



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

Monday, March 5, 2012
7:00 P.M. Regular Session

POSTED 02-29-2012 Ordinance #12-010

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 February 21, 2012 Regular Session and February 27, 2012 Noon Work Session Minutes. A & B

CEREMONIAL MATTERS:

BILLS OPEN FOR PUBLIC DISCUSSION:

A. BILLS REQUIRING A PUBLIC HEARING:

B. FIRST READING BILLS:

1. **Bill #2585**-An Ordinance Authorizing and Directing the Issuance, Sale and Delivery of \$440,000.00 Aggregate Principal Amount of Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2012 (The "Bonds") of the City of Ozark, Missouri (The "City") For the Purpose of Paying the Costs to Currently Refund the Outstanding Principal Amount of the City's Series 2005 Combined Waterworks and Sewerage System Revenue Bonds; Prescribing the form and Details of Said Refunding Bonds and Covenants and Agreements Made by the City to Facilitate and Protect the Payment Thereof; Providing for the Collection, Segregation and Application of the Revenues of the Combined Waterworks and Sewerage System for the Purpose of Paying the Principal of and Interest on Said Refunding Bonds as They Become Due; and Authorizing the Execution of An Escrow Agreement. Alderman Rick Gardner. C.
3. **Bill #2586**-An Ordinance Amending the Code of Ordinances of the City of Ozark by Deleting Chapter 140 of Title I of Said Code Relating to "Procurement" and Enacting, In Lieu Thereof, One New Chapter Relating to the Same Subject Matter. Alderman Rick Gardner. D.

C. RESOLUTION:

1. **Resolution #1746**-A Resolution by the Board of Aldermen of the City of Ozark, Missouri, Approving the Mayor's Appointment of Jim Stewart as Alderman for the First Ward to Fill a Vacancy Created by Resignation. Alderman Mark Spinabella. E.
 - a. Swearing In Jim Stewart.
2. **Resolution #1747**-A Resolution by the Board of Aldermen of the City of Ozark, Missouri Approving the Schedules of Planning and Development and Various Building Fees Pursuant to Section 405.490 of the Code of Ordinances of the City of Ozark. Alderman Dennis Sparrow. F.

3. **Resolution #1748-A** Resolution by the Board of Aldermen of the City of Ozark, Missouri, Authorizing the Mayor to Execute Settlement Documents for the P & E Investments Litigation.. Alderman Dennis Sparrow. G.

D. EMERGENCY BILLS:

1. **Bill #2587**-An Emergency Ordinance of the Board of Aldermen of the City of Ozark, Missouri Approving Certain Budget Amendments to the 2012 Budget to the 2012 Budget for the City of Ozark, Missouri From March 5, 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 #2583**-An Ordinance Amending the Code of Ordinances of the City of Ozark by Deleting One Chapter of Title I "Government Code" Relating to "Park and Recreation/Tree Board". Alderman James Haik, III. I.
2. **Bill #2584** – An Ordinance Amending the Code of Ordinances of the City of Ozark by Adding one new Section to Title III "Traffic Code"; Chapter 315: "Traffic Control Devices" by Adding One New Section Relating to the Operation of a Vehicle on Public Or Private Property in Such a Fashion as to Avoid a Traffic Control Device. Alderman Mark Spinabella. J.

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.
1. Authorizing Staff to Proceed with Submitting the Necessary Documents to the Department of Natural Resources to Receive Authority to Move Forward with the Wastewater Treatment Facility Sludge Aeration Improvements (No Formal Requirement). K.
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.

(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
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February 21, 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	Here

At this time Alderman Chris Snyder resigned from his elected seat as Ward I Alderman effective immediately. Chris Snyder removed himself from the quorum. Mayor Shane L. Nelson stated he will appoint Jim Stewart to serve out the rest of Chris Snyder's term as Ward I Alderman during the March 5, 2012 Regular Legislative Session.

Approval of the Minutes of the Previous Meeting(s): Approval of the February 6, 2012 Regular Session and February 13, 2012 Noon Work Session Minutes.

Motion was made by Alderman Campbell to approve the February 6, 2012 Regular Session and the February 13, 2012 Noon Work Session Minutes as written, seconded by Alderman Gardner with all present voting aye.

CEREMONIAL MATTERS:

BILLS OPEN FOR PUBLIC DISCUSSION:

A. BILLS REQUIRING A PUBLIC HEARING:

B. FIRST READING BILLS:

- 1. Bill #2583-An Ordinance Amending the Code of Ordinances of the City of Ozark by Deleting One Chapter of Title I "Government Code" Relating to "Park and Recreation/Tree Board".**

Motion was made by Alderman Haik to place Bill #2583 on its first reading by title and description only, seconded by Alderman Spinabella with all present voting aye.

Alderman Haik stated since his appointment as the Park Board liaison there has been no progress or actions taken by the Park/Tree Board, many times there hasn't even been a quorum present. In his opinion there is no longer a need for the Park Board.

Mayor Shane L. Nelson stated while visiting with some of the Park Board Members about the possible disbandment some of them showed interest in serving on other City Boards.

Alderman Gardner stated the Park/Tree Board Members service to the City was greatly appreciated. The City may have initiated their lack of interest by limiting their authority.

Bill #2583 will be held over until the March 5, 2012 Regular Board of Aldermen Legislative Session.

- 2. Bill #2584-An Ordinance Amending the Code of Ordinances of the City of Ozark by Adding One New Section to Title III "Traffic Code"; Chapter 315: "Traffic Control Devices" by Adding One New Section Relating to the Operation of a Vehicle on Public Property in Such a Fashion as to Avoid a Traffic Control Device.**

Motion was made by Alderman Spinabella to place Ordinance #2584 on its first reading by title and description only, seconded by Alderman Campbell with all present voting aye.

City Administrator Childers stated recently the City has been receiving complaints from business owners concerning vehicles cutting through their parking lot to avoid traffic control devices. The business owners have indicated this has become a nuisance and could become a potential liability to their business. They are requesting the City's assistance by enforcing this law after its enacted.

Mike Hartley-201 W. South St.

Mike Hartley stated he is a business owner located at the S. 3rd Street and South Street intersection; he has been experiencing excess traffic cutting through his parking lot to avoid the traffic control device at the intersection.

Bill #2584 will be held over until the March 5, 2012 Regular Board of Aldermen Legislative Session.

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:

- 1. Bill #2581-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. Property Location-6151 N. 21st Street. Property Owners-Church Brothers Management, Inc. Conditional Use-Retail in the Front of the Structure, and Fabrication of Retail Products in the Rear of the Structure.**

Motion was made by Alderman Campbell to dispense with the second reading and place Bill #2581 on its third and final reading by title and description only, seconded by Alderman Gardner with all present voting aye.

City Administrator Childers stated the property in question was formerly the Dodge Dealership north of Ozark. There are two (2) structures located on the property, the Conditional Use Permit is being granted for the northern structure on the property allowing retail in the front portion and light related manufacturing in the rear of the structure. Regarding the use of the most southern structure the property owner will have to follow the C-2 Zoning regulations.

Motion was made by Alderman Campbell to adopt Bill #2581 as Ordinance #12-008, seconded by Alderman Spinabella with all present voting by roll call vote:

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

- 2. Bill #2582-An Ordinance Amending the Code of Ordinances of the City of Ozark by Adding One (1) New Chapter Relating to Special Events Within the City.**

Motion was made by Alderman Haik to dispense with the second reading and place Bill #2582 on its third and final reading by title and description only, seconded by Alderman Gardner with all present voting aye.

City Administrator Childers stated the well thought-out process staff followed to introduce the Special Event Code to the individual groups who annually host events in the Finley River Park was very successful. The Special Event Code will apply to any Special Event held within the City of Ozark; staff will administer the applications accordingly.

Motion was made by Alderman Haik to adopt Bill #2582 as Ordinance #12-009, seconded by Alderman Campbell with all present voting by roll call vote:

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

Report of Officers, Boards and Committees:

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

1. **Jack Dillingham, Piper Jaffray-Discuss Refinancing 2005 Waterworks Sewerage System Bonds.**

City Administrator Childers spoke in the absence of Jack Dillingham about refinancing all of the Bonds of the Series 2005 in the amount of \$440,000. Staff has been diligently working to identify opportunities to refinance debt, while doing so, it was found the Combined Waterworks and Sewerage System Refunding Bonds of the Series 2005 maturity dates were 2012-2025. The Bond's current interest rate is 5.57%, by refinancing the Bonds the City can obtain a 3.80% interest rate, saving the City an estimated savings of \$44,800.00 over that same period of time. With prior authorization from the Board of Aldermen, Jack Dillingham from Piper Jaffray and Bond Counsel Carson Elliff will prepare the necessary documents in Ordinance form and present them during the March 5, 2012 Regular Legislative Session for first reading.

Alderman Campbell asked if the refinancing included a deferred option.

City Administrator Childers stated the City was paying interest only payments on LCRA loans for the redevelopment properties. The Banks have since then eliminated that option and the City is currently paying both principal and interest on those loans.

Alderman Sparrow asked what amount was anticipated for the Closing Costs.

City Administrator Childers stated he would know the amount anticipated for Closing Costs by the March 5, 2012 Regular Legislative Session. The anticipated Closing Date is April 1, 2012.

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

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

Public Works Director Martin stated the City's snow removal cost was \$8,024.00 during the last snow storm, so far this year our snow removal cost has been less than \$12,000.00. Normally by this time of year the City has incurred \$50,000.00 to \$60,000.00 in snow removal costs.

The City is in the process of requesting bids for our Wastewater Treatment Plant's Sludge Aeration Improvements the bids are due and will be opened March 1, 2012.

