



City of Ozark Missouri

P.O. Box 295
Ozark, Missouri 65721

Fax 417-581-0575
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BOARD OF ALDERMEN TENTATIVE MEETING AGENDA

Monday, March 19, 2012

7:00 P.M. Regular Session

POSTED

03-14-2012

Ordinance #12-013

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 March 5, 2012 Regular Session and March 12, 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 #2589**-An Ordinance of the Board of Aldermen of the City of Ozark, Missouri, Amending the 2012 Budget. **C.**
2. **Bill #2590**-An Ordinance Amending the Code of ordinances of the City of Ozark By Deleting Sections 405.490 and 500.190 of the Code Relating to Land Use Applications, Permits and Fees as Well as building and Permit Fees and Enacting in Lieu Thereof Two New Sections Numbered 405.490 and 500.190 Respectively Relating to the Same Subject Matter. Alderman James Haik, III. **D.**

C. RESOLUTION:

D. EMERGENCY BILLS:

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

F. GRANTS: None.

G. AMENDED BILLS:

1. **Bill #2588**-An Emergency Ordinance Approving Certain Budget Amendments to the 2012 Budget for the City of Ozark, Missouri, From March 19, 2012 to December 31, 2012. Alderman Rick Gardner. **E.**

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

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. F.

2. **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. G.

REPORT OF OFFICERS, BOARDS AND COMMITTEES:

1. Administrative Committee: City Administrator Steve Childers.
 1. Administrative Projects Coordinator Cara Borneman-Personnel Policy Updates. H.
2. Public Safety: Police Chief Lyle Hodges.
3. Public Works: Public Works Director Larry Martin.
 1. Discuss and Authorize Moving Forward with Obtaining the MoDot Federal Highway Administration Contract.
 2. Award the Fill Dirt Project at the Community Center. I.
4. Park: Parks and Recreation Director Sam Wagner.

UNFINISHED BUSINESS:

SCHEDULED VISITORS:

NEW BUSINESS/COUNCIL COMMENTS:

MISCELLANEOUS BUSINESS:

ADJOURNMENT

The Tentative Agenda of this Meeting may include a vote to close part of the Meeting to discuss Litigation pursuant to RSMo: 610.021.2 and such other matters as may come before the Board.

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.



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March 05, 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 James Haik, III, Alderman Mark Spinabella and Alderman Dennis Sparrow were present. Alderman Jim Stewart was sworn in during the meeting. Also attending were 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 Jim Stewart was sworn in as Ward I Alderman during the Meeting.

Approval of the Minutes of the Previous Meeting(s): Approval of the February 21, 2012 Regular Session and February 27, 2012 Noon Work Session Minutes.

Motion was made by Alderman Gardner to approve the February 21, 2012 Regular Session and the February 27, 2012 Noon Work Session Minutes as amended, seconded by Alderman Campbell with all present voting aye.

Alderman Gardner amended the February 27, 2012 Noon Work Session Minutes as follows: Page 6, 1st Paragraph, 3rd Sentence—Amendment- Alderman Gardner requested the following paragraph to be reworded for future clarity purposes: *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.

Public Works Director Martin made the following clarity to the Minutes:

Public Works Director Martin stated the Change Order submitted by the Project Engineer was in the amount of \$36,000.00 for the Design Modifications. We had yet to spend \$40,000.00 in property acquisitions. If the Federal Highway Administration approves the \$36,000.00 Change Order the City will be responsible for \$6,200.00, if the Federal Highway Administration does not approve the Change Order the City will be responsible for the whole amount, \$36,000.00. The City is anticipating the Federal Highway Administration will approve the Change Order submitted by the Project Engineer.

Mayor Shane L. Nelson amended the Agenda to place Resolution #1746 as the first item of business.

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.

Motion was made by Alderman Spinabella to place Resolution #1746 on its first reading by title and description only, seconded by Alderman Gardner with all present voting aye.

Mayor Shane L. Nelson stated due to the resignation of Ward I Alderman Snyder he respectfully nominates Jim Stewart to fill the vacant Seat. Jim Stewart is running unopposed for Ward I Alderman on the April 3, 2012 Election Ballot. Motion was made by Alderman Spinabella to adopt Resolution #1746, seconded by Alderman Gardner with all present voting aye.

Swearing In Jim Stewart as Ward I Alderman.

At this time Jim Stewart was sworn in as Ward I Alderman.

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.

