



# City of Ozark Missouri

P.O. Box 295  
Ozark, Missouri 65721

Fax 417-581-0575  
Phone 417-581-2407

## BOARD OF ALDERMEN TENTATIVE MEETING AGENDA

Tuesday, January 17, 2012

7:00 P.M. Regular Session

POSTED 01-11-2012

Ordinance #12-002

**CALL TO ORDER 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING(S):**

1. Approval of the January 03, 2012 Regular Session and January 9, 2012 Noon Work Session Minutes.

A & B

**CEREMONIAL MATTERS:**

**BILLS OPEN FOR PUBLIC DISCUSSION:**

**A. BILLS REQUIRING A PUBLIC HEARING:**

**B. FIRST READING BILLS:**

**C. RESOLUTION:**

1. **Resolution #1738-A** Resolution by the Board of Aldermen of the City of Ozark, Missouri Waiving a Portion of Various Water Inspection and Building Fees for the Ozark R-VI School District in Conjunction with the Proposed Bus Facility. Alderman Rick Gardner. C.
2. **Resolution #1739-A** Resolution by the Board of Aldermen of the City of Ozark, Missouri Naming Yates, Mauck, Bohrer, Elliff & Fels, P.C. as Bond Counsel for the City and Authorizing the City Administrator to Enter Into an Agreement for Said Legal Services. Alderman Mark Spinabella. D.
3. **Resolution #1740-A** Resolution by the Board of Aldermen of the City of Ozark, Missouri, Naming John D. Torgerson, AIA, NCARB, as Third Party Code Compliance Plan Reviewer for the City and Authorizing the City Administrator to Enter into an Agreement for Said Services. Alderman Chris Snyder. E.
4. **Resolution #1741-A** Resolution by the Board of Aldermen of the City of Ozark, Missouri, Naming Larry A. Burns, R.A., Principal as Third Party Code Compliance Plan Reviewer for the City and Authorizing the City Administrator to Enter Into an Agreement for Said Services. Alderman Chris Snyder. F.
5. **Resolution #1742-A** Resolution by the Board of Aldermen of the City of Ozark, Missouri Approving and Authorizing the Purchase of a Folding/Inserting Machine and Authorizing the City Administrator to Execute a Service Agreement with Neopost USA, Inc. for Said Equipment. Alderman Dennis Sparrow. G.

**D. EMERGENCY BILLS:**

1. **Bill #2579-A** An Emergency Ordinance Approving Certain Budget Amendments to the 2012 Budget for the City of Ozark, Missouri From January 17, 2012 to December 31, 2012. Alderman Rick Gardner.

H.

**E. PUBLIC IMPROVEMENT BILLS (TAX BILLS):** None.

**F. GRANTS:** None.

**G. AMENDED BILLS:**

**SECOND READING AND FINAL PASSAGE OF BILLS. NO PUBLIC DISCUSSION.  
BOARD DISCUSSION ONLY:**

1. **Bill #2574**-An Ordinance Authorizing the Mayor to Enter Into a Settlement Agreement with Empire Bank for the Completion Bond Concerning the Detention Pond in the Rolling Prairie Subdivision. Alderman Chris Snyder. **I.**
2. **Bill #2575**-An Ordinance of the Board of Aldermen of the City of Ozark, Missouri Authorizing the Issuance of a Conditional Use Permit of All/Or Part of Property in a Particular Zoning District in the City of Ozark, Missouri. Property Location-412 N. 3<sup>rd</sup> Street. Property Owners Billy and Ruth Hanks. Alderman Chris Snyder. **J.**
3. **Bill #2576**-An Ordinance Amending the Code of Ordinances of the City of Ozark by Adding a Series of Sections to Title IV. "Land Development and Regulations"; Article IX "Miscellaneous Regulations" to be Numbered 405.940, Et, Seq. Relating to Moving Vans, Storage Containers and Storage Trailers. Alderman Chris Snyder. **K.**
4. **Bill #2577**-An Ordinance Amending the Code of Ordinances of the City of Ozark, Missouri by Deleting a Subsection of Section 405.350 Relating to Sign Guidelines in C-4 Zoning Districts and Enacting, In Lieu Thereof, Two New Subsections Relating to the Same Subject Matter. Alderman Chris Snyder. **L.**

**REPORT OF OFFICERS, BOARDS AND COMMITTEES:**

1. Administrative Committee: City Administrator Steve Childers.
2. Public Safety: Police Chief Lyle Hodges.
3. Public Works: Public Works Director Larry Martin.
4. Park: Parks and Recreation Director Sam Wagner.

**UNFINISHED BUSINESS:**

**SCHEDULED VISITORS:**

**NEW BUSINESS/COUNCIL COMMENTS:**

**MISCELLANEOUS BUSINESS:**

**ADJOURNMENT**

*Representatives of the News Media may obtain copies of this notice by contacting: The City Clerk's Office at (417) 581-2407 or by E-Mail- [lwilson@ozarkmissouri.org](mailto:lwilson@ozarkmissouri.org).*

(To be posted at least 24 hours prior to the commencement of the Meeting on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for posting notices at the principal office of the Municipal Corporation or Political Subdivision or, if no such office exists, at the building in which the meeting is to be held). In accordance with ADA Guidelines, if you need special accommodations when attending City Meetings, please notify the City Clerk's Office at least 3 days prior to the scheduled meeting.



# City of Ozark Missouri

P.O. Box 295  
Ozark, Missouri 65721

Fax 417-581-0575  
Phone 417-581-2407

## January 3, 2012 Board of Aldermen Regular Legislative Session

The Ozark Board of Aldermen met in Regular Session at 7:00 p.m. at the Ozark City Hall in Ozark, Missouri. Mayor Shane L. Nelson presided over the meeting: Alderman Eddie Campbell, Alderman Rick Gardner, Alderman Chris Snyder, Alderman James Haik, III, Alderman Mark Spinabella and Alderman Dennis Sparrow were present. Also attending City Administrator Steve Childers, City Attorney David Collignon and City Clerk Lana Wilson.

### Pledge of Allegiance

7:00 p.m.

### Roll Call:

Alderman Mark Spinabella	Here	Alderman Dennis Sparrow	Here
Alderman Eddie Campbell	Here	Alderman Rick Gardner	Here
Alderman James J. Haik, III	Here	Alderman Chris Snyder	Absent

Alderman Chris Snyder was absent during the Roll Call, He entered the Meeting at 7:20 p.m.

### Approval of the Minutes of the Previous Meeting(s): Approval of the December 19, 2011 Regular Session Minutes.

Motion was made by Alderman Campbell to approve the December 19, 2011 Regular Session Minutes as amended, seconded by Alderman Spinabella with all present voting aye.

Alderman Spinabella amended the December 19, 2011 Regular Session Minutes as follows: Page 1, 1<sup>st</sup> Paragraph—Amend-Change City Clerk Lana Wilson to Deputy City Clerk Chandra Hodges.

**CEREMONIAL MATTERS:**

**BILLS OPEN FOR PUBLIC DISCUSSION:**

**A. BILLS REQUIRING A PUBLIC HEARING:**

**B. FIRST READING BILLS:**

1. **Bill #2574-An Ordinance Authorizing the Mayor to Enter Into a Settlement Agreement with Empire Bank for the Completion Bond Concerning the Detention Pond in the Rolling Prairie Subdivision.**

Motion was made by Alderman Campbell to place Bill #2574 on its first reading by title and description only, seconded by Alderman Spinabella with all present voting aye.

City Attorney Collignon the City has been working towards Resolving this issue for the past two (2) years. Empire Bank took over the Letter of Credit from the Bank who had initially issued the Letter of Credit to the Developer, who has filed bankruptcy. Empire Bank desires to resolve this issue to the City's satisfaction and solicited a Contract with Hartman & Co., that's attached as Exhibit B, to complete the Rolling Prairie Subdivision Detention Pond project for a specific amount as stated in the Contract. City Attorney Collignon stated he was contacted by Hartman & Co. today; they have approved, executed and will forward the Contract back to the City.