The City is moving forward with the Duck Stadium storm water project the bid will be let out after Steve Eoff executes the required documents.

The City is preparing bid specifications for the 2012 Street Paving Projects. We are hoping to receive the bids prior to any expected petroleum increases.

The dirt piles in front of the Community Center are scheduled to be compacted and placed prior to letting out the sidewalk construction bid.

An update on the Missouri Foundation of Health Grant the City obtained to connect the sidewalk at the Finley River Park to the MoDot project at the W. Jackson Street and W. 3rd Street intersection, the final plans are in the process of being evaluated this will be done prior to letting out the project for bid.

The 3rd Street Improvements Project is moving forward. MoDot has acquired the final easement with some required modifications to the plans by the Grantee.

MoDot's Engineers are in the process of making the final modifications.

Alderman Campbell asked Public Works Director Martin if the stored dirt piles on the property north of the Duck Stadium are in the drainage area.

Public Works Director Martin stated the dirt piles are not in the drainage area. It is his understanding Steve Eoff is storing the dirt piles removed from the major development at Evans Road and St. Highway 65. The dirt piles are expected to be removed within six (6) months.

4. Parks: Parks Director Sam Wagner.

Unfinished Business:

New Business/Board of Aldermen Comments:

Alderman Gardner stated he would like to identify an appropriate way for the City to honor the late Neal Grubaugh and asked the Mayor and Board of Aldermen for suggestions.

Mayor Shane L. Nelson stated he would like to honor Neal Grubaugh, if anyone has any suggestions they can be discussed during the February 27, 2012 Noon Work Session.

City Attorney Collignon stated while reading past Minute Books the City should consider honoring both Neal and Betty Grubaugh. Betty Grubaugh was the City's first Alderwoman.

Mayor Shane L. Nelson publicly thanked Chris Snyder for the two terms he served as an Alderman.

Pay Bills-

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

The February 21, 2012 Regular Legislative Session adjourned at 7:30 p.m.

Minutes Written By:

Lana Wilson, City Clerk

Approval of Minutes By:



City of Ozark Missouri

P.O. Box 295
Ozark, Missouri 65721

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

February 27, 2012 Board of Aldermen Special Legislative Session

The Ozark Board of Aldermen met in Regular 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 James Haik, III and Alderman Mark Spinabella were present. Also attending City Attorney David Collignon and City Clerk Lana Wilson.

Pledge of Allegiance

12:00 p.m.

Roll Call:

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

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:

1. Planning and Development and Building Fee Schedules.

City Administrator Childers stated during this Meeting staff will present the recommended Planning and Development Application, Building Permit and the Public Works Department Fee modifications for the Board of Aldermen's review. In 2010 the Board of Aldermen amended the Code that addresses modifying our fee structures. If the Fee Structures are approved the new fees will not take affect until January 1 of the following year following adoption.

Planning and Development Fee Schedule: Planning and Development Coordinator Dolores Lamb.

Planning and Development Coordinator Lamb presented the Planning and Development modifications recommended by staff.

Staff recommends increasing the Site Plan Review fee; currently the City charges a \$75.00 Administrative Site Plan review fee and \$125.00 for the Planning and Zoning Commission to review Site Plans. Staff recommends increasing the Administrative fee to \$125.00 with no proposed modifications to the Planning and Zoning Commission Site Plan review fee. The Planning and Development staff spends a considerable amount of time reviewing Site Plans, as well as the Public Works Department warranting the proposed fee increase. The City Administratively coordinates with Empire Electric to review the Site Plan for electric requirements. Currently the City does not have an established Planned Unit Development (PUD) Sketch Plan review fee. Staff is proposing to charge a \$125.00 Sketch Plan fee due upon Plan submittal.

Alderman Gardner asked if a Developer did not submit a Planned Unit Development Sketch Plan and instead submitted a Planned Unit Development Preliminary Plat if the Sketch Plan fee would be waived.

Planning and Development Coordinator Lamb stated Planned Unit Development Sketch Plans are a requirement prior to the applicant submitting a Preliminary Plat.

Planning and Development Coordinator Lamb stated the Planned Unit Development Final Plat review fee is \$225.00 and \$5.00 per lot, staff is recommending to continue charging the \$225.00 fee for the Planned Unit Development Review but reduce the \$5.00 per lot to a \$1.50 fee per lot.

The City uses the same Vacation of Easement processes as taken with Zoning Amendments staff proposes increasing the \$75.00 fee to \$225.00 plus publication expenses (the same as the Zoning Amendment fee). Staff recommends changing the Conditional Use Permit Application title to Use Permit Application and increase the fee from \$200.00 plus publication expenses to \$225.00 fee plus publication expenses (the same process is taken as with the Zoning Amendment).

Building Permit Fee Modifications: Building Inspector Bill Pears.

Building Inspector Pears presented the staff recommended Building Permit Fee modifications.

Staff recommends modifying the Swimming Pool Permit Fee from \$80.00 plus \$40.00 a piece for the electrical and plumbing inspections to a flat \$100.00 Swimming Pool Permit Fee.

Currently the City receives no revenue from Fireworks Tents permitted within the City. The Fire Department implemented a \$100.00 fire inspection fee to eliminate double charging the vendors the City agreed to coordinate the permitting process and provide an electrical inspection with no cost to the vendor. Staff proposes increasing the Fireworks Tent Permit fee from \$100.00 to \$125.00 to cover the Permit processing and electrical inspection costs to the City.

Some of our businesses have abused the Banner Sign privilege. To regain control of Banner Sign usage we are proposing a fee increase in the hopes that the business owner will invest in a permanent sign. To cover the costs associated with Banner Sign enforcement staff proposes increasing the Banner Sign Permit from a \$30.00 fee to \$45.00 fee.

City Administrator Childers stated through the assistance of the City's Sign Committee the City's Banner Sign Section of the Code was recently modified. A business may obtain a Banner Sign Permit to display the Banner three (3) times a year for 30 consecutive days. The City recently adopted a Sandwich Sign Section to the Sign Codes. The Sandwich Sign is free of charge and can be displayed 365 consecutive days a year, with the stipulation the sign is removed at the end of the business day.

On the Sign Committee's next Agenda they will be reviewing our Sign Code Enforcement processes for possible modification recommendations.

Building Inspector Pears stated staff is proposing to implement five (5) new Building Permits with associated fees: Towers, \$150 plus \$95.00 plan review; Outdoor Furnace, \$50.00; Mobile Home Set Up, \$100.00 all inclusive trades; Redevelopment Review for Certificate of Occupancy, \$50.00; Temporary Vendor Permit, \$100.00 all inclusive trades, review.

City Administrator Childers stated the City currently does not have a Chief Building Official on staff requiring us to seek outside 3rd Party Review providers. Recently the City solicited Proposals for a new Third Party Review Service provider; a local firm was awarded the bid, the Firm's review charge is \$80.00 an hour. Our prior provider charged \$60.00 an hour to absorb the extra fee cost and the costs associated with Administrative action required staff is proposing to increase the 3rd Party Plan Review Fee from \$75.00 to \$95.00 an hour.

Building Inspector Pears stated staff is proposing no fee modifications to the Commercial Building Permit fee schedule other than the Plan Review fees for Plan

resubmitted: \$100 for the 4th submittal and \$200.00 for the 5th submittal and \$200.00 each submittal thereafter.

Public Works Department Fees: Engineer Technician Bob Wilslef.

Engineer Technician Bob Wilslef presented the Public Works Department fee modifications. The City currently does not have an established Land Disturbance Fee, staff proposes to establish the presented fee schedule.

Engineer Technician Bob Wilslef stated staff proposes to amend the City's water impact fees to "water capacity charge". Our current impact fees are not correctly related to the potential water flow thru each meter size. Recently we had our water engineer confirm the correct ratio between each meter size, resulting in the City's need to consider developing equality between the individual meter capacity charges that are directly related to the potential water usage for each meter size. Public Works Director Martin stated the City currently does not have a Land Disturbance Permit Fee established, staff is proposing to charge \$200.00 for Five (5) acres, \$400.00 for five (5) to twenty (20) acres and \$800.00 for 20 plus acres all permits will require a security deposit. These revenues will cover the costs associated with the Administrative Permitting process and all required MS-4 inspections. The Department of Natural Resources now requires, through the MS-4 requirements, City's to weekly monitor permitted Land Disturbance sites through the duration of the land disturbance project.

2. Presentation and Discussion of the New Procurement Code.

City Administrator Childers stated during a future Meeting of the Board of Aldermen they will be presented with an Ordinance with the intent to delete our current adopted Procurement Code in its entirety and replace it with the proposed Procurement Code.

A Definition Section and a Federal Forfeiture Fund Section has been inserted as new Sections in the Procurement Code.

Amendments have been made to the Purchasing Limits Section; at the beginning of this Section for clarity purposes Steve suggested inserting wording stating all purchases regardless the amount will require a Purchase Order prior to purchasing goods and services. The City's current Code states purchases of \$500.00 up to \$4,999.00 must have at least three (3) competitive bids, staff proposes amending the purchase limit to \$1,001.00 up to \$5,000.00 before requiring quotations attached to the Purchase Order. Purchases within the total Budget between \$5,000.01 and \$20,000.00 will require three (3) attached to the Purchase Order quotations and approval from the Director of the Department or the City Administrator. Purchases greater than \$20,000.01 within the Budget may be ordered by the Department Director with the City Administrator and/or Finance Director's approval after the formal bid process. Purchases over \$20,000.01 out of Budget will be require seeking the Formal Bid process and shall receive approval

from the Board of Aldermen prior to the purchase. Purchases above \$20,000.01 within total Budget that are available through an existing Purchasing Contract or a Cooperative Purchasing Agreement may be ordered by the Department Director with the City Administrator and/or Finance Director's approval.