Motion was made by Alderman Gardner to place Bill #2585 on its first reading by title and description only, seconded by Alderman Campbell with all present voting aye.

Jack Dillingham with Piper Jaffray, acting Bond Underwriter for the City approached the Mayor and Board of Aldermen to explain the material contained in Bill #2585. Bond Counsel Carson Elliff was also present to answer any questions from the Mayor and Board of Aldermen pertaining to the Bonds.

Jack Dillingham stated the first reading of the Bill to refinance the combined Waterworks and Sewerage System Refunding Bonds in the amount of \$440,000.00, the final adoption of the Bill will be before the Board of Aldermen during the March 19, 2012 Meeting. In sync with the final adoption of the Bill we anticipate being in the market with the refunding revenue bond issue. The average interest rate of the bonds refinanced are 5.57%, the estimated all-in total interest cost of the 2012 refunding bonds will be 3.81%. The fees associated with the refinancing are factored into the estimated savings. The underwriter's expense is \$3,300.00; legal, trustee and miscellaneous closing costs are \$6,800.00 (the detailed cost of issuance). The total Net Debt Service Savings is \$40,790.00, the net present value savings is \$42,212.00 the savings represent about 9.59% of the principal amount that is outstanding. Jack Dillingham stated with the Board of Aldermen's approval tonight his firm will move forward with the refinancing process.

Bill #2585 will be held over until the March 19, 2012 Regular Board of Aldermen Legislative Session.

2. 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.

Motion was made by Alderman Gardner to place Ordinance #2586 on its first reading by title and description only, seconded by Alderman Campbell with all present voting aye.

Mayor Shane L. Nelson stated the Bill presented before us tonight was brought in a draft form during the last Board of Aldermen's Noon Work Session.

Bill #2586 will be held over until the March 19, 2012 Regular Board of Aldermen Legislative Session.

C. RESOLUTIONS:

1. 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.

Motion was made by Alderman Sparrow to place Resolution #1747 on its first reading by title and description only, seconded by Alderman Campbell with all present voting aye.

Alderman Haik informed the Mayor and Board of Aldermen in the near future the Sign Committee will be bringing to them modification recommendations pertaining to the Banner Sign Code. City Attorney Collignon stated with respect to the way the current Ordinance reads any fee amendments to the Planning and Development or Building Code fees must be brought before the Board of Aldermen prior to May 1 and will not take effect until January 1 of the following year.

Alderman Sparrow asked how the City's fees compared with the surrounding Cities fees.

Planning and Development Coordinator Dolores Lamb approached the Board of Aldermen to report the cost comparison of the Planning and Development fees between the City of Ozark and the City of Nixa.

Motion was made by Alderman Sparrow to adopt Resolution #1747, seconded by Alderman Campbell with all present voting aye.

2. Resolution #1748-A Resolution by the Board of Aldermen of the City of Ozark, Missouri, Authorizing the Mayor to Execute Settlement Document for the P & E Investments Litigation.

Motion was made by Alderman Sparrow to place Resolution #1748 on its first reading by title and description only, seconded by Alderman Campbell with all present voting aye.

City Attorney Collignon stated as it reads on the attached exhibit the City of Ozark is a party defendant to a lawsuit filed by P & E Investments relating to a contractual obligation executed by the City of Ozark in 1998, in which the Document obligated the City to build a stormwater drainage detention system for P & E Investments. Public Works Director Martin has negotiated with P & E Investments an agreeable settlement, as set out in the attached exhibit, along with various documents containing Engineering studies. Approval of this Resolution will authorize the Mayor to execute the documents and settle the litigation.

Public Works Director Martin explained the contractual Agreement the City entered into in 1998 obligated the City to install infrastructure and construction of a roadway as part of the Duck Stadium property acquisition. The roadway and infrastructure was constructed with the exception of the stormwater system. At that time the cost of the engineered stormwater system was approximately

\$1,000,000.00, that design today would cost the City approximately \$1,400,000.00. Through negotiations an engineered storm water agreement was arrived, the new stormwater system design will cost the City approximately \$200,000.00 to install. This project will be the first step to alleviate the stormwater problems that begin at W. Sunset Road extending to the Duck Stadium property. Motion was made by Alderman Sparrow to adopt Resolution #1748, seconded by Alderman Campbell with all present voting aye.

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 for the City of Ozark, Missouri from March 5, 2012 to December 31, 2012.