Alderman Campbell questioned whether or not the City could enter into a Contract solicited by Empire Bank without the City directly soliciting Public Bids for the completion of the Detention Pond. And how this was a Prevailing Wage job since the Bank solicited the Bids and does not have to abide with Prevailing Wage requirement.

City Attorney Collignon stated the City is accepting the Contract with Hartman & Co. as part of the Settlement Agreement, Empire Bank is signing their rights over to the City regarding the Hartman & Co. Contract. Hartman & Co. only Bids prevailing wage on jobs which they bid. Within Five (5) to ten (10) days Empire Bank will issue the City a check for the amount stated in the Contract.

Alderman Campbell questioned that if during the project Hartman & Co. ran into additional costs, if the City would be liable for the costs, by assuming responsibility of the Contract without a provision that the Bank will retain responsibility for any additional costs endured during the project.

City Attorney Collignon stated the by executing the Agreement with Empire Bank the City does assume responsibility for any additional costs associated with the completion of the project, it is his understanding the City will work within the confines of the amount stated in the executed contract.

Bill #2574 will be held over until the January 17, 2012 Regular Legislative Session.

**2. Bill #2575-An Ordinance of the Board of Aldermen of the City of Ozark, Missouri Authorizing the Issuance of a Conditional Use Permit of All/Or Part of Property in a Particular Zoning District in the City of Ozark, Missouri. Property Location 412 N. 3<sup>rd</sup> Street. Property Owners Billy and Ruth Hanks.**

Motion was made by Alderman Campbell to place Bill #2575 on its first reading by title and description only, seconded by Alderman Spinabella with all present voting aye.

Mayor Shane L. Nelson stated the applicant currently sales autos from the inside of this business he is requesting to park "for sale" autos on the parking area outside of his facility. The Planning and Zoning Commission placed conditions upon their recommendation of approval of the Use Permit-Up to only four (4) vehicles parked "for sale" in the front of their business and no "for sale" autos parked in the rear of their business; no customer parking signs placed in the front of their business and on the north side of their business along W. Farmer Street. City Administrator Childers stated the Planning and Zoning Commission did recommend approval to issue the Use Permit during their December 27, 2011 Regular Meeting. Staff has been in contact with the applicant to resolve the parking conditions before the final reading of the Bill.

Bill #2575 will be held over until the January 17, 2012 Regular Legislative Session.

**3. Bill #2576-An Ordinance Amending the Code of Ordinances of the City of Ozark by Adding a Series of Sections to Title IV, "Land Development and Regulations"; Article IX "Miscellaneous Regulations" to be Numbered 405.940, Et, Seq. Relating to Moving Vans, Storage Containers and Storage Trailers.**

Motion was made by Alderman Campbell to place Bill #2576 on its first reading by title and description only, seconded by Alderman Spinabella with all present voting aye.

City Administrator Childers stated Planning and Zoning has been working towards modifying this Section of the Code for quite some time. Staff has researched how other communities regulate their Code resulting with the presented modifications for the Board of Aldermen's consideration. Modifications to this Section of the Code was inspired by the random boxes currently being placed upon commercial properties by a company displaying a non for profit name, but in fact the company does profit from the boxes. With the boxes not owned by the placement property

owner nor are the contents maintained by the property owner we have incurred problems with boxes overflowing before the company picks up the contents.

**Chet Griffeth-1115 E. Wren, Ozark, Missouri.**

Chet Griffeth questioned if the City's concern with the issue was to do with Public Safety the potential use of the boxes for an act of terrorism or is it more of an interference with Commerce.

City Administrator Childers stated the initial interest was with the randomly placed boxes and the overflowing contents; but anytime there is a possibility of an opening for an act of terrorism there is a cause for concern.

Bill #2576 will be held over until the January 17, 2012 Regular Legislative Session.

**4. Bill #2577-An Ordinance Amending the Code of Ordinances of the City of Ozark, Missouri, by Deleting a Subsection of Section 405.350 Relating to Sign Guidelines in C-4 Zoning Districts and Enacting, In Lieu Thereof, Two New Subsections Relating to the Same Subject Matter.**

Motion was made by Alderman Gardner to place Bill #2577 on its first reading by title and description only, seconded by Alderman Spinabella with all present voting aye.

City Administrator Childers stated an appointed Citizen Committee worked with staff on the presented Sign Guideline modifications. The first of the modifications focused upon was the C-4 Central Business District the City has rules and regulations in place to protect the character and integrity of our downtown area while still maintaining the progress of our businesses in the downtown area. The modification regulates pole signs by stating if an existing pole sign is being re-faced, not enlarged, structurally sound and no mechanical or physical modifications are made, the sign can be re-faced and remain a non conforming sign. Only if the sign is not structurally sound or enlarged the sign owner will be required to comply with the new regulation by replacing the pole sign with a monument sign. Any detached on premise sign installed at a new development site will have to comply with the new Code and install a monument sign.

Alderman Sparrow asked the reasoning behind phasing out pole signs.

City Administrator Childers stated it is the Planning and Zoning's long range plan to create this aesthetic and reduce the height of signs and create a more attractive downtown Central Business District.

Alderman Haik, as a member of the Sign Committee, stated the Committee's intentions are to eliminate the random placement of unattractive signs and recreate and bring back the historical character of our downtown area.

Alderman Gardner stated our current Code has created a non business friendly atmosphere by not allowing an existing non conforming pole sign to be re-faced.

Bill #2577 will be held over until the January 17, 2012 Regular Legislative Session.

**C. Resolutions:**

**1. Resolution #1737-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Waiving Various Water, Sewer connection and Building Fees for the Ozark R-V1 School District in Conjunction with the Proposed Bus Facility.**

Motion was made by Alderman Spinabella to place Resolution #1737 on its first reading by title and description only, seconded by Alderman Gardner with all present voting aye.

Alderman Spinabella, as sponsor of the Resolution, began the discussion by recommending the City appoint a liaison to be present during the School Board Meetings and the School Board have a liaison present during the Board of Aldermen Meetings. The City and School District should form a better form of communication and work together as a team.

Alderman Haik questioned discussing the issue without a School District representative present to answer questions.

Alderman Campbell stated even though he realizes the importance of keeping a cordial relationship and cooperating with the School District there should have been a School District representative present; therefore he called for a vote. The call for the vote was denied due to lack of second.

Alderman Gardner stated a cordial and cooperative partnership between the City and the School District does not exist at this current time, to his satisfaction. The City has the chance before them to approve waiving the School District's fees and then approach the School District to request forming a better communication process. Alderman Gardner suggested tabling Resolution #1737 and allow the School District to have a representative present during the next discussion.

Alderman Haik stated he did not feel waiving the fees will improve the relationship between the City and School District. Alderman Haik suggested scheduling annual Meetings between the City and the School District.

Alderman Sparrow stated his concern with waiving the fees was with shifting a budgetary impact from a large tax based entity to a smaller tax based entity.

Alderman Campbell stated he would entertain a partial reimbursement to the School District.

**Mike Esterl-2708 N. 25<sup>th</sup> Street, Ozark.**

Mike Esterl stated the City should look at the School District as a business that's funded by a different source and requesting the City to waive their fees, which the City does not waive fees for businesses. The burden of the cost will be placed upon the Citizens of Ozark's available infrastructure funds.

**Ron Kisse-3200 N. St. Highway NN.**

Ron Kisse stated he has never had his fees waived when he developed. Amending the City's Budget to reimburse the School District would not be a good decision. The School District should have had a representative present to defend their position.

Motion was made by Alderman Campbell to call the question, seconded by Alderman Sparrow with all present voting aye with Alderman Snyder and Alderman Haik voting nay.

