundant by the establishment of a statewide program with the adoption of Senate Bill 63. *Second Reading*

NEW BUSINESS

- A. Public Hearing - Special Use Permit 413-Michael and Cheryl Castle, Requests a residential use on a property zoned C-1 (General Commercial)
- B. Motion to approve Special Use Permit 413- Michael and Cheryl Castle requesting residential use on a property zoned C-1 (General Commercial)
- C. Public Hearing - Rezoning Case 417 Arapaho, LLC.
- D. Bill 22-06 - An ordinance of the City of Osage Beach, Missouri, adopting an amendment to the zoning map of the City of Osage Beach, Missouri by rezoning a parcel of land as described in Rezoning Case no. 417. *First Reading*
- E. Bill 22-07 - An ordinance of the City of Osage Beach, Missouri, Authorization to allow the City Administrator to execute the ICMA Retirement Corporation dba MissionSquare Retirement Governmental Money Purchase Plan Adoption Agreement. *First and Second Readings*
- F. Bill 21-08 - An ordinance of the City of Osage Beach, Missouri, approving a professional services agreement with the law firm of Gilmore/Bell for services relating to the consideration of the Legacy Development proposal and TIF Plan Application for the redevelopment of the Osage Beach Outlet Mall under the Real Property Tax Increment Financing Redevelopment Act. *First and Second Reading*
- G. Bill 21-09 - An ordinance of the City of Osage Beach, Missouri, approving a funding agreement for consideration of the Legacy Development proposal and TIF Plan Application for the redevelopment of the Osage Beach Outlet Mall under the Real Property Tax Increment Allocation Redevelopment

Act. First and Second Reading

- H. Bill 21-10- An ordinance of the City of Osage Beach, Missouri, authorizing the City Administrator to accept the Municipal Equipment Company, Inc. service agreement to perform 3-phase lift station assessment inspections for specific station locations as listed in said agreement, for an amount not to exceed \$168,960. *First Reading*
- I. Motion to Approve Citizen Appointments to the Planning Commission and the TIF Commission
- J. Motion to approve and submit the Board of Alderman Authorization (City Council Authorization) Form to participate in the Missouri Department of Transportation Highway and Safety Grant Program
- K. Motion to approve funds not to exceed \$108,000 for the negotiation and purchase of a JetA replacement fuel truck for Lee C. Fine Airport.

COMMUNICATIONS FROM MEMBERS OF THE BOARD OF ALDERMEN

STAFF COMMUNICATIONS

ADJOURN

Remote viewing is available on Facebook at *City of Osage Beach, Missouri* and on YouTube at *City of Osage Beach*.

Representatives of the news media may obtain copies of this notice by contacting the following:

Tara Berreth, City Clerk
1000 City Parkway
Osage Beach, MO 65065
573.302.2000 x 1020

If any member of the public requires a specific accommodation as addressed by the Americans with Disabilities Act, please contact the City Clerk's Office forty-eight (48) hours in advance of the meeting at the above telephone number.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN OF
THE CITY OF OSAGE BEACH, MISSOURI
FEBRUARY 17, 2022

The Board of Aldermen of the City of Osage Beach, Missouri, conducted a Regular Meeting on Thursday, February 17, 2022, at 6:00 PM. The following were present in person: Mayor John Olivarri, Alderman Richard Ross, and Alderman Kellie Schuman present in chamber. Alderman Phyllis Marose, Alderman Kevin Rucker and Alderman Tyler Becker, via Zoom. Absent Alderman Bob O'Steen. Tara Berreth, City Clerk present via zoom and performed the duties for the City Clerk's office. Appointed and Management staff present were City Administrator Jeana Woods, City Attorney Ed Rucker, Police Chief Todd Davis, and Building Official Ron White.

MAYOR'S COMMUNICATIONS

None

CITIZEN'S COMMUNICATIONS

None

APPROVAL OF CONSENT AGENDA

Alderman Ross made a motion to approve the consent agenda. This motion was seconded by Alderman Rucker. Motion passes unanimously with a voice vote.

UNFINISHED BUSINESS

None

NEW BUSINESS

Bill 21-05 - An ordinance of the City of Osage Beach, Missouri, amending the Code of Ordinances, by repealing Chapter 250 entitled "Prescription Drug Monitoring Program," consisting of Sections 250.010 through 250.090, because the City of Osage Beach, Missouri Prescription Drug Monitoring Program has been made redundant by the establishment of a statewide program with the adoption of Senate Bill 63. *First Reading*

Alderman Schuman made a motion to approve the first reading of Bill 22-05. This motion was seconded Alderman Marose. The following roll call was taken to approve the second and final reading of Bill 22.05 and to pass same into ordinance: "Ayes" Alderman Ross, Alderman Schuman. Via Zoom Alderman Marose, Alderman Becker, Alderman Rucker. Absent Alderman O'Steen Bill 22.05 was passed and approved as Ordinance 22.05.

Motion to approve the purchase of two zero-turn lawn mowers from Motor Hut for an amount not to exceed \$26,336.00.

Alderman Ross made a motion to approve the purchase of two (2) zero-turn mowers from Motor Hut for an amount not to exceed \$26,336.00. This motion was seconded by Alderman Marose. Motion passes unanimously with a voice vote.

Alderman Becker dropped off the meeting via zoom.

COMMUNICATIONS FROM MEMBERS OF THE BOARD OF ALDERMEN

Alderman Ross – Recognize Ron White and Loyd Dunham for all their hard work on shoveling snow outside City Hall. HVAC inspection process – look at how we can improve and make process more seamless.

Discussion on the next steps on how to handle the Water Heater and HVAC process. Mayor Olivarri asked that the Board email or contact Ron White with comments and suggestions.

Alderman Marose – Agree with Alderman Ross.

Alderman Rucker – What is the process on getting the data sent back to the City from Cochran Engineering?

City Administrator Woods – The city shares electronic data with Cochran.

STAFF COMMUNICATIONS

City Administrator Woods – MO Division Road Show next month. NextSite program will be presenting to the stakeholders at the next LORDAC meeting. More details come up. Hosting in April, looking at holding a Southcentral MML meeting. MML starting a Mentor and Mentee Program if you are interested in being part of this program, please let me know.

Police Chief Davis – Polar Plunge and Super Plunge coming up the last weekend in February. Cops on top will be this Friday – February 18, 2022.

Building Official White – Please call or email if anyone has any questions on anything pertaining to building permits or ordinances.

ADJOURN

There being no further business to come before the Board, the meeting adjourned at 6:45 pm. I, Tara Berreth, 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, on February 17, 2022, and approved March 3, 2022.

Tara Berreth/City Clerk

John Olivarri/Mayor

**CITY OF OSAGE BEACH
BILLS LIST
March 3, 2022**

Bills Paid Prior to Board Meeting	\$	149,097.20
Payroll Paid Prior to Board Meeting	\$	124,638.78
SRF Transfer Prior to Board Meeting	\$	237,682.13
TIF Transfer Dierbergs	\$	57,125.03
Bills Pending Board Approval	\$	208,860.51
Total Expenses	\$	777,403.65

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
NON-DEPARTMENTAL	General Fund	FAMILY SUPPORT PAYMENT CENTER	Case #01450465	328.15
			Case #01812565	173.08
		MO DEPT OF REVENUE INTERNAL REVENUE SERVICE	State Withholding	3,429.00
			Fed WH	10,089.04
		ICMA	FICA	6,830.12
			Medicare	1,597.41
			Loan Repayment	225.00
			Loan Repayment	233.04
			Loan Repayment	143.78
			Loan Repayment	216.93
			Loan Repayment	182.34
			Loan Repayment	277.41
			Loan Repayment	65.64
			Retirement 457 &	2,316.20
			Retirement 457	1,045.00
			Loan Repayments	51.67
			Loan Repayments	240.84
			Loan Repayments	67.54
			Loan Repayments	84.90
			Loan Repayments	247.78
			Loan Repayments	42.21
			Loan Repayments	176.79
			Loan Repayments	174.78
			Loan Repayments	115.98
			Retirement Roth IRA %	369.07
			Retirement Roth IRA	615.00
		CAMDEN COUNTY ASSOC COURT	OTHER AGENCY CASH BOND	87.00
		HSA BANK	HSA Contribution	443.18
			HSA Family/Dep. Contributi	1,517.86
		ONE TIME VENDOR	171232	770.00
			TOTAL:	32,156.74
Mayor & Board	General Fund	VISELLI, NANCY	PLANNING COMMISSION MEETIN	25.00
			FICA	159.13
		INTERNAL REVENUE SERVICE	Medicare	37.24
			Retirement 401%	3.50
		ICMA	Retirement 401	116.50
		EBLING, SUSAN	PLANNING COMMISSION MEETIN	25.00
		KIRN, TONY	PLANNING COMMISSION MEETIN	25.00
		BLAIR, ALAN	PLANNING COMMISSION MEETIN	25.00
		DORHAUER, JEFF	PLANNING COMMISSION MEETIN	25.00
		BLUE RIDGE BANK	ALZHEIMER'S ASSOC- JAN FAM	60.00
			TOTAL:	501.37
Collector	General Fund	INTERNAL REVENUE SERVICE	FICA	6.20
			Medicare	1.45
			TOTAL:	7.65
City Administrator	General Fund	INTERNAL REVENUE SERVICE	FICA	554.80
			Medicare	129.75
		ICMA	Retirement 401%	92.32
			Retirement 401	553.90
		AT&T MOBILITY-CELLS	CITY ADMIN CELL PHONE	88.80
		HSA BANK	HSA Contribution	37.50
			HSA Family/Dep. Contributi	150.00
		BLUE RIDGE BANK	STAFF MEETING LUNCH	158.43

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			WATER	<u>11.96</u>
			TOTAL:	1,777.46
City Clerk	General Fund	INTERNAL REVENUE SERVICE	FICA	169.93
			Medicare	39.74
		ICMA	Retirement 401%	28.56
			Retirement 401	171.40
		HSA BANK	HSA Family/Dep. Contributi	75.00
		BLUE RIDGE BANK	SPRING INSTITUTE-T. BERRET	455.00
			INTERNATIONAL CLERKS CONF	<u>804.00</u>
			TOTAL:	1,743.63
City Treasurer	General Fund	INTERNAL REVENUE SERVICE	FICA	563.78
			Medicare	131.85
		ICMA	Retirement 401%	93.15
			Retirement 401	558.81
		HSA BANK	HSA Contribution	37.50
			HSA Family/Dep. Contributi	150.00
		BLUE RIDGE BANK	INTRO TO QUICKBOOKS- K. BE	<u>39.00</u>
			TOTAL:	1,574.09
Municipal Court	General Fund	INTERNAL REVENUE SERVICE	FICA	93.46
			Medicare	21.86
		ICMA	Retirement 401%	15.68
			Retirement 401	94.07
		HSA BANK	HSA Family/Dep. Contributi	<u>75.00</u>
			TOTAL:	300.07
City Attorney	General Fund	INTERNAL REVENUE SERVICE	FICA	362.67
			Medicare	84.82
		ICMA	Retirement 401%	59.32
			Retirement 401	355.92
		HSA BANK	HSA Family/Dep. Contributi	75.00
		BLUE RIDGE BANK	UMKC SCHOOL OF LAW-E. RUCK	<u>250.00</u>
			TOTAL:	1,187.73
Building Inspection	General Fund	INTERNAL REVENUE SERVICE	FICA	324.70
			Medicare	75.94
		ICMA	Retirement 401%	53.91
			Retirement 401	323.47
		AT&T MOBILITY-CELLS	BLDG DEPT CELL PHONE	88.80
		WEX INC	BLDG DEPT FUEL	126.41
		HSA BANK	HSA Contribution	37.50
			HSA Family/Dep. Contributi	<u>112.50</u>
			TOTAL:	1,143.23
Building Maintenance	General Fund	INTERNAL REVENUE SERVICE	FICA	47.89
			Medicare	11.20
		LOWE'S	SUCTION BASKET- ICE MAKER	18.99
			WATER FILTER- BRKROOM FRID	52.24
			VINEGAR & BLEACH	<u>23.90</u>
			TOTAL:	154.22
Parks	General Fund	INTERNAL REVENUE SERVICE	FICA	427.69
			Medicare	100.03
		ICMA	Retirement 401%	36.89

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Retirement 401	358.38
		LOWE'S	BATTERIES	17.09
			FERTILIZER SPREADER	11.85
			PROPANE EXCHANGE	99.65
			TOTES & CARDBOARD BOXES	160.80
			DRILL BITS & ANCHRS-SPEED	30.35
			LGHT TMR,EXIT SIGN-CONCESS	122.52
			PROPANE EXCHANGE	99.65
			LEATHER WINTER GLOVES	23.54
			HEAT CABLE & WRAP FOR PIPE	34.93
		AT&T MOBILITY-CELLS	PARKS DEPT CELL PHONES	44.40
		WEX INC	PARK DEPT FUEL	74.11
		AMEREN MISSOURI	LWR DIAMOND LTS 1/9-2/7/22	11.01
			HWY 42 BALLPARK LTS 1/9-2/	17.87
		HSA BANK	HSA Contribution	150.00
		BLUE RIDGE BANK	2022 PARK & REC ASSOC-STAC	380.00
			TOTAL:	2,200.76
Human Resources	General Fund	INTERNAL REVENUE SERVICE	FICA	154.30
			Medicare	36.09
		ICMA	Retirement 401%	25.52
			Retirement 401	153.14
		HSA BANK	HSA Contribution	37.50
		PRINCIPAL LIFE INSURANCE COMPANY	STD FICA	122.40
		BLUE RIDGE BANK	JEST MURDER MYSTERY-EMP PA	937.49
		PHEGLEY, JANICE	REIMB SNACKS CHILI COOKOFF	10.68
			TOTAL:	1,477.12
Overhead	General Fund	AT & T/CITY HALL	CH PH SVC 2/5/22	994.96
		CHARTER COMMUNICATIONS HOLDING CO LLC	CITY HALL CABLE	57.25
		XEROX CORPORATION	CITY HALL COPIER LEASE	238.61
		MITEL CLOUD SERVICES INC	PH SVC RECRDING 3/1-3/31/2	2,253.89
		BLUE RIDGE BANK	BOARD ROOM UNIVERSAL REMOT	11.88
			TOTAL:	3,556.59
Police	General Fund	TAYLOR, TIM	MEAL REIMB UCM RECRUIT EVE	40.00
		INTERNAL REVENUE SERVICE	FICA	2,949.57
			Medicare	689.82
		ICMA	Retirement 401%	336.20
			Retirement 401	2,861.22
		SALERNO, BRIAN	REIMB MEALS CSI CERTIFICAT	450.00
		AT&T MOBILITY-CELLS	POLICE FN AIR CARDS	701.08
			POLICE DEPT CELL PHONES	396.44
		WEX INC	POLICE DEPT FUEL	4,299.29
			POLICE DEPT CAR WASHES	48.00
		XEROX CORPORATION	POLICE COPIER LEASE	215.06
		HSA BANK	HSA Contribution	225.00
			HSA Family/Dep. Contributi	975.00
		BLUE RIDGE BANK	2022 IACP MEMBERSHIP- M. O	275.00
			TOTAL:	14,461.68
911 Center	General Fund	AT & T/CITY HALL	911 PHONE SVC 1/23/22	994.66
			911 LINE 2/5/22	235.00
		INTERNAL REVENUE SERVICE	FICA	551.89
			Medicare	129.07
		ICMA	Retirement 401%	79.97

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Retirement 401	479.86
		CHARTER COMMUNICATIONS HOLDING CO LLC	COMM INTERNET	129.98
			COMM CABLE	31.75
		AT&T MOBILITY-CELLS	911 CENTER CELL PHONES	44.40
		HSA BANK	HSA Contribution	37.50
			HSA Family/Dep. Contributi	75.00
		MITEL CLOUD SERVICES INC	PD RECRDING SVC 3/1-3/31/2	262.38
			TOTAL:	3,051.46
Planning	General Fund	INTERNAL REVENUE SERVICE	FICA	208.64
			Medicare	48.80
		ICMA	Retirement 401%	35.20
			Retirement 401	211.22
		HSA BANK	HSA Family/Dep. Contributi	112.50
			TOTAL:	616.36
Engineering	General Fund	INTERNAL REVENUE SERVICE	FICA	118.17
			Medicare	27.64
		ICMA	Retirement 401	121.77
		AT&T MOBILITY-CELLS	ENG DEPT CELL PHONES	44.40
		WEX INC	ENG DEPT FUEL	136.50
		HSA BANK	HSA Family/Dep. Contributi	75.00
			TOTAL:	523.48
Information Technology	General Fund	INTERNAL REVENUE SERVICE	FICA	137.30
			Medicare	32.11
		ICMA	Retirement 401%	23.21
			Retirement 401	139.25
		CHARTER COMMUNICATIONS HOLDING CO LLC	CITY HALL INTERNET	301.54
		AT&T MOBILITY-CELLS	IT DEPT AIR CARDS	41.24
			IT DEPT CELL PHONES	44.40
		HSA BANK	HSA Family/Dep. Contributi	75.00
			TOTAL:	794.05
Economic Development	General Fund	BLUE RIDGE BANK	2022 ECONOMIC SUMMIT- WOOD	195.00
			2022 ECONOMIC SUMMIT- OLIV	195.00
			MO TOURISM RDSHW- WOODS	15.00
			MO TOURISM RDSHW- OLIVARRI	15.00
			MO TOURISM RDSHW- MAROSE	15.00
			TOTAL:	435.00
NON-DEPARTMENTAL	Transportation	MO DEPT OF REVENUE	State Withholding	290.51
		INTERNAL REVENUE SERVICE	Fed WH	778.20
			FICA	798.84
			Medicare	186.83
		ICMA	Retirment 457 &	48.82
			Retirement 457	69.00
		HSA BANK	HSA Contribution	60.00
			HSA Family/Dep. Contributi	278.31
			TOTAL:	2,510.51
Transportation	Transportation	INTERNAL REVENUE SERVICE	FICA	798.85
			Medicare	186.82
		ICMA	Retirement 401%	78.87
			Retirement 401	806.86
		LOWE'S	HEX NUT- P4	1.63

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		AT&T MOBILITY-CELLS	TRANS DEPT CELL PHONES	365.04
		LEIGH III, AUDREY W	MILEAGE REIMB 1/29-2/4/22	36.27
		WEX INC	TRANS DEPT FUEL	3,316.87
		XEROX CORPORATION	TRANSPORTATION COPIER LEAS	79.54
		AMEREN MISSOURI	KK DR PALISADES LTG 1/4-2/	89.94
			MAINT SALT BLDG 1/10-2/8/2	19.24
			ST LTG SVC 1/1-2/1/22	3,796.23
			CUST OWNED LTG 1/1-2/1/22	1,534.39
		MANKEY, KYLE	MILEAGE REIMB 1/29-2//4/22	50.31
		HSA BANK	HSA Contribution	112.50
			HSA Family/Dep. Contributi	350.25
		CARLSON, CHAD	MILEAGE REIMB 1/29-2/4/22	30.42
		BLUE RIDGE BANK	BANDAIDS	2.66
			TRAFFIC PAINT	2,000.00
			TOTAL:	13,656.69
NON-DEPARTMENTAL	Water Fund	MO DEPT OF REVENUE	WATER SALES TAX	2,500.38
			State Withholding	560.31
		INTERNAL REVENUE SERVICE	Fed WH	1,547.97
			FICA	872.65
			Medicare	204.07
		ICMA	Retirement 457 &	334.07
			Retirement 457	77.00
		HSA BANK	HSA Contribution	37.50
			HSA Family/Dep. Contributi	44.80
		ONE TIME VENDOR	01-5160-03	79.29
			04-2710-01	14.23
			06-0880-00	11.65
			TOTAL:	6,283.92
Water	Water Fund	GOEHRI, GEORGE	FEB INSURANCE PREMIUM	55.10
		INTERNAL REVENUE SERVICE	FICA	872.66
			Medicare	204.08
		POSTMASTER	FEB 2022 UTILITY BILL POST	480.00
		ICMA	Retirement 401%	127.02
			Retirement 401	841.35
		LOWE'S	CTTNG WHEEL,BRKR BAR,DOOR	115.34
			LOCATOR BATTERIES	34.14
			INSULATION	56.92
			PROPANE CYLINDER	28.38
			PLUMBER TAPE & PVC CEMENT	20.06
			PLIERS & FOUR WAY KEY	47.08
		AT&T MOBILITY-CELLS	WATER DEPT CELL PHONES	256.52
		WEX INC	WATER DEPT FUEL	1,200.41
		XEROX CORPORATION	WATER COPIER LEASE	79.54
		AMEREN MISSOURI	COLLEGE WELL 1/9-2/7/22	2,404.15
			LK RD 54-59 WELL 12/29-1/3	19.99
			SWISS VLG WELL 12/29-1/30/	873.03
		HSA BANK	HSA Contribution	112.50
			HSA Family/Dep. Contributi	124.50
		PATTERSON, JOHN	MILEAGE REIMB 1/8-1/14/22	54.99
		BLUE RIDGE BANK	2022 MRWA ANN CONF- CROOKS	270.00
			BANDAIDS	2.66
			HYDRO VACUUM RENTAL	745.00
			TOTAL:	9,025.42