Motion was made by Alderman Gardner to place Bill #2587 on its first reading by title and description only, seconded by Alderman Campbell with all present voting aye.

Mayor Shane L. Nelson reported in City Administrator Childers absence the Economic Development Budget amendment is to fulfill a Contract obligation, funds will be transferred from the Salary line item to the Economic Development line item.

Alderman Gardner questioned the phone system Budget Amendment.

Public Works Director Martin stated the new phone system has been installed and is functioning properly. There were a few minor expenses while installing the system that were taken out of the Public Works Budget. Staff recommendation is to pay in full the remaining leased amount of the new phone system rather than continue paying lease payments with interest.

Motion was made by Alderman Gardner to dispense with the second reading and place Bill #2587 on its third and final reading by title and description only, seconded by Alderman Campbell with all present voting aye.

Motion was made by Alderman Gardner to adopt Bill #2587 as Ordinance #12-010, seconded by Alderman Campbell. Motion carried with all present voting by Roll Call Vote:

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

E. Public Improvement Bills (Tax Bills):

F. Grants:

G. Amended Bills:

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

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 dispense with the second reading and place Bill #2583 on its third and final reading by title and description only, seconded by Alderman Campbell with all present voting aye.

The February Park Board Meeting was canceled due to no Agenda items.

Alderman Gardner commented it was to his regret that it has come to approving to dissolve the Park Board.

Alderman Sparrow commented at a later date the Board of Aldermen could reestablish the Park Board. Alderman Sparrow stated he would have preferred that it would have been the Park Board Members making the recommendation to disband the Park Board.

Motion was made by Alderman Snyder to adopt Bill #2583 as Ordinance #12-011, seconded by Alderman Campbell. Motion carried with all present voting by Roll Call vote:

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

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.

Motion was made by Alderman Spinabella to dispense with the second reading and place Bill #2584 on its third and final reading by title and description only, seconded by Alderman Campbell with all present voting aye.

Alderman Campbell reaffirmed that it was not the City’s responsibility to post the enforcement signs that it was the property owner’s responsibility.

City Attorney Collignon stated the property owner is required to post their own property.

Alderman Campbell asked if the City would publicize the new law and if there would be warnings prior to written violations.

Police Chief Hodges stated his enforcement would to warn violators that were not driving through the parking lot erratically and ticket those who were driving carelessly through the parking lot. It will be to each Officer's discretion as to warn or write violations.

Alderman Haik suggested it may be helpful with enforcement if the violation signs advertised the \$500.00 violation fine.

Motion was made by Alderman Spinabella to adopt Bill #2584 as Ordinance #12-012, seconded by Alderman Gardner. Motion carried with all present voting by Roll Call vote:

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

Report of Officers, Boards and Committees:

1. Administrative:

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 the Authority to Move Forward with the Wastewater Treatment Facility Sludge Aeration Improvements (No Formal Approval Required).

Public Works Director Martin explained the Department of Natural Resources has changed their procedure for Project approvals. Normally the City would submit an executed Resolution awarding the Project bid, the new procedure calls for approval to submit the Project documents for the Department of Natural Resources approval to begin the Project and for the City to continue the process of awarding the Project bid. The Project's sealed bids were submitted to the Board of Aldermen in their Packet. All the submitted bids were good competitive bids, the lowest bid submitted was in the amount of \$573,550.00; this amount includes the added addendum for the substantial amount we added to the SCADA System. Once we receive the Department of Natural Resources approval this will come back before the Board of Aldermen to request the Bid to be awarded to begin the Wastewater Treatment Facility Sludge Aeration Improvement Project.

Mayor Shane L. Nelson requested the Board of Aldermen to vote by a show of hands to authorize Public Works Director Martin to submit the necessary documents to the Department of Revenue for the Wastewater Treatment Facility

Sludge Aeration Improvement Project. The show of hands aye vote was unanimous with all present voting.

Public Works Director Martin invited the Mayor and Board of Aldermen to join City staff to participate in the City sponsored Stream Team Event that will be held at the Community Center, March 29, 2012.

Public Works Director Martin informed the Mayor and Board of Aldermen there were structure issues in the Community Center. A stem wall connecting to the roof was not insulated nor vented, as it was designed on the construction drawings, resulting to this area remaining damp causing deterioration.

Alderman Campbell asked if this issue was covered with a one (1) year parts and labor warranty.