Motion was made by Alderman Spinabella to adopt Resolution #1737, seconded by Alderman Gardner with Alderman Spinabella, Alderman Gardner and Alderman Snyder voting aye and Alderman Campbell, Alderman Sparrow and Alderman Haik voting nay. Mayor Shane L. Nelson broke the tie vote by voting nay. Motion was denied.

**D. Emergency Bills:**

**1. Bill #2578-An Emergency Ordinance Authorizing the Mayor to Enter Into a Municipal Agreement with the Missouri Highways and Transportation Commission.**

Motion was made by Alderman Gardner to place Bill #2578 on its first reading by title and description only, seconded by Alderman Spinabella with all present voting aye with Alderman Sparrow abstaining.

Public Works Director Martin approached the Mayor and Board of Aldermen to explain the necessity of executing the Intergovernmental Agreement. The City has been contacted by MoDot requesting the City to execute this Intergovernmental Agreement allowing them to meet their Federal Highway Administration requirement for the Third Street Project. The City's comments have been agreed to and completed in the document by MoDot.

Motion was made by Alderman Gardner to dispense with the second reading and place Bill #2578 on its third and final reading by title and description only, seconded by Alderman Campbell with all present voting aye with Alderman Sparrow abstaining and Alderman Spinabella absent during the vote.

Motion was made by Alderman Gardner to adopt Bill #2578 as Ordinance #12-001, seconded by Alderman Campbell with all present voting by roll call vote with Alderman Sparrow abstaining:

Alderman Eddie Campbell	Aye
Alderman Chris Snyder	Aye
Alderman Mark Spinabella	Aye
Alderman Dennis Sparrow	Abstain
Alderman Rick Gardner	Aye
Alderman James Haik, III	Aye

**E. Public Improvement Bills (Tax Bills):**

**F. Grants:**

**G. Amended Bills:**

**SECOND READING AND FINAL PASSAGE OF BILLS. NO PUBLIC DISCUSSION, BOARD DISCUSSION ONLY:**

**Report of Officers, Boards and Committees:**

**1. Administrative:** City Administrator Steve Childers.

City Administrator Childers informed the Board of Aldermen the Finance Department had prepared and placed before them tonight a bound copy of the 2012 Budget. Staff is looking forward to a good year.

The Board of Aldermen Noon Work Session will be held Monday, January 9, 2012, 12:00 p.m. at the City Hall.

**2. Public Safety:** Police Chief Lyle Hodges.

**3. Public Works:** Public Works Director Larry Martin.

**1. Discussion of an Access Easement on City Owned Property Located Along US Highway 65.**

Public Works Director Martin stated he was approached by P & E Investments, who granted the City the property where the Duck Stadium was built. He is in the process of selling a small piece of property that has a bill board sign, prompting this request. P & E Investments is requesting the City grant an 70' access easement across our property for the new property owner to access the bill board. Public Works Director Martin stated he has no opposition with granting this access easement and requested the Board of Aldermen's consideration. The City's only purpose for this property is for storm water detention purposes. Along with resolving this issue the City is in the process of resolving drainage issues with P & E Investments. P & E Investments has agreed to bear all expenses associated with obtaining this access easement.

Alderman Campbell asked if this would be an issue if the City ever continues the outer road on the east side of St. Highway 65.

Public Works Director Martin stated it does not interfere with our Master Plan; the outer road will follow the established road's course.

Motion was made by Alderman Gardner to authorize Public Works Director Martin and Mayor Shane L. Nelson to negotiate an agreeable 70' Access Easement with P & E Investments, with P & E Investments assuming all expenses associated with obtaining the access easement, seconded by Alderman Campbell with all present voting aye.

**4. Parks:**

Parks Director Sam Wagner.

Park Director Wagner stated she is currently working with the Finance Department finishing the final numbers for the Park and Pool 2011 Budget.

Park Director Wagner stated she would be present during the presentation of the Special Events Permit during the Board of Aldermen January 9, 2012 Noon Work Session.

**Unfinished Business:**

**New Business/Board of Aldermen Comments:**

Alderman Spinabella publicly thanked staff for the maintenance improvements they are in the process of doing to the Southfork Subdivision Sinkhole area, the area is already more presentable to the neighborhood.

Mayor Shane L. Nelson volunteered to attend some of the School Board Meetings.

**Pay Bills-**

Motion was made by Alderman Sparrow to adjourn, seconded by Alderman Campbell with all present voting aye.

The January 3, 2012 Regular Legislative Session adjourned at 8:15 p.m.

Minutes Written By:

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Lana Wilson, City Clerk

Approval of Minutes By:

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# City of Ozark Missouri

P.O. Box 295  
Ozark, Missouri 65721

Fax 417-581-0575  
Phone 417-581-2407

**January 9, 2012**

## **Board of Aldermen Legislative Noon Work Session**

The Ozark Board of Aldermen met in Regular Noon Work Session at 12:00 p.m. at the Ozark City Hall in Ozark, Missouri. Mayor Shane L. Nelson presided over the meeting: Alderman Eddie Campbell, Alderman Rick Gardner, Alderman James Haik, III and Alderman Mark Spinabella were present. Also attending City Administrator Steve Childers, City Attorney David Collignon and City Clerk Lana Wilson.

### **Pledge of Allegiance**

**12:00 p.m.**

### **Roll Call:**

Alderman Mark Spinabella	Absent	Alderman Dennis Sparrow	Absent
Alderman Eddie Campbell	Here	Alderman Rick Gardner	Here
Alderman James J. Haik, III	Here	Alderman Chris Snyder	Absent

There was no quorum present during Roll Call.

Alderman Mark Spinabella was absent during the Roll Call, He entered the Meeting at 12:20 p.m.

### **APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING(S):**

### **CEREMONIAL MATTERS:**

### **BILLS OPEN FOR PUBLIC DISCUSSION:**

- A. **BILLS REQUIRING A PUBLIC HEARING:**
- B. **FIRST READING BILLS:**
- C. **RESOLUTIONS:**
- D. **EMERGENCY BILLS:**
- E. **PUBLIC IMPROVEMENT BILLS (TAX BILLS):**

**F. GRANTS:**

**G. AMENDED BILLS:**

**SECOND READING AND FINAL PASSAGE OF BILLS. NO PUBLIC DISCUSSION, BOARD DISCUSSION ONLY:**

**Report of Officers, Boards and Committees:**

**1. Administrative: City Administrator Steve Childers.**

**1. Presentation of the New Special Events Permit.**

City Administrator Childers stated staff has prepared the draft format of the City's new Special Events Permit for the Board of Aldermen's review and consideration. We are hoping this will bring better communication and processes during the outside organization's events. The established fees are in line with the fees charged in our area; we are still in the process of resolving an accurate amount to require for sovereign immunity limit. An event where there are 30 or 40 attendees will not be required to obtain a Special Events Permit, only to make their reservation and pay their small rental fee if applicable. During the application process for bigger events the Park's, Police and Public Works Departments will all be required to sign off on the Special Events Permit, a copy of the Permit will be forwarded to the Fire Department. This process will better prepare each Department for the large events.

Parks Director Wagner stated during the larger events the Parks Department salary expense was an extra \$1,000.00, for the employees who worked during the events, and 271 hours for prep time.

Alderman Campbell questioned whether a run, that leaves out from the 4-H Building, with over two hundred (200) runners, if they would be required to obtain a Special Events Permit.

Parks Director Wagner stated the run would probably be exempt from obtaining a Special Events Permit, under the Special Event definition it states that any event or activity not organized by the City of Ozark that places an additional demand on City Services, and these types of events do not fall into that category.

City Attorney Collignon stated the way the Code is written there are no provisions for exempt events from obtaining a Special Events Permit. For clarification purposes modify the Special Event definition to exclude certain events.