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
NON-DEPARTMENTAL	Sewer Fund	MO DEPT OF REVENUE INTERNAL REVENUE SERVICE	State Withholding	313.18
			Fed WH	735.76
			FICA	809.66
			Medicare	189.36
		ICMA	Retirement 457 &	59.38
			Retirement 457	33.00
		HSA BANK	HSA Family/Dep. Contributi	69.80
			TOTAL:	2,210.14
		INTERNAL REVENUE SERVICE	FICA	809.64
			Medicare	189.36
			POSTMASTER	480.00
			ICMA	63.63
			Retirement 401	462.94
			PWR TOOL KIT & CHRGR- TRK	518.14
			SEWER DEPT CELL PHONES	288.58
			SEWER DEPT FUEL	794.50
			SEWER COPIER LEASE	79.53
			GRINDER PUMPS & LIFT STATI	2,386.20
Sewer	Sewer Fund	LOWE'S AT&T MOBILITY-CELLS WEX INC XEROX CORPORATION AMEREN MISSOURI	CLEARWOOD LN 1/5-2/3/22	13.31
			3949 CMPGRND G/S 1/10-2/8/	12.05
			500 ST MORITZ S/P 12/16-1/	18.41
			HWY D PREWITTS GP 1/9-2/7/	69.97
			HAWTHORN DR L/S 12/26-1/25	49.40
			701 PA HE TSI 1/10-2/8/22	11.27
			5676 ROCKWOOD L/S 12/26-1/	11.54
			GRINDER PUMPS & LIFT STATI	3,713.91
			GRINDER PUMPS & LIFT STATI	6,463.55
			5874 HWY 54 12/29-1/30/22	12.43
		HSA BANK CLIFFORD POWER SYSTEMS	1075 RUNABOUT 12/28-1/27/2	14.80
			GRINDER PUMPS & LIFT STATI	2,545.75
			GRINDER PUMPS & LIFT STATI	4,729.35
			1004 ZEBRA RD L/P 1/5-2/3/	11.22
			HSA Family/Dep. Contributi	200.25
			GENERATOR MAINT 54-3 ROCKW	173.11
			GENERATOR MAINT 54-7 SANDS	201.11
			BANDAIDS	2.66
			HYDRO VACUUM RENTAL	745.00
			TOTAL:	25,071.61
		BLUE RIDGE BANK	State Withholding	377.00
			Fed WH	836.69
			FICA	829.88
			Medicare	194.07
			Loan Repayment	134.33
			Loan Repayment	130.76
			Retirement 457 &	134.82
			HSA Family/Dep. Contributi	45.00
			TOTAL:	2,682.55
		INTERNAL REVENUE SERVICE	FICA	829.88
			Medicare	194.07
			Retirement 401%	82.70
			Retirement 401	496.22
			AMB CABLE	31.76
			AMB FN AIR CARDS	82.48

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			AMB DEPT CELL PHONES	44.40
		MO DEPT OF LABOR & IND RELATIONS	2021 4TH QTR UNEMPLOYMENT	723.53
		WEX INC	AMB FUEL	430.80
		HSA BANK	HSA Family/Dep. Contributi	<u>300.00</u>
			TOTAL:	3,215.84
NON-DEPARTMENTAL	Lee C. Fine Airpor	MO DEPT OF REVENUE	LCF SALES TAX	1,295.88
			State Withholding	97.00
		INTERNAL REVENUE SERVICE	Fed WH	185.75
			FICA	313.33
			Medicare	73.28
		ICMA	Retirement 457 &	22.75
			Retirement 457	45.00
			Loan Repayments	74.35
			Loan Repayments	30.39
			Loan Repayments	<u>37.15</u>
			TOTAL:	2,174.88
Lee C. Fine Airport	Lee C. Fine Airpor	AMEREN MISSOURI	LCF RD WELL 1/11-2/8/22	10.49
			LCF RUNWAY LTS 12/29-1/28/	53.62
			AP FIREHOUSE 12/29-1/28/22	30.45
			KAISER TERMINAL BLDG 1/11-	255.33
			LCF HANGAR 2 1/11-2/8/22	19.49
			LCF NEW AP HANGAR 1/11-2/8	31.89
			GG AP SLEEPY 12/29-1/30/22	161.07
		INTERNAL REVENUE SERVICE	FICA	313.33
			Medicare	73.28
		ICMA	Retirement 401%	37.56
			Retirement 401	295.79
		LOWE'S	AIR FILTERS & LIGHT BULBS	83.62
		AT&T MOBILITY-CELLS	LCF AP CELL PHONES	22.20
		WEX INC	LCF FUEL	46.54
		HSA BANK	HSA Contribution	37.50
			HSA Family/Dep. Contributi	195.00
		HERITAGE TRACTOR INC	JOHN DEERE ZERO TURN MOWER	<u>11,400.00</u>
			TOTAL:	13,067.16
NON-DEPARTMENTAL	Grand Glaize Airpo	MO DEPT OF REVENUE	GG SALES TAX	77.96
			State Withholding	24.00
		INTERNAL REVENUE SERVICE	Fed WH	78.50
			FICA	136.49
			Medicare	31.92
		ICMA	Retirement 457	<u>30.00</u>
			TOTAL:	378.87
Grand Glaize Airport	Grand Glaize Airpo	CITY OF OSAGE BEACH	957 AIRPORT RD 12/21-1/24/	129.85
		AMEREN MISSOURI	GG AP HANGAR 12/29-1/30/22	45.27
			GG TBLC EXT D 12/29-1/30/2	426.44
			GG AP SHOP 12/29-1/30/22	63.04
			957 AIRPORT RD 12/29-1/30/	12.16
			GG AP TBLC EXT D 12/29-1/3	21.75
			GG AP HANGAR 12/29-1/30/22	12.86
		INTERNAL REVENUE SERVICE	FICA	136.49
			Medicare	31.92
		ICMA	Retirement 401%	9.87
			Retirement 401	140.07

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		AT&T MOBILITY-CELLS	GG AP CELL PHONES	22.20
		HSA BANK	HSA Family/Dep. Contributi	<u>105.00</u>
			TOTAL:	1,156.92

===== FUND TOTALS =====

10	General Fund	67,662.69
20	Transportation	16,167.20
30	Water Fund	15,309.34
35	Sewer Fund	27,281.75
40	Ambulance Fund	5,898.39
45	Lee C. Fine Airport Fund	15,242.04
47	Grand Glaize Airport Fund	1,535.79

GRAND TOTAL: 149,097.20

TOTAL PAGES: 8

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
Mayor & Board	General Fund	MO MUNICIPAL LEAGUE STAPLES BUSINESS ADVANTAGE	2022 MML MEMBERSHIP	863.70
			BOARD BLUE SHEETS	<u>24.42</u>
			TOTAL:	888.12
City Administrator	General Fund	STAPLES BUSINESS ADVANTAGE	DATE STAMP	38.33
			PENS	<u>11.21</u>
			TOTAL:	49.54
Building Inspection	General Fund	AMERICAN STAMP & MARKING PRODUCTS INC CINTAS CORPORATION	NAMEPLATE- L. DUNHAM	27.31
			BLDG DEPT UNIFORM RENTAL	2.77
			BLDG DEPT UNIFORM RENTAL	<u>2.77</u>
			TOTAL:	32.85
Building Maintenance	General Fund	ELECTRONICS UNLIMITED BUTLER SUPPLY CO	MOVE ELEVATOR EMRGNCY PHON	340.00
			CAN LIGHTS	57.44
			RET CAN LIGHTS	57.44-
		CINTAS CORPORATION	CAN LIGHTS	71.90
			BLDG DEPT UNIFORM RENTAL	2.33
			CH FLOOR MATS	87.32
		LINDYSPRING LAKE OF THE OZARKS	BLDG DEPT UNIFORM RENTAL	2.33
			CH FLOOR MATS	87.32
			BOTTLED WATER	6.50
			BOTTLED WATER	7.29
			CH WTR COOLER RENTAL 2/202	<u>8.00</u>
			TOTAL:	612.99
Parks	General Fund	CIVIC PLUS CINTAS CORPORATION	ANNUAL FEE 2/2022-2/2023	12,338.00
			PARKS DEPT UNIFORM RENTAL	10.50
			PARKS DEPT UNIFORM RENTAL	10.50
		AMAZON CAPITAL SERVICES INC	WASTEBASKET	44.99
			CHAINSAW GUIDE BAR & CHAIN	54.26
		ONE TIME VENDOR STORE CRAFT	SVC CALL- PARKS REFRIGERAT	<u>220.00</u>
			TOTAL:	12,678.25
Overhead	General Fund	PITNEY BOWES INC	INK FOR POSTAGE MACHINE	<u>226.08</u>
			TOTAL:	226.08
Police	General Fund	PURCELL TIRE & RUBBER CO LEON UNIFORM CO INC O'REILLY AUTOMOTIVE STORES INC	TIRE & BALANCE- PD 19	171.98
			COMMENDATION BARS	195.00
			WIPER BLADES- 2010 FORD FU	28.63
		MO SAFETY CENTER HEDRICK MOTIV WERKS LLC	2022 LETSAC CONF- P. LEYVA	210.00
			OIL CHANGE- PD 24	65.00
			OIL LEAK REPAIR- PD 15	136.50
		ALPHAGRAPHS OF OSAGE BEACH STAPLES BUSINESS ADVANTAGE	INSTRCTN/FINE OFFICER HAND	156.91
			2022 WALL CALENDAR	20.79
			NOTEPADS	11.64
		ARROWHEAD SCIENTIFIC INC AMAZON CAPITAL SERVICES INC	EVIDENCE SUPPLIES	51.60
			USB CABLE	<u>18.94</u>
			TOTAL:	1,066.99
Engineering	General Fund	CINTAS CORPORATION	ENG DEPT UNIFORM RENTAL	2.25
			ENG DEPT UNIFORM RENTAL	2.25
		COCHRAN ENGINEERING	ENG GENERAL CONSULT 01/22	5,176.00
			AUTUMN LANE ENG 01/22	9,125.00
			GREENWOOD DRAINAGE ENG 01/	971.25
			LIFT STATION IMPROV 01/22	262.50

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			MACE RD ENG 01/22	1,233.75
			BLUFF DR SHOULDER ENG 01/2	1,078.75
			WATER MAIN LOOPING ENG 01/	678.75
			ANTIOCH WTR & SWR ENG 01/2	341.25
			CITY PRK BOX CULVERT ENG 0	2,241.25
			RD PAVING & MAINT ENG 01/2	56.25
			GIS MAPPING 01/22	57.50
			ELBOW CAY SNYDER ENG 01/22	2,030.00
			253 W END CIR ENG 01/22	2,136.25
			REDBUD RD ENG 01/22	<u>1,397.50</u>
			TOTAL:	26,790.50
Information Technology General Fund		NEOGOV	PERFORM SUB 4/2022-3/2023	7,382.33
			INSIGHT SUB 4/2022-3/2023	5,167.64
			ONBOARD SUB 4/2022-3/2023	<u>3,742.21</u>
			TOTAL:	16,292.18
Transportation	Transportation	KNAPHEIDE TRUCK INC	LED LIGHT- TRK 63	82.26
		O'REILLY AUTOMOTIVE STORES INC	WIPER BLADES- TRKS 63 & 66	20.89
			TOGGLE SWITCH- TRKS 63 & 6	4.99
			BLK NUMBERS- TRKS 63 & 66	5.16
			LIC PLATE LENS,SPLICE CONN	51.58
			DIE GRINDER & AIR PLUG- SH	75.17
			RUBBER CLAMPS- TRK 54	9.98
			DIELECTRIC GREASE- TRK 54	13.99
			ADD A CIRCUIT HOLDER- TRK	8.49
			HEADLIGHT BULB- TRK 61	14.32
			BRAKE CALIPER & FLUID- TRK	83.70
			PARTS FOR BRAKES- TRK 61	447.29
			CORE RETURN- TRK 61	39.00-
		LAKE SUN LEADER 81525 & 1586450	AFF OF PUB- INDUSTRIAL RD	112.00
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, CREAM, SUGAR	111.20
		CROWN POWER & EQUIPMENT	CHAINSAW FILTERS & FILES	40.60
			PARTS FOR BACKHOE	174.50
		CULLIGAN LAKE OF THE OZARKS	PW WATER COOLER	11.67
		CORE & MAIN LP	DRAINAGE PIPE	5,759.00
		CINTAS CORPORATION	TRANS DEPT UNIFORMS	134.38
			TRANS DEPT FLOOR MATS	8.19
			TRANS DEPT UNIFORMS	134.38
			TRANS DEPT FLOOR MATS	8.19
		PARKWAY PLAZA TIRE	TIRES- TRK 54	1,610.18
		AMAZON CAPITAL SERVICES INC	GLASS CLEANER	30.07
			SAFETY GLASSES	22.18
			ORANGE WINCH STRAP-TRKS 63	158.53
			BCKUP CAMERAS-TRKS 69,55,5	559.96
			JERSEY GLOVES	41.56
		COCHRAN ENGINEERING	EAST OB PKWY PRJCT SC21-12	10,680.25
			INDUSTRIAL DR PRJCT SC21-1	9,638.70
			GOLDIE PEARL PRJCT SC21-13	11,000.00
		REEVES-WIEDEMAN COMPANY	ICE MACHINE REPAIRS	7.70
		WALL'S HVAC SERVICE LLC	INSTALL FLAME SENSOR	<u>43.00</u>
			TOTAL:	41,065.06
Water	Water Fund	MEEKS BUILDING CENTER	SAW BLADES	268.60
		HACH CO	PORTABLE COLORIMETER	1,920.80
		SCHULTE SUPPLY INC	WATER METERS	29,576.16

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, CREAM, SUGAR	111.20
		BRENNTAG MID SOUTH INC	CHLORINE & FLUORIDE	1,593.24
		CULLIGAN LAKE OF THE OZARKS	PW WATER COOLER	11.66
		CORE & MAIN LP	PARTS FOR INVENTORY	1,896.24
			PARTS FOR REPAIR- SUMMIT O	130.38
			PARTS FOR INVENTORY	1,067.08
			PARTS FOR REPAIR-PASSOVER	926.07
			PARTS FOR REPAIR- WELL HOU	338.22
		CINTAS CORPORATION	WATER DEPT UNIFORMS	80.26
			WATER DEPT FLOOR MATS	8.18
			WATER DEPT UNIFORMS	80.26
			WATER DEPT FLOOR MATS	8.18
		AMAZON CAPITAL SERVICES INC	GLASS CLEANER	30.07
			SAFETY GLASSES	22.18
			BACKUP CAMERAS	419.97
			JERSEY GLOVES	20.78
		REEVES-WIEDEMAN COMPANY	ICE MACHINE REPAIRS	7.70
		STEVE DURBIN	ELECTRICAL REPAIRS-WELL HO	4,690.00
		WALL'S HVAC SERVICE LLC	INSTALL FLAME SENSOR	<u>43.00</u>
			TOTAL:	43,250.23
Sewer	Sewer Fund	RP LUMBER INC	PLYWOOD- SHORING	161.97
			CAULK & CAULK GUN- ROBINS	38.66
		EVOQUA WATER TECHNOLOGIES LLC	ODOR CONTROL JAN SANDS	1,000.00
			ODOR CONTROL JAN PS KK114	875.00
			ODOR CONTROL JAN L/S 53-1	1,150.00
		MUNICIPAL EQUIPMENT CO	SULZER GRINDER PUMPS	15,163.79
		KNAPHEIDE TRUCK INC	CRANE INSPECTION- TRK 75	110.00
		CONSOLIDATED ELECTRICAL DISTR, INC	PARTS FOR REPAIR-ROBINS RE	191.42
			PVC & CONDUIT- ROBINS RESO	11.16
		PRAIRIEFIRE COFFEE & ROASTERS	COFFEE, CREAM, SUGAR	111.20
		LAKE OZARK-OSAGE BEACH JOINT SEWER PLA	JAN MONTHLY FLOWS	38,249.16
		CULLIGAN LAKE OF THE OZARKS	PW WATER COOLER	11.67
		CORE & MAIN LP	PVC FOR INVENTORY	130.32
			PVC FOR INVENTORY	465.72
			PARTS FOR REPAIR- L/S 91A	163.15
			PARTS FOR REPAIR- ROBINS C	215.78
			PARTS FOR INVENTORY	469.50
			GLUE & PRIMER	48.91
			PARTS FOR REPAIR	486.41
			PARTS FOR INVENTORY	301.26
		CINTAS CORPORATION	SEWER DEPT UNIFORMS	78.29
			SEWER DEPT FLOOR MATS	8.18
			SEWER DEPT UNIFORMS	74.26
			SEWER DEPT FLOOR MATS	8.18
		AMAZON CAPITAL SERVICES INC	GLASS CLEANER	30.08
			SAFETY GLASSES	22.18
			JERSEY GLOVES	20.78
		THE SIGN SOURCE LLC	SIGN FOR FLASHING SEWER LI	1,980.00
		REEVES-WIEDEMAN COMPANY	ICE MACHINE REPAIRS	7.70
		WALL'S HVAC SERVICE LLC	INSTALL FLAME SENSOR	43.00
		1ST CHOICE SEPTIC PUMPING LLC	PUMPOUT @ SUMMIT AT THE OS	319.00
			PUMPOUT @ SUMMIT OF THE OS	510.00
			PUMPOUT@ SUMMIT OF THE OSA	<u>450.00</u>
			TOTAL:	62,906.73

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
Ambulance	Ambulance Fund	AMERICAN RESPONSE VEHICLES INC	SVC CALL FOR CAMERA- M8	915.60
		DOUGLAS G WILSON DO PC	JAN MEDICAL DIRECTOR SVC	1,000.00
		MCKESSON MEDICAL SURGICAL MN SUPPLY IN	MEDICAL SUPPLIES	183.10
			MEDICAL SUPPLIES	358.20
			MEDICAL SUPPLIES	404.55
			MEDICAL SUPPLIES	<u>52.62</u>
			TOTAL:	2,914.07
Lee C. Fine Airport	Lee C. Fine Airpor	CINTAS CORPORATION	LCF UNIFORM RENTAL	5.63
			LCF UNIFORM RENTAL	5.63
		STAPLES BUSINESS ADVANTAGE	INK FOR AIRPORT	<u>61.40</u>
			TOTAL:	72.66
Grand Glaize Airport	Grand Glaize Airpo	CINTAS CORPORATION	GG UNIFORM RENTAL	7.13
			GG UNIFORM RENTAL	<u>7.13</u>
			TOTAL:	14.26

===== FUND TOTALS =====

10	General Fund	58,637.50
20	Transportation	41,065.06
30	Water Fund	43,250.23
35	Sewer Fund	62,906.73
40	Ambulance Fund	2,914.07
45	Lee C. Fine Airport Fund	72.66
47	Grand Glaize Airport Fund	14.26

GRAND TOTAL: 208,860.51

TOTAL PAGES: 4

City of Osage Beach
Agenda Item Summary

Date of Meeting: March 3, 2022
Originator: Edward Rucker, City Attorney
Presenter: Edward Rucker, City Attorney

Agenda Item:

Bill 21-05 - An ordinance of the City of Osage Beach, Missouri, amending the Code of Ordinances, by repealing Chapter 250 entitled "Prescription Drug Monitoring Program," consisting of Sections 250.010 through 250.090, because the City of Osage Beach, Missouri Prescription Drug Monitoring Program has been made redundant by the establishment of a statewide program with the adoption of Senate Bill 63. *Second Reading*

Requested Action:

Second Reading of Bill #21-05

Ordinance Referenced for Action:

Board of Aldermen approval is required per Section 110.230. Ordinances, Resolutions, Etc. – Generally and Section 110.240 Adoption of Ordinances.