Public Works Director Martin stated the warranty period has long ago lapsed. The City did contact the Designer Architect/Construction Manager; he offered no assistance to resolve the issue.

Alderman Campbell asked if the construction drawings showed the insulation and ventilation.

Public Works Director Martin stated yes the construction drawings did show the batting insulation and ventilation installation.

Alderman Spinabella asked if the City had any legal recourse.

City Attorney Collignon stated he will discuss the issue with Public Works Director Martin.

Public Works Director Martin informed the Mayor and Board of Aldermen the City is down to one (1) to three (3) working storm sirens at any given time. There were no funds allotted to Emergency Management in the 2012 Budget, recently staff applied for a \$4,500.00 USDA Grant. The City will need to allot approximately \$30,000.00 (which includes the \$4,500.00 Grant funds) for storm siren maintenance and the upgrades needed to meet the Narrow Band Radio requirements that become effective in 2013, on all eight (8) of the City's storm sirens. Without the upgrade to meet the requirement none of our Storm Sirens will function in 2013.

Mayor Shane L. Nelson requested Public Works Director to present more information about the storm siren improvements during the March 12, 2012 Board of Aldermen Noon Work Session.

Public Works Director Martin stated he has been working with the Christian County Emergency Management Director to set up the Reverse 911 System to include City residents for automatic notification from their system.

4. Parks:

Parks Director Sam Wagner.

Parks Director Wagner shared with the Mayor and Board of Aldermen some interesting Membership statistics she has compiled for marketing purposes. The Community Center has the highest Membership total since the Center opened. Kids Night-In will be this Friday. Spring Break Camp begins next week.

The Community Center catered the Chamber of Commerce Banquet there were 291 guests attending.

The Pedal Paddle Pound is scheduled for June 9, 2012.

There are 82 participants in the Weight Loss Challenge.

Mayor Shane L. Nelson complimented the Birthday Party's offered at the Community Center.

Parks Director Wagner stated there are seven (7) parties a day Budgeted, the most and the maximum staff can handle is twenty (20) parties.

Unfinished Business:

New Business/Board of Aldermen Comments:

Pay Bills-

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

The March 05, 2012 Regular Legislative Session adjourned at 8:15 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

March 12, 2012

Board of Aldermen Legislative Noon Work 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 Jim Stewart, Alderman Rick Gardner and Alderman Dennis Sparrow were present. Also attending City Administrator Childers, City Attorney David Collignon and City Clerk Lana Wilson.

Pledge of Allegiance

12:00 p.m.

Roll Call:

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

*Alderman Mark Spinabella was absent during the Roll Call he entered the Meeting at 12:05 p.m.

Administrative Projects Coordinator Cara Borneman, Police Chief Lyle Hodges, Finance Director Alice Edwards, Planning and Development Coordinator Dolores Lamb, Public Works Director Larry Martin, Utility Billing Supervisor Tamme Steele and Parks Director Sam Wagner attended the Meeting.

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. Departmental Goals and Accomplishments.

City Administrator Childers stated during this Meeting each Department will have the chance to give their 2012 Departmental Goals to the Mayor and the Board of Aldermen.

City Administrator's City Wide 2012 Goals:

City Administrator Childers stated the main goal, as always, is to provide the residents with a responsive Municipal Government Leadership. We need to bring forward the message a "Lead by Example Structured Leadership".

The City has restructured our finances to produce a very responsible Budget. We have focused on being fiscally conservative while remaining fiscally responsible. We will remain focused on improving the City's social networking capabilities to continue communicating with our citizens effectively. This year we will publish an All-Employee newsletter. We have purchased a new utility bill insert/folder machine that has the capability of folding and stuffing informational letters along with the utility bills. We will be updating our Website to make the Website more user friendly. This year the first City of Ozark "Listening Tour" will be implemented. City Administrator Childers and the Chamber of Commerce Director Grinder will come up with four (4) general questions and visit various civic organizations, the PTA, High School and Junior High class rooms. One of the questions these organizations will be asked is how they feel about the City of Ozark. The compiled responses will be used as a tool for goal setting.

The City will continue to work on improving the relationship between the City and the Ozark School District. This partnership is essential for a strong community. We will continue to encourage the partnership between the City and Christian County to cost share Capital Improvement projects.

One topic staff will be bringing to the Mayor and Board of Aldermen during the year will be to discuss redistricting the City of Ozark's voting districts and the possibility of becoming a Charter City. Staff will compile the pros and cons of changing from a 4th Class City to a Charter City. This year we will conduct an all-employee salary survey to remain in compliance with Labor Laws, equivalent and fair and in line with other community's salaries.