The Board of Aldermen discussed the amount of time City Employees put in at the Park, post and during the events, would more than justify the \$500.00 fee for the bigger events. Their concern was with the first time the organizations are charged the \$500.00 fee will cause resentment, especially from the not for-profit organizations.

City Administrator Childers stated staff has scheduled a Meeting to be held, January 26, 2012, at the Community Center with the organizations that hold Special Events in the City to discuss the Special Events Permitting process. Staff will explain during this Meeting the initiation and the fee associated with the permit.

Parks Director Wagner has set up individual Meetings this week with the organizations who hold the bigger events where she will present them with a break down of the expenses incurred by the City and request any suggestions about help or reimbursement.

City Administrator Childers stated based upon the outcome of Park Director Wagner's individual Meetings with the larger organizations this week he will base the discussion of the January 26, 2012 Meeting.

2. **Public Safety:** Police Chief Lyle Hodges.
3. **Public Works:** Public Works Director Larry Martin.
4. **Parks:** Parks Director Sam Wagner.

**Unfinished Business:**

**New Business/Board of Aldermen Comments:**

Alderman Haik stated he has been approached by a representative of the James River Assembly Church requesting Police assistance during their annual Marathon, August 25, 2012, to direct traffic at the James River and State Highway J intersection during the run. They have changed their course this year they will leave their parking lot south along James River Boulevard across St. Highway J to the Duck Stadium where they will turn around using the same course back to the church.

City Administrator Childers stated the standard procedure would be for the Church to contact the Police Department requesting off duty Police Officers to be paid by the Church. The only thing the City will provide would be the Police Officer's car with flashing lights for his protection.

Alderman Gardner brought up for discussion the topic of the City waiving fees for the School District's Bus Facility new construction project. Alderman Gardner stated he would like to propose a Resolution prepared for the January 17, 2012 Legislative Session waiving a portion of the fees for the School's Bus Facility project. He is in strong opinion the City should consider waiving a portion of the fees to retain a working partnership between the City and the School District. Alderman Campbell stated he was not in opposition of waiving a portion of the fees as long as the School has a representative present during the reading of the Resolution.

Alderman Haik stated he was opposed to waiving any fees associated with expenses incurred by the City or fees associated with the City's debt owed. Alderman Spinabella stated he considers the actual hard costs incurred by the City would be the cost of the water meter device and the Engineer review expense. The consensus of the Board of Aldermen present was to consider waiving approximately \$2,764.00, the fees associated with the Building Permit and Inspection Fees. Waiving the fees would be considered if the School District had a representative present during the Resolution reading.

City Administrator Childers stated in the future the City will have to bring up for discussion with the School District the fact that in a prior Board of Aldermen Meeting where the School asked for their fees associated with the East Elementary to be waived, they had indicated the School District would deed over to the City a 100 x 100 lot on the East Elementary property for the City to build a water tower. After extensive research it was found the property has never been deeded over to the City.

**Pay Bills-**

Motion was made by Alderman Spinabella to adjourn, seconded by Alderman Campbell with all present voting aye.

The January 9, 2012 Noon Work Session Legislative Session adjourned at 1:15 p.m.

Minutes Written By:

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Lana Wilson, City Clerk

Approval of Minutes By:

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**RESOLUTION NUMBER 1738**

**A RESOLUTION BY THE BOARD OF ALDERMEN  
OF THE CITY OF OZARK, MISSOURI, WAIVING A PORTION OF  
VARIOUS WATER INSPECTION AND BUILDING FEES FOR THE  
OZARK R-VI SCHOOL DISTRICT IN CONJUNCTION WITH  
THE PROPOSED BUS FACILITY.**

**WHEREAS**, The Board of Aldermen received a request from the Administration of the Ozark R VI School District to waive certain fees relating to water inspection and building permits in conjunction with its new bus facility at the South Elementary School ; and

**WHEREAS**, The Board of Aldermen heard from Dr. Pace and Dr. Patterson at their meeting on December 19, 2011; and

**WHEREAS**, After due deliberation and considering all of the factors concerning the development of this facility and the state of the current economy as well as the proposed City Budget for 2012, the Board of Aldermen finds that it is in the best interests of the citizens of Ozark to maintain a cordial and cooperative relationship with the Ozark R-VI School District and the waiver of a portion of the fees will not detrimentally affect the City's budget while reimbursing the City for direct expenses of the project.

**NOW, THEREFORE**, be it resolved by the Board of Aldermen of the City of Ozark, Missouri, as follows:

The fees set forth and highlighted in the schedule attached hereto, marked "Exhibit A" and incorporated herein by reference, consisting of Two Thousand Seven Hundred Sixty-four and 00/100 Dollars (\$2,764.00) relating to the construction of the Bus Facility for the Ozark R-VI School District are hereby waived and the Director of Finance and the City Administrator are directed to take all necessary actions to refund fees previously posted by the School District.

**THIS RESOLUTION PASSED AND APPROVED** at a regular meeting of the Board of Aldermen of the City of Ozark, Missouri, on this 17<sup>th</sup> day of January 2012.

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**Shane L. Nelson, Mayor**

**ATTEST:**

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Lana Wilson, City Clerk

**REPORT TO CITY TREASURER**

**EXHIBIT "A"**

**RC# 20113039**

**DEPOSIT DATE: 12/16/11**

101 000-452.100	BUILDING PERMITS/INSPECTIONS	2,724.00
101 000-453.100	PLANNING/DEVELOPMENT/ZONING FEES	
101 010-768.100	CITY ENGINEER'S REVIEW	581.00
101 000-455.100	P&Z CODE BOOK SALES/MAP SALES	
101 010-781.100	REIMBURSEMENT OF PUBLICATION EXPENSE	
101 010-795.100	IRC CODE BOOK REIMBURSEMENT	
551 000-519.100	PARK IMPACT FEES	
201 000-430.400	WATER IMPACT FEES	1,000.00
201 000-428.100	METER READING DEVICE INCOME	300.00
201 000-420.500	WATER MAIN TESTING/INSPECTION FEES	40.00
201 000-460.400	SEWER CONNECTION FEES	6,646.67
201 000-460.350	SEWER MAIN TESTING/INSPECTION FEES	
651 030-715.200	STORMWATER REVIEW	
	OTHER	
	<b>TOTAL DEPOSIT</b>	<b>11,291.67</b>

**DIVISION OF FUNDS**

GENERAL FUND	3,305.00
WATER	1,340.00
SEWER	6,646.67
PARK IMPACT FEE FUND	
PARKS/STORMWATER SALES TAX FUND	
<b>TOTAL DEPOSIT</b>	<b>11,291.67</b>

Kathy Taylor  
 \_\_\_\_\_  
 Receptionist/Preparer

PERMIT #11-333  
 Ozark School South Elementary

**RESOLUTION NUMBER 1739**

**A RESOLUTION BY THE BOARD OF ALDERMEN  
OF THE CITY OF OZARK, MISSOURI, NAMING YATES, MAUCK, BOHRER,  
ELLIFF & FELS, P.C. AS BOND COUNSEL FOR THE CITY AND  
AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN  
AGREEMENT FOR SAID LEGAL SERVICES.**

**WHEREAS**, The City Staff solicited sealed Requests for Qualifications for professional Bond Counsel legal services for the City at the expiration of the City's current Agreement; and

**WHEREAS**, The Staff has reviewed all of the submissions and has recommended that Yates, Mauck, Bohrer, Elliff and Fels, P.C. be continued as the City's Bond Counsel; and

**WHEREAS**, The Board of Aldermen has reviewed the recommendation and the submissions and hereby concurs with the recommendation.

**NOW, THEREFORE**, be it resolved by the Board of Aldermen of the City of Ozark, Missouri, as follows:

1. The City Administrator is hereby authorized to execute, on behalf of the City of Ozark, the Professional Services Agreement with Yates, Mauck, Bohrer, Elliff & Fels, P.C. attached hereto, marked "Exhibit 1" and incorporated herein as if fully set out in this Section.
2. This Resolution shall be in full force and effect from and after the date of its passage and approval.