Alderman Campbell asked how the Board of Aldermen could amend the Procurement Code after it's adopted.

City Attorney Collignon stated the Board of Aldermen can amend the Procurement Code with a majority vote of the Board of Aldermen.

City Administrator Childers brought to the Board of Aldermen's attention Section B Item #5 of the Procurement Code that gives the City Administrator the authority to approve purchases of less than \$20,000.01, which require the transfer of funds from one (1) budgetary line item to another within the same Department and/or as long as the expenditure is within total Budget. This process is currently accomplished through a Budget Amendment prior to purchasing the goods or services, except with emergency purchases.

Mayor Shane L. Nelson informed the Board of Aldermen of his intentions to nominate for their approval Jim Stewart to finish the vacant term limit in Ward I during the March 5, 2012 Regular Legislative Session.

Alderman Gardner requested as the result of his conversation with two (2) Park Board Members opposing disbanding the Park Board the Board of Aldermen to carefully reevaluate to consider the basis of their position regarding making the disbanding of the Park Board final and permanent.

Mayor Shane L. Nelson stated he has attended every Park Board Meeting since he has been Mayor observing a lack of interest by way of constant Board Member absences and no actions have been taken by the Board. He feels the Park Board has been given direction without taking action upon the direction. Most of the Park Board members he has spoken with concerning the possibility of disbanding the Park Board stated they understood his position and showed no resistance.

Alderman Campbell suggested inviting the Park Board Members to attend the March 5, 2012 Meeting to discuss Bill #2583 prior to any formal action is taken by the Board of Aldermen to consider deleting the Park Board Chapter of the Code.

Public Works Director Martin stated due to the final land acquisition negotiations between MoDot and property owner significant modifications were required to the 3rd Street Improvements Project design. MoDot along with paying \$50,000 for the easement to the property owner and avoided condemnation approved a different corridor, narrow lanes and a jog in the sidewalk in front of the Vanvig house. The project Engineer submitted to MoDot a \$41,000 change order to make the design

modifications. MoDot officials approved the change order and without the City's approval forwarded the order to the Federal Highway Administration for their approval. The City met with the Project Engineer to discuss negotiating the cost of the change order and negotiated the change order cost to \$36,000.00. Even without the City's approval, if the Federal Highway Administration approves the change order the City will be responsible for a percentage of the cost, which can be absorbed with the savings in the property acquisitions, without their approval the City will be responsible for the total cost of the Change Order.

City Administrator Childers stated basically what staff is saying the City will have an added \$18,000.00 expense to the amount initially approved by the Board of Aldermen if the Federal Highway Administration denies approving the change order.

- 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:

Pay Bills-

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

The February 27, 2012 Regular Noon Work Session adjourned at 1:30 p.m.

Minutes Taken By:

Lana Wilson, City Clerk

Approval of Minutes By:

ORDINANCE NO. 12-0
OF THE
CITY OF OZARK, MISSOURI

AUTHORIZING
\$440,000
COMBINED WATERWORKS AND SEWERAGE SYSTEM
REFUNDING REVENUE BONDS
SERIES 2012

YATES, MAUCK, BOHRER, ELLIFF & FELS, P.C.
2121 South Eastgate Ave.
Springfield, Missouri 65809
(417) 883-7411

Bond Counsel

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AN ORDINANCE

AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$440,000 AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REFUNDING REVENUE BONDS, SERIES 2012 (THE "BONDS") OF THE CITY OF OZARK, MISSOURI (THE "CITY") FOR THE PURPOSE OF PAYING THE COSTS TO CURRENTLY REFUND THE OUTSTANDING PRINCIPAL AMOUNT OF THE CITY'S SERIES 2005 COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS; PRESCRIBING THE FORM AND DETAILS OF SAID REFUNDING BONDS AND COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF THE COMBINED WATERWORKS AND SEWERAGE SYSTEM FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID REFUNDING BONDS AS THEY BECOME DUE; AND AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT.

WHEREAS, the City of Ozark, Missouri (the "City"), is a municipal corporation located in Christian County, Missouri, duly created, organized and existing under the laws of the State of Missouri (the "State"); and

WHEREAS, the City, pursuant to authority granted by the statutes of the State of Missouri, has established and operates combined waterworks and sewerage system (the "System") for the citizens of the City; and

WHEREAS, the City is authorized under the provisions of the Statutes of Missouri (the "Act") and particularly Section 108.140 of the Revised Statutes of the State of Missouri, to refund, extend and unify the whole or part of its outstanding revenue bonds and for such purpose may issue, negotiate, sell and deliver refunding revenue bonds and with the proceeds thereof pay off, redeem and cancel the revenue bonds to be refunded in advance of their maturity; and

WHEREAS, the City has heretofore issued and has outstanding the following series of combined waterworks and sewerage system revenue bonds:

WHEREAS, by Ordinance No. 97.021 adopted on May 21, 1997 (the "Series 1997 Ordinance"), the City has issued its Combined Waterworks and Sewerage System Revenue Bonds (State Revolving Fund Program) Series 1997 (the "Series 1997 Bonds"), dated June 1, 1997, in the original principal amount of \$3,000,000, of which approximately \$1,040,000 remains outstanding as of the date of adoption of this Ordinance;

WHEREAS, by Ordinance No. 01-021 adopted on March 29, 2001 (the "Series 2001 Bond Ordinance"), the City has issued its Combined Waterworks and Sewerage System Revenue Bonds (State Revolving Fund Program) Series 2001 (the "Series 2001 Bonds"), dated April 1, 2001, in the original

PASSED this 19th day of March, 2012.

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

APPROVED this 19th day of March, 2012.

SHANE L. NELSON, MAYOR

[SEAL]

ATTEST:

Lana Wilson, City Clerk

Bill No. 2585
Ordinance No. 12-0
March 19, 2012

EXHIBIT A

	<u>Maturity Date</u>	<u>Amount</u>	<u>Rate</u>
Serial Bonds:			
	12/1/2012	40,000	2.000%
	12/1/2013	35,000	2.000%
	12/1/2014	35,000	2.000%
	12/1/2015	35,000	2.000%
	12/1/2016	35,000	2.250%
	12/1/2017	<u>30,000</u>	2.500%
		210,000	
2021 Term Bond:			
	12/1/2018	30,000	3.500%
	12/1/2019	30,000	3.500%
	12/1/2020	30,000	3.500%
	12/1/2021	<u>30,000</u>	3.500%
		120,000	
2025 Term Bond:			
	12/1/2022	30,000	4.000%
	12/1/2023	30,000	4.000%
	12/1/2024	25,000	4.000%
	12/1/2025	<u>25,000</u>	4.000%
		110,000	
		440,000	

Bond proceeds including any premium and minus only original issue discount: \$ _____

Amount of deposit to Escrow Fund from proceeds of Bonds: \$ _____

Amount of deposit to Cost of Issuance Fund from proceeds of Bonds: \$ _____

Amount of Underwriter's Discount: \$ _____

Additional Proceeds: \$ _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OZARK BY DELETING CHAPTER 140 OF TITLE I OF SAID CODE RELATING TO "PROCUREMENT" AND ENACTING, IN LIEU THEREOF, ONE NEW CHAPTER RELATING TO THE SAME SUBJECT MATTER.

WHEREAS, The Board of Aldermen, after reviewing our existing procurement procedures and receiving the recommendations of the State auditor, have determined that a revision of our Ordinances relating to Purchases and Sales within the City are in need of revision; and

WHEREAS, The Board of Aldermen, in conjunction with the City Administrator, Director of Finance and staff have made recommendations for the improvement of the procedures for the purchase of services and property as well as the sale or other disposition of City Property.

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 deleting Chapter 140: "PROCUREMENT" of Title I "GOVERNMENT CODE" and enacting in lieu thereof one new Chapter relating to purchasing and sales of City property which new Chapter shall read as follows:

"CHAPTER 140: PURCHASING AND SALES

SECTION 140.010: PURCHASING AND SALES POLICY

A. Purchasing and Sales Policy.

1. *Purpose.* The purpose of this Chapter is to establish guidelines regarding purchases made by the City and the sale of City property in order to maximize the value realized for each public dollar spent and for public property.

2. *Applicability.* This Chapter is applicable to all purchasing for the City regardless of the source of funds used for the purchase and the sale of any City property outside the scope of ordinary services. With the exception of Federal Forfeiture Funds which are managed by the Chief of Police and may be utilized to acquire any authorized items or services, the Police Chief will additionally comply with the latest copy of the *Guide to Equitable Sharing for State and Local Law Enforcement Agencies* published by the United States Department of Justice.

3. *Basic goals.* The basic goals of the City are:

- a. To comply with all applicable Federal, State and Local legal requirements.
- b. To assure vendors and buyers that impartial and equal treatment will be afforded to all who wish to do business with the City.

- c. To maximize the value realized for each public dollar spent and for public property.
- d. To obtain goods and services at the time and place needed in the proper quantity and quality.
- e. To sell or lease property that is no longer necessary or useful to the City and that can be better used by the private sector.

If the procedures and guidelines established in this Chapter are followed, each department should efficiently manage, control and plan its available resources to meet present and future departmental needs and help the City meet its goals.

B. *Definitions.* The following terms shall be defined as stated for purposes of this Chapter:

APPROPRIATION: The legal authorization of monies for anticipated or incurred expense.

AUTHORIZED PURCHASER: An approved employee of the City who has been nominated by a Department Director and appointed by the City Administrator to make purchases at a specified monetary level on behalf of the City. The Accounts Payable Clerk shall maintain the list of authorized purchasers as supplied by the Department Directors.