We will continue to facilitate the growth and development of the (LCRA) Redevelopment Area. The 3rd Street Improvement Project is moving forward. Staff

will focus on researching and taking advantage of key marketing tools available through Economic Development resources. The City has established a working relationship between the City of Ozark, City of Nixa and Christian County. One of the topics we have been discussing is regarding obtaining the services of a qualified consulting firm to complete a "Competitive Assessment" for Northern Christian County.

Alderman Stewart cautioned City Administrator about obtaining the Assessment and not following through with the plan.

We will continue to identify Capital Improvement Projects to enhance the image of our roadways, sidewalks, parks and greenways, flooding and erosion control to advance a positive image of the City and improve our pedestrian opportunities.

We will focus on improving our Code Enforcement efforts regarding property maintenance issues.

We will continue to practice fiscally responsible budget management practices. The ultimate goal would be to achieve establishing a revenue/expenditure balance that allocates only 90% total annual revenue to operating expenses and dedicate the remaining 10% to a reserve emergency fund. In the near future we will bring to the Board of Aldermen carry over funds requesting that a portion be allocated to the reserve fund and the allocation of funds to Capital Improvement Projects. The City's Sales Tax received in March was up 45% from 2011 Sales Tax revenues, for the year the City's Sales Tax revenues are up 13.3% from this time last year.

Police Department 2012 Goals

Police Chief Hodges stated this year the Police Department's main goals are to enhance our safety devices and equipment. The Police Department is researching equipment such as a mobile ticket writing device for the Police cars.

The Police Department is continuing to make the needed improvements to the gun range.

The evidence building down by the Public Works Shop is deteriorating and should be rebuilt on a concrete slab.

We will continue seeking and taking advantage of training opportunities one in particular is the "Train the Trainer" this type of training will instruct certain Officers on how to train other Officers in-house, this will prove to cut back on travel and training expenses.

Department of Administration 2012 Goals

Administrative Projects Coordinator Cara Borneman stated Human Resources is an on going responsible process. During the Board of Aldermen's next Regular Legislative Session two (2) new Employee Manual updates will be presented. This year staff will finalize all Job Descriptions, Organizational Charts and Department

Chain of Command Charts. The hiring/interview process will be streamlined for internal and external candidates. We will continue to research training opportunities for all Employees, Supervisors and Department heads on Human Resource topics and other specific field related training. The "Public Outreach" budgeted line item will be used to create an internal Human Resources Newsletter, the first Community wide newsletter, create and distribute flyers for D.R.E.A.M. Planning and Steering Committees hosted events, develop street banners for the Downtown Area emphasizing on the new downtown organization and to 'eat, shop, and play' in our historic downtown, implement the D.R.E.A.M. Scope of Services and assist PGAV with any needs to accomplish those services. We will continue to improve and expand our Website and Social Media Outreach. We will in the near future redesign our help and citizen information icons and the organizational structure of our Website for a more user friendly process. The D.R.E.A.M. Grant will be this year's main focus. A Planning Committee Meeting is scheduled to be held tomorrow to discuss 2012 scheduled events, the Downtown Organizational Structure and Economic Development Marketing goals. The City's newly assigned PGAV representative while familiarizing himself on our Project will begin the process of compiling the data results from the Focus Groups to generate a final report. The City's Marketing Comprehensive Plan will be designed. PGAV is assisting the City to create and organize the Downtown Organization and assisting with the application process for the Corporation, LLC designation. The City's Design Guidelines will be modified. PGAV will assist the City to solicit developers.

Municipal Court 2012 Goals

Administrative Projects Coordinator Borneman reported the Municipal Court Goals in the absence of the Municipal Court Clerk Iciminda Snook.

Municipal Court Clerk Snook will continue training the newly hired two (2) Court Clerks.

Focus on Court security devices by installing a glass partition in the Court Room to act as a barrier between the employees and the paying public.

City Attorney Collignon reported the Municipal Court is in the process of installing a Polycom system, a video conferencing system that allows communication between the Municipal Court and the Sheriff's Department this system will eliminate transferring prisoners from the Jail to Municipal Court. The system was funded by Security Grant Funds and Federal Forfeiture Funds. The system is temporarily on hold awaiting the Sheriff's Department to install their needed equipment.