**THIS RESOLUTION PASSED AND APPROVED** at a regular meeting of the Board of Aldermen of the City of Ozark, Missouri, on this 17<sup>th</sup> day of January 2012.

---

**Shane L. Nelson, Mayor**

**ATTEST:**

---

Lana Wilson, City Clerk

**RESOLUTION NUMBER 1740**

**A RESOLUTION BY THE BOARD OF ALDERMEN  
OF THE CITY OF OZARK, MISSOURI, NAMING JOHN D. TORGERSON, AIA,  
NCARB AS THIRD PARTY CODE COMPLIANCE PLAN REVIEWER FOR  
THE CITY AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER  
INTO AN AGREEMENT FOR SAID SERVICES.**

**WHEREAS,** The City Staff solicited sealed Requests for Qualifications for professional Third Party Code Compliance Plan Reviewer services for the City at the expiration of the City's current Agreement; and

**WHEREAS,** The Staff has reviewed all of the submissions and has recommended that John D. Torgerson, AIA, NCARB be selected as the primary Third Party Code Compliance Plan Reviewer; and

**WHEREAS,** The Board of Aldermen has reviewed the recommendation and the submissions and hereby concurs with the recommendation.

**NOW, THEREFORE,** be it resolved by the Board of Aldermen of the City of Ozark, Missouri, as follows:

1. The City Administrator is hereby authorized to execute, on behalf of the City of Ozark, the Professional Services Agreement with John D. Torgerson, AIA, NCARB attached hereto, marked "Exhibit B" and incorporated herein as if fully set out in this Section.
2. This Resolution shall be in full force and effect from and after the date of its passage and approval.

**THIS RESOLUTION PASSED AND APPROVED** at a regular meeting of the Board of Aldermen of the City of Ozark, Missouri, on this 17<sup>th</sup> day of January 2012.

---

**Shane L. Nelson, Mayor**

**ATTEST:**

---

Lana Wilson, City Clerk

**RESOLUTION NUMBER 1741**

**A RESOLUTION BY THE BOARD OF ALDERMEN  
OF THE CITY OF OZARK, MISSOURI, NAMING LARRY A. BURNS, R.A.,  
PRINCIPAL AS THIRD PARTY CODE COMPLIANCE PLAN REVIEWER FOR  
THE CITY AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER  
INTO AN AGREEMENT FOR SAID SERVICES.**

**WHEREAS**, The City Staff solicited sealed Requests for Qualifications for professional Third Party Code Compliance Plan Reviewer services for the City at the expiration of the City's current Agreement; and

**WHEREAS**, The Staff has reviewed all of the submissions and has recommended that Larry A. Burns, R.A., Principal be selected as the secondary Third Party Code Compliance Plan Reviewer; and

**WHEREAS**, The Board of Aldermen has reviewed the recommendation and the submissions and hereby concurs with the recommendation.

**NOW, THEREFORE**, be it resolved by the Board of Aldermen of the City of Ozark, Missouri, as follows:

1. The City Administrator is hereby authorized to execute, on behalf of the City of Ozark, the Professional Services Agreement with Larry A. Burns, R.A., Principal attached hereto, marked "Exhibit B" and incorporated herein as if fully set out in this Section.
2. This Resolution shall be in full force and effect from and after the date of its passage and approval.

**THIS RESOLUTION PASSED AND APPROVED** at a regular meeting of the Board of Aldermen of the City of Ozark, Missouri, on this 17<sup>th</sup> day of January 2012.

---

**Shane L. Nelson, Mayor**

**ATTEST:**

---

Lana Wilson, City Clerk

**RESOLUTION NO. 1742**

**A RESOLUTION OF THE BOARD OF ALDERMEN  
OF THE CITY OF OZARK, MISSOURI APPROVING AND  
AUTHORIZING THE PURCHASE OF A FOLDING/INSERTING MACHINE  
AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A  
SERVICE AGREEMENT WITH NEOPOST USA, INC. FOR SAID EQUIPMENT**

**WHEREAS**, the City of Ozark, Missouri is a Municipal Corporation of the fourth class, duly organized and existing under the laws of the State of Missouri, and;

**WHEREAS**, the City of Ozark, Missouri solicited sealed Request for Proposals for the supply and delivery of folding/inserting machine with an acceptable Service Agreement to be located at the Utility Billing Department; and

**WHEREAS**, The Board of Aldermen is desirous to authorize purchasing the folding/inserting machine and authorizing the City Administrator to execute a Service Agreement with Neopost USA, Inc. to be attached hereto, marked Exhibit "A" and incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Aldermen of the City of Ozark, Missouri, as follows;

1. That Steve Childers, City Administrator, is hereby authorized to execute on behalf of the City of Ozark, Missouri an agreeable Service Agreement with Neopost USA, Inc., said Agreement is marked Exhibit "A" attached hereto and incorporated herein by reference.
2. The aforementioned Service Agreement shall be subject to the annual appropriation of funds in each year and if such funds are not appropriated in any year the Service Agreement shall be terminated.
3. That this Resolution shall be in full force and effect from the date of the passage and approval.

**PASSED AND APPROVED**, at a regular meeting of the Board of Aldermen of the City of Ozark, Missouri this 17<sup>th</sup> day of January 2012.

\_\_\_\_\_  
**SHANE L. NELSON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Lana Wilson, City Clerk**

**AN EMERGENCY ORDINANCE APPROVING CERTAIN BUDGET AMENDMENTS TO THE 2012 BUDGET FOR THE CITY OF OZARK, MISSOURI, FROM JANUARY 17, 2012 TO DECEMBER 31, 2012 TO COMPLY WITH BUDGET REQUIREMENTS UNDER THE INTERGOVERNMENTAL COOPERATIVE AGREEMENT CONCERNING B & B THEATRES.**

**WHEREAS**, the Board of Aldermen of the City of Ozark, Missouri, is desirous of amending the budget approved by Ordinance 11-039 by revising the budget, the same containing estimated revenues and expenses in connection with the operation of the business and affairs of said City for the current fiscal year.

**WHEREAS**, the Board of Aldermen recognize this Budget Amendment is needed in order to comply with Budget requirements under the Intergovernmental Cooperative Agreement concerning B & B Theaters, and that this Budget Amendment must be accomplished at the earliest time and prior to the next regular Board of Aldermen Meeting. Therefore, the Board of Aldermen deems this Bill of emergency nature.

**NOW THEREFORE**, be it ordained by the Board of Aldermen of the City of Ozark, Missouri, as follows:

1. The Budget of the City of Ozark for the fiscal year 2012 is hereby irrevocably amended. The Board of Aldermen finds that this adjustment is necessary for the best interest of the City of Ozark, Missouri, and the appropriate officers of the City are hereby directed to cause the following accounting entries to be made in the books and records of the City:
  - a. General Fund Expenses-B & B Reimbursement Agreement Expense an increase of \$10,000.00.
2. That this Ordinance shall be in full force and effect from the date of its passage and approval.

**PASSED THIS 17<sup>th</sup> DAY OF JANUARY 2012.**

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT/ABSTAIN</b>	
<b>Alderman Eddie Campbell</b>	_____	_____	_____	_____
<b>Alderman Mark Spinabella</b>	_____	_____	_____	_____

Alderman Dennis Sparrow \_\_\_\_\_  
Alderman Rick Gardner \_\_\_\_\_  
Alderman James Haik, III \_\_\_\_\_  
Alderman Chris Snyder \_\_\_\_\_

APPROVED THIS 17<sup>th</sup> DAY OF JANUARY 2012.