BUDGET: A document which sets forth proposed revenues and expenses to be incurred during a fiscal year for the various City operations.

CONSTRUCTION: The process of building, altering, repairing, improving or demolishing any public structure or facility or other public improvement of any kind.

CONTRACT: A legally binding promise enforceable by law and, generally, in writing.

COOPERATIVE PURCHASING AGREEMENT: A legally binding contract approved by the Board of Aldermen entered into by the City, the United States of America, the State of Missouri or any of their subordinate Agencies or Departments and any other approved organization which manages a cooperative purchasing program to obtain goods and services at the most advantageous price for its members and the City specifically.

COST COMPARISONS: An informal analysis of the amounts paid or requested for a product or service accomplished through personal contact, printed or digital media.

DEPARTMENTS: Includes law, administration, finance, police, parks and recreation, planning and development, public works, municipal court and the office of the city clerk.

EXISTING PURCHASING CONTRACT: A contract previously entered into by the City and currently existing including, but not limited to, a term-and-supply contract, an annual contract, a maintenance contract and a warranty contract.

FORMAL WRITTEN BID: A competitive bid which must be submitted in response to an advertised request in a prescribed format pursuant to applicable instructions, including typically that the bid be submitted in a sealed envelope to be opened in public at a specified time.

ITEM: A product, material or service.

OPEN MARKET SALE: The sale of an item of property in a market in which any buyer or seller may trade and in which prices and product availability are determined by free competition.

MATERIAL VALUE: The value of an item to be purchased or sold, to be determined in the first (1st) instance by the department director.

PROCUREMENT: Purchasing, renting, leasing or otherwise acquiring any supplies, services, property or construction, including performance of any necessary functions such as writing specifications, selection and solicitation of sources, preparation and award of contract and contract administration.

PURCHASE ORDER: An offer to make a contract between the City and a vendor. The contract is not binding until it is accepted by the vendor.

QUOTATION: A statement of price, terms of sale and description of property, goods or services offered by a vendor to a prospective purchaser by digital communication, letter, fax, telephone or other means of communication. A quotation (or 'quote') is not required to be in writing from the vendor; however, some written memorandum of the elements listed above must be maintained.

REQUISITION: An internal document by which a department sends details of supplies, services or material required to the Finance Department, including documentation of authority to commit funds for the purchase.

SCOPE OF SERVICES: A detailed description of the tasks to be performed.

SPECIFICATIONS: A description of the physical or functional characteristics or the nature of a supply, service, property or construction item; the requirements to be satisfied by a product or process; indicating, if appropriate, the procedures to determine whether the requirements are satisfied and/or the capabilities and performance characteristics that the item must satisfy.

SECTION 140.020: PAYMENTS

A. The City Administrator shall have the discretion to direct payment of an invoice so long as the transaction was approved in compliance with Section 140.030. Any other invoice shall require review and approval by the Board of Aldermen prior to payment.

B. At each regularly scheduled Board of Aldermen meeting, the City Administrator shall provide a copy of all invoices which have been received since the previous regular Board of Aldermen meeting.

SECTION 140.030: GENERAL GUIDELINES

A. *General Guidelines.*

1. *Buying preferences.* It is the desire of the City to purchase from City of Ozark, Missouri, and/or American vendors whenever possible. When all other factors are equal, preference shall be provided to City of Ozark vendors first (1st), Missouri vendors second (2nd) and American vendors third (3rd). To be considered a City of Ozark vendor, the person or entity must have a physical place of business located in the City and a City business registration. To be considered a Missouri vendor, the person or entity must have a physical place of business in the State and authority to conduct business in the State. To be considered an American vendor, the person or entity must have a physical place of business in the country and authority to conduct business in the country.

2. *Recycled products.* The City shall purchase recycled-content products in preference to those made from virgin materials when cost, quality, variety, quantity, delivery time and any other defined specifications are comparable to products made from virgin materials.

3. *Planning.* Small orders and last-minute purchases should be minimized, thereby increasing the capability of each department to purchase its goods and services in larger quantities in order to obtain the maximum discounts possible.

4. *Buying proper quality.* It is the duty of the requisitioning department to secure the best quality for the purpose intended. "*Quality buying*" is the buying of goods or services that will meet or exceed the requirements for which they are intended.

5. *Sales tax.* The City is generally exempt from paying local and State sales taxes and Federal excise taxes. The Finance Department can provide the necessary exemption documents to any vendor upon request.

6. *Endorsements.* It is the policy of the City not to endorse or in any way permit an employee's name, position or the City's name to be used and advertised as supporting a product or vendor.

7. *Personal purchases.* Purchases for employees' personal use by the City are prohibited. City employees are also prohibited from using the City's name or the employee's position to obtain special consideration in personal purchases.

8. *Lowest responsible bidder.* Contracts for purchases shall be awarded to the lowest and best bidder. In determining the "lowest responsible bidder", in addition to price, the City will consider, when applicable, the following:

- a. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
- b. Whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference.
- c. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- d. The quality of performance of previous contracts or services.
- e. The previous and existing compliance by the bidder with applicable laws.
- f. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
- g. The quality, availability and adaptability of the supplies or contractual services to the particular use required.
- h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
- i. The number and scope of conditions attached to the bid.
- j. Any other pertinent factor.

B. *Purchasing Procedures for materials and supplies.* Purchases for all dollar amounts listed below shall require the *requisition* and approval of a *Purchase Order*.

1. Purchases with material value below One Thousand Dollars (\$1,000.00), within total budget may be made by an *authorized purchaser* without a *quotation*.

2. Purchases with material value from one thousand dollars, one cent (\$1,000.01) to five thousand dollars (\$5,000.00), within total budget and not available through an *existing purchasing contract* or a *cooperative purchasing agreement* may be made by an *authorized purchaser*. Prior to placing an order, the *authorized purchaser* should obtain the lowest cost through *quotations* whenever reasonably possible. Any *requisition* must be signed by the *authorized purchaser* and submitted, along with a record of the *quotations* to the Finance Department for issuance of a *purchase order*.

3. Purchases with material value from Five Thousand Dollars, one cent (\$5,000.01) to Twenty Thousand Dollars (\$20,000.00) within total budget and not available through an *existing purchasing contract* or a *cooperative purchasing agreement* may be ordered by the *authorized purchaser* with the approval of the Director of the Department or the City Administrator. Such purchase must have at least three (3) *quotations*. Any *requisition* must be signed by the *authorized purchaser*, the Director of the Department or the City Administrator and submitted, along with a record of the *quotations* to the Finance Department for issuance of a purchase order.

4. Purchases with material value greater than Twenty Thousand Dollars, one cent (\$20,000.01), within total budget and not available through an *existing purchasing contract* or a *cooperative purchasing agreement* may be ordered by the Department Director with the approval of the City Administrator and/or Director of Finance. For any such purchase, a *formal written bid* must be advertised once a week on the same day for two (2) consecutive weeks in a written and/or electronic publication of general circulation. Any purchase request having a value greater than Twenty Thousand Dollars, one cent (\$20,000.01) that is outside the total budget may be ordered only after a *formal written bid*, advertised once a week on the same day for two (2) consecutive weeks in a written and/or electronic publication of general circulation and formal approval by a majority of the Board of Aldermen. Purchases with material value greater than Twenty Thousand Dollars, one cent (\$20,000.01), within total budget and available through an *existing purchasing contract* or a *cooperative purchasing agreement* may be ordered by the Department Director with the approval of the City Administrator and/or Director of Finance.

5. The City Administrator shall have the authority to approve purchases of less than Twenty Thousand Dollars (\$20,000.00) which require the transfer of funds from one (1) budgetary line item to another within the same Department and/or Fund as long as the expenditure is within the total budget.

6. *Multiple or repeat orders.* Multiple or repeat orders from the same vendor during any consecutive five (5) business days cannot be used to avoid the requisite approvals for the total purchase amount.

7. *Special circumstances.* On purchases of less than twenty thousand dollars (\$20,000.00), if less than three (3) *quotations* are received and the *quotations* all exceed the amount budgeted for the purchase, departments should either request new *quotations* for the desired goods or services or obtain approval from the City Administrator to proceed based on the initial *quotation(s)* on the grounds that special circumstances exist such that requests for new *quotations* would not generate a different result. Such special circumstances should be explained by the Department Director in a written memorandum accompanying the purchase order.

8. *Exempt purchases.* The following purchases, by their very nature, are exempt from the normal purchasing guidelines and require the special procurement practices set forth below:

- a. Fuel purchases;
- b. Cooperative purchase agreements;
- c. Term-and-supply and annual contracts;
- d. Professional services;
- e. Emergency purchases;
- f. Sole-source and monopoly purchases.

C. *Change Orders.*

1. *Construction change orders approved by City Administrator.* The City Administrator is authorized to approve change orders so long as the amount of the change order does not cause the project to exceed the total budget amount, the approved project cost or the available bond proceeds whichever is greater.

2. *Construction change orders approved by the Board of Aldermen.* In the event a construction change order contains costs in an amount that exceeds the authorization of the City Administrator, the change order must go to the Board of Aldermen for approval. In the event change orders on a single contract accumulate to an amount in excess of the City Administrator's authorization, all subsequent change orders, regardless of amount, must go to the Board of Aldermen for approval.

3. *Changes to purchase orders.* Change orders to purchase orders are only allowed if the change is in the cost of the item being purchased. No change orders are allowed for changes in quantity or scope of the original purchase order. Changes in quantity or scope are to be purchased with separate purchase order numbers unless the City Administrator or his/her designee authorizes the amendment of an existing purchase order. When the cost of an item changes the approval requirements, a new purchase order will be requested following the appropriate purchase procedures.