Deadline for Action:

None

Budgeted Item:

Not Applicable

Budget Line Information (if applicable):

Not Applicable

Department Comments and Recommendation:

Recommend adoption to clean up unneeded and now redundant ordinances in the City Code.

City Attorney Comments:

Per City Code 110.230, Bill 21-05 is in correct form.

City Administrator Comments:

The first reading was read and approved at the February 17, 2022, Board of Aldermen

Meeting.

The City of Osage Beach entered into an agreement in July 2018 with St. Louis County Department of Public Health to participate in their Prescription Drug Monitoring Program 'PDMP'. The City renewed this agreement in June 2020, and said agreement expired in October 2021. No renewal was offered at the time of expiration due to the change in State legislation establishing a statewide program. I concur with the department's recommendation.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING THE CODE OF ORDINANCES, BY REPEALING CHAPTER 250 ENTITLED “PRESCRIPTION DRUG MONITORING PROGRAM,” CONSISTING OF SECTIONS 250.010 THROUGH 250.090, BECAUSE THE CITY OF OSAGE BEACH, MISSOURI PRESCRIPTION DRUG MONITORING PROGRAM HAS BEEN MADE REDUNDANT BY THE ESTABLISHMENT OF A STATEWIDE PROGRAM WITH THE ADOPTION OF SENATE BILL 63

WHEREAS there is an epidemic of dangerous addictions to drugs, including prescription drugs such as opioids, in our state; and

WHEREAS the with the Governor’s signature of Senate Bill 63 from the 2021 Regular Session of the Missouri General Assembly the State of Missouri now has a statewide Prescription Drug Monitoring Program: and

WHEREAS the with the Governor’s signature of Senate Bill 63, Chapter 250 of the Osage Beach Municipal Code consisting of Sections 250.010, 250.020, 250.030, 250.040, 250.050, 250.060, 250.070, 250.080, and 250.090; previously enacted for the purpose of creating a City of Osage Beach, Missouri Prescription Drug Monitoring Program to monitor the prescribing and dispensing of Schedule II through IV drugs within the city, is now redundant and duplicative of the state program:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1. Chapter 250 entitled “Prescription Drug Monitoring Program,” consisting of Sections 250.010, 250.020, 250.030, 250.040, 250.050, 250.060, 250.070, 250.080, and 250.090; be and is hereby repealed.

Section 2. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: February 3, 2022 READ SECOND TIME: _____

I hereby certify that Ordinance No.22.05 was duly passed on _____ by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:

Nays:

Abstentions:

Absent:

This Ordinance is hereby transmitted to the Mayor for his signature.

Date

Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby approve Ordinance No.22.05.

John Olivarri, Mayor

Date

Tara Berreth, City Clerk

City of Osage Beach

Agenda Item Summary

Date of Meeting: March 3, 2022
Originator: Cary Patterson, City Planner
Presenter: Cary Patterson, City Planner

Agenda Item:

Public Hearing - Special Use Permit 413-Michael and Cheryl Castle, Requests a residential use on a property zoned C-1 (General Commercial)

Requested Action:

Public Hearing for Special Use Case 413

Ordinance Referenced for Action:

Board of Aldermen shall hold a public hearing on each application for a Special Use Permit per Municipal Code Chapter 405 Zoning Regulations.

Deadline for Action:

No

Budgeted Item:

Not Applicable

Budget Line Information (if applicable):

Not Applicable

Department Comments and Recommendation:

A Public Hearing is required for all Special Use Permit cases. This is the hearing for SUP Case 413 as requested by Michael and Cheryl Castle , to allow a residential dwelling on property that is located in a C-1 (General Commercial) zone.

This is an opportunity for the Mayor and the Board of Aldermen to hear comments or concerns from the applicant and the public pertaining to the proposed Special Use Permit.

City Attorney Comments:

Not Applicable

City Administrator Comments:

I concur with the department's recommendation.

City of Osage Beach
Agenda Item Summary

Date of Meeting: March 3, 2022
Originator: Cary Patterson, City Planner
Presenter: Cary Patterson, City Planner

Agenda Item:

Motion to approve Special Use Permit 413- Michael and Cheryl Castle requesting residential use on a property zoned C-1 (General Commercial)

Requested Action:

Motion to approve

Ordinance Referenced for Action:

Special uses require Board of Aldermen approval per Municipal Code Chapter 405 Zoning Regulations.

Deadline for Action:

None

Budgeted Item:

Not Applicable

Budget Line Information (if applicable):

Not Applicable

Department Comments and Recommendation:

SUP Case 413 is a request by Michael and Cheryl Castle. (Bruce Christy), to allow a residential dwelling on property that is located in a C-1 (General Commercial) zone. Please see the attached reports and illustrations.

City Attorney Comments:

Not Applicable

City Administrator Comments:

I concur with the department's recommendation.

**PLANNING COMMISSION
REPORT TO THE
PLANNING COMMISSION**

Hearing Date:	February 8, 2022	Case Number: 413
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Applicant: Michael and Cheryl Castle

Location: 5439 Osage Beach Parkway

Petition: Special Use Permit to allow a residential dwelling unit in a Commercial District.

Existing Use: Restaurant

Zoning: C-1 General Commercial

Lot Size: Approximately 1 acre

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	C-1 General Commercial	Vacant (54 Expressway ROW)
<u>South:</u>	C-1 General Commercial	O B Parkway Commercial Corridor
<u>East:</u>	C-1 General Commercial	Vacant (54 Expressway ROW)
<u>West:</u>	C-1 General Commercial	O B Parkway Commercial Corridor

**The Osage Beach Comprehensive Plan
Designates this area as appropriate for:** Heavy Traffic Commercial

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
	Citywide	May 1984

Utilities

<u>Water:</u>	City	<u>Gas:</u>	Summit Natural
<u>Electricity:</u>	Ameren	<u>Sewer:</u>	City

Access: Property has approximately 250 feet of frontage on Osage Beach Parkway

Analysis:

1. The property in question is a platted commercial tract. The property is home to On the Rise Bakery and Restaurant.
2. The applicant has discussed the submittal of a building permit application to improve a portion of the building into a dwelling with the Building Official. The applicants propose to live in the improved area themselves. The future Expressway Right of Way is behind the building. No mitigative measures or screening is proposed.
3. Two off-street parking spaces are provided for the dwelling unit in conformance with current off-street parking requirements. The parking and drives for the restaurant are concrete and asphalt. The parking for the dwelling will be on the side of the facility opposite of the parking facility dedicated to the restaurant.
4. With this property's location close to the Osage Beach Parkway corridor, the land use character of the area is predominately heavy traffic commercial.
5. In accordance with Section 405.420 of the Osage Beach Zoning Code, residences are permitted in C-1 zones with a Special Use Permit.

Department Comments:

It is fairly common to see a situation like this where the owner or an employee of the business maintains a residence within the confines of the business structure. It is important, however, to ensure that neither the residential nor the commercial uses conflict with each other. Typically, this is achieved with design, construction, and landscaping which serves to screen and mitigate secondary effects (i.e. lighting, noise, etc.) on proposed uses. There are specific building codes that the applicant must meet to be able to mix the requested uses; this will be handled in the building permit process. Staff feels that this is an acceptable accessory use to the restaurant on the property and should be approved with the following conditions:

1. Signage or advertising, specifically for, or listing the requested use separately from the existing restaurant business, is prohibited.
2. This approval does not constitute building permit approval, so a building permit must be attained, and all other zoning and building regulations must be followed.



Date Received: 1/24/22
Case #: 413
CR 2000
Cents 3.65

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: 5431 Hwy Partners LLC Phone: 573-480-552

Address: 5439 O.B. Parkway City: O.B. State MO Zip: 65065

List all owners of the property. If corporation or partnership, list names, addresses and phone numbers of principal officers or partners:

Sy Michael Castle 5439 O.B. Parkway O.B. 65065 573 480-552

Cheryl L. Castle 5439 O.B. Parkway O.B. 65065 573 480-552

2. Name of landowner's representative, if different from above: Phone:

Address: City: State: Zip:

3. All correspondence relative to this application should be directed to whom? Mike or Cheryl Castle

Address: Above City: State Zip:

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):

Address: 5439 O.B. Parkway City: O.B. State MO Zip: 65065

5. Do you have a specific use proposed for this property? ☒ Yes ☐ No

Explain all uses: temporary housing for property owners
Mike & Cheryl Castle

☒ Area of property in square feet or acres:

7. Current zoning classification: commercial

8. Sources of utilities: Water: city Gas: Summit Natural

Sewer: city Electric: Amer. L.E.

9. Proposed zoning classification: S4

10. How long have you owned this property? 22 years

11. Current use of property (describe all improvements): Restaurant / storage / office

12. Current use of all property adjacent to subject property: North:

South: East: West:

13. If zoning district or comparable use to that proposed adjoins or lies within the vicinity of subject property, please describe the use and its location:

n/a

14. Do you own property abutting or in the vicinity of the subject property? ☐ Yes ☒ No

If yes, where is the property located and why was it not included with this application?

15. Do any private covenants or restrictions encumber the subject property which could be in conflict with the proposed zoning classification? ☐ Yes ☒ No

If yes, please remit copy of restrictions with Recorder of Deeds Book and Page number.

16. To your knowledge, has any previous application for the reclassification of the subject property been submitted?

☐ Yes ☒ No

17. How, in your opinion, will the rezoning affect public facilities (sewer, water, schools, roads, etc.), and what mitigating measures are proposed to address these problems, if any? Please include a letter from or regarding, City Engineering Department reviews of proposed zoning.

We do not see any effect and temporary housing will have on public facilities.

18. How, in your opinion, will rezoning affect adjacent properties and what mitigating measures are proposed to address these problems, if any?

There would be no effect on any adjacent properties.

19. List the reasons why, in your opinion, this application for rezoning/special use permit should be granted (may be left blank if adequately described in letter to Planning Commission):

Notary Information

State of Missouri }

ss

County of Camden }

I, *[Signature]* **CHERYL CASTLE**, owner/applicant, having read the procedures and instructions, make application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri and explained in this application.

x **MICHAEL CASTLE**
Signature Owner/Applicant:

[Signature]
Date:

Subscribed and sworn to before me on this

24th

day of

January 20 *22*

[Signature]
Notary Public:

My Commission Expires:

4/15/2025

Person Accepting this Application:

MELONEY A. WALLANDER
Notary Public - Notary Seal
STATE OF MISSOURI
Comm. Number 96449980
Camden County
My Commission Expires: Apr. 15, 2025

****Applications not properly signed and notarized may be removed from the Agenda and returned to the applicant via regular mail ****

CITY OF OSAGE BEACH
PLANNING DEPARTMENT
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone – 573-302-0528 FAX

Dear City of Osage Beach,

We are requesting a special use permit for our space attached to our restaurant. The space has been used for our offices and storage it currently has three rooms, two bath including shower and tub, laundry room with washer and dryer and kitchen area. We have made improvements such as replacing a toilet, adding cabinets, replacing trim and painting. Because we sold our home and the housing market is not ideal for buyers at this time, we are hoping to stay in our office space until we make a home purchase. We are asking for the city's approval and greatly appreciative of their consideration.

Thank you,

Mike and Cheryl Castle



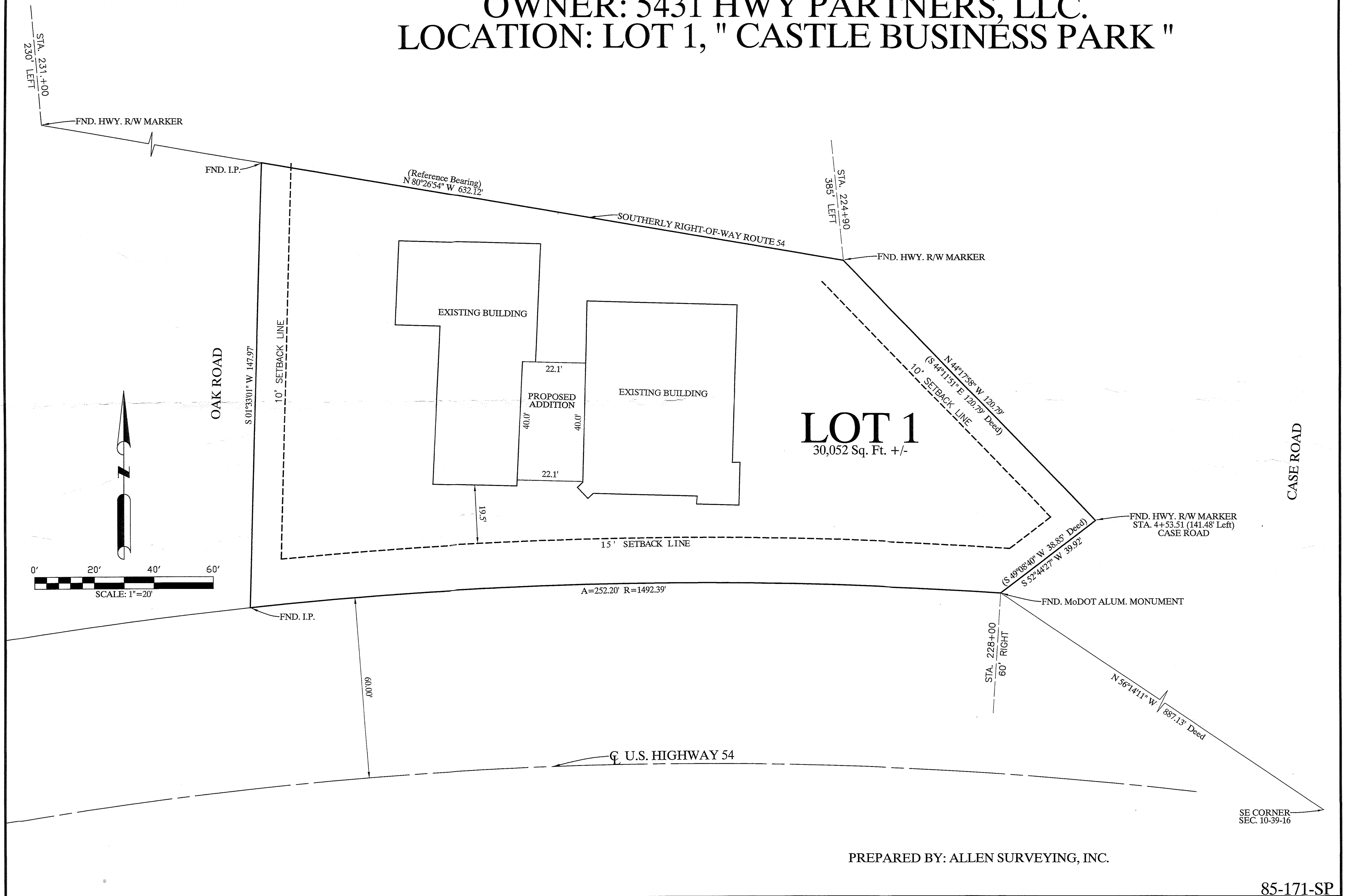
Handwritten signatures of Mike and Cheryl Castle. The signature for Mike is a stylized 'M' with a long horizontal stroke. The signature for Cheryl is 'Cheryl Castle' written in a cursive script.



**Special Use Permit Case 413
Location Map**

SITE PLAN

OWNER: 5431 HWY PARTNERS, LLC.
LOCATION: LOT 1, " CASTLE BUSINESS PARK "



PREPARED BY: ALLEN SURVEYING, INC.

85-171-SP

City of Osage Beach
Agenda Item Summary

Date of Meeting: March 3, 2022
Originator: Cary Patterson, City Planner
Presenter: Cary Patterson, City Planner

Agenda Item:
Public Hearing - Rezoning Case 417 Arapaho, LLC.

Requested Action:
Public Hearing

Ordinance Referenced for Action:
Board of Aldermen shall hold a public hearing on each application for an amendment to Zoning Map per Municipal Code Chapter 405 Zoning Regulations.

Deadline for Action:
Yes - 90 Day Rule

Budgeted Item:
Not Applicable

Budget Line Information (if applicable):
Not Applicable

Department Comments and Recommendation:
Not Applicable

City Attorney Comments:
Not Applicable

City Administrator Comments:
I concur with the department's recommendation.

City of Osage Beach

Agenda Item Summary

Date of Meeting: March 3, 2022
Originator: Cary Patterson, City Planner
Presenter: Cary Patterson, City Planner

Agenda Item:

Bill 22-06 - An ordinance of the City of Osage Beach, Missouri, adopting an amendment to the zoning map of the City of Osage Beach, Missouri by rezoning a parcel of land as described in Rezoning Case no. 417. *First Reading*

Requested Action:

Bill 22-06- An ordinance of the City of Osage Beach, Missouri,

Ordinance Referenced for Action:

Board of Aldermen approval required for an amendment to the Zoning Map per Municipal Code Chapter 405 Zoning Regulations.

Deadline for Action:

Yes - 90 Day Rule

Budgeted Item:

Not Applicable

Budget Line Information (if applicable):

Not Applicable

Department Comments and Recommendation:

See the attached information.

The Planning Commission reviewed the request at their meeting on February 8, 2022 and have forwarded it to the Board with a unanimous recommendation for approval.

City Attorney Comments:

Per City Code 110.230, Bill 22-06 is in correct form.

City Administrator Comments:

I concur with the department's recommendation.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CITY OF OSAGE BEACH, MISSOURI. BY REZONING 14 ACRES AS DESCRIBED IN REZONING CASE NO. 417.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS, TO WIT:

Section 1. That the real estate, generally described as 10 acres and contained in the legal description contained in Exhibit A attached hereto is hereby amended to C -1 (General Commercial) with and E-3 Overlay for an entertainment facility as under the terms and conditions in Rezoning Case No. 417.

See Exhibit A: Property Boundary Description.

Section 2. That the development as described herein and referred to as Case 417 shall conform to the provisions for the approved zones as listed in the Osage Beach Code of Ordinances.

Section 3. That this Ordinance shall be in full force and effect upon date of passage and the approval of the Mayor.

READ FIRST TIME:

READ SECOND TIME:

I hereby certify that the above Ordinance No. 22.06 was duly passed , by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:

Nays:

Abstentions:

Absent:

This Ordinance is hereby transmitted to the Mayor for his signature.

Date

Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby APPROVE Ordinance 22.06.