City of Ozark

\_\_\_\_\_  
SHANE L. NELSON, MAYOR

[SEAL]

ATTEST:

\_\_\_\_\_  
Lana Wilson, City Clerk

Bill #2579  
Ordinance #12-002  
January 17, 2012

**BILL NO. 2574**

**ORDINANCE NO. 12-003**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT WITH EMPIRE BANK FOR THE COMPLETION BOND CONCERNING THE DETENTION POND IN THE ROLLING PRAIRIE SUBDIVISION.**

**WHEREAS**, On January 11, 2010 the City drew upon an irrevocable letter of credit issued by Citizens National Bank for the failure of IDI, LLC to complete a detention basin within the Rolling Prairie Subdivision and Citizens National Bank disputed the attempted draw for several reasons, including that the detention pond was located in Phase II of the subdivision while the bond applied only to Phase IV; and

**WHEREAS**, Empire Bank acquired Citizens National Bank and is the successor in interest through a merger with that Bank; and

**WHEREAS**, The City and Empire Bank have been in negotiations to resolve the aforementioned dispute and complete the detention pond. Empire has entered into an agreement with Hartman & Co. to complete the work on the detention pond in accordance with City Plans and is further willing to provide to the City the contract with Hartman and the payment of funds to satisfy that contract in exchange for a release from any liability on the completion bond; and

**WHEREAS**, The Parties have agreed, subject to the approval of the Board of Aldermen upon a Settlement Agreement which is to be attached to this Ordinance and incorporated herein by reference outlining the settlement of all issues between the City and Empire Bank; and

**WHEREAS**, The Board of Aldermen, having been fully advised in the premises, finds that it would be in the best interests of the City to authorize the Mayor to enter into the settlement agreement with Empire Bank and complete the work in Rolling Prairie Subdivision.

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

**SECTION 1.** The Mayor of the City of Ozark is hereby authorized to execute on behalf of the City the Settlement Agreement attached hereto, Marked "Exhibit A" and incorporated herein by reference as if fully set out in this Ordinance.

**SECTION 2.** The Mayor is further authorized to enter into the contract with Hartman & CO, attached hereto, marked "Exhibit B" and incorporated herein by reference as if fully set out herein for the completion of the detention pond in Rolling Prairie Subdivision.

**SECTION 3.** This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED THIS 16<sup>TH</sup> DAY OF JANUARY 2012.

	AYE	NAY	ABSENT/ABSTAIN
Alderman James Haik, III	_____	_____	_____
Alderman Chris Snyder	_____	_____	_____
Alderman Mark Spinabella	_____	_____	_____
Alderman Dennis Sparrow	_____	_____	_____
Alderman Rick Gardner	_____	_____	_____
Alderman Eddie Campbell	_____	_____	_____

APPROVED THIS 16<sup>TH</sup> DAY OF JANUARY 2012.

---

SHANE L. NELSON, MAYOR

ATTEST:

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Lana Wilson, City Clerk

Bill #2574  
Ordinance #12-002  
January 16, 2012

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF  
OZARK, MISSOURI AUTHORIZING THE ISSUANCE OF A CONDITIONAL  
USE PERMIT OF ALL/OR PART OF PROPERTY IN A PARTICULAR ZONING  
DISTRICT IN THE CITY OF OZARK, MISSOURI.**

**412 N. 3<sup>rd</sup> STREET**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF  
OZARK, MISSOURI, AS FOLLOWS:**

**WHEREAS**, an application for a Conditional Use Permit to allow Auto Sales, in a C-4 Central Business District, located at 412 N. 3<sup>rd</sup> Street in the City of Ozark, Missouri, by owner of record, was submitted to the Planning and Zoning Clerk; and

**WHEREAS**, the Planning and Zoning Clerk did; thereafter, submit said application to the Planning and Zoning Commission which set the 27<sup>th</sup> day of December 2011, as the date a Public Hearing would be held on such application and proposed Conditional Use Permit; and

**WHEREAS**, a notice of the time and date of the Public Hearing was given by publication in a newspaper of general circulation in the City of Ozark, such notice being at least 15 days before the date set for the Public Hearing; and

**WHEREAS**, the applicant gave notice of such Public Hearing to the record owners of all properties within 185 feet of the property located at 412 N. 3<sup>rd</sup> Street by certified mailings to such record owners, applicant having provided the City with, proof of such notification, including certified return receipts and a list of all persons notified together with their respective addresses.

**WHEREAS**, a Public Hearing was conducted by the Planning and Zoning Commission on December 27, 2011, and the Commission by majority vote, did recommend the approval of such application for a Conditional Use Permit to allow Auto Sales on the aforementioned property.

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

**SECTION 1:** That the Board of Aldermen hereby grants the issuance of a Conditional Use Permit to said applicant for the property located at 412 N. 3<sup>rd</sup> Street. Said applicant must comply with the standards set forth in Section 405.500.

**SECTION 2:** The Conditional Use Permit Application set forth in Exhibit "A" attached hereto and incorporated herein as if fully set out.

**SECTION 3:** This Ordinance shall be in full force and effect from the date of its passage and approval.

**PASSED THIS 16<sup>th</sup> DAY OF JANUARY, 2012.**

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT/ABSTAIN</u>
Alderman James Haik, III	_____	_____	_____
Alderman Chris Snyder	_____	_____	_____
Alderman Mark Spinabella	_____	_____	_____
Alderman Dennis Sparrow	_____	_____	_____
Alderman Rick Gardner	_____	_____	_____
Alderman Eddie Campbell	_____	_____	_____

**APPROVED THIS 16<sup>TH</sup> DAY OF JANUARY, 2012.**

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**SHANE L. NELSON, MAYOR**

[SEAL]

**ATTEST:**

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**Lana Wilson, City Clerk**

Bill #2575

Ordinance #12-0

January 16, 2012

**City of Ozark Missouri**  
Planning and Development Department  
Application for Conditional Use Permit

LOCATION OF PROPERTY

Street Address: 412 N. 3<sup>rd</sup> St.  
Subdivision: \_\_\_\_\_ Lot Number: \_\_\_\_\_  
Property Tax Parcel Number: \_\_\_\_\_ Lot Size: \_\_\_\_\_

CURRENT USE

Current Zoning: \_\_\_\_\_  
Current use(s): (Conforming or Non-Conforming): \_\_\_\_\_

PROPOSED USE

Proposed use(s): Park 4 or less car's out front for sale

SEWAGE DISPOSAL

City of Ozark  
 Septic Tank

WATER SUPPLY

City of Ozark  
 Private Well

ROAD ACCESS

Road(s) fronting property: 3<sup>rd</sup> Street

IDENTIFICATION

Owner: Bill Hanks  
Mailing Address: \_\_\_\_\_  
Telephone: 417-849-5549 Fax Number: N/A

Bill Hanks  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

[Signature]  
Lessee (if applicable)

\_\_\_\_\_  
Date

The Applicants shall be responsible for the cost of all third party reviews. This shall include but not limited to storm water reviews, traffic reviews and etc. The City of Ozark will be the sole determiner of the requirements for these reviews. The City of Ozark will issue and bill invoices for these costs.

ATTENDANCE IS REQUIRED AT THE SCHEDULED PLANNING & ZONING MEETING  
AND CITY COUNCIL MEETING

## Public Notice

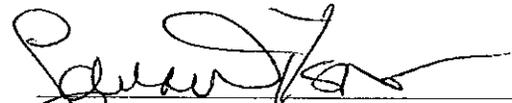
412 N. 3<sup>rd</sup> Street, Ozark, MO.

Notice is hereby given to all parties in interest and citizens, that the Ozark Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 27, 2011 at 7:00 p.m. in the Ozark City Council Chambers at the Ozark City Hall, Ozark, Missouri, to consider a Use Permit of all and/or part of the following property.