D. *Fuel Purchases.* Bulk fuel purchases for vehicles may be made without approval of a purchase order, provided that three (3) quotes are obtained and the lowest cost vendor is selected. To the extent vehicles cannot be fueled through the City's bulk-purchasing program, purchases may be made at any commercial service station, although price shopping is still encouraged. Documentation of the purchase shall be submitted.

E. *Cooperative Agreements.*

1. The City may contract directly with other governmental entities (other municipalities, County, State or Federal) for the purchase of items. The City may also participate in, sponsor, conduct or administer a cooperative-purchasing agreement whereby items are procured in accordance with a contract established by another governmental entity provided that such contract was established in accordance with the laws and regulations applicable to the establishing governmental entity.

2. The City Clerk shall make available to Department Directors and *Authorized Purchasers* a list of cooperative-purchasing programs in which the City will participate. The City Clerk shall be responsible for notifying the Departments of current approved cooperative-purchasing agreements and any limitation or special requirements for their use.

3. The City Administrator will review and approve all cooperative purchasing agreements with other governmental agencies with material value under twenty thousand dollars (\$20,000.00) prior to their use. The Board of Aldermen shall review and approve cooperative-purchasing agreements with material value of twenty thousand dollars (\$20,000.00) or more. Competitive-bidding procedures do not apply to such purchases made through approved cooperative-purchasing agreements.

4. "*Acceptable cooperative-purchasing agreements*" are agreements which contain the same terms, conditions, specifications and pricing for the respective item that the department would bid and purchase on their own.

5. Additional Board of Aldermen approval shall not be required for the purchase of any budgeted items from approved "acceptable cooperative-purchasing agreements".

F. *Term-And-Supply And Annual Contracts Open Purchase Orders.*

1. Term-and-supply contracts and annual contracts shall be bid through each department following the same procedures established by this policy for other purchases based upon the estimated material value of a contract. The department requesting the service shall prepare a recommendation of award for the Board of Aldermen approval for all term-and-supply and annual contracts with material value of Twenty Thousand Dollars (\$20,000.00) or more based upon the annual value of the contract. All multiple-year contracts should contain a clause explaining that the obligation of the City to pay for goods and/or services under the contract is limited to payment from available revenues and shall constitute a current expense of the City and shall not in any way be construed to be a debt of the City in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the City nor shall anything contained in the contract constitute a pledge of the general tax revenues, funds or monies of the City and all provisions of the contract shall be construed so as to give effect to such intent.

2. Once such a contract is approved, specific purchases within budget should be made on an "as-needed" basis without further bidding while the contract remains open, unless and until the City terminates the contract. Any department that believes such a contract is no longer competitive should provide such information to the City Clerk.

G. *Professional Services Contracts.*

1. Contracts for professional services provided by legal counsel, financial advisors, physicians, certified public accountants, engineers, architects, land surveyors, brokers, consultants and other specialized or technical services shall be obtained through the special procurement procedures set forth in this Section.

2. Requests for qualifications for professional services shall be submitted to the City Administrator, Administrative Projects Director or other appropriate Department Director as assigned by the City Administrator for review and approval prior to distribution. When an RFQ for professional services is approved, a number of qualified professionals will be invited to submit a proposal setting forth their interest, qualifications and description of proposed services. The selection committee will then proceed with the necessary stages of the selection process including but not limited to; development of a selection committee, grading of proposals based upon fair and equitable grading criteria, ranking of interviews based upon fair and equitable criteria and negotiation of a contract with the professionals deemed to best meet the City's needs.

3. Unless otherwise required by State Statute and upon approval of the City Administrator, professional services contracts under Twenty Thousand Dollars (\$20,000.00) annually, may be exempt from the request for qualifications process.

4. Professional services contracts for Twenty Thousand Dollars (\$20,000.00) or more, annually, must be approved by the Board of Aldermen.

H. *Emergency Purchases.* In case of an emergency which requires immediate purchase of supplies or services, the City Administrator may authorize such purchase or secure such services needed without complying with the procedures as set out above. Department directors faced with an emergency purchase need shall notify the City Administrator as soon as possible. When possible [if purchase is greater than twenty thousand dollars (\$20,000.00)] in such an emergency, the City Administrator shall seek approval from the Board of Aldermen at a special or regular meeting prior to the purchase. If a timely special or regular meeting of the Board of Aldermen is not possible, a full report of such an emergency purchase shall be made by the City Administrator to the Board of Aldermen as soon as possible.

I. *Sole-Source and Monopoly Purchases.*

1. The City Administrator or a Department Director may authorize a sole-source purchase, at any monetary purchasing level set forth in Section 140.030 B. above and accordingly waive competitive-purchasing procedures, when such a request is presented in writing by the requesting *authorized purchaser* with the requisition, documenting that only a single feasible procurement source exists. A single feasible sole source exists when:

- a. Supplies or services are proprietary and only available from a single manufacturer or a single distributor, or
- b. It is determined that only one (1) distributor services the region, or
- c. When supplies or services are available at a significant discount from a single distributor for a limited period of time, or
- d. When a project with specific circumstances requires specialized consultant or technical services with a unique combination of abilities or expertise.

2. In the event the amount of a sole-source purchase will exceed Twenty Thousand Dollars (\$20,000.00), it must also be approved in advance by the City Administrator and must be approved by the Board of Aldermen.

J. *Lease of Real Property.*

1. The City may lease real property that it owns for fair market value, if authorized by the Board of Aldermen when such property is currently underutilized, in order to maximize the economic return of the property to the City until such time as such property shall be required for public usage.

2. Nothing herein shall prevent the City Administrator or designated representative from negotiating a higher rent for a lessee of any real property that is shown to have a unique value to such lessee due to its configuration, accessibility or size, subject to approval from the Board of Aldermen.

K. *Sale of Real Property.*

1. The City may sell unneeded real property for fair market value with the approval of the Board of Aldermen.

2. Nothing herein shall prevent the City Administrator or designated representative from negotiating a higher price for sale or trade to a buyer for any real property that is shown to have a unique value to such buyer due to its configuration, accessibility or size, subject to approval from the Board of Aldermen.

L. *Disposal of Surplus Goods.* The City should promptly dispose of all surplus property to the economic advantage of the City. Competitive bidding on surplus, obsolete or unusable goods is required through sealed bids, auction, open market sales or other available means. The disposal of all such goods requires the approval of the City Administrator; additional approval by the Board of Aldermen is required for goods in excess of Twenty Thousand dollars (\$20,000.00) in total material value. Trade-in opportunities should be pursued when available to reduce the City's purchasing costs. Competitive bidding shall only apply to a trade-in to the extent it applies to the new purchase. Approvals of a trade-in shall be handled in conjunction with the approval of the new purchase as dictated by the purchase price. The City Administrator is hereby authorized to dispose of any surplus property by transfer to any governmental agency within the State of Missouri regardless of the value of the surplus property.

M. *Purchasing Policy Supplements.* In the event a specific procurement procedure is required to be in writing when the City is purchasing an item which is funded in whole or in part by grant funds, (i.e., CDBG), the City Administrator shall have the authority to supplement this Section to incorporate the special requirements of that procurement.

N. *Policy Clarification.* The City Administrator may clarify the provisions of this Section in furtherance of the stated goals of this Section by written statement, provided the City Administrator cannot alter in any way the extent to which Board of Aldermen action is required hereunder.

SECTION 140.040: SUPPLEMENT TO CITY PURCHASING AND SALES POLICY

A. *Purchase Orders.*

1. After approval of a requisition, the City *purchase order* form will be completed by the Accounts Payable Clerk. In order to insure expeditious processing of *purchase orders*, it is important that the requisition be completed accurately by the requisitioning department. When applicable, a copy of the Board of Aldermen approval action, the City Administrator's approval action, the Department Director's approval action and bid or quotation documents shall be attached to the requisition.

2. The issuance of *purchase orders* or direct purchases by unauthorized individuals or any other unauthorized purchase (including, but not limited to, personal expenses) will not be recognized by the City and payment for these obligations will not be approved. Purchase orders in excess of five thousand dollars (\$5,000.00) must be signed by the Department Director or the City Administrator.

3. The purchase order will consist of three (3) copies; one (1) copy will remain in the Finance Department (attached to the requisition) and two (2) copies will be returned to the requisitioning department.

4. Purchase orders are classified as either "original" or "confirming" based on whether or not the vendor has previously been notified of the City's intent to make the purchase of goods or services.

B. *Construction Contracts.*

1. Construction contracts supervised by City personnel shall be bid through the City Clerk in accordance with the procedures established for other purchases according to the applicable price range and specifications shall be prepared by the appropriate Department and submitted to the City Clerk for posting as prescribed by State Statute.

2. Bid Specifications and requirements for construction contracts supervised by outside consulting services shall be prepared in coordination with the Public Works Department. A bid package shall be reviewed by the Public Works Department and approved by the Department Director or designated representative. The consultant, as determined by the Public Works Department and the Department Director or designated representative, shall distribute the bid package to the City Clerk for posting and distribution to interested bidders. The City Clerk shall receive, record and tabulate the bids and shall certify that bids were opened in compliance with all purchasing policy requirements. The final award of the bid shall be communicated to the successful bidder by the City Clerk.

3. All required performance and/or bid bonds must be obtained and documented prior to the award of the contract.

C. *Product Testing/Demonstrations.*

1. Product demonstrations may be held as deemed appropriate by a department director without prior approval of the Finance Department.

2. Prior to taking into the City's possession any item for testing or evaluation, departments shall contact the City Administrator for approval. The department shall notify the vendor in writing that the City has taken the item into possession for test purposes only and if a purchasing decision is made, that decision will be communicated directly to the vendor at the end of the test period. In no event shall the retention of a test item by the City be evidence of intent to purchase said item.

