

BILL NO. 22-91

ORDINANCE NO. 22.91

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE 19.75 WITH LOR ENGINEERING, LLC DBA COCHRAN ENGINEERING WHICH AUTHORIZED AN AGREEMENT FOR ENGINEERING SERVICES TO WAIVE THE CONFLICT-OF-INTEREST PROVISION AN ALLOW COCHRAN OF FUNCTION AS THE ENGINEER FOR THE OASIS AT LAKEPORT PROJECT

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

Section 1. Ordinance 19.75 is hereby amended by adoption of the Amendment To Existing Engineering Services Agreement attached hereto as Exhibit "A" which waives the conflict-of-interest provision signed by LOR Engineering, LLC d/b/a Cochran Engineering the City's engineering firm under the original agreement executed on November 7, 2019 and the City Administrator is authorized to execute such agreement as set forth in Exhibit "A."

Section 2. The sole purpose of this waiver is to allow LOR Engineering, LLC d/b/a Cochran Engineering to project services to the developer/owner of the Oasis at Lakeport project.

Section 3. 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 4. This Ordinance shall be in full force and effect from date of passage and approval by the Mayor.

READ FIRST TIME: December 1, 2022 READ SECOND TIME: December 1, 2022

I hereby certify that the above Ordinance No. 22.91 was duly passed on December 1, 2022 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0

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

December 1, 2022
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker
Edward B. Rucker, City Attorney

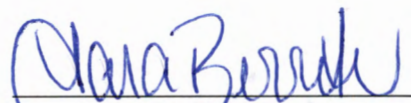
I hereby approve Ordinance No. 22.91.

Date

ATTEST:



Michael Harmison, Mayor



Fara Berreth, City Clerk

Exhibit A

AMENDMENT TO EXISTING ENGINEERING SERVICES AGREEMENT

Whereas City of Osage Beach, Missouri (hereinafter "CITY") and LOR Engineering, LLC dba Cochran (hereinafter "CONSULTANT"), made and entered into an Agreement for engineering services on November 7, 2019, and

WHEREAS, the City and the Consultant, have decided that it would benefit the parties to execute this Amendment for a waiver of the conflict-of-interest provisions of the original contract in the following respects.

NOW THEREFORE, in consideration of the covenants and agreements hereinafter set forth, is it agreed by the parties as follows that section 2 d as follows:

Conflict of Interest: Covenants that CONSULTANT presently has no interest in any contract, business, or otherwise and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services to be performed under this Contract.,

be and is hereby waived for any service provided by Consultant for Tegethoff Development and its partners and associates for The Oasis at Lakeport Project.

In no respect shall Cochran undertake to represent the city. approve plans or provide any other engineering or other related service to the city for The Oasis at Lakeport Project.

The city may retain such other Engineering services as the City deems fit and proper to provide plan review, construction inspection services and any other engineering or construction related services for The Oasis at Lakeport Project as the City in its sole judgment shall deem fit and proper.

In all other respects the agreement entered into November 7, 2019, shall remain in full force and effect.

This agreement is an amendment of the original agreement pursuant to the terms of paragraph 5 of the original agreement.

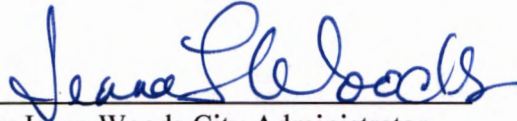
IN WITNESS WHEREOF, the parties hereto have set their hands and seals on this 1st day of December, 2022.

LOR ENGINEERING, LLC,

By: Christopher N. Boone, Owner

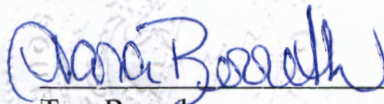
Witness:

City of Osage Beach



By Jeana Woods City Administrator

Attest:



Tara Berreth
City Clerk

Exhibit A

AMENDMENT TO EXISTING ENGINEERING SERVICES AGREEMENT

Whereas City of Osage Beach, Missouri (hereinafter "CITY") and LOR Engineering, LLC dba Cochran (hereinafter "CONSULTANT"), made and entered into an Agreement for engineering services on November 7, 2019, and

WHEREAS, the City and the Consultant, have decided that it would benefit the parties to execute this Amendment for a waiver of the conflict-of-interest provisions of the original contract in the following respects.

NOW THEREFORE, in consideration of the covenants and agreements hereinafter set forth, is it agreed by the parties as follows that section 2 d as follows:

Conflict of Interest: Covenants that CONSULTANT presently has no interest in any contract, business, or otherwise and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services to be performed under this Contract.,

be and is hereby waived for any service provided by Consultant for Tegethoff Development and its partners and associates for The Oasis at Lakeport Project.

In no respect shall Cochran undertake to represent the city. approve plans or provide any other engineering or other related service to the city for The Oasis at Lakeport Project.

The city may retain such other Engineering services as the City deems fit and proper to provide plan review, construction inspection services and any other engineering or construction related services for The Oasis at Lakeport Project as the City in its sole judgment shall deem fit and proper.

In all other respects the agreement entered into November 7, 2019, shall remain in full force and effect.

This agreement is an amendment of the original agreement pursuant to the terms of paragraph 5 of the original agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on this 1st day of December, 2022.

LOR ENGINEERING, LLC,



By: Christopher N. Boone, Owner

Witness:

Jessia High

City of Osage Beach

Jeana Woods
By Jeana Woods City Administrator

Attest:

Tara Berreth
Tara Berreth
City Clerk