John Olivarri, Mayor

Date

ATTEST:

Tara Berreth, City Clerk

“EXHIBIT A”

E3 Overlay Property Description:

That part of the West $\frac{1}{2}$ of Lot 3 of the Northwest Quarter of section 6, Township 30 North, Range 15 West, Camden County, Missouri being part of land described in Warranty Deed recorded at Book 725, Page 124 and In Book 665, Page 772 In the Office of the Recorder of Deeds, Camden County, Missouri described as follows:

From the Southeast corner of the West $\frac{1}{2}$ of Lot 3 of the Northwest Quarter of Section 6 run North 1 degree 11 minutes 46 seconds East along the East line of the West $\frac{1}{2}$ Lot 3 of the Northwest Quarter 347.1 feet; thence South 88 degrees 24 minutes 59 seconds West 500.0 feet to the point of beginning; thence North 1 degree 32 minutes 39 seconds West 200.0 feet; thence South 88 degrees 27 minutes 21 seconds West 350.0 feet; thence South 1 degree 32 minutes 39 seconds East 531.77 feet; thence North 88 degrees 27 minutes 21 seconds East 350.0 feet; thence North 1 degree 32 minutes 39 seconds West 331.77 feet to the point of beginning. Parcel contains 4.3 acres $\pm$.

**PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION**

Date:	February 8, 2022	Case Number:	417
--------------	------------------	---------------------	-----

Applicant: Arapaho, LLC

Location: 2000' from Osage Beach Pkwy on Sunset Dr.
(Best way to view the property is from Backwater Jacks Parking Lot)

Petition: Rezoning from C-1 (General Commercial) with an E-3 Overlay for an Amphitheatre and accessory uses to C-1 (General Commercial) with an E-3 Overlay for an entertainment facility that will include pools, a video board, a stage for small music events, and accessory uses.

Existing Use: Vacant

Existing Zoning: C-1 (General Commercial) with an E-3 Overlay for an Amphitheatre and accessory uses.

Tract Size: Approximately 14 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	A-1	Vacant
<u>South:</u>	C-1 and R-3	Lake Front Restaurant and Entertainment Venue
<u>East:</u>	A-1	Vacant
<u>West:</u>	C-1 General Commercial	Commercial Restaurant Use

**The Osage Beach Comprehensive Plan
Designates this area as appropriate for:** Moderate Density Residential

<u>Rezoning History</u>	<u>Date</u>
399 A-1 to C-1b	9/17
406 C-1b to C-1 E-3	7/20

Utilities

<u>Water:</u>	City	<u>Gas:</u>	Summit Gas
<u>Electricity:</u>	Ameren UE	<u>Sewer:</u>	City

Access: Property derives access via Beach Drive

Analysis:

1. The applicant is the owner of the 14-acre parcel in question. In July of 2020, the applicant was given approval for an E-3 overlay to establish a two thousand (2000) seat amphitheater with customary accessory uses and parking on the subject property. The applicant is now requesting an amendment to the E-3 overlay permitted uses which will remove the 2000 seat amphitheater and concert venue and replace it with an outdoor aquatic entertainment venue and facility that will include multi-tiered pools, a video board, a substantially reduced stage for small music events, and customary accessory uses such as bars, restrooms, souvenir shop, etc. This use will be a full-time activity as opposed to the twelve-event total requirement established for the amphitheater.
2. The new use proposed by the applicant will no longer be for a large-scale concert venue, the stage area is drastically reduced, and the facility will no longer contain concert level sound equipment as it would have for the amphitheater. The sound control requirements will remain as required by the code for the E-3 Entertainment Overlay as listed below.
3. The 185-foot buffer area around the property will remain to protect both the existing corridor and their future investment. This buffer will remain zoned A-1 (Agriculture).
4. As I am sure you will recall, the traffic situation was addressed for the amphitheater proposal and a plan was established to address concert events. As part of this request, the City is requiring that Beach Drive be rebuilt into a collector status street as determined by the City's contract engineer. The road will be reconstructed past the entrance into the Backwater Jacks complex. The reconstruction of Beach Drive will accommodate any future development taking place in the corridor. The first 2,300 feet of Beach Drive has high intensity zoning districts fronting it including C-1 (General Commercial), R-3 (Multi-family), and MH (Mobile Home Park).

5. As part of this, the Sunset Drive entrance into the complex will be gated and marked as a “private entrance, not for use as public access”. The Sunset Drive entrance will only be used by the people renting the Backwater Jacks vacation rentals, employees, and in case of emergency. Emergency usage will be in response to notification or request by the Osage Beach Police Department. All commercial traffic will be removed from Sunset Drive in accordance with the approval of this request.

Department Comments and Recommendation:

The primary intent of E-zones is to regulate outdoor activities that could adversely affect adjacent properties, both commercial and residential. The character of this corridor is mixed, with the vast majority of the adjacent properties being undeveloped with a mixture of Commercial, Residential, and Agricultural zones. With the subject property’s location on a large property surrounded by largely undeveloped property, it lends itself favorably to the type of use being requested, provided that the intensity of the uses such as live music and similar uses is mitigated as to not create a greater impact on the area. The applicant is requesting to amend the E-3 overlay that was approved for the subject property and instead construct an outdoor aquatic entertainment facility that will include pools, a video board, a stage for small music events, and customary accessory uses.

As the facility will be placed in the location where the approved amphitheater was located, noise from the facility will be directed into the wooded area and undeveloped valley that is owned by the applicant and his family. Operation of the facility will be required to conform with the city’s regulations on noise and hours of operation.

The proposed change in the use will also substantially reduce the occupancy of the facility which will be determined by the amount of parking and the International Building Code.

As part of this request, the City is requiring that Beach Drive be rebuilt into a collector status street as determined by the City’s contract engineer. The road will be reconstructed past the entrance into the Backwater Jacks complex. The first 2,300 feet of Beach Drive has high intensity zoning districts fronting it including C-1 (General Commercial), R-3 (Multi-family), and MH (Mobile Home Park). The reconstruction of Beach Drive will accommodate any future development taking place in the corridor.

It is also worth noting that approval of this request would not increase the number of docking facilities or boat slips that will be allowed for the property.

Any additional customer base will come from the city via the roadways, as opposed to the lake, meaning additional impact to the cove, in which the subject property is located, should be minimal.

The property is recommended for Moderate Density Residential, which is defined by the Comprehensive Plan as 5-13 units per acre. This would allow more than 200 residential units to be built on the property if it were doable. The issue with this property and it ultimately being used for residential, is twofold. The first issue is developmental constraints from both topography and accessibility. Second is its relative location to Backwater Jacks. These issues make this property excessively difficult to establish single- or two-family homes because of relative cost and salability.

With the subject property being zoned Commercial and located on a large lot surrounded largely by undeveloped agriculture or multifamily zoned property, the Planning Department would recommend that this request be approved subject to the following provisions and conditions:

Permitted Uses: The outdoor aquatic entertainment venue and facility that will include multi-tiered pools, a video board, a substantially reduced stage for small music events, and customary accessory uses such as bars, restrooms, souvenir shop, etc. The subject property will now be governed by the regulations pertaining to E-3 overlays as specified in the Land Use Chapter of the City of Osage Beach Municipal Code the submitted site development plan, and the following.

This facility will operate with the same time restraints and hours of operation as outlined in the code governing the E-3 overlays.

Construction Requirements: All construction will be in conformance with the codes that are adopted by the city at the time that a Building Permit is requested for any portion of the development that a permit is required.

Parking: Will be required to meet the City Code governing off street parking for such a use. The appropriate number will be reached using land-based parking lot spaces only. If a need for additional parking becomes evident, additional parking facilities will be required to be constructed on the commercially zoned property on site and owned by the applicant.

There will be no parking allowed along the roadways of Beach Drive or Sunset Drive. Any vehicles found parked in these locations will be subject to tow.

Facility access, ingress, and egress: Beach Drive must be rebuilt into a collector status street as determined by the City's contract engineer. The road will be reconstructed past the entrance into the Backwater Jacks complex. The owners will be required to work with the City and their contract engineers to finalize

plans and construction procedures for the completion of the project. Funding for the design and construction of Beach Drive will be provided by the applicant.

The Sunset Drive entrance into the complex will be gated and marked as a “private entrance, not for use as public access”. The Sunset Drive entrance will only be used by the people renting the Backwater Jacks vacation rentals, employees, and in case of emergency. Emergency usage will be in response to notification or request by the Osage Beach Police Department. All commercial traffic will be removed from Sunset Drive in accordance with the approval of this request.

Signage: Signage located at the Sunset Drive entrance will be a monument style sign that will meet the requirements of a Residential Subdivision. Any signage on the Sunset Drive access location will be for the Backwater Jacks vacation rentals only. This sign cannot be back lit or have a digital reader board or running display. Other interior signage is required to meet the regulations established by the City’s Sign Code for commercial properties. The applicant will be required to get a sign permit for any new signage.

Sound Control Requirements:

Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.

Instrumentation used in making sound level measurements shall meet the following requirements as specified in Section 220.040 of Chapter 220.

Maximum permissible sound levels by receiving land use.

Maximum sustained sound. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below:

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit (DBA)
Residential	7:00 A.M. — 10:00 P.M.	60
	10:00 P.M. — 7:00 A.M.	55
Commercial	7:00 A.M. — 10:00 P.M.	65

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time		Sound Level Limit (DBA)
	10:00 P.M. — 7:00 A.M.		60
Manufacturing, Industrial or Agricultural	At all times		75

Exemptions. The following activities or sources are exempt from these noise standards:

Activities covered by the following: Stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.

Construction or routine maintenance of public service utilities; and

The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

Exterior Lighting: Any additional lighting, proposed as part of this activity, must be shielded to direct light inward and limit light intensity within adjoining properties or the Lake of the Ozarks.

Buffering and Landscaping: A wooded area is required to be maintained around the facility to mitigate the noise pollution to surrounding properties. A minimum of 5 percent of the areas devoted to parking must be left in open lawn or landscaped areas.

Final Development Plan: The site plan submitted with the application is sufficient for the final development plan, unless changes or additions are requested by the Board of Aldermen, as part of the approval of the request. In that case an amended site development plan will be submitted illustrating all of the required changes.



Date Received: 11/19/22
Case #: 2-8-22

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Arapaho LLC Phone: 573-365-9440
Address: 12 Allen Road City: Eldon State: MO Zip: 65026

List all owners of the property. If corporation or partnership, list names, addresses and phone numbers of principal officers or partners:

Gary Prewitt Irrevocable Trust

2. Name of landowner's representative, if different from above: Andrew Prewitt Phone: 573-365-9440
Address: 12 Allen Road City: Eldon State: MO Zip: 65026

3. All correspondence relative to this application should be directed to whom? Andrew Prewitt
Address: 12 Allen Road City: Eldon State: MO Zip: 65026

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):
Address: TBD Beach Drive City: Osage Beach State: MO Zip: 65065

5. Do you have a specific use proposed for this property? ☒ Yes ☐ No
Explain all uses: Live music, pool bar

6. Area of property in square feet or acres: 11 acres +/-

7. Current zoning classification: Commercial C1 with limited E-3 overlay

8. Sources of utilities: Water: City of Osage Beach Gas: TBD
Sewer: City of Osage Beach Electric: Ameren UE

9. Proposed zoning classification: Commercial C1 with E-3 overlay

10. How long have you owned this property? 3 years

11. Current use of property (describe all improvements): Additional boat parking and access for BWT

12. Current use of all property adjacent to subject property:
North: Residential/Vacant
South: Restaurant/Bar East: Vacant West: Commercial/Vacant

13. If zoning district or comparable use to that proposed adjoins or lies within the vicinity of subject property, please describe the use and its location:

Subject property adjoins Backwater Jacks and is comparable in proposed use.

14. Do you own property abutting or in the vicinity of the subject property? ☒ Yes ☐ No

If yes, where is the property located and why was it not included with this application?

We own property all the way around this property and are in agreement with the proposed use

15. Do any private covenants or restrictions encumber the subject property which could be in conflict with the proposed zoning classification? ☐ Yes ☒ No

If yes, please remit copy of restrictions with Recorder of Deeds Book and Page number.

16. To your knowledge, has any previous application for the reclassification of the subject property been submitted? ☒ Yes ☐ No 2020 Rezoning

17. How, in your opinion, will the rezoning affect public facilities (sewer, water, schools, roads, etc.), and what mitigating measures are proposed to address these problems, if any? Please include a letter from or regarding, City Engineering Department reviews of proposed zoning.

The public facilities should not be adversely affected by this project. We are paying to upgrade the road, water, and sewer infrastructure to accommodate this project.

18. How, in your opinion, will rezoning affect adjacent properties and what mitigating measures are proposed to address these problems, if any?

We propose to leave a 185 foot buffer around property to mitigate any adverse effects.

19. List the reasons why, in your opinion, this application for rezoning/special use permit should be granted (may be left blank if adequately described in letter to Planning Commission): The amount of buffer and property

we own adjacent to the subject property and the infrastructure improvements we are doing

Notary Information

State of Missouri }
County of Camden } ss

I, Andrew Prewitt, owner/applicant, having read the procedures and instructions, make application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri and explained in this application.

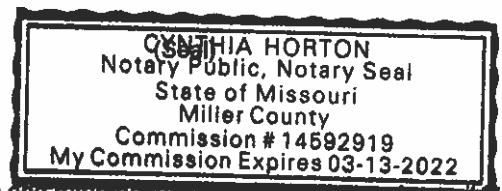
Andrew Prewitt
Signature Owner/Applicant:

1-19-2022
Date:

Subscribed and sworn to before me on this 19th day of January, 2022.

Cynthia Horton
Notary Public:
3-13-2022
My Commission Expires:

Person Accepting this Application:



****Applications not properly signed and notarized may be removed from the Agenda and returned to the applicant via regular mail.**

CITY OF OSAGE BEACH
PLANNING DEPARTMENT
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone – 573-302-0528 FAX

Arapaho LLC
12 Allen Road
Eldon, MO 65026
Phone: 573.365.9440

January 19, 2022

Cary Patterson
City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065

RE: Request to Rezone Property 093.006.2000.0002005.000 to Commercial C1 with an E-3 Overlay

City Planners,

We would like to respectfully request that a portion of the above mentioned property be rezoned from Commercial C1 to Commercial C-1 with an E-3 Overlay. The property in question has remained vacant and wooded for at least the last fifty years and has not been used for any income producing purpose. Assuming the rezoning to Commercial C1 with an E-3 Overlay is permitted the plan is to build a live music and poolside entertainment venue on the property.

To help remediate any noise or inconvenience from this development we propose to leave at least a 185 foot buffer around the property, install sound buffer barriers, and face the stage in a southeasterly direction away from any existing residential developments.

The property is located in a valley in the back of the Backwater Jacks cove. It is surrounded by wooded hillsides on two sides, a wooded valley on one side, and Backwater Jacks on the remaining side.

We are working with the surrounding property owners and hope that this development will fit with the future development plans for this cove and create a greater tax base for the City of Osage Beach.

Thank you for your consideration on this matter,

Andrew Prewitt
Office: 573.365.9440
Cell: 573.280.4388
Email: Andy@PrewittEnterprises.com

Arapaho LLC
12 Allen Road
Eldon, MO 65026
Phone: 573.365.9440

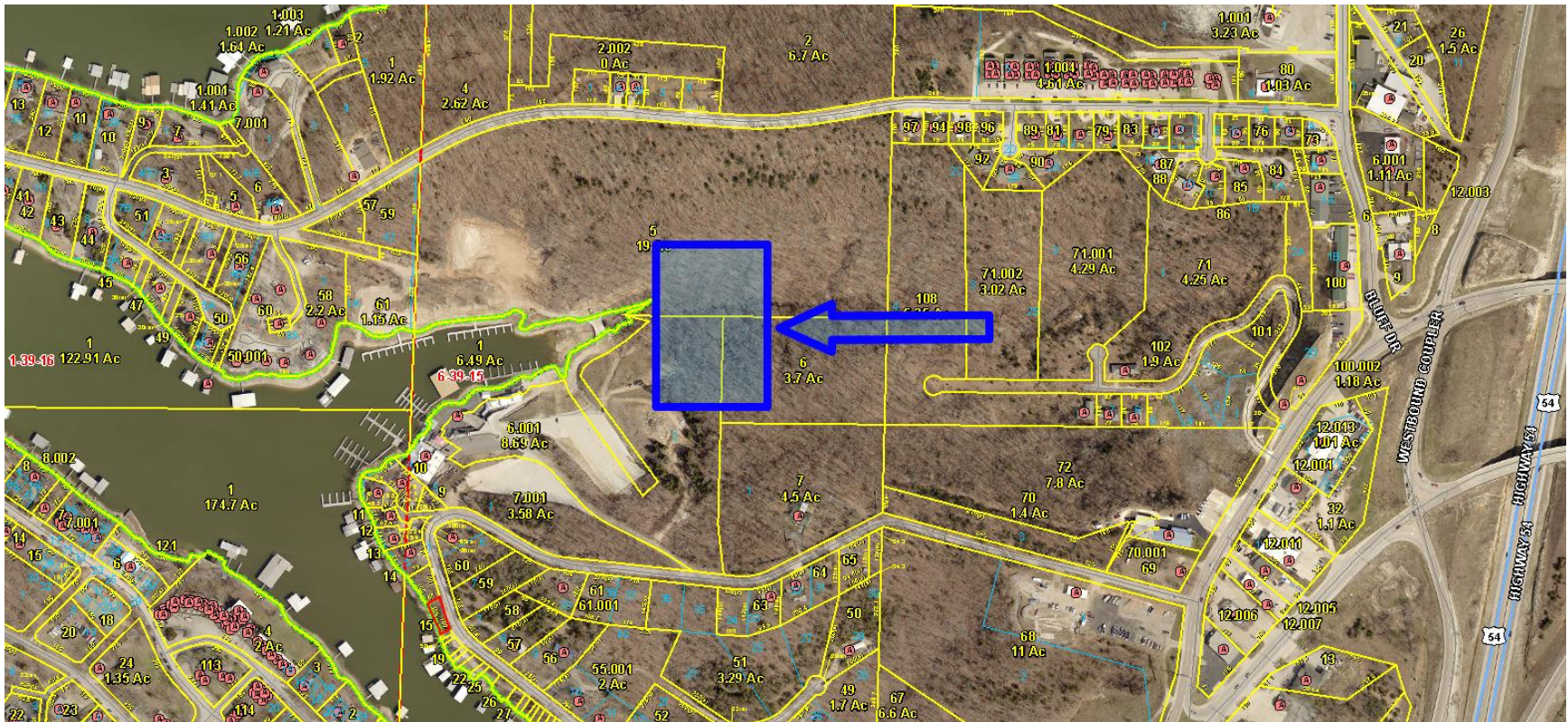
January 19, 2022

Cary Patterson
City of Osage Beach
Planning Department
~~1000 City Parkway~~
Osage Beach, MO 65065