D. *General Instructions for Bid Specifications.*

1. *General specifications.*

a. Keep specifications as simple as possible while maintaining the exactness required insuring bidders provide the quality goods or services as required by specifications.

b. Whenever possible, identify the equipment or material required with some name brand or known standard specifications already on the market.

c. Specifications should promote competition. Justification must be provided to the City Administrator for restrictive specifications.

d. Flexibility in the specifications is desirable in instances where new technologies are being sought. Specifications should be specific enough to guarantee the quality required but sufficiently flexible to allow vendors to be creative in their proposals.

e. Specifications should be written with clear, simple language.

f. Bid specifications and requirements shall be prepared by the Department Director. The bid packet should be submitted to the City Clerk with all specifications, date of opening, award dates, requirements for potential bidders and names and addresses or known interested bidders to receive bid notices. The City Clerk shall be responsible for posting notice of bids, opening and recording of bids received and reporting to the City Administrator and the Board of Aldermen the bids received as well as the staff's recommendation as to the award of the bid.

2. *Types of specifications.* There are several ways of structuring specifications to protect the integrity of the purchasing process and to insure that the needs of the City are met. Different methods of structuring specifications include:

a. *Qualified products or acceptable brands list.* These lists are developed only where it is not possible to write specifications adequate to identify the quality and performance required of the goods or services to be purchased. Acceptable brands lists are also used when tests that would be necessary to determine compliance with technical specifications are lengthy, costly or require complicated technical equipment.

b. *Specifications by brand or trade name.* Brand or trade names should be used where brand-name products have been found to be superior to others for the purpose intended.

c. *Specifications by blueprint or dimension sheet.* Specifications of construction projects for everything from buildings and streets to custom-built cabinets, furniture, machines or other equipment should be written to reference the blueprints or dimension sheets prepared by the engineer or architect.

d. *Specifications by chemical analysis or physical properties.* Specifications which include the chemical analysis or physical properties of the goods, when clearly requested, place responsibility on the supplier to provide exactly those items requested.

e. *Specifications by performance, purpose or use.* Specifications which include a set of performance criteria for the goods or services required will provide flexibility for vendors to design products or programs specifically aimed at meeting such criteria.

f. *Specification by identification with industry standards.* Specifications will often refer to industry-wide standards or to standards set by other public jurisdictions.

g. *Specifications by samples.* Whenever appropriate, a sample is always a good way to make requirements perfectly clear.

3. *Delivery and performance guidelines.* A contract or purchase order that is complete in all respects and that is accepted by the parties concerned still must produce the intended results or objectives before it can be considered a successful or completed purchase. The terms and conditions must clearly define the delivery and performance requirements of the services, supplies or equipment.

a. *Follow-up and expediting.* Follow-up normally applies to the monitoring of the delivery schedules to assure compliance. Expediting, in the purest sense, involves an attempt to improve or to reduce the contractually stipulated delivery time for various reasons and the vendor is not legally obligated to comply. The primary objectives of the follow-up function are:

- (1) To assure full compliance by the vendor; and
- (2) To develop documentation for future evaluation of the vendor's performance.

If delivery problems develop, there are certain techniques that may be used to help solve them:

- (a) Contact the salesman for assistance.
- (b) Initiate collect phone calls; letters may also be used.
- (c) Visit the vendor's plant. This might help solve the problem and will assist in verifying any reason for the delay.
- (d) Cancel the contract for non-performance.

Prior to the cancellation, authorization from the Director of Finance or City Administrator must be obtained.

4. *Delinquent deliveries.* When follow-up efforts have failed and the deliveries have become delinquent, one (1) of two (2) actions must be taken:

- a. Authorize additional time for delivery; or
- b. Cancel and order from other sources.

Prior to cancellation, authorization from the Director of Finance or City Administrator must be obtained. In all cases, the reasons for delinquent deliveries should be documented. This information may be needed in evaluating future bids submitted by that particular vendor.

5. *Partial deliveries.* Some purchase orders may list several items. If these items can be used separately, partial payments can and should be authorized. However, if the separate items are part of a system, then partial deliveries should not be authorized.

6. *Substitution.* To meet the contractual delivery schedule, it may be appropriate in some situations to consider substitute items. The specifications may cover such a possibility.

Whenever substitutions are necessary due to shortcomings of the vendor, it is the responsibility of the purchaser to seek and obtain an adjustment for lower prices on the substituted items.

7. *Non-performance.* Should the vendor fail to meet any requirements of the specifications, the vendor can be cited for non-performance. Recourse could include:

a. The City may exercise its rights under a liquidated-damages clause or under the terms of a performance bond.

b. The City may obtain the needed items from another source and charge delinquent vendor the excess difference in cost.

c. The City may terminate the contract for default if it is in the best interest of the City and items can be obtained under more favorable conditions from other sources.

Any such action should be approved by the Finance Director or the City Administrator.

8. *Inspection and testing guidelines.* Goods and materials should be checked at the time of receipt to detect any damage or defects. Inspection and testing may be performed at origin or destination.

a. *Reports, rejection and return authorization.* Whenever an inspection is performed, all reports to properly support claims or actions must be thoroughly documented. A copy of the inspection report will normally be used to substantiate payment for the goods and verification of receipt. In the event of rejection, for whatever purpose, certain steps must be taken to inform and protect the rights of the vendor as well as the City. Reasons for rejection must be listed and these reasons should reference specific requirements of the contract.

b. *Damage during shipment.* It is important that all damage be completely described on the receiving report. Any evidence of concealed damage should be noted at this time. The carrier should be notified immediately and a joint inspection should be scheduled with the carrier's representative. When it is apparent that the extent of the damage causes the goods to be worthless, they should not be accepted.

c. *Latent defects.* Latent defects may be the result of damages in transit or of failure of the manufacturer to conform to specifications. If specific liability for the defect cannot be determined between the carrier, the vendor or the manufacturer, the City may have to file a claim against all parties seeking their cooperation in resolving the situation.

9. *Invoices.* Vendors are to be instructed to send all original invoices to the City of Ozark, Accounts Payable Department, P.O. Box 295, Ozark, Missouri 65721-0295.

10. *Purchases supported by grant funds.* Departments shall review all requirements for grant funds used in the procurement of items to insure the bidding process required as a condition to receiving said grant funds is complied with during the procurement of the item. The Finance Department will assist in the inclusion of all required procedures that are in addition to the requirements of the policy.

11. *Delivery of items.* When items are delivered to City departments, the only paperwork to be signed is the delivery notice. Any other vendor purchase order, document, contract, warranty, maintenance agreement, etc., is not to be signed at delivery. All such documents shall be forwarded to the Accounts Payable Section or retained by the appropriate Department.

E.. *Disputes, Adjustments and Appeals.*

1. Departments shall notify the Finance Department in a timely manner concerning any complaint or dispute regarding an order, delivery, specification, defective goods or poor performance by a supplier. Any decision concerning an attempt to cancel a contract or an attempt to resolve a dispute regarding defective products or unacceptable services shall be made jointly by the Finance Department and the Department Director. Any correspondence with suppliers shall be made available to both the department director and the Director of Finance.

2. In the event a procurement dispute arises between the requesting department and the Finance Department, the City Administrator shall make the final decision.

F. *Compliance with Applicable Law.* All transactions shall be made in compliance with applicable law, including, but not limited to, the City's Code and ordinances and also State laws governing such issues as guaranteed energy cost savings contracts (Section 8.231, R.S.Mo.), buying preferences (Sections 34.073 et seq., R.S.Mo.), health insurance (Section 67.150, R.S.Mo.), transactions with Federal and State Government (Sections 70.100 et seq., R.S.Mo.), special assessment sidewalks (Sections 88.880 et seq., R.S.Mo.), solid waste (Section 260.208, R.S.Mo.) and prevailing wage on public works projects (Section 290.250, R.S.Mo.). Before commencing efforts regarding a transaction involving an unfamiliar subject area, a determination should be made as to whether a consultation with the City Attorney is necessary.”

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

PASSED THIS 19th DAY OF MARCH 2012.

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

APPROVED THIS 19th DAY OF MARCH 2012.

SHANE L. NELSON, MAYOR

[SEAL]

ATTEST:

Lana Wilson, City Clerk

**Bill #2586
Ordinance #12-0
March 19, 2012**

RESOLUTION NUMBER 1746

**A RESOLUTION BY THE BOARD OF ALDERMEN
OF THE CITY OF OZARK, MISSOURI,
APPROVING THE MAYOR'S APPOINTMENT OF JIM STEWART
AS ALDERMAN FOR THE FIRST WARD TO FILL A VACANCY
CREATED BY RESIGNATION.**

WHEREAS, Alderman Chris Snyder has submitted his resignation from the Board of Aldermen effective immediately as a result of his move from his Ward to a residence outside the City of Ozark; and

WHEREAS, Section 110.020 of the Code of Ordinances of the City of Ozark (COCO) requires residency of a member of the Board of Aldermen and once residency fails a member immediately forfeits his/her office; and

WHEREAS, Section 110.068 COCO authorizes the Mayor to appoint a qualified person to fulfill the unexpired term of the vacated office with the advice and consent of a majority of the Board of Aldermen; and

WHEREAS, Jim Stewart has duly filed for election to fill the seat anticipated to be vacated by Mr. Snyder and is running unopposed. Accordingly, Mayor Nelson hereby appoints **Jim Stewart** to fill the unexpired term of Mr. Chris Snyder in Ward 1 of the City of Ozark.

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

Pursuant to Section 110.068 of the Code of Ordinances of the City of Ozark, the Board of Aldermen hereby consents to the appointment of **Jim Stewart** as Aldermen for the First Ward of the City of Ozark to fill the unexpired term of Mr. Chris Snyder.