### USE PERMIT #57

Proposed Zoning of property: C-4 (Central Business District)  
Address of property: 412 N. 3<sup>rd</sup> Street Ozark, Missouri  
Owner of property: Billy J. & Ruth Ann Hanks  
Applicant: Chad Gunther  
Use Permit requested for: Auto Sales

At these Public Hearings, any interested person, corporation or political subdivision may present evidence regarding the proposed Use Permit at the Public Hearing or written comments will be received by the Planning and Development Department, up to the time of the Hearing and be made part of the Public Record.

  
\_\_\_\_\_  
Lana Wilson  
City Clerk

11/29/2011  
Date

#2575

# MEMO

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**TO:** Board of Alderman **December 27, 2011 meeting**  
**FROM:** Planning & Development Department  
**RE:** **USE PERMIT #57**  
**Zoning of property: C-4 Central Business District**  
**Address of property: 412 N. 3<sup>rd</sup> Street, Ozark, Missouri**  
**Owner: Billy J. & Ruth Ann Hanks**  
**Applicant: Chad Gunther**  
**Use Permit requested for: Auto Sales**

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Dear Board of Alderman,

The Planning & Zoning commission has recommended the **APPROVAL** of the above referenced Use Permit. With the following conditions:

- Up to four (4) cars in the front of the business for sale "only" and section off so no customer parking allowed in the front of the business.
- No Parking allowed on the North side of the building.
- Approved signage directing customers to parking in the rear of the property.
- No cars for sale in the rear parking.
- No restrictions on the South side parking.

Attached you will find documentation to support this request.

If you have any questions, please contact Planning & Development (417)581-2407.

Thanks,  
Valerie Carr  
Planning & Zoning Technician

Enclosure: Memo to P&Z & correspondence

8 pgs. attached

# Use Permit #57



**USE PERMIT #57**  
412 N 3rd Street, Ozark, MO  
Current Zoning: C-4 Central Business District  
Applicant: Chad Gunther  
Property Owner: Billy J & Ruth Ann Hanks  
Use Permit Rested: Auto Sales

**DISCLAIMER**  
The information presented on this map and/or digital file is distributed "as is" for general information purposes only. The City of Ozark and all contributing data suppliers make no warranties expressed or implied, regarding the accuracy, completeness, reliability or suitability of this data for any specific use. In addition, the City of Ozark and all contributing data suppliers assume no liability whatsoever associated with the use or misuse of this data.

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OZARK, MISSOURI BY ADDING A SERIES OF SECTIONS TO TITLE IV. "LAND DEVELOPMENT AND REGULATIONS"; ARTICLE IX "MISCELLANEOUS REGULATIONS" TO BE NUMBERED 405.940, ET. SEQ. RELATING TO MOVING VANS, STORAGE CONTAINERS AND STORAGE TRAILERS.**

**WHEREAS**, the Planning and Zoning Commission has reviewed the Code of Ordinances to determine where and how Moving Trucks/Vans, Storage Containers and Storage Trailers should be stored in the City of Ozark; and;

**WHEREAS**, the Planning and Zoning Commission has reviewed the changes as presented, held a Public Hearing on the topic and recommends the adoption of the addition to the Code of Ordinances as set forth below; and

**WHEREAS**, the Board of Aldermen has reviewed the changes to the Code of Ordinances and agrees with the Planning and Zoning Commission that the changes would be in the best interests of the Community.

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

**SECTION 1.** The Code of Ordinances of the City of Ozark is hereby amended by adding a series of Sections to Title IV "Land Development and Regulations"; Article IX "Miscellaneous Regulations" relating to the regulation of moving Trucks/Vans, Storage Containers and Storage Trailers which said Sections shall be known as Section 405.940 et. seq. and shall read as follows:

**"SECTION 405.940: DEFINITIONS**

For the purpose of interpreting this series of Sections, certain terms are defined as follows:

***Storage Container:*** A large container which is capable of use for shipping goods or materials by rail, ship, air or over the road including, but not limited to, 'portable on demand storage units(PODS)'; any box van that has been disconnected from a chassis; and similar intermodal type shipping/cargo containers, that are (a) designed and commonly used for storing, shipping or transporting products and materials, and (b) are typically transported by a separate motorized vehicle or upon a trailer that is used on a premise for storage.

***Storage Trailer:*** Any dry freight van, semi-trailer, refrigerated van, or similar type trailer originally designed for the transporting of products and materials, whether or not connected to a chassis, used for storage and/or warehousing purposes or any purpose other than that for which the trailer was originally designed.

**SECTION 405.945: ON-SITE STORAGE IN STORAGE TRAILERS AND/OR STORAGE CONTAINERS**

**A. General Provisions.**

1. Moving Vans/Trucks, Storage Containers and Storage Trailers are allowed as Conditional Uses in any zoning district subject to the restrictions, limitations and regulations contained in the Sections set forth below.
2. The Planning and Development is authorized to issue a permit for Storage Containers and Storage Trailers used as temporary construction site offices or for the storage of tools or building supplies needed for a construction project or personal property of the owner or tenant of a building which is being remodeled during the course of a project on a lot for which a valid building permit has been issued. Upon the expiration of the permit (or any extension thereof) such Container or Trailer shall be promptly removed. The Planning & Development Department may authorize the placement of a Container or Trailer used for a construction project on property other than the property where the construction project is located upon determining that the location is necessary and reasonable under the circumstances.

**B. Non-Residential Zoning Districts.**

1. No Moving Truck/Van, Storage Container or Storage Trailer shall be located on property in such a manner so as to occupy any required:
  - a. Parking space;
  - b. Open space;
  - c. Sight triangle;
  - d. Circulation aisle;
  - e. Setback;
  - f. Easement;
  - g. Detention area;
  - h. Buffer yard;
  - i. Perimeter landscaping areas;
  - j. Front yard;as defined in Section 405.070. No Moving Truck/Van, Storage Container or Storage Trailer shall be located within ten (10) feet of the right-of-way of a public street.
2. No Moving Truck/Van, Storage Container or Storage Trailer shall be located on property or used in such a manner as to violate any of the International Codes contained in Title V or of the 'Nuisance' provisions contained in Title II of the Code of Ordinances of the City of Ozark.
3. No utility services shall be provided to a Storage Container or Storage Trailer unless it has been converted into a permanent building and meets all requirements of all applicable Building Codes. Providing temporary

- (seven days or less) utility services for the purpose of loading and unloading shall not be considered a violation.
4. No Moving Truck/Van, Storage Container or Storage Trailer shall be physically connected, in any manner, to any structure or building or another Storage Container or Storage Trailer.
  5. Merchandise, pallets, furniture, tires, equipment, fixtures, products, trash, debris or other materials shall not be stacked under or on top of any Moving Truck/Van, Storage Container or Storage Trailer. Nor shall any such items be placed in a fire lane or within ten (10) feet of a Storage Container or Storage Trailer.
  6. No Storage Container or Storage Trailer shall be stacked on top of another Storage Container or Storage Trailer or on top of any building. Storage Trailers and Storage Containers may be stacked when stored on sites zoned 'Industrial' where the provision of such Storage Trailers or Storage Containers is a principle use if such Containers and Trailers are empty and properly secured based on accepted industry standards.
  7. The owner, operator and/or renter of the Moving Truck/Van, Storage Container(s) or Storage Trailer(s) shall be responsible to ensure that the unit(s) is/are in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.

**C. Residential Districts.**

1. **Short-Term Loading and Unloading.**
  - a. No more than three (3) Moving Truck/Van(s), Storage Container(s), Storage Trailer(s) or any combination thereof, may be placed on a property at any one time.
  - b. No Moving Truck/Van shall remain upon the property for a period in excess of seven (7) consecutive days.
  - c. The Moving Truck/Van shall be placed on a paved surface and meet all other requirements for parking of motor vehicles on residential lots.
2. **Short-term Storage.**
  - a. No more than two (2) Storage Container(s), Storage Trailer(s) or combination of them may be located on a property at any one time.
  - b. No Storage Container or Storage Trailer shall be located on a property for a period of more than sixty (60) consecutive days. No property shall be permitted to have a Storage Trailer or Storage Container for more than two (2); sixty (60) day periods in any twelve (12) month period.
  - c. The Storage Container or Storage Trailer shall be placed on a paved surface and meet all other requirements for parking of motor vehicles on residential lots.
  - d. No Storage Container or Storage Trailer shall be used in conjunction with, or associated with, a home occupation.