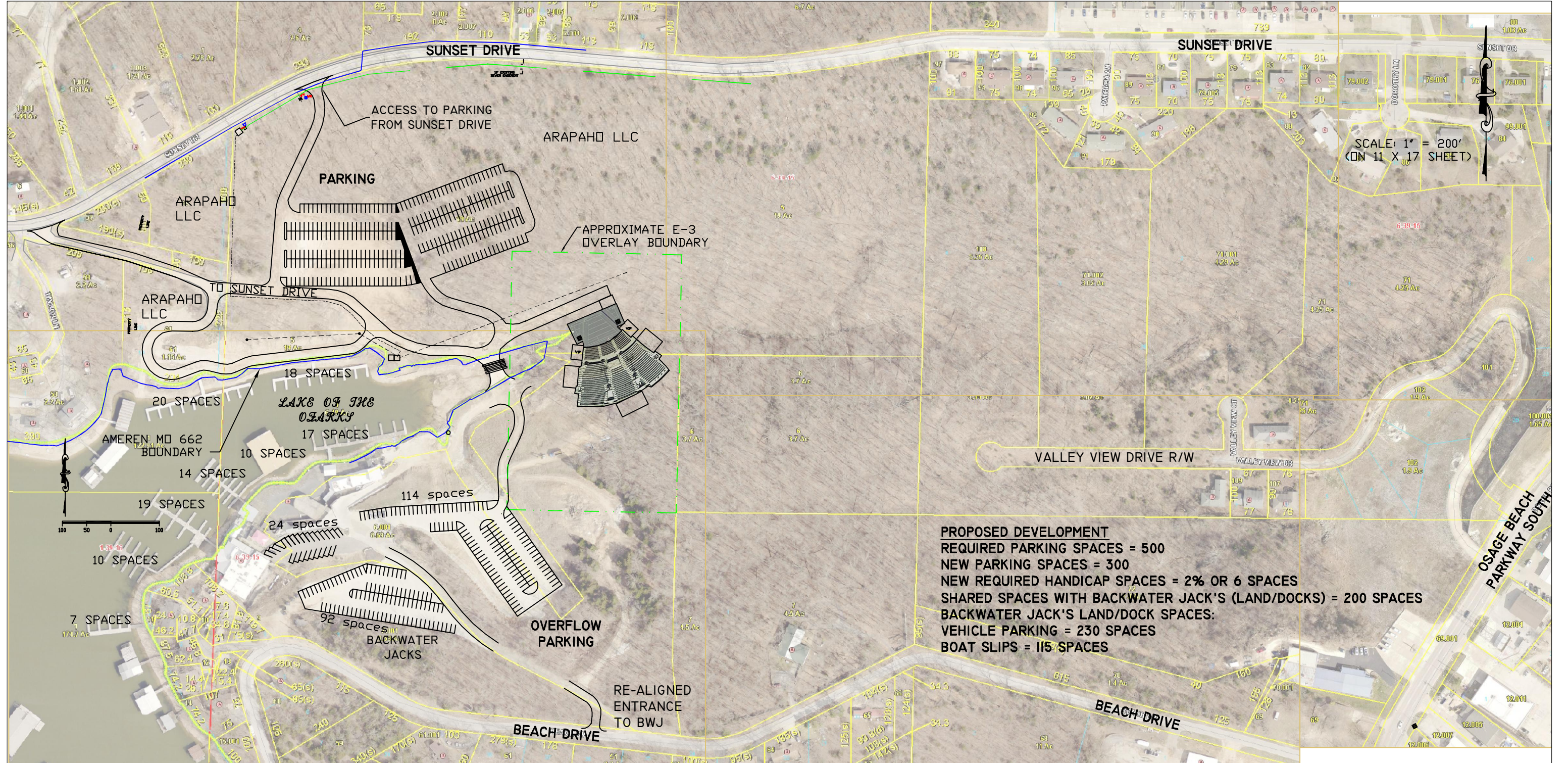
**RE: List of Owners of Record of ALL Property within 185 Feet of the Boundaries of the Subject
Property or 1,000 feet of the E Overlay Boundary on the Lake Front**

1. Jessica Prewitt and Karen Prewitt
~~264 Blue Springs Drive~~
Eldon, MO 65026
2. Grand Teton Mountain Investments LLC
12 Allen Road
Eldon, MO 65026
3. Wade Flaming
PO Box 2291
Springfield, MO 65801-2291

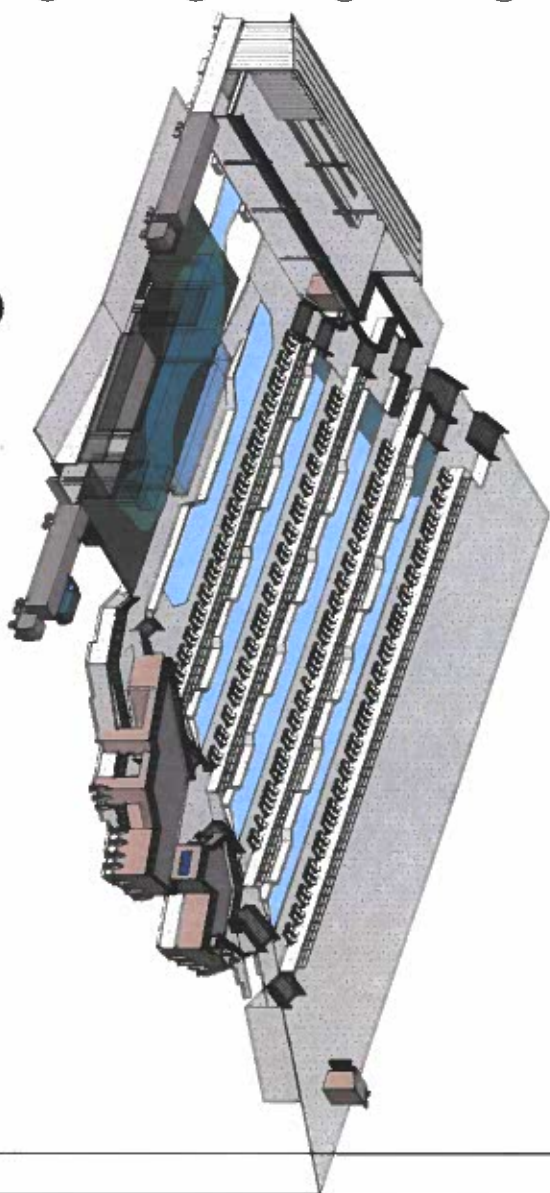
Andrew Prewitt
Office: 573.365.9440
Cell: 573.280.4388
Email: Andy@PrewittEnterprises.com



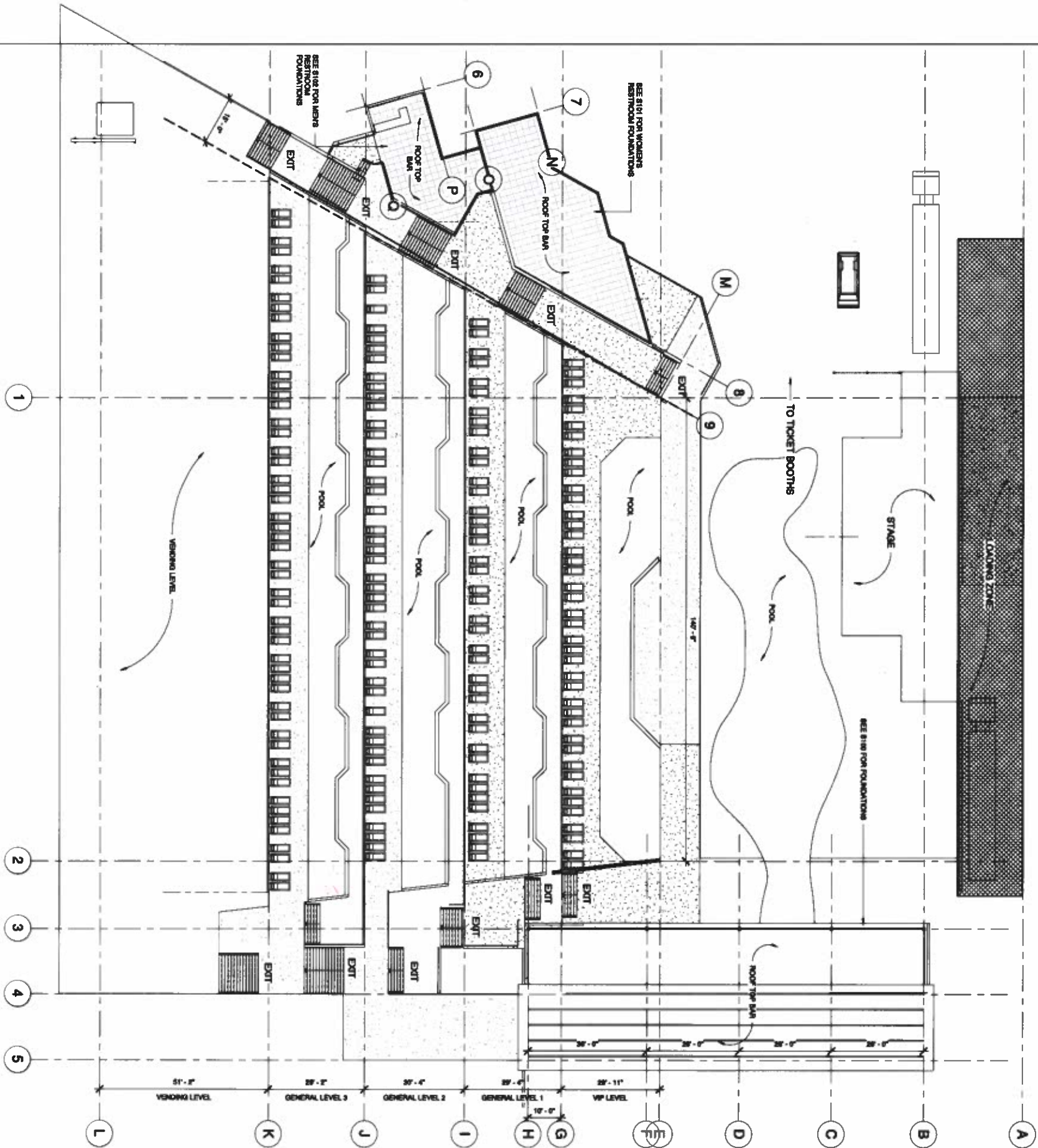
Rezoning Case 417 Location Map



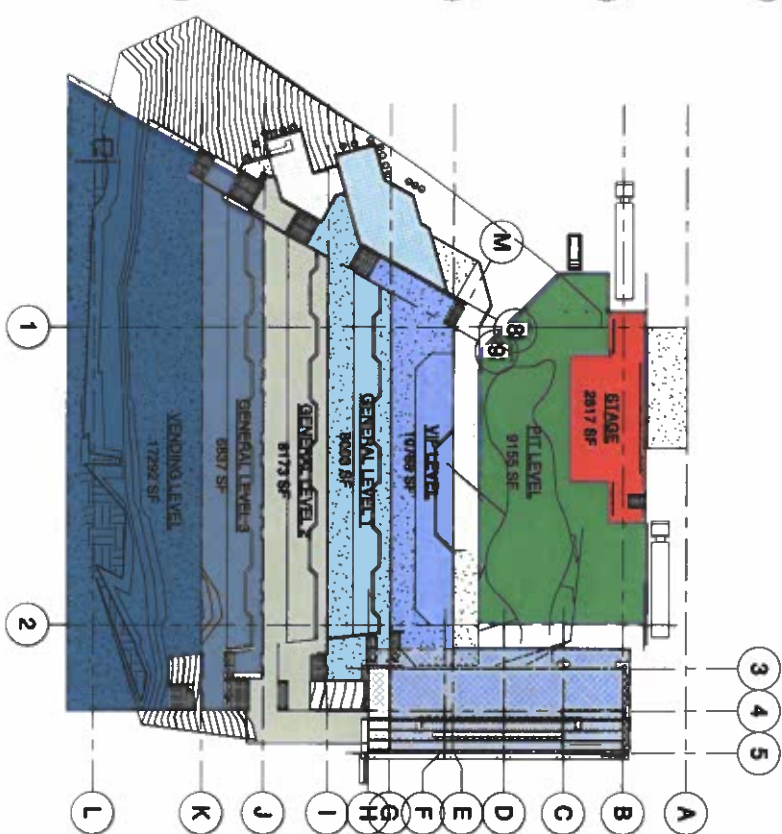
BWJ AQUA THEATER PRELIMINARY SITE PLAN
 RVSD. 01/18/2022



2 MASSING MODEL



1 VENDING LEVEL
1/16" = 1'-0"



3 DIRECTORY
1" = 40'-0"

ARAPAHO DEVELOPMENT

address, Missouri

Revision Number	Revision Date

RIMILLER ARCHITECTS

A1.1

FLOOR PLAN

ISSUE DATE: 11-17-2021

PROJECT NUMBER: 18-0442

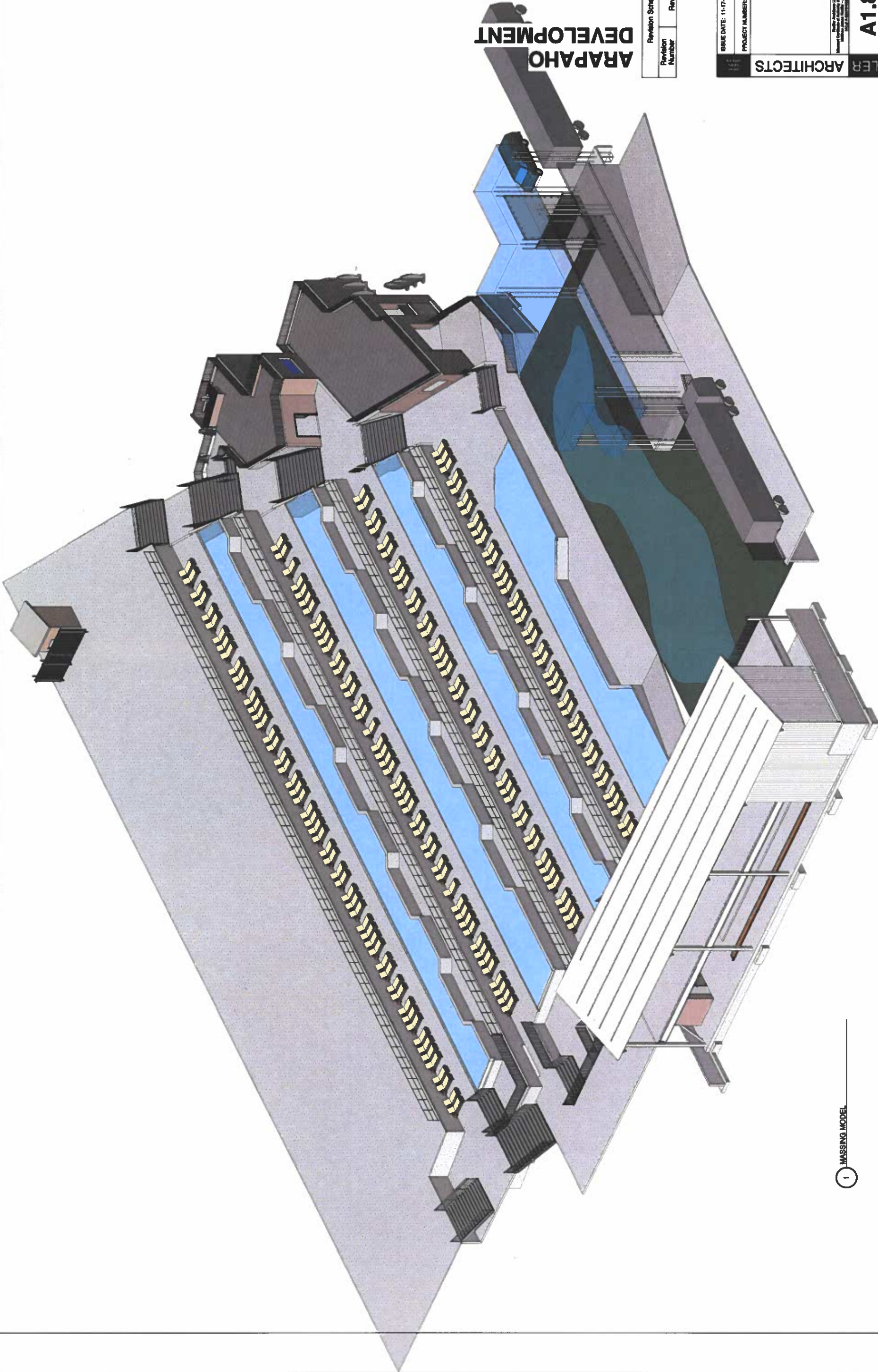
1830 WEST McCARTHY STREET
JEFFERSON CITY, MISSOURI 65106

RIMILLER ARCHITECTS 1500 S. 10TH ST. SUITE 200 OMAHA, NE 68102 (402) 342-1100 WWW.RIMILLERARCHITECTS.COM		1600 WEST MCCARTHY STREET JEFFERSON CITY, MISSOURI 65108
PROJECT NUMBER: 16-0640		ISSUE DATE: 11-17-2017
A1.8 3D VIEW		

Revision Number	Revision Date

address, Missouri

ARAPAHO DEVELOPMENT



1 MASSING MODEL

City of Osage Beach

Agenda Item Summary

Date of Meeting: March 3, 2022
Originator: Cindy Leigh, Human Resource Generalist
Presenter: Cindy Leigh, Human Resource Generalist

Agenda Item:

Bill 22-07 - An ordinance of the City of Osage Beach, Missouri, Authorization to allow the City Administrator to execute the ICMA Retirement Corporation dba MissionSquare Retirement Governmental Money Purchase Plan Adoption Agreement. *First and Second Readings*

Requested Action:

First & Second Reading of Bill #21-07

Ordinance Referenced for Action:

Board of Aldermen approval required per Section 110.230. Ordinances, Resolutions, Etc. – Generally and Section 110.240 Adoption of Ordinances.

Deadline for Action:

Yes -The City's retirement provider, MissionSquare has requested signing of the plan adoption agreement prior to March 15th to allow time for them to process the agreement by the IRS deadline of July 31, 2022.

Budgeted Item:

Yes, retirement line item xx-xx-723000 is budgeted for each department.

Budget Line Information (if applicable):

Budget Line Item/Title: xx-xx-723000 - Retirement 401 (all departments/funds)

FY2022 Budgeted Amount:	\$ 351,094 (aggregate all departments/funds)
FY2022 Expenditures to Date (MM/DD/YYYY):	(\$)
FY2022 Available:	\$
FY2022 Requested Amount:	\$ 351,094 Annual Total (actual based on payroll financial activity)

Department Comments and Recommendation:

To ensure 401 plans are kept up-to-date with legislative and regulatory changes, the IRS requires that a new plan adoption agreement is executed every six years. The agreement was last executed in 2016.

This agreement has been updated to include changes to the retirement benefit that had not been added:

- The 1% contribution to the 401 with a 1% employee 457 contribution as per Section 125.240.C.1
- The final payment of accrued personal time hours based on a vesting schedule with the amount not to exceed \$10,000 as per Section 125.120.C.7.

Staff recommends approval.

City Attorney Comments:

Per City Code 110.230, Bill 22-07 is in correct form.

City Administrator Comments:

I concur with the department's recommendation.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE ICMA RETIREMENT CORPORATION dba MISSIONSQUARE RETIREMENT GOVERNMENTAL MONEY PURCHASE PLAN ADOPTION AGREEMENT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI, AS FOLLOWS, WIT:

Section 1. The Board of Aldermen hereby authorizes the City Administrator to execute on behalf of the City the ICMA Retirement Corporation dba MissionSquare Retirement Governmental Money Purchase Plan Adoption Agreement substantially under the terms set forth in the form attached hereto as ("Exhibit A").

Section 2. This Ordinance shall be in full force and effect from date of passage.

READ FIRST TIME: _____ READ SECOND TIME: _____

I hereby certify that the above Ordinance No. 22.07 was duly passed on _____ by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:

Nays:

Abstain:

Absent:

This Ordinance is hereby transmitted to the President of the Board for his signature.

Date

Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby approve Ordinance No. 22.07.

Date
ATTEST:

John Olivarri, Mayor

Tara Berreth, City Clerk

ICMA Retirement Corporation
doing business as

MissionSquare Retirement Governmental Money Purchase Plan Adoption Agreement

MissionSquare
RETIREMENT

MissionSquare Retirement
Governmental Money Purchase Plan Adoption Agreement

Plan Number: 109032

The Employer hereby establishes a Money Purchase Plan to be known as CITY OF OSAGE BEACH (the "Plan") in the form of the MissionSquare Retirement Governmental Money Purchase Plan.