THIS RESOLUTION PASSED AND APPROVED by a majority of the remaining members of the Board of Aldermen at a regular meeting of the Board of Aldermen of the City of Ozark, Missouri, on this 5th day of March, 2012.

Shane L. Nelson, Mayor

[SEAL]

ATTEST:

Lana Wilson, City Clerk

RESOLUTION NUMBER 1747

**A RESOLUTION BY THE BOARD OF ALDERMEN
OF THE CITY OF OZARK, MISSOURI,
APPROVING THE SCHEDULES OF PLANNING AND DEVELOPMENT AND
VARIOUS BUILDING FEES PURSUANT TO SECTION 405.490 OF THE CODE OF
ORDINANCES OF THE CITY OF OZARK.**

WHEREAS, The Board of Aldermen has previously reviewed a presentation relating to the suggested changes to the various fees charged for review of planning and development permits as well as various residential, commercial and miscellaneous permit fees; and

WHEREAS, The Board has taken into consideration the current projected costs to the City for the administration of such required permits; and

WHEREAS, Section 405.490 of the Code of Ordinances of the City of Ozark provides that the aforementioned schedule changes be presented to the Board of Aldermen prior to their first meeting in May by Resolution and that any such approved fees and charges be posted as provided in that Section and shall not go into effect until January 1, 2013.

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

The fees for Planning and Development Applications as set forth in a document Marked "Exhibit A" consisting of a single page, attached hereto and incorporated herein by reference, are hereby approved and adopted.

The fees for Residential Permits, Commercial Permits and Miscellaneous Permits as set forth in a document Marked "Exhibit B" consisting of four (4) pages, attached hereto and incorporated herein by reference, are hereby approved and adopted.

The City Clerk is hereby directed to post and publish the foregoing Exhibits as required by Section 405.490 of the Code of Ordinances of the City of Ozark.

The foregoing fees shall become effective from and after January 1, 2013.

THIS RESOLUTION PASSED AND APPROVED at a regular meeting of the Board of Aldermen of the City of Ozark, Missouri, on this 5th day of March 2012.

Shane L. Nelson, Mayor

ATTEST:

Lana Wilson, City Clerk

Exhibit "A"

Planning and Development Application Fees

Annexation	\$225 (Paid at time of submittal) Plus publication expenses
Rezoning/Zoning Amendment	\$225 (Paid at time of submittal) Plus publication expenses.
Site Plan Application	
Administrative Approval	\$225 (Paid at time of submittal)
Or P & Z Commission Approval	\$225 (Paid at time of submittal)
Subdivision Platting Application	
Preliminary Plat	\$225 plus \$1.50 per lot (Paid at time of submittal)
Final Plat	\$225 plus \$1.50 per lot (Paid at time off submittal)
Planned Unit Development (PUD)	
Sketch Plan	\$125 (Paid at time of submittal)
Preliminary PUD Plan	\$225 (Paid at time of submittal)
Final PUD Plan	\$225 plus \$1.50 Per lot (Paid time of submittal)
Minor Subdivision Application	\$125.00 (Paid at time of submittal)
Lot Split, Lot Combination Property Line Adjustment, Re-Plat	\$125 (Paid at time of submittal)
Vacation of Easement, Street, or Alley	\$225 (Paid at time of submittal) Plus publication expense
Conditional Use Permit Application	\$225 (Paid at time of submittal) Plus publication expenses
Board of Adjustment-Appeal	\$200.00 (paid at time of submittal)

Exhibit "B"

Residential Permit Fees

New Residential Building Permit Fees

Plan review fee	\$50
Multiply total square feet under roof	X \$0.25
Water inspection fee (PW)	\$40
Sewer inspection fee (PW)	\$40

Residential Building Addition and Remodel

Up to 500 square feet	\$50
Over 500 square feet	\$75
Residential trades if applicable	\$40 each
Electric, Mechanical, Plumbing, Framing	

Accessory Building Permits (Residential)

Up to 500 square feet max.	\$50
(500 sq. ft. max in residential areas)	
(Includes in ground storm shelters)	
Residential trades if applicable	\$40 each.
Electric, Mechanical, Plumbing, Framing	

Wooden Decks Permits

Up to 500 square feet	\$50
Over 500 square feet	\$65

Commercial Permit Fees

New Commercial and Infill Permit Fees

Review for Certificate of Occupancy	\$50
Plan review	25% of permit cost or \$95/hr. (whichever is greater)
Multiply total sq. ft.	X \$0.20 or \$300 (whichever is greater)
Plan review re-submittal fee	\$100 4 th submittal
Plan review re submittal fee	\$200 5 th submittal \$200 ea. After

If the re-submittal of the design document is due solely to an error or omission by the City, no additional fee or penalty will be assessed.

Electrical Inspection Fee	\$100
Mechanical Inspection Fee	\$100
Plumbing Inspection Fee	\$100
Final Inspection Fee	\$100

Definition:

I.

Infill:

- a. A unit that has over 50% of square footage construction changes to it.
- b. The unit has a change of use by International Building Code guide lines.

Commercial Alteration Permit

Plan review	Minimum \$125 or \$95/hr. (whichever is greater)
Electrical Inspection Fee	\$100
Mechanical Inspection Fee	\$100
Framing Fee	\$100
Plumbing Inspection Fee	\$100
Final Inspection Fee	\$100

Definition:

I. **Alteration:**

- a. A unit that has less than 50% of square footage changes to it and does not have a change of use.
- b. A unit that does not increase in life safety requirements in like use groups and less than 25% sq.ft. of changes.

Commercial Accessory Structures

Up to 600 sq. ft. max	\$75
600 sq. ft. max in commercial	
Over 600 requires a special use permit & is considered a new building	
Commercial trades if applicable	\$100 each

Commercial Sprinkler Permit

Plan review	\$95/hr.
Sprinkler Permit (new)	\$300
Sprinkler Modification	\$100

Miscellaneous Permit Fees

Miscellaneous Permits

Swimming Pool above ground	\$30
Swimming Pool in ground	\$100 all inclusive
Demolition	\$50
Re-inspection fee 3 rd trip out	\$100
Signs	\$75.00 all inclusive electric
Banners / Temporary signs	\$45
Firework Tents	\$150
Towers (plus 3 rd party fees if applicable)	\$150 (+ 95/hr. plan review)
Outdoor furnace	\$50
Mobile Home set up	\$100 all inclusive trades, review
Temporary Vendor Permit	\$100 all inclusive trades, review
Moving Buildings / Structures	\$75
+ Infrastructure damage bond	\$1000 min

Fees and Penalties

Work without a permit	\$150 plus cost of permit
Overtime Fees	\$45 per hr. min 2 hrs.
Refund on permit	\$25 (no refund on plan review)
Permit Renewal	\$75 residential \$125 commercial

RESOLUTION NUMBER 1748

**A RESOLUTION BY THE BOARD OF ALDERMEN
OF THE CITY OF OZARK, MISSOURI,
AUTHORIZING THE MAYOR TO EXECUTE SETTLEMENT DOCUMENTS
FOR THE P & E INVESTMENTS LITIGATION**

WHEREAS, The City of Ozark became a Party Defendant to a law suit filed by P&E Investments, Inc. wherein the plaintiff alleged that the City breached a contract with the Plaintiff for the City to construct certain storm draining systems; and

WHEREAS, The Board of Aldermen has reviewed and approves the terms of the Settlement Agreement entered into by and between the Parties a copy of which is attached hereto, marked "Exhibit 1" and incorporated herein by reference as if fully set out herein; and

WHEREAS, The Parties have mutually agreed upon a format for the resolution of this litigation which requires the execution of the Settlement Agreement which is to be executed by the City upon approval of this Resolution.

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

The Mayor is hereby authorized to settle the aforesaid litigation upon the terms set forth in the Document attached hereto, marked "Exhibit 1" and incorporated herein by reference and the Mayor is further authorized to execute said settlement agreement on behalf of the City.

THIS RESOLUTION PASSED AND APPROVED at a regular meeting of the Board of Aldermen of the City of Ozark, Missouri, on this 5th day of March 2012.

SHANE L. NELSON, MAYOR

[SEAL]

ATTEST:

Lana Wilson, City Clerk

AN EMERGENCY ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF OZARK, MISSOURI APPROVING CERTAIN BUDGET AMENDMENTS TO THE 2012 BUDGET FOR THE CITY OF OZARK, MISSOURI, FROM MARCH 5, 2012 TO DECEMBER 31, 2012.

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 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 the adjustments are necessary for the best interest of the City of Ozark, Missouri, and the appropriate officers of the City are hereby directed to cause the accounting entries as shown in Exhibit "A" attached hereto and incorporated herein to be made in the books and records of the City:
2. That this Ordinance shall be in full force and effect from the date of its passage and approval.

PASSED THIS 5th DAY OF MARCH 2012.

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

APPROVED THIS 5th DAY OF MARCH 2012.