- e. No Storage Container or Storage Trailer shall be located on property or used in such a manner as to violate any of the International Codes contained in Title V or of the 'Nuisance' provisions contained in Title II of the Code of Ordinances of the City of Ozark.
- f. The owner, operator and/or renter of the Storage Trailer(s) or Storage Container(s) shall be responsible to ensure that the storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.

**D. Construction Projects Not Requiring a Building Permit.** Storage Containers and Storage Trailers are permitted on any lot for twenty-one (21) consecutive days (a fourteen day extension may be granted by the Planning & Development Department upon application by the owner) in conjunction with construction projects not requiring building permits subject to the following restrictions, requirements and limitations.

- 1. The use of Storage Containers and Storage Trailers is limited to the storage of tools or building supplies needed for a construction project.
- 2. All Storage Containers and Storage Trailers shall be located on the property where the work is being performed.
- 3. In non-residential zoning districts, Storage Container or Storage Trailer shall be located on property in such a manner so as not to occupy any required:
  - a. Parking space;
  - b. Open space;
  - c. Sight triangle;
  - d. Circulation aisle;
  - e. Setback;
  - f. Easement;
  - g. Detention area;
  - h. Buffer yard;
  - i. Perimeter landscaping areas;
  - j. Front yard;
 as defined in Section 405.070. No Moving Truck/Van, Storage Container or Storage Trailer shall be located within ten (10) feet of the right-of-way of a public street.
- 4. No Storage Container or Storage Trailer may be stacked one on top of another or on top of any building.
- 5. No Storage Container or Storage Trailers shall be removed from the property upon completion of the construction project or by the end of the permitted time period, whichever may occur first.
- 6. No Storage Container or Storage Trailer shall be located on property or used in such a manner as to violate any of the International Codes contained in Title V or of the 'Nuisance' provisions contained in Title II of the Code of Ordinances of the City of Ozark.

**E. Recycling Containers.** Storage Containers and Storage Trailers used as Commercial/industrial recycling containers are permitted in all non-residential zoning districts subject to the following restrictions, requirements, and limitations:

1. The use of the Storage Container or Storage Trailer is limited exclusively to materials to be recycled.
2. The Storage Container or Storage Trailer shall be located on property in such a manner so as not to occupy any required:
  - a. Parking space;
  - b. Open space;
  - c. Sight triangle;
  - d. Circulation aisle;
  - e. Setback;
  - f. Easement;
  - g. Detention area;
  - h. Buffer yard;
  - i. Perimeter landscaping areas;
  - j. Front yard;as defined in Section 405.070. No Storage Container or Storage Trailer shall be located within ten (10) feet of the right-of-way of a public street.
3. No Storage Container or Storage Trailer may be stacked one on top of another or on top of any building.
4. No Storage Container or Storage Trailer shall be located on property or used in such a manner as to violate any of the International Codes contained in Title V or of the 'Nuisance' provisions contained in Title II of the Code of Ordinances of the City of Ozark.
5. No Storage Container or Storage Trailer may be located in the required front yard. All Storage Trailers and Storage Containers must be a minimum of twenty-five (25) feet from any street and a minimum of fifty (50) feet from any residential district.
6. The owner, operator and/or renter of the Storage Container(s) or Storage Trailer(s) shall be responsible to ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.

**SECTION 2.** This Ordinance shall be in full force and effect from and after its passage and approval.

**PASSED THIS 16<sup>TH</sup> DAY OF JANUARY 2012.**

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>
Alderman James Haik, III	_____	_____	_____
Alderman Dennis Sparrow	_____	_____	_____
Alderman Rick Gardner	_____	_____	_____
Alderman Eddie Campbell	_____	_____	_____
Alderman Chris Snyder	_____	_____	_____
Alderman Mark Spinabella	_____	_____	_____

**APPROVED THIS 16<sup>TH</sup> DAY OF JANUARY 2012.**

\_\_\_\_\_  
**SHANE L. NELSON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
Lana Wilson, City Clerk

Bill #2576  
Ordinance #12-004  
January 16, 2012

#2576

# MEMO

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**TO:** Board of Alderman **December 28, 2011**

**FROM:** Planning & Development Department

**RE:** AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OZARK, MISSOURI BY ADDING ONE NEW CHAPTER TO THE TITLE IV RELATING TO THE REGULATIONS OF MOVING VANS, STORAGE CONTAINERS AND STORAGE TRAILERS.

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Dear Board of Alderman,

The Planning & Zoning commission on December 27, 2011 recommended approval of the above referenced request.

If you have any questions, please contact Planning & Development (417)581-2407.

Thanks,  
Valerie Carr  
Planning & Zoning Technician

6 pgs attached

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OZARK, MISSOURI BY DELETING A SUBSECTION OF SECTION 405.350 RELATING TO SIGN GUIDELINES IN C-4 ZONING DISTRICTS AND ENACTING, IN LIEU THEREOF, TWO NEW SUBSECTIONS RELATING TO THE SAME SUBJECT MATTER.**

**WHEREAS**, the Planning and Zoning Commission has recently reviewed the Code of Ordinances Sign Guidelines for the C-4 Zoning District and made a determination that a minor change is required in one Subsection of Section 405.350 "C-4" DESIGN GUIDELINES; and

**WHEREAS**, the Planning and Zoning Commission has duly considered the following modification, held a Public Hearing on the topic and recommends the adoption of the amendment to the Code of Ordinances set forth below; and

**WHEREAS**, the Board of Aldermen now finds that it is in the best interest of the City to adopt the recommended change as set forth below.

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

**SECTION 1.** Section 405.350: "C-4" DESIGN GUIDELINES, Sub-section 7 sign Guidelines, is hereby amended by deleting in their entirety Sub-sections a. and j. and enacting, in lieu thereof two (2) new Sub-sections relating to the same subject matter, which said new Sub-sections shall read as follows:

- "a. The re-facing of an existing non-conforming sign is allowed as long as it is not enlarged and the original sign structure is structurally sound.
- j. All detached on-premise signs shall be monument signs as set forth in Sub-section 8.b. of this Section except existing signs."

**SECTION 2.** This Ordinance shall be in full force and effect from and after its passage and approval.

**PASSED THIS 16<sup>TH</sup> DAY OF JANUARY 2012.**

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>
Alderman James Haik, III	_____	_____	_____
Alderman Rick Gardner	_____	_____	_____
Alderman Eddie Campbell	_____	_____	_____

Alderman Chris Snyder  
Alderman Mark Spinabella  
Alderman Dennis Sparrow

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**APPROVED THIS 16<sup>TH</sup> DAY OF JANUARY 2012.**

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**SHANE L. NELSON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
Lana Wilson, City Clerk

Bill #2577  
Ordinance #12-005  
January 16, 2012

# 2577

# MEMO

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**TO:** Board of Alderman **December 28, 2011**

**FROM:** Planning & Development Department

**RE:** AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OZARK, MISSOURI BY DELETING A SUBSECTION OF SECTION 405.350 RELATING TO SIGN GUIDELINES IN C-4 ZONING DISTRICTS AND ENACTING IN LIEU THEREOF, ONE NEW SUBSECTION RELATING TO THE SAME SUBJECT MATTER.

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Dear Board of Alderman,

The Planning & Zoning commission on December 27, 2011 recommended approval of the above referenced request.

If you have any questions, please contact Planning & Development (417)581-2407.

Thanks,  
Valerie Carr  
Planning & Zoning Technician

1 pg attached