New Plan or Amendment and Restatement (Check One):

[X] Amendment and Restatement

This Plan is an amendment and restatement of an existing defined contribution Money Purchase Plan. Please specify the name of the defined contribution Money Purchase Plan which this Plan hereby amends and restates: CITY OF OSAGE BEACH

Effective Date of Restatement. The effective date of the Plan shall be:

(Note: The effective date can be no earlier than the first day of the Plan Year in which this restatement is adopted. If no date is provided, by default, the effective date will be the first day of the Plan Year in which the restatement is adopted.)

[] New Plan

Effective Date of New Plan. The effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate effective date is hereby specified:

(Note: An alternate effective date can be no earlier than the first day of the Plan Year in which the Plan is adopted.)

I. EMPLOYER: CITY OF OSAGE BEACH

(The Employer must be a governmental entity under Internal Revenue Code § 414(d))

II. SPECIAL EFFECTIVE DATES

Please note here any elections in the Adoption Agreement with an effective date that is different from that noted above.

(Note provision and effective date.)

III. PLAN YEAR

The Plan Year will be:

- [X] January 1 – December 31 (Default)
[] The 12 month period ending Month Day

IV. Normal Retirement Age shall be age 55 (not less than 55 nor in excess of 65).

Important Note to Employers: Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

In 2016, the Internal Revenue Service proposed regulations that would provide rules for determining whether a governmental pension plan's normal retirement age satisfies the Internal Revenue Code's qualification requirements. A normal retirement age that is age 62 or later is deemed to be not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. Whether an age below 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, says that a normal retirement age that is age 50 or later is deemed to be not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed if the participants to which this normal retirement age applies are qualified public safety employees (within the meaning of section 72(t)(10)(B)). These regulations are proposed to be effective for employees hired during plan years beginning on or after the later of: (1) January 1, 2017; or (2) the close of the first regular legislative session of the legislative body with the authority to amend the plan that begins on or after the date that is 3 months after the final regulations are published in the Federal Register. In the meantime, however, governmental plan sponsors may rely on these proposed regulations.

In lieu of age-based Normal Retirement Age, the Plan shall use the following age and service-based Normal Retirement Age _____

Important Note to Employers: Before using a Normal Retirement Age based on age and service, a plan sponsor should review the proposed regulations (81 Fed. Reg. 4599 (Jan. 27, 2016)) and consult counsel.

V. COVERED EMPLOYMENT CLASSIFICATIONS

1. The following group or groups of Employees are eligible to participate in the Plan:

- ☐ All Employees
- ☒ All Full Time Employees
- ☐ Salaried Employees
- ☐ Non union Employees
- ☐ Management Employees
- ☐ Public Safety Employees
- ☐ General Employees
- ☐ Other Employees (Specify the group(s) of eligible Employees below. Do not specify Employees by name.
Specific positions are acceptable.) _____

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment.

Note: As stated in Sections 4.08 and 4.09, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. Period of Service required for participation

☒ N/A – The Employer hereby waives the requirement of a Period of Service for participation. Employees are eligible to participate upon employment. (*“N/A” is the default provision under the Plan if no selection is made.*)

☐ Yes. The required Period of Service shall be _____ months (not to exceed 12 months).

The Period of Service selected by the Employer shall apply to all Employees within the Covered Employment Classification.

3. Minimum Age (Select One) – A minimum age requirement is hereby specified for eligibility to participate.

☐ Yes. Age _____ (*not to exceed age 21*).

☒ N/A – No minimum age applies (*“N/A” is the default provision under the Plan if no selection is made.*)

VI. CONTRIBUTION PROVISIONS

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Mandatory Participant Contributions under Option B.)

Fixed Employer Contributions With or Without Mandatory Participant Contributions. (If Option B is chosen, please complete section C.)

☒ A. Fixed Employer Contributions. The Employer shall contribute on behalf of each Participant 6 _____ % of Earnings or \$ _____ for the Plan Year (subject to the limitations of Article V of the Plan).

Mandatory Participant Contributions

☐ are required ☐ are not required

to be eligible for this Employer Contribution.

☐ B. Mandatory Participant Contributions for Plan Participation

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

☐ Yes ☐ No

Employee Opt-In Mandatory Contributions. To the extent that Mandatory Participant Contributions are not required by the Plan, each Employee eligible to participate in the Plan shall be given the opportunity, when first eligible to participate in the Plan or any other plan or arrangement of the Employer described in Code section 219(g)(5)(A) to irrevocably elect to contribute Mandatory Participant Contributions by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

☐ Yes ☐ No

Contribution Schedule. (Any percentage or dollar amount entered below must be greater than 0% or \$0.)

i. _____ % of Earnings,

ii. \$ _____, or

iii. a whole percentage of Earnings between the range of _____ (*insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%)*), as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up." The Employer hereby elects to "pick up" the Mandatory Participant Contributions¹ (pickup is required if Option A is not selected)

☐ Yes ☐ No (***"Yes" is the default provision under the Plan if no selection is made.***)

☐ C. Election Window (Complete if Option B is selected):

Newly eligible Employees shall be provided an election window of _____ days (no more than 60 calendar-days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to make Employer Matching Contributions as follows:

☐ **Fixed Employer Match of After-Tax Voluntary Participant Contributions.** (Do not complete this section unless the Plan permits after-tax Voluntary Participant Contributions under Section VI.3 of the Adoption Agreement.)

The Employer shall contribute on behalf of each Participant _____ % of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed _____ % of Earnings or \$ _____. Under this option, there is a single, fixed rate of Employer Contributions, but a Participant may decline to make the Voluntary Participant Contributions in any Plan Year, in which case no Employer Contribution will be made on the Participant's behalf in that Plan Year.

¹Neither an IRS opinion letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting Employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).

[] Variable Employer Match of After-Tax Voluntary Participant Contributions. (Do not complete unless the Plan permits after-tax Voluntary Participant Contributions under Section VI.3 of the Adoption Agreement.)

The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

_____ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Voluntary Participant Contributions exceeding _____ % of Earnings or \$ _____);

PLUS _____ % of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate _____ % of Earnings or \$ _____).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$ _____ or _____ % of Earnings, whichever is [] more or [] less.

[X] Fixed Employer Match of Participant 457(b) Plan Deferrals. The Employer shall contribute on behalf of each Participant _____ 1 _____ % of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has deferred _____ 1 _____ % of Earnings or \$ _____ to the Employer's 457(b) deferred compensation plan. Under this option, there is a single, fixed rate of Employer Contributions, but a Participant may decline to make the required 457(b) deferrals in any Plan Year, in which case no Employer Contribution will be made on the Participant's behalf in that Plan Year.

[] Variable Employer Match of Participant 457(b) Plan Deferrals.

The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

_____ % of the elective deferrals made by the Participant to the Employer's 457(b) plan for the Plan Year (not including Participant contributions exceeding _____ % of Earnings or \$ _____);

PLUS _____ % of the elective deferrals made by the Participant to the Employer's 457(b) plan for the Plan Year in excess of those included in the above paragraph (but not including elective deferrals made by a Participant to the Employer's 457(b) plan exceeding in the aggregate _____ % of Earnings or \$ _____).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$ _____ or _____ % of Earnings, whichever is [] more or [] less.

3. Each Participant may make a Voluntary Participant Contribution, subject to the limitations of Section 4.06 and Article V of the Plan

[] Yes [X] No (*"No" is the default provision under the Plan if no selection is made.*)

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation Year ends, or in accordance with applicable law):

[] Weekly [X] Biweekly [] Monthly [] Annually in _____ (*specify month*)

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation Year ends, or in accordance with applicable law):

☐ Weekly ☒ Biweekly ☐ Monthly ☐ Annually in _____ (*specify month*)

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

A. Plan contributions will be made based on differential wage payments:

☐ Yes ☒ No (*"Yes" is the default provision under the Plan if no selection is made.*)

B. Participants who die or become disabled will receive Plan contributions with respect to such service:

☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)

VII. Earnings

Earnings, as defined under Section 2.09 of the Plan, shall include:

1. Overtime

☒ Yes ☐ No (*"No" is the default provision under the Plan if no selection is made.*)

2. Bonuses

☒ Yes ☐ No (*"No" is the default provision under the Plan if no selection is made.*)

3. Other Pay (specifically describe any other types of pay to be included below)

VIII. ROLLOVER PROVISIONS

1. The Employer will permit Rollover Contributions in accordance with Section 4.13 of the Plan:

☒ Yes ☐ No (*"Yes" is the default provision under the Plan if no selection is made.*)

IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (e) of the Plan will apply, unless another method has been indicated below.

[] Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any Excess Amounts, in a manner that precludes Employer discretion.) _____

2. The Limitation Year is the following 12 consecutive month period: _____

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the Code's vesting requirements in effect on September 1, 1974 and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percentage - from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

The following vesting schedule may apply to a Participant's interest in his/her Employer Contribution Account. The vesting schedule does not apply to Elective Deferrals, Catch-up Contributions, Mandatory Participant Contributions, Rollover Contributions, Voluntary Participant Contributions, Deductible Employee Contributions, Employee Designated Final Pay Contributions, and Employee Designated Accrued Leave Contributions, and the earnings thereon.

Period of Service Completed	Percent Vested
Zero	0%
One	20%
Two	40%
Three	60%
Four	80%
Five	100%
Six	%
Seven	%
Eight	%
Nine	%
Ten	%

XI. WITHDRAWALS AND LOANS

1. In-service distributions are permitted under the Plan after a Participant attains (select one of the below options):
☐ Normal Retirement Age
☒ 70 ½ (*"70 ½" is the default provision under the Plan if no selection is made.*)
☐ Alternate age (after Normal Retirement Age): _____
☐ Not permitted at any age
2. A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.
☒ Yes ☐ No (*"Yes" is the default provision under the Plan if no selection is made.*)
3. Tax-free distributions of up to \$3,000 for the direct payment of Qualified Health Insurance Premiums for Eligible Retired Public Safety Officers are available under the Plan.
☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)
4. In-service distributions of the Rollover Account are permitted under the Plan as provided in Section 9.07
☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)
5. Loans are permitted under the Plan, as provided in Article XIII of the Plan:
☒ Yes ☐ No (*"No" is the default provision under the Plan if no selection is made.*)

XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

- ☐ 1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum.
The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.
- ☒ 2. Beneficiary Spousal Consent Election (Article XII of the Plan will apply if option 2 is selected).
The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. (*"Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.*)
- ☐ 3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If option 3 is selected, the spousal consent requirements in Article XII of the Plan also will apply.)

XIII. FINAL PAY CONTRIBUTIONS

(Under the Plan's definitions, Earnings automatically include leave cashouts paid by the later of 2 ½ months after severance from employment or the end of the calendar year. If the Plan will provide additional contributions based on the Participant's final paycheck attributable to Accrued Leave, please provide instructions in this section. Otherwise, leave this section blank.)

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected. The following group of Employees shall be eligible for Final Pay Contributions:

☒ 1. Employees within the Covered Employment Classification identified in section V of the Adoption Agreement.

☐ 2. Other: _____

(This must be a subset of the Covered Employment Classification identified in section V of the Adoption Agreement.)

Final Pay shall be defined as (select one):

☐ A. Accrued unpaid vacation

☐ B. Accrued unpaid sick leave

☐ C. Accrued unpaid vacation and sick leave

☒ D. Other *(insert definition of Final Pay - must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave):*

Accrued personal time may be converted to 401A retirement dollars based on a vesting schedule with a maximum payout of \$10,000. Amount not to exceed maximum contribution limits in the 401A for the calendar year.

☐ 1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____% of their Final Pay to the Plan (subject to the limitations of Article V of the Plan).

☐ 2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of Final Pay to be contributed) or up to _____% (insert maximum percentage of Final Pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for unpaid Accrued Leave Contributions annually if either 1 or 2 is selected below. The following group of Employees shall be eligible for Accrued Leave Contributions:

☐ 1. Employees within the Covered Employment Classification identified in section V of the Adoption Agreement.

☐ 2. Other: _____

(This must be a subset of the Covered Employment Classification identified in section V of the Adoption Agreement.)

Accrued Leave shall be defined as (select one):

☐ A. Accrued unpaid vacation

☐ B. Accrued unpaid sick leave

☐ C. Accrued unpaid vacation and sick leave

☐ D. Other (insert definition of Accrued Leave that is bona fide vacation and/or sick leave):

[] 1. Employer Accrued Leave Contribution. The Employer shall contribute as follows

(choose one of the following options):

[] For each Plan Year, the Employer shall contribute on behalf of each eligible Participant the unused Accrued Leave in excess of _____ to the Plan (subject to the limitations of Article V of the Plan).

[] For each Plan Year, the Employer shall contribute on behalf of each eligible Participant _____% of un- used Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

[] 2. Employee Designated Accrued Leave Contribution

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to annually contribute _____% (insert fixed percentage of unpaid Accrued Leave to be contributed) or up to _____% (insert maximum percentage of unpaid Accrued Leave to be contributed) of unpaid Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XV. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XVI. The Employer understands that this Adoption Agreement is to be used with only the MissionSquare Retirement Money Purchase Plan. This MissionSquare Retirement Governmental Money Purchase Plan is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on December 31, 2018 and received approval on June 30, 2020.

The Plan Administrator will inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer

notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

XVII. The Employer hereby appoints the ICMA Retirement Corporation, doing business as MissionSquare Retirement, as the Plan Administrator pursuant to the terms and conditions of the MISSIONSQUARE RETIREMENT GOVERNMENTAL MONEY PURCHASE PLAN.

The Employer hereby agrees to the provisions of the Plan.

- XVIII.** The Employer understands that it must complete a new Adoption Agreement upon first adoption of the Plan. Additionally, upon any modifications to a prior election, making of new elections, or restatements of the Plan, a new Adoption Agreement must be completed. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.
- XIX.** An adopting Employer may rely on an Opinion Letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code only to the extent provided in Rev. Proc. 2017-41. The Employer may not rely on the Opinion Letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the Opinion Letter issued with respect to the Plan and in Rev. Proc. 2017-41.

In Witness Whereof, the Employer hereby causes this Money Purchase Plan Adoption Agreement to be executed.

EMPLOYER SIGNATURE & DATE

Signature of Authorized Plan Representative: _____

Print Name: Jeana Woods

Title: City Administrator

Attest: _____

Date: ____/____/____.

For inquiries regarding adoption of the plan, the meaning of plan provisions, or the effect of the Opinion Letter, contact:

MissionSquare Retirement
777 N. Capitol St. NE Suite 600
Washington, DC 20002
800-326-7272

52582-0621-W1304

City of Osage Beach

Agenda Item Summary

Date of Meeting: March 3, 2022
Originator: Edward Rucker, City Attorney
Presenter: Edward Rucker, City Attorney

Agenda Item:

Bill 21-08 - An ordinance of the City of Osage Beach, Missouri, approving a professional services agreement with the law firm of Gilmore/Bell for services relating to the consideration of the Legacy Development proposal and TIF Plan Application for the redevelopment of the Osage Beach Outlet Mall under the Real Property Tax Increment Financing Redevelopment Act. *First and Second Reading*

Requested Action:

First & Second Reading of Bill #21-08

Ordinance Referenced for Action:

Board of Aldermen approval required for purchases over \$25,001 per Municipal Code Chapter 135; Article II: Purchasing, Procurement, Transfers, and Sales.

Deadline for Action:

None

Budgeted Item:

No - Funding for this expenditure would be provided by the TIF development reimbursement process. A corresponding revenue line item is directly tied to these types of expenditures.

Budget Line Information (if applicable):

Budget line items - 10-21-731100 TIF Proposal Expense (expenditure), 10-00-600004 TIF - Developer (incoming development reimbursement).

Department Comments and Recommendation:

Recommend adoption to retain the Gilmore/Bell to assist the city in evaluating Legacy Development proposal and TIF Plan Application for the redevelopment of the Osage Beach Outlet Mall under the Real Property Tax Increment Financing Redevelopment Act.

City Attorney Comments:

Per City Code 110.230, Bill 21-08 is in correct form. Recommend adoption to provide

experienced professional counsel in evaluating this proposal.

City Administrator Comments:

I concur with the department's recommendation. When the process begins, a budget amendment will be presented to the Board for the expenditures as well as the non-reoccurring revenue (for the development reimbursement).

AN ORDINANCE APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE LAW FIRM OF GILMORE & BELL FOR SERVICES RELATING TO THE CONSIDERATION OF THE LEGACY DEVELOPMENT PROPOSAL AND TIF PLAN APPLICATION FOR THE REDEVELOPMENT OF THE OSAGE BEACH OUTLET MALL UNDER THE REAL PROPERTY TAX INCREMENT FINANCING REDEVELOPMENT ACT.

WHEREAS, the City has been requested by Legacy Development (the “Developer”) to consider a tax increment financing redevelopment plan application (the “Application”) within the City, for the redevelopment of the Osage Beach Outlet Mall in accordance with the “Real Property Tax Increment Allocation Redevelopment Act” in Sections 99.800 to 99.865 of the Revised Statutes of Missouri (the “TIF Act”); and

WHEREAS, pursuant to Section 99.820 of the Revised Statutes of Missouri, the City is authorized to enter into all contracts necessary or incidental to the implementation and furtherance of a redevelopment plan or redevelopment project; and

WHEREAS, the Board of Aldermen has authorized the Mayor to execute a Funding Agreement with the Developer on behalf of the city to provide funding for legal and financial consulting necessary for the city to properly and fully consider the Application; and

WHEREAS, the Board of Aldermen has approved a Tax Increment Financing Policy (the “Policy”) which provides guidance to the Developer and other potential TIF applicants regarding the process and standards that will be applied by the City to evaluate proposed TIF plans; and

WHEREAS, the Board of Aldermen desires to enter into an agreement with Gilmore and Bell for legal services necessary to ensure that the City has properly and fully considered and, if ultimately approved by Board of Aldermen, implemented the TIF Plan and then properly enter into a development agreement with the developer selected to implement the plan.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI, AS FOLLOWS:

1. The Engagement Letter with Gilmore and Bell for their services in reference to the Legacy Development proposal and TIF Plan Application for the Redevelopment of the Osage Beach Outlet Mall, attached as **Exhibit A** is approved and the Mayor is authorized to execute the same on behalf of the city.

READ FIRST TIME: _____ READ SECOND TIME: _____

I hereby certify that the above Ordinance No. 22.08 was duly passed on _____, 2022 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

This Ordinance is hereby transmitted to the Mayor for his signature.

Date

Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby APPROVE Ordinance No. 22.08.

John Olivarri, Mayor

Date

ATTEST:

Tara Berreth, City Clerk

EXHIBIT A

ENGAGEMENT LETTER

[attached]



One Metropolitan Square
211 N. Broadway, Suite 2000
St. Louis, Missouri 63102-2746

(314) 436-1000 / (314) 436-1166 FAX / gilmorebell.com

February 23, 2022

Mayor and Board of Aldermen
Osage Beach, Missouri

Re: Redevelopment Proposal for Osage Beach Marketplace

Ladies and Gentlemen:

The purpose of this engagement letter is to set forth certain matters concerning the services we will perform as special counsel and bond counsel to the City of Osage Beach in connection with the proposed redevelopment of the Osage Beach Marketplace (the "Project").