City of Ozark

SHANE L. NELSON, MAYOR

[SEAL]

ATTEST:

Lana Wilson, City Clerk

**Bill #2587
Ordinance #12-0
March 5, 2012**

EXHIBIT "A"

City of Ozark
Proposed Emergency Budget Amendments
3/5/2012

Account Name	Account Number	2012 Current Budget	Proposed Amendment	2012 Requested Amended Budget
Expenses:				
Municipal Court Security - Video Conferencing (Using 2009 JAG Grant Balance)	101 090-732.100	\$0.00	\$3,060.00	\$3,060.00
	101 010-732.100	\$3,060.00	-\$3,060.00	\$0.00
Budget Impact to Fund 101 Expenses			\$0.00	
Expenses:				
Change from Phone System Lease/Purchase to Phone System Purchase	101 010-702.100	\$5,369.00	-\$5,369.00	\$0.00
	101 020-690.203	\$4,761.00	-\$4,761.00	\$0.00
New Equipment	101 010-680.100	\$2,000.00	\$14,300.00	\$16,300.00
New Equipment	101 020-680.100	\$20,000.00	\$4,761.00	\$24,761.00
FFF - Law Enforcement Equipment	101 020-690.300	\$0.00	\$22,190.00	\$22,190.00
Budget Impact to Fund 101 Expenses			\$31,121.00	
New Equipment	201 040-680.100	\$192,425.00	\$6,876.00	\$199,301.00
New Equipment	201 050-680.100	\$242,425.00	\$6,875.00	\$249,300.00
Budget Impact to Fund 201 Expenses			\$13,751.00	
<i>Distribution - City Hall 26%; Police 49%; Public Works 25%. (Based on number of phones)</i>				
Revenues:				
Reimbursement from Chamber	101 000-418.100	\$25,000.00	-\$21,015.00	\$3,985.00
Budget Impact to Fund 101 Revenues			-\$21,015.00	
Expenses:				
Salaries	101 010-610.100	\$606,300.00	-\$30,219.00	\$576,081.00
FICA Employer Contributions	101 010-645.100	\$37,590.00	-\$1,873.00	\$35,717.00
Medicare Employer Contributions	101 010-646.100	\$8,800.00	-\$438.00	\$8,362.00
Medical Insurance	101 010-660.100	\$86,960.00	-\$5,274.00	\$81,686.00
Dental Insurance	101 010-660.150	\$5,600.00	-\$269.00	\$5,331.00
LAGERS Employer Contributions	101 010-665.100	\$76,740.00	-\$4,020.00	\$72,720.00
Economic Dev/DREAM/NID/TIF/CID Mgmt	101 010-683.100	\$22,880.00	\$21,615.00	\$44,495.00
Budget Impact to Fund 101 Expenses			-\$20,478.00	
Chamber of Commerce - Economic Development Contract				

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OZARK BY DELETING ONE CHAPTER OF TITLE I "GOVERNMENT CODE" RELATING TO "PARK AND RECREATION/TREE BOARD".

WHEREAS, The Mayor recently reported that the Park and Recreation/Tree Board has had difficulty maintaining attendance at its meetings as well as conducting little business when a meeting was held; and

WHEREAS, The Mayor further indicated that he no longer saw a necessity for the Board and suggested that its utility had reached its peak and was no longer necessary; and

WHEREAS, Several members of the Board of Aldermen who had attended recent Park Board meetings had observed similar conduct and agreed with the assessment that the Board was no longer necessary.

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; Title I, "Government Code" is hereby amended by deleting in its entirety Chapter 145: "Park and Recreation/Tree Board" consisting of four (4) Sections numbered Section 145.010 through 145.040.

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

PASSED THIS 5th DAY OF MARCH 2012.

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

APPROVED THIS 5th DAY OF MARCH 2012.

SHANE L. NELSON, MAYOR

[SEAL]

ATTEST:

Lana Wilson, City Clerk

**Bill #2583
Ordinance #12-0
March 5, 2012**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OZARK BY ADDING ONE NEW SECTION TO TITLE III "TRAFFIC CODE"; CHAPTER 315: "TRAFFIC CONTROL DEVICES" BY ADDING ONE NEW SECTION RELATING TO THE OPERATION OF A VEHICLE ON PUBLIC OR PRIVATE PROPERTY IN SUCH A FASHION AS TO AVOID A TRAFFIC CONTROL DEVICE.

WHEREAS, The Board of Aldermen has recently been advised by several businesses in the City that motor vehicles utilize their property in order to "cut through" from one street to another and thereby avoid a traffic control device; and

WHEREAS, The Chief of Police, as well as the respective property owners report that such actions may cause injury to persons or damage to property on the parking lot as well as those travelling on the respective streets within the City; and

WHEREAS, The Board of Aldermen find that it would be in the best interest of the citizens of the City of Ozark if they prohibit such activities in such areas that property damage or personal injury might occur.

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; Title III; "Traffic Code"; Chapter 315: "Traffic Control Devices" is hereby amended by adding one (1) new Section to be known as Section 315.115 which said new Section shall read as follows:

- "SECTION 315.115: DRIVING THROUGH PUBLIC OR PRIVATE PROPERTY**
- A. It shall be unlawful for any person to operate a vehicle across public or private property marked with signs, acquired and placed by the owner of said property, with the words "No Through Traffic" or words of similar import; for the purpose of passing from one roadway to another.
 - B. It shall be unlawful for any person to operate a vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.
 - C. It shall be *prima facie* evidence of an intention to pass from one roadway to another or to avoid compliance with a traffic control device, if the operator of the vehicle crosses public or private property without using the service of such property, stopping the engine of the vehicle or both such actions."

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

PASSED THIS 5th DAY OF MARCH 2012.

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

APPROVED THIS 5th DAY OF MARCH 2012.

 SHANE L. NELSON, MAYOR

[SEAL]

ATTEST:

 Lana Wilson, City Clerk

Bill #2584
 Ordinance #12-0
 March 5, 2012

City of Ozark Missouri

OFFICE OF THE CITY CLERK



P.O. Box 295
Ozark, Missouri 65721

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

January 17, 2012

INVITATION TO BID CITY OF OZARK WWTF SLUDGE AERATION SYSTEM IMPROVEMENTS

The City of Ozark is soliciting Sealed Bids for the WWTF Sludge Aeration System Improvements. Sealed Bids marked "Sealed Bid Enclosed" "WWTF Sludge Aeration Improvements" will be accepted until 2:00 P.M., local time, Thursday, March 1, 2012. A public Bid Opening shall be held at that date and time at the Ozark City Hall, 205 N. 1st St., in Ozark, Missouri. The Board of Aldermen shall formally award the lowest and most responsible bid received at their Regular Session to be announced. Send Sealed Bids to the Ozark City Hall, Office of the City Clerk, P.O. Box 295 or 205 N. 1st Street, Ozark, Missouri 65721. Information may be obtained from the City's Website www.ozarkmissouri.com.

1. Project Description- The Name of the project is Ozark WWTF Sludge Aeration System Improvements.
2. Location- The Project is located in Ozark, Missouri, as indicated on the Drawings.
Description of the Work:
The Work includes the following facilities:
 1. New Sludge Storage Basins Aeration System.
 2. Modification of existing Sludge Storage Basin Covers to allow for new Aeration System.
 3. Miscellaneous site and structure demolition.
3. Bidding Documents- Sets of complete Bidding Documents are available for review or purchase at the Office of HDR, Inc. (Engineer), 2139 E. Primrose, Ste. E., Springfield, Missouri 65804, Phone 417-865-4083. A non-refundable payment to the ENGINEER (to cover reproductive costs) of \$120.00 will be required for each complete set of Bidding Documents requested by a prospective BIDDER.
4. Bid Security- Bid Security in the amount of five percent (5%) of the BIDDER'S Base Bid plus all alternates shall accompany each Bid in accordance with the Instructions to Bidders.
5. Time period for Holding Bids- The OWNER shall act within 90 days after the date of Bid Opening to award the Contract or reject all Bids. Bids shall not be subject to withdrawal except as provided in the Instructions to Bidders.
6. BIDDERS' Qualifications- The Instructions to Bidders include provisions about BIDDERS Qualifications and eligibility, including requirements for disclosure of valid licenses and certificates.

7. Additional Requirements- Each BIDDER and the BIDDER awarded the Contract shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), the Davis Bacon Act (40 U.S.C. 276a to a-7) Sections 103 and 107 of the contract Work Hours and Safety Standards Act (40 U.S.C. 327-330), each as supplemented by U.S. Department of Labor Regulations; and Section 306 of the Clear Air Act (42 U.S.C. 1857 (h)), Section 507 of the Clean Water Act (33 U.S.C. 1368), Executive order 11738, Executive Order 11246, Equal Employment Opportunity and Executive Orders 11625 and 12138, Women's and Minority Business Enterprise, Age Discrimination, PL 94-135, Civil Rights Act of 1964, PL88-352, Section 504 of the Rehabilitation Act of 1973, PL93-112 (including Executive Orders 11914 and 11250), and E.P.A. Regulations (40 CFR Part 15).
8. Requests for Interpretation- BIDDERS shall submit in writing all questions concerning the Bidding Documents, as provided in the Instructions to Bidders, to HDR, Inc., Phone Number 417-865-4083, Fax Number 417-865-4085, reference Project Number 163719.
9. Prevailing Wages- The Department of Labor and Industrial Relations' Prevailing Wage Determination No. 18, dated April 11, 2011, covering the proposed Work is attached to Section 00020 of the Bidding Documents. All workers shall be paid not less than prevailing wages per this Prevailing Wage Determination.
10. Award- The OWNER reserves the right to reject any and all Bids, to waive any non-conformance, to re-advertise for Bids, or to withhold the award for any reason the OWNER determines.
11. Funding- The Missouri Department of Natural Resources is providing funding assistance in the form of loans for this Project through the State Revolving Fund.
12. Nondiscrimination in Advertisement: Bidders on this work will be required to comply with the President's Executive Order No. 11246. Requirements for bidders and contractors under this order are explained in the Specifications.
13. The Contractor's Debarment and Suspension Certification contained in the Specifications should not preclude any interested party from ascertaining whether the certify firm or person is actually on the list. To determine a firm and/or persons eligibility for award in accordance with the Debarment and Suspension and Voluntarily Excluded Regulation, 40 CFR 52.500 (b), contact the grantee's authorized representative.

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