SCOPE OF ENGAGEMENT

Special Counsel Services

Gilmore & Bell will provide the following services as special counsel regarding the Project:

1. Review and advise the City regarding the legal compliance of the redevelopment plan, cost-benefit analysis and related documents.
2. Prepare or review legal proceedings relating to the approval of the redevelopment plan.
3. Prepare or review applicable resolutions and ordinances, public notices to local taxing bodies, and other documents.
4. Assist the City Attorney in advising the City on legal matters incident to the approval of any economic development incentives.
5. Review and advise the City regarding the incentives proposed by a developer.
6. Assist the City Attorney in negotiating and drafting a redevelopment or other agreement between the City and the developer.
7. Attend such conferences and meetings as may be requested by the City in connection with the project.

Bond Counsel Services

If bonds or other obligations (collectively, the “Obligations”) are to be issued to finance the Project (i.e., “TIF” bonds) or facilitate certain incentives for the Project (i.e., “Chapter 100” bonds”), Gilmore & Bell will provide the following services:

1. Prepare or examine all proceedings and legal documents relating to the authorization of the Obligations.
2. Assist the City’s financial advisor or underwriter in obtaining a rating on the Obligations, if applicable, and preparing the necessary documents related to the sale and issuance of the Obligations.
3. Prepare and examine transcripts of proceedings relating to the authorization of the Obligations.
4. Coordinate and assist with the necessary filings and recordings with appropriate county, state and federal agencies.
5. Render an approving legal opinion on the validity of the Obligations and any opinions incidental thereto, to the extent appropriate for the applicable transaction.
6. Attend such conferences and meetings as may be requested in connection with the issuance of the Obligations.
7. Any other services necessary for the timely and cost effective sale of the Obligations.
8. If separately engaged by the City, provide post-issuance tax and securities law compliance services (e.g. arbitrage rebate calculations and assistance with securities law disclosure).

At the direction of the City, our bond counsel services will also include disclosure counsel services in connection with the offering of any Obligations for the Project. Disclosure counsel services typically include preparation of an official statement or other offering document, preparation of a continuing disclosure undertaking, and delivery of a customary SEC Rule 10b-5 letter concerning any offering document.

Our bond counsel services are limited to the items describe above and expressly do not include:

1. Except as required to complete any applicable disclosure counsel services, performing an independent investigation to determine the accuracy, completeness or sufficiency of the offering document or rendering advice that the offering document does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements contained therein, in light of the circumstances under which they were made, not misleading.
2. Preparing requests for tax rulings from the Internal Revenue Service or no-action letters from the Securities and Exchange Commission, or representing the City in Internal Revenue Service examinations or inquiries or Securities and Exchange Commission investigations.

3. Preparing “Blue Sky” or investment surveys with respect to the Obligations.
4. Drafting state constitutional or legislative amendments or pursuing test cases or other litigation.
5. Making an investigation or expressing any view as to the creditworthiness of the City or any credit enhancement provider for the Obligations.
6. Preparing or negotiating the terms of any guaranteed investment contract or other investment agreement.
7. After Closing, providing advice concerning any actions necessary to assure compliance with any continuing disclosure undertaking.
8. After Closing, providing continuing advice to the City or any other party concerning any actions necessary to assure that interest paid on the Obligations will continue to be excludable from gross income for federal income tax purposes (e.g., our engagement does not include rebate calculations for the Obligations).
9. Addressing any other matter not specifically set forth above that is not required to render any Bond Counsel opinion or SEC Rule 10b-5 letter.

ATTORNEY-CLIENT RELATIONSHIP

Upon execution of this engagement letter, the City will be our client and an attorney-client relationship will exist between us. We assume that all other parties will retain such counsel as they deem necessary and appropriate to represent their interests in this transaction. We further assume that all other parties understand that in this transaction we represent only the City, we are not counsel or any other party, and we are not acting as an intermediary among the parties. Our services as special counsel are limited to those contracted for herein. Our representation of the City will not affect our responsibility to render an objective Bond Opinion.

Our representation of the City and the attorney-client relationship created by this engagement letter will be concluded upon closing the transaction(s).

FEES AND EXPENSES

Special Counsel Services

Our proposed fee for providing Special Counsel services will be based on our current hourly rate for shareholders, as adjusted from time to time. For calendar year 2022, our charge will be \$325 per hour. We commit that this rate will not increase by more than 5% per year. In addition to the fees set forth above, we will seek reimbursement for our out-of-pocket expenses incurred in connection with the Special Counsel services, such as travel, postage, deliveries, photocopying, printing and similar expenses. We will submit invoices for payment of fees incurred for Special Counsel services on a monthly basis or at such other times as the City may request.

Bond Counsel Services

Our Bond Counsel fee in connection with the issuance of any Obligations will be a flat fee due upon issuance of the Obligations and determined in accordance with our then-current fee schedule, based on the structure, complexity and size of the transaction. We will confirm a specific fee estimate with the City as soon as sufficient details regarding any proposed Obligations are determined.

RECORDS

At your request, papers and property furnished by you will be returned promptly. Our own files, including lawyer work product, pertaining to the transaction will be retained by us. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to dispose of any documents or other materials retained by us after the termination of the engagement.

CONCLUSION

If the foregoing terms are acceptable to you, please so indicate by returning a signed copy of this engagement letter. We look forward to working with you.

Very truly yours,



Mark A. Spykerman

MAS:

ACCEPTED AND APPROVED:

Date: _____, 2022

CITY OF OSAGE BEACH, MISSOURI

By: _____
Title: _____

City of Osage Beach
Agenda Item Summary

Date of Meeting: March 3, 2022
Originator: Edward Rucker, City Attorney
Presenter: Edward Rucker, City Attorney

Agenda Item:

Bill 21-09 - An ordinance of the City of Osage Beach, Missouri, approving a funding agreement for consideration of the Legacy Development proposal and TIF Plan Application for the redevelopment of the Osage Beach Outlet Mall under the Real Property Tax Increment Allocation Redevelopment Act. *First and Second Reading*

Requested Action:

First & Second Reading of Bill #21-09

Ordinance Referenced for Action:

Board of Aldermen approval required per Section 110.230. Ordinances, Resolutions, Etc. – Generally and Section 110.240 Adoption of Ordinances.

Deadline for Action:

None

Budgeted Item:

Not Applicable

Budget Line Information (if applicable):

Not Applicable

Department Comments and Recommendation:

Recommend adoption to proceed with obtaining necessary expert advice to fully consider the Legacy Development TIF Application

City Attorney Comments:

Per City Code 110.230, Bill 21-09 is in correct form.

City Administrator Comments:

I concur with the department's recommendation.

AN ORDINANCE APPROVING A FUNDING AGREEMENT FOR CONSIDERATION OF THE LEGACY DEVELOPMENT PROPOSAL AND TIF PLAN APPLICATION FOR THE REDEVELOPMENT OF THE OSAGE BEACH OUTLET MALL UNDER THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT.

WHEREAS, the City has been requested by the Legacy Development and associated entities (the “Developer”) to consider a Tax Increment Financing Redevelopment Plan and other possible development tools under an application for TIF Financing (the “Application”) with the City, in accordance with the “Real Property Tax Increment Allocation Redevelopment Act” in Sections 99.800 to 99.865 of the Revised Statutes of Missouri (the “TIF Act”) and the Community Improvement District Act, Sections 67.1422 et. seq.; and,

WHEREAS, pursuant to Section 99.820 of the Revised Statutes of Missouri, the City is authorized to enter into all contracts necessary or incidental to the implementation and furtherance of a redevelopment plan or redevelopment project; and

WHEREAS, pursuant to Section 70.220 of the Revised Statutes of Missouri, the City is authorized to contract and cooperate with any private person for the planning, development, construction and operation of any public improvement or facility; and

WHEREAS, the Board of Aldermen desires to enter into an agreement to ensure that the City has a source of funds to finance costs incurred for additional legal, financial and other consultants or for direct out-of-pocket expenses and other costs to review, evaluate, process and consider the Application.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI, AS FOLLOWS:

1. The Funding Agreement attached as Exhibit A is approved and may be executed by the Mayor on behalf of the City.
2. This Ordinance shall take effect immediately upon passage by the Board of Aldermen Aldermen and approval by the Mayor.

READ FIRST TIME: _____ READ SECOND TIME _____

I hereby certify that the above Ordinance No. 22.09 was duly passed on _____, 2017, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:

Nays:

Abstentions:

Absent:

This Ordinance is hereby transmitted to the Mayor for his signature.

Date

Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby approve Ordinance No. 22.09.

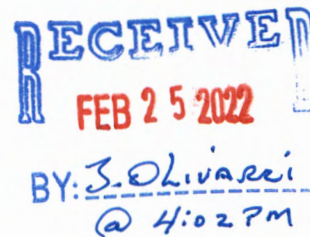
ATTEST:

John Olivarri, Mayor

Tara Berreth, City Clerk

EXHIBIT A
FUNDING AGREEMENT

[*attached*]



Master Draft
FUNDING AGREEMENT

This FUNDING AGREEMENT ("Agreement") is entered into this 25 day of FEBRUARY, 2022, between the CITY OF OSAGE BEACH, MISSOURI (the "City"), and Osage Beach Marketplace, LLC (the "Developer").

RECITALS

WHEREAS, the City is a fourth-class city incorporated and exercising governmental functions and powers pursuant to the Constitution and the Revised Statutes of the State of Missouri; and

WHEREAS, the Developer is a Missouri limited liability company and is authorized to conduct business in the State of Missouri; and

WHEREAS, The Developer has requested that the City consider the approval of the 60 REDEVELOPMENT Tax Increment Financing Plan (the "Plan") in accordance with Sections 99.800 to 99.865, Revised Statutes of Missouri ("RSMo"), as amended (the "Act"), said Plan proposing reimbursement to Developer for Redevelopment Project Costs (the "Redevelopment Project Costs"). For purposes of this Agreement, the Plan as proposed by Developer shall be referred to as the "Application".

WHEREAS, if the Application is approved by the City, the City may be requested to provide such other services and assistance as may be required to implement and administer the Plan through completion; and

WHEREAS, it is the City's policy that a Developer who desires assistance from the City through the use of economic incentive tools shall demonstrate the financial ability to allow for the full and fair evaluation by the City of all development proposals and requests for economic incentives from the City; and

WHEREAS, in order for the City to fully consider and evaluate the Application, the TIF Policy adopted by the City (the "TIF Policy") requires the Developer to deposit funds with the City to be used by the City to pay expenses necessary to perform a full evaluation of the Plan and engage consultants as needed for such evaluation.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. City and Developer Services.

A. Upon full execution of this Agreement, the City shall:

i. Prepare or consult with the Developer on the preparation and consideration of a Plan in accordance with the provisions of the Act, the TIF Policy and other applicable laws, give all notices, make all publications and hold hearings as required by the Act and other applicable laws;

ii. Provide necessary staff, legal, financial, and planning assistance to review and evaluate the Plan for the City and to prepare and present required ordinances to the Board of Aldermen of the City;

iii. Provide the necessary staff and legal, financial and planning assistance to prepare and negotiate a definitive agreement between the Developer and the City for implementation of the proposed Plan (the "TIF Agreement");

iv. Provide the necessary staff and legal, financial and planning assistance to consider a proposed Special District in connection with consideration and approval of the Plan; and

v. If a TIF Agreement is entered into, provide the necessary staff, legal, financial and planning assistance to administer the TIF Agreement.

B. The Developer shall:

i. Assist and cooperate with the City in providing the City Services;

ii. Provide to the City a copy of surveys, planning documents, economic projections, engineering work, environmental studies and other information obtained or to be obtained by the Developer containing information that the City will reasonably need or would otherwise be required for the consideration of the Application for approval by the City pursuant to the Act (the "Development Information").

2. Initial Deposit.

The City acknowledges receipt of Thirty Thousand Dollars (\$30,000.00) (the "Deposit") from the Developer. The City shall disburse the Deposit as set forth in Section 4 and in accordance with the Initial Budget and shall notify the Developer when necessary to re-establish the Deposit in accordance with Section 3 hereof, from which additional disbursements may be made as needed, it being agreed that there will always a minimum cash balance of Seven Thousand Five Hundred Dollars (\$7,500.00) available (the "Minimum Cash Balance"). Prior to commencing any activity which shall be reimbursed by Developer under this Agreement, the City shall submit a budget (the "Initial Budget") for the use of such funds. If such Initial Budget is unacceptable, Developer may terminate this Agreement.

3. Additional Funding.

A. When it appears to the City that Seventy Five Per Cent (75%) of the Deposit has been drawn or will be disbursed, the City shall submit to Developer an itemized statement for actual out-of-pocket third-party expenses paid and an updated budget (the "Additional Budget") necessary to perform its obligations hereunder or for any additional obligations or expenditures reasonably estimated to be incurred by the City. If the Additional Budget is not acceptable to Developer, Developer may terminate this Agreement. This process shall continue at each succeeding request for additional funds. Such statements and budgets shall be submitted on a regular periodic basis, but no more often than monthly. The Developer shall pay the City the amounts set forth on such statements (the "Additional Funds") within thirty (30) days of receipt thereof. If Developer does not terminate and such funds are not so received, the unpaid balance shall be subject to a penalty of two percent (2%) per month until paid, but in no event shall such penalty exceed twenty-four percent (24%) per annum, and the City shall be relieved of any and all obligations hereunder until paid or may terminate this Agreement pursuant to Section 8.

B. The City and the Developer agree that the Developer shall reimburse the City for its actual reasonable out-of-pocket third-party expenses necessary to perform the City's obligations hereunder, using special legal counsel, a financial advisor and/or other consultants as approved according to this paragraph and the respective budget. The City shall advise the Developer in writing if it intends to utilize the services of any other consultants to perform its obligations under the terms of this Agreement. Such written notice shall include the name of the consultant, the service to be performed and an estimate of the cost expected.

C. Both the City and the Developer acknowledge that expenses incurred by the City will likely exceed the initial deposit of \$30,000. Both parties agree to a pre-authorized expense budget of \$50,000, (the "Expense Cap"). If the developer determines that the expenses have exceeded the Expense Cap, the developer may provide the City with written notice, that the developer will no longer pay any expenses in excess of the total expense incurred on the date the city receives notice of the developer's decision not to proceed. The Developer shall pay all such expenses in excess of the Expense Cap incurred before the developer's notice to the City of the decision not to proceed. The City may treat such election by Developer not to pay expenses in excess of the Expense Cap as Developer's election to withdraw its application for consideration of the TIF Plan.

4. Disbursement of Funds.

The City shall disburse the Deposit and Additional Funds for reimbursement of costs to the City on or before the thirtieth (30th) day of each month, and for budgeted consulting fees and the payment of all out-of-pocket third-party expenses incurred by the City in connection with the performance of its obligations under this Agreement as

payment for such expenses as they become due. The City shall send to the Developer a copy of the record for each disbursement made to the Developer pursuant to this Agreement.

5. Reimbursement from TIF.

If the Plan is approved and the Developer is selected to implement the Plan, the Developer shall be entitled to reimbursement from tax increment financing revenues from the redevelopment area that are collected in the special allocation fund established pursuant to the Plan and the Act or the proceeds of any bond issued pursuant to the Plan (the "TIF Bonds") for such actual costs expended under the terms of this agreement which are also considered to be reimbursable project costs under the Plan. The Developer shall provide invoices for the costs and shall be reimbursed in accordance with the TIF Agreement.

6. Application Administration.

In addition to the services set forth in Section 1, the City may be required to provide services from time to time for the continuing administration of the Application, if approved by the Developer. Upon appropriate itemization, the City shall be reimbursed by the Developer for actual meeting expenses and other third party expenses that are reasonable or incidental to the general operations of the City with respect to administration of the Application and any development that results from the Application, but specifically excluding any amount attributable to the time of any staff member of the City. The provisions of this section shall apply until such time as the City and the Developer agree to and execute a TIF Agreement between the Developer and the City.

7. Legal Representation.

The Developer understands and acknowledges that this arrangement is an accommodation to the Developer in which the City's special legal counsel is not providing legal representation to the Developer and that no attorney-client relationship between the Developer and the City's special legal counsel shall exist by any reason including, but not limited to, the Developer's payment of the City's legal expenses. Developer further understands that legal counsel paid pursuant to this agreement is legal counsel for the City and acknowledges the duties of said counsel to the City of confidentiality and loyalty.

8. Termination.

A. In the event the Developer fails to perform any of its obligations herein, the City may terminate this Agreement, at its sole discretion if the Developer fails to cure the default within ten (10) days after written notice to the Developer of the default. Upon such termination, the City shall retain the Deposit and Additional Funds, if any, necessary to reimburse the City for all expenses incurred under this Agreement to the date of termination.

B. The parties hereto acknowledge that the Developer may determine to abandon the Application. Upon written notice of abandonment by the Developer, this Agreement shall terminate and the City shall retain the Deposit and Additional Funds, if any, necessary to reimburse the City for all expenses incurred under this Agreement up to the date of termination.

C. Upon termination of this Agreement, in the event the Deposit and Additional Funds are insufficient to reimburse the City for the outstanding expenses of the City payable hereunder, the Developer shall reimburse the City as set forth in Section 3. After termination of this Agreement, any amounts remaining from the Deposit and the Additional Funds after all amounts have either been paid as directed by, or reimbursed to, the City shall be returned to the Developer.

D. This Agreement may be terminated by mutual agreement of the City and the Developer pursuant to a TIF Agreement that is executed by the City and the Developer.

9. Subsequent Developers.

In the event the City selects another developer pursuant to a request for proposals to carry out the Plan or any Project described therein, the City shall require the subsequent developer to assume all obligations of the Developer under this Agreement as of the date it is designated as the Developer and to reimburse the Developer for its expenditures under this Agreement, which must first be submitted to and approved by the City.

10. City Requirements and Prior Approval.

The Developer agrees to comply with all applicable laws and City ordinances, including, but not limited to, the City's zoning ordinances, subdivision regulations and all planning or infrastructure requirements related to the development of Developer's property. The parties agree that execution of this Agreement in no way constitutes a waiver of any requirements of applicable City ordinances or policies and does not in any way constitute prior approval of any future proposal for development, including the Application. The parties understand that the City may not lawfully contract away its police powers and that approval of the Application and any zoning, subdivision and similar development applications cannot be contractually guaranteed. This Agreement does not alter or diminish the City's ability to exercise its legislative discretion to consider the Application in accordance with the Act and all applicable laws any other applications with respect to development of the property.

Before a vote by the Board of Aldermen for approval or disapproval of the TIF Plan, the TIF Agreement with the Developer, or any other measure associated the TIF Plan, the Developer shall deposit with the City, upon notice from the City, sufficient funds to pay all outstanding expenses incurred hereunder and such other funds as the

City's outside legal counsel and financial consultant may estimate are necessary for the completion of their services related to Plan approval.

11. Notice.

Any notice, approval, request or consent required by or asked to be given under this Agreement shall be deemed to be given if it is in writing and mailed by United States mail, postage prepaid, or delivered by hand, and addressed as follows:

To the City:

Jeana Woods
City Administrator
City of Osage Beach
1000 City Parkway
Osage Beach, Missouri 65065

With a copy to:

Edward Rucker
City Attorney
City of Osage Beach
1000 City Parkway
Osage Beach, Missouri 65065

To the Developer:

Osage Beach Marketplace, LLC
PO Box 8
Osage Beach, MO 65065
Attn: Christopher Foster
foster.christopher@gmail.com

Osage Beach Marketplace, LLC
c/o Legacy Development
4717 Central Street
Kansas City, Missouri 64112
Attn: Heather Trower
Chief Development Officer
htrower@legacydevelopment.com

Richard B. Katz, Esq.
The Katz Law Firm, LC
4717 Central
Second Floor
Kansas City, MO 64112

(816) 260-4121
rkatz@rkatzlaw.com

The City or Developer (each a "Party") may specify that notice be addressed to any other person or address by giving to the other Party ten (10) days written notice of such change.

12. Miscellaneous.

- a. Governing Law, Counterparts. This Agreement shall be governed by Missouri law and may be executed in counterparts.
- b. Severability. If any provision of this Agreement shall be unenforceable, the remainder of this Agreement shall be enforced as if such provision were not contained in this Agreement.
- c. No Waiver. Failure of any Party to this Agreement to enforce its rights pursuant to this Agreement shall not be deemed a waiver of any such rights.
- d. Successors and Assigns. This Agreement may not be assigned by any Party without the prior written consent of all Parties. No assignment, unless specifically provided for in such consent, shall relieve the assigning Party of any liability pursuant to this Agreement. This Agreement shall be binding upon the Parties and their successors and permitted assigns.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

CITY OF OSAGE BEACH, MISSOURI

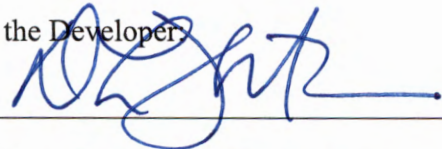
By: _____
Name: John Olivarri, Mayor

Attest:

Approved as to form:

City Clerk Tara Berreth

City Attorney Edward Rucker

For the Developer:
By: 
Name: D. L. FOSTER
Title: MANAGER

City of Osage Beach

Agenda Item Summary

Date of Meeting: March 3, 2022
Originator: Kevin Crooks, Public Works Operations Manager
Presenter: Kevin Crooks, Public Works Operations Manager

Agenda Item:

Bill 21-10- An ordinance of the City of Osage Beach, Missouri, authorizing the City Administrator to accept the Municipal Equipment Company, Inc. service agreement to perform 3-phase lift station assessment inspections for specific station locations as listed in said agreement, for an amount not to exceed \$168,960. *First Reading*

Requested Action:

First Reading of Bill #21-10

Ordinance Referenced for Action:

Board of Aldermen approval required for purchases over \$25,001 per Municipal Code Chapter 135; Article II: Purchasing, Procurement, Transfers, and Sales.

Deadline for Action:

No

Budgeted Item:

Yes

Budget Line Information (if applicable):

Budget Line Item/Title: 35-00-743300 / Sewer Repair to System

FY2022 Budgeted Amount: \$1,272,000

FY2022 Expenditures to Date (MM/DD/YY): (\$ 224,642)

FY2022 Available: \$1,047,358

FY2022 Requested Amount: \$ 168,690

Department Comments and Recommendation:

This proposed assessment will provide a detailed 17-point preventative maintenance inspection of the cities' 88 largest lift stations. The pumps will be pulled and inspected for insulation and stator resistance, voltage, amp draw, thermal protection and impeller tolerances among other conditions. This project will allow a time-sensitive "catch-up" for all large stations and allow the sewer staff to focus on the numerous grinder stations and other infrastructure preventative maintenance like air release valves, and valve maintenance. This will quickly identify failing pumps for repair or replacement for budgetary consideration. The assessment will take 2 pump technicians

approximately 5 weeks to complete. The sewer department staff will take over this 3-phase station maintenance once this assessment is completed. I recommend approval.

City Attorney Comments:

Per City Code 110.230, Bill 21-10 is in correct form.

City Administrator Comments:

I concur with the department's recommendation.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE MUNICIPAL EQUIPMENT COMPANY, INC. SERVICE AGREEMENT TO PERFORM 3-PHASE LIFT STATION ASSESSMENT INSPECTIONS FOR SPECIFIC STATION LOCATIONS AS LISTED IN SAID AGREEMENT, FOR AN AMOUNT NOT TO EXCEED \$168,960.00.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI, AS FOLLOWS, TO WIT:

Section 1. The Board of Aldermen authorizes the City Administrator to execute on behalf of the City a contract with Municipal Equipment Company INC., under substantially the same or similar terms and conditions as set forth in (“Exhibit A”).

Total expenditures or liability authorized under this contract shall not exceed One Hundred Sixty Eight Thousand Nine-Hundred Sixty Dollars (\$168,960.00)

Section 2. The City Administrator is hereby authorized to take such further actions as are necessary to carry out the intent of this Ordinance and Contract.

Section 3. This Ordinance shall be in full force and effect from date of passage and approval by the Mayor.

READ FIRST TIME:

READ SECOND TIME:

I hereby certify that the above Ordinance No. 22.10, was duly passed on _____, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:

Nays:

Abstentions:

Absent:

This Ordinance is hereby transmitted to the Mayor for his signature.

Date

Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker, City Attorney

I hereby approve Ordinance No. 22.10.

Date

John Olivarri, Mayor

ATTEST:

Tara Berreth, City Clerk



January 20, 2022

Mr. Kevin Crooks
City of Osage Beach
5757 Chapel Drive
Osage Beach, MO 65065

RE: Pump Station Inspection

Dear Mr. Crooks:

We are pleased to offer the following equipment and/or services for your consideration for use at the reference location:

One (1) lot field service to perform a 17 point inspection at the pump stations listed in the attached list

Total Price..... \$ 168,960.00

Please note the following –

1. The quoted pricing does not include any required replacement parts that may be damaged prior to or during the services. This includes the cost of replacement profile gaskets or o rings.
2. The start of the inspections would begin approximately 4 to 6 weeks after a notice to proceed and anticipate the completion of all inspections within 6 months from the date the work is started.
3. Pricing does not include the disposal of any spent oil from the pumps. The oil will be delivered to the public work service building for disposal by the City.
4. The services do not include any permitted confined space entries. If a station can not be inspected with the need for a confined space entry, additional costs would apply. Any needed services would be discussed and approved by with the City before they are performed.
5. We have assumed that a hoist truck can be located within ten feet of each wet well, there will be no obstructions (trees, bushes, fencing, etc.), and access road. If an easement is required, the City shall obtain and provide assistance for the service personal to access.
6. We have assumed that potable water will be available the public works building at no charge.
7. We have not included a field performance test for the pumps that would utilize a flow meter and pressure data logger. This service can be provided for an additional fee.
8. We have assumed an 8 hour workday.
9. We have included all associated travel time, and room and board in the provided price.
10. We would invoice weekly.

Let us know if there are any questions or comments concerning this proposal

Sincerely,

Derrick Brandt

Derrick Brandt

General Notes and Comments:

- The prices shown above do not include associated freight costs for any items not delivered in the service truck
- The prices are firm for 60 days from the date of the proposal
- Payment terms for this order would be net 30 days from date of invoice.
- The prices shown above include zero (0) days of startup assistance. Additional days/trips will be invoiced at \$1,250.00 per trip.
- The prices shown above do not include applicable taxes.

-
- Municipal Equipment Company shall not, in any event, be liable for indirect, special, consequential, or liquidated damages or penalties of any kind for any reason.
 - Due to logistics concerns, material supply issues, and transportation congestion, the quoted delivery is an estimate based on current timelines. We have seen delays that are beyond the control of the manufacturer regarding delivery lead times.
-

If you would like to place an order for this equipment, please sign below and return to our office.

Accepted by

Company

Date

PUMP STATION PREVENTATIVE MAINTENANCE

17 – POINT CHECKLIST

1. Insulation Resistance test on pump power cable(s) and on all phases of the pump motor (Mega Ohms).
2. Check for any loose or faulty electrical connections within the control panel.
3. Measure stator resistance of each phase of stator windings on each motor (Ohms).
4. Check voltage between all phases of the incoming power supply to the control panel (VAC).
5. Check voltage between all phases on the load side of the pump control panel with pump running (VAC).
6. Check amp draw on all phases of the motor (Amps).
7. Check condition and operation of the motor thermal protection and moisture protection system (if equipped).
8. Removal of pump from the lift station for physical inspection (if required).
9. Inspect condition of oil in oil housing and change the oil (if required).
10. Check condition of pump impeller (from bottom of volute) and clearance between impeller and wear plate or wear rings.
11. Check condition of the slide bracket profile gasket/O-ring (if required).
12. Clean and check operation of level control system.
13. Check physical condition of power and control cables.
14. Reinstall the pump and check operation (if liquid level in the station permits).
15. Test the pump operating cycle, under load (if liquid level in the station permits).
16. Record display on elapsed time meters (if available).
17. Provide a written report on each pump/pump station and submit to customer, including preventative maintenance suggestions.

As of October 2018 – Rev 1

SP-12	Acq 09-2020	Dup 13.4 hp	State Park-The Outpost	13032055
944	3 phase 208 V	2@6.7 hp	955 Hwy 42	
956	3 phase	Dup 14.1hp	HYVEE	
958		3@10.7hp	KWIK KAR WASH	7115342
D-18-54		6.0HP	OZARK MEADOWS-BROOKFIELD	97801011

Lift Station Pump Count - 6/21/2021

0

Area 1	Area 2	Area 3	Area 4	Area 5
CAN #	SIZE	LOCATION - **3 Phase Stations	METER #	
292	2@13.5	LINKS RD 480V	4402596	
54-3	3@60HP	ROCKWAY 4306 Osage Beach Pkwy ATSI	95782302	
27-01	2@15HP	4530 COVE RD	13038704	
27-02	2@10HP	4571 DEER RUN RD	13088714	
27-4	2@20HP	4645 HARBOR HGHTS DR	13038699	
27-5	1@16.8	LR 27 WAMACA OAKS	14144437	
27-6	2@10.7	4815 STEWART	4057693	
24-1	2@20HP	1184 OSAGE BEACH RD	47524009	
24-02-17	2@15HP	CORNER OF HILLSIDE & LAKESHORE	86453716	
24-3	2@10HP	4504 FAIRLAND	64054245	
54-07	4@200HP	SANDS	13205160	
934	Dup 10hp	WALMART	50976679	
939	Dup 10hp	HOME DEPOT	4402613	
940	Dup 10hp	APPLEBEES-4040 OB PKWY	4737397	
KK1	Dup 10hp	QUAIL	55091591	
57-01	2@20HP	GOLFVIEW & PHEASANT	14126137	
57-02	2@70hp	THREE SEASONS & MOCKINGBIRD	13038725	
56-1	2@8HP	NICHOLS & ALONA	3728666	
56-2	2@25HP	HERON BAY LR 56	7139779	
56-3	2@8HP	LR 56 DOGWOOD LANE	3728401	
56-4	2@10.7HP	NICHOLS VIEW SUBDIVISION	5103442	
480	Dup 10.7hp	SEASCAPE CONDO	4733303	
**584A	Dup 10hp	RED HEAD	6088841	
496D	Dup 13hp	LEDGES #7 ADAPHASE*	41694579	
54-08-67	2@15HP	HWY 54 HAWKS NEST	14144399	
54-09-67	2@15HP	HAWKS NEST CONDOS	14144399	
49-1	2@20HP	806 MALIBU	6088904	
49-2	2@24HP	END OF MALIBU ON LEFT	14125934	
40-1	2@17HP	NEXT TO 5088 AQUA	92056615	
29-1	3@10.7HP	PASSOVER & WYRICK	14125930	
29-2	2@15HP	LR 29 WINDJAMMER	14144403	
29-4	2@20HP	LR 29 OSAGE BEACH HEALTH CARE CTR	14125949	
29-5	3@98HP	BEHIND CHURCH OFF PASSOVER	58353436	
669A	Dup 17.4	MYSTIC BAY BLDG 6&7	4402540	
734	adaphase	Trip 16.1hp	987 GREAT SHIP	16910026
876	Acq - 6/23/2020	Dup 5hp	Towers at Parkview Bay	16414287
878A		Dup 13hp	**LR 29 PARKVIEW BAY	12202116
**917		Dup 13hp	PARKWOOD-behind nursing home	6088827

916	Change 12/2/09**	Dup 13hp	PARKWOOD VILLAGE	6088827
928		Dup 10hp	OSAGE VILLAGE MALL	96625399
444A		Dup 5hp	NEW CITY HALL	96874559
52-16		2@30.8HP	CASE	
37-1		2@17.4HP	JEFFRIES RD	5103484
37-2		2@10HP	LAKEWOOD	14144332
37-3		2@16.8	1184 JEFFRIES THE HAMPTONS	7249925
30-1		2@15HP	PASSOVER & REDBUD	14125940
30-5-48		2@10HP	LANDSEND NEXT TO LAKE	11503200
53-1		3@85 HP	Golf Course on Normandy	
30-06-48		1@39,1@27	1091 REDBUD	11503200
56-10-62		2@25HP	BEHIND HOSPITAL	14126155
54-11-63		2@15HP	1083 OZARK CARE DR	8250512
54-12		2@30HP	OLD LEES TIRE-6164 OB PKWY	13038692
54-17-63		2@10HP	5863 OB PKWY-MAIN STREET	14125954
54-18-67		2@10HP	BRASS DOOR-FORRESTER RD	14125947
593		2@24HP	443 Elbow Cay Drive	94100948
62-2		2@39HP	HAWTHORN AND CHEROKEE	13038701
62-3		2@25HP	843 LAZY DAYS(ACROSS FROM)	13038874
KK-4-9		2@20HP	WINDGATE BLDG-494 TAN TAR A	84435981
KK-6-12		2@25HP	455 WALKERS CAY- TAN TAR A	13038707
KK-13-51		2@20HP	TROUTWINE-1218 HWY KK	14125948
KK-37		3@69.7HP	HWY KK	81369943
KK-114		3@50HP	KK AND ST MORITZ	58353586
SM-3		14.8 hp	St. Moritz	03-624-724
646A	NEW 1/28/10	Dup 13.4	AIRPORT/YMCA-950 AIRPORT RD	90364130
655A	6/24/2011	Dup 10.7	PARKSIDE VILLAGE IN WOODS	7703963
54N-1		2@20HP	DUMAR PLAZA-OB PKWY	14125951
22-1		2@20HP	LR 22 HUFF "N" PUFF DR	14126145
22-2		2@10HP	CORNER OF BONNARD AND SKI	4488282
22-3		2@39HP	LR 22 SUNSET DR	14126143
22-4	48hp F7086	3@39HP	CORNER OF BLUFF AND SKI	8024611
22-5		2@17HP	CORNER OF HAMROCK & CASTLE	14126141
Lift 10-1		2@12HP	MACE RD & HOLIDAY SHORES	14125945
Lift 10-2		2@20HP	HOLIDAY AND RACHEL	14125922
Lift 10-3		2@10HP	1130 RACHEL-EAGLE BAY CONDOS	97801155
Lift 10-4		2@39HP	LR 10 INDIAN POINTE CONDOS	14125942
D-15-54		2 @ 6HP	COLLEGE	97801111
3B		Dup 14.7 hp	**BEHIND TIMBERRIDGE APTS	8024678
**92	add a phase	Dup 16hp	CAPE ROYALE	52643598
***156		Dup 10hp	BOB EVANS	4983676
SCHOOL #1	UG 1/15/13	Dup 5hp	HIGH SCHOOL	
SCHOOL #2		Dup 10.7	MIDDLE SCHOOL	NO METER
SCHOOL #3	3 phase	Dup 6 hp	UPPER ELEMENTARY (cust pays electric)	
SP-11	Acq 09-2020	Dup 13.4 hp	State Park-Camp Red Bud	8036011

City of Osage Beach
Agenda Item Summary

Date of Meeting: March 3, 2022
Originator: Tara Berreth, City Clerk
Presenter: John Olivarri

Agenda Item:

Motion to Approve Citizen Appointments to the Planning Commission and the TIF Commission

Requested Action:

Motion to Approve

Ordinance Referenced for Action:

Planning and Zoning Commission - appointments per RSMo. Section 89.320, and per City Code Section 400.020.

Tax Increment Financing (TIF) Commission - appointments per RSMo. Section 99.830, and per City Section 135.110.

Appointments made by the Mayor / Consent of the Board of Aldermen.

Deadline for Action:

None

Budgeted Item:

Not Applicable

Budget Line Information (if applicable):

Not Applicable

Department Comments and Recommendation:

2022- Citizen Appointments to Osage Beach Boards/Commissions

Planning Commission -

Gary Jones - Ward 3 - 4 year term

Bill Mackay - Ward 3 - 4 year term

Bill Morgan - Ward 2 - 4 year term

Angie Schuster - Ward 2 - 4 year term

Jessica Rozier - Ward 1 - 4 year term

TIF Commission -

Dave Crain - 4 year term

City Attorney Comments:

Not Applicable

City Administrator Comments:

Not Applicable

City of Osage Beach
Agenda Item Summary

Date of Meeting: March 3, 2022
Originator: Todd Davis, Police Chief
Presenter: Todd Davis, Police Chief

Agenda Item:

Motion to approve and submit the Board of Alderman Authorization (City Council Authorization) Form to participate in the Missouri Department of Transportation Highway and Safety Grant Program

Requested Action:

Motion to Approve

Ordinance Referenced for Action:

Not Applicable

Deadline for Action:

Yes - The City Council Authorization Form must be completed before we receive any funds.

Budgeted Item:

Not Applicable

Budget Line Information (if applicable):

Not Applicable

Department Comments and Recommendation:

This form is the requirement of the Missouri Department of Transportation Highway Safety and Traffic Division.

This form must be signed by the Board of Alderman/City Council giving the Police Department the permission to participate in Missouri's Highway Safety Program. We have applied for overtime funds to assist in Hazardous Moving Violation (\$7817.60) and DWI (\$8057.60) overtime enforcement projects.

The Osage Beach Police Department has participated in this grant program for the past several years.

City Attorney Comments:

Not Applicable

City Administrator Comments:

I concur with the department's recommendation.



CITY COUNCIL AUTHORIZATION

On _____, 20__ the Council of _____
_____ held a meeting and discussed the City's participation
in Missouri's Highway Safety Program.

It is agreed by the Council that the City of _____
will participate in Missouri's Highway Safety Program.

It is further agreed by the Council that the Chief of Police will investigate the
financial assistance available under the Missouri Highway Safety Program for
Traffic Enforcement and report back to the Council his/her recommendations.
When funding through the Highway Safety Division is no longer available, the
local government entity agrees to make a dedicated attempt to continue support
for this traffic safety effort.

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Mayor

City of Osage Beach

Agenda Item Summary

Date of Meeting: March 3, 2022
Originator: Ty Dinsdale, Airport Manager
Presenter: Ty Dinsdale, Airport Manager

Agenda Item:

Motion to approve funds not to exceed \$108,000 for the negotiation and purchase of a JetA replacement fuel truck for Lee C. Fine Airport.

Requested Action:

Motion to Approve

Ordinance Referenced for Action:

Board of Aldermen approval required for purchases over \$25,001 per Municipal Code Chapter 135; Article II: Purchasing, Procurement, Transfers, and Sales.

Deadline for Action:

None

Budgeted Item:

Yes

Budget Line Information (if applicable):

Budget Line Item/Title: 45-00-774265 / Vehicles

FY2022 Budgeted Amount: \$100,000

FY2022 Expenditures to Date (MM/DD/YY): (\$ 0)

FY2022 Available: \$100,000

FY2022 Requested Amount: \$108,000

Department Comments and Recommendation:

During the pre-budget process, pricing was obtained for replacement trucks in the \$80,000 to \$90,000 range. Because of demand and supply issues, these trucks are now \$100,000 to \$130,000. Brand new trucks in the same configuration are \$240,000 and above. Because a majority of these companies require a down payment before purchase, we are asking for approval now, so we are in position to act fast when a truck meeting our requirements is available.

Original budget was \$100,000. We have already incurred a savings of \$8,000 on the

purchase of a new zero turn mower line item 45-00-774255/Machinery & Equipment. With permission we would like to use the \$8,000 savings to this \$100,000 budgeted item for a total not to exceed of \$108,000.

Airport department recommends approval

City Attorney Comments:

Not Applicable

City Administrator Comments:

If approved, upon the purchase of a replacement truck within the approved amount by said motion, a budget amendment will be presented to the Board of Aldermen.

I concur with the department's recommendation.