Public Work 2012 Goals

Public Works Director Martin stated Public Work's main goal is to enhance Public image through better Communication Skills and Public Service, both will continually be improved each year through experiences. Staff will continue focusing on MS4 requirements.

We will continue focusing on maintenance issues and various Capital Improvement projects.

For the remainder of this year staff will focus on replacing the infrastructure located in the 3rd Street Improvement Project Design before the Project begins.

We are hoping the Public Service Commission will approve the Finley Valley Project this year. The Pineview gravity sewer line will be completed this year. We have posted a map on our new Website for the Public to identify trouble areas; such as, water main breaks, street repairs, flooded areas and any other emergency repair areas.

We are discussing the idea of establishing an Emergency Coalition with other Communities our size in our area to focus on Storm Sirens and an effective Emergency Plan.

Another goal is to complete the creation of the "Live Well Program" that involves several Departments.

Department of Finance 2012 Goals

Finance Director Edwards stated the Finance Department's main continued Goal is to obtain an unqualified opinion on the City's annual Audit with no material findings. If the City does not receive a clean Audit it affects the City's ability to receive low interest rates on financing issues and our Bond rating. Departmental Budget compliance is very important to the Finance Department.

We strive to take advantage of free training offered by the Regional GFOA.

At the end of this year the Finance Department is requesting that an additional staff member is hired by the end of the year to cross train in Accounts Payable and the duties of the Assistant Finance Director.

Department of Planning and Development 2012 Goals

Planning and Development Coordinator Lamb stated one of the Planning and Development's continued goals is to improve our Customer Service skills. It is important to keep an open line of communication while working with certain Christian County Departments and the Fire District.

Staff has begun the process of improving and modifying the City's Comprehensive Plan data obtained from the new Census will be utilized during this process.

Staff is researching the 2012 Building Codes, we hope to adopt the 2012 Building Codes in 2013.

Department of Parks and Recreation 2012 Goals

Parks Director Wagner stated the main goal she has been focusing on is the purchase of a Marquee Sign that will be installed in front of the Community Center; she is in the process of preparing the Request for Proposals. Our goal is to increase Memberships by 10% this year. We will continue improving the Website, the online registration service was added this year. Staff always strives to improve Customer Service through training opportunities. The Park's Program has added a new full time Summer Camp Program. This year we anticipate our Summer Camp Programs will have 200 children enrolled. Our goal is a 6% increase in our Sports Program participation. This year we opened the Soccer Sports Program up to 3 year olds participation.

Department of Utility and Billing 2012 Goals

Utility Billing Supervisor Tamme Steele stated staff is always striving to improve Communication and Customer Service skills.

We are in the process of establishing the capability of sending utility bills through the E-Bill system service; this will save on handling and the postage expense. We are working with our Utility Billing Company to create a utility service application form that will give new customers the opportunity to sign up for new service on line. We are working on switching out old meters to new meters in the downtown area with the Public Works Department's assistance.

We are researching the E-Process service to help eliminate some confusion our customers have who is enrolled in the on-line payment program offered through their Bank. There are a few days between the time the Customer's Bank debits their account and when the Utility Department posts their account paid. Due to the fact the customer's online payment program prompts their Bank to generate a check for the amount of their Utility Bill, and then the check is mailed to the Utility Department. The customer is under the assumption that both actions are done simultaneously and should post the same day.

Every Department can utilize the new folding/inserting machine for their mailing projects.

Department of the City Clerk 2012 Goals

City Clerk Lana Wilson stated her main goal was to continue working on time management skills. Continue organizing the records for accessibility purposes and increase accuracy of the Board's, Public's and City Department's requests.

Continue to improve communications with every Department regarding the Board of Aldermen Agenda Deadlines.

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

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

1. **Storm Siren Improvement Plan.**

The City currently has eight (8) storm sirens with the possibility of having to retire two (2) of those systems that may be beyond repairable because of their age.

The manufacturer of five (5) of the storm sirens, Whelan Storm Sirens evaluated the nonfunctioning storm sirens and concluded it would cost the City approximately \$30,000.00 to repair and convert the analog system to the 2013 Narrow Band requirements on all eight (8) storm sirens. To replace a storm siren would cost the City \$19,839.00 with a 10 to 12 week delivery time.

4. **Parks:** Parks Director Sam Wagner.

Unfinished Business:

New Business/Board of Aldermen Comments:

Pay Bills-

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

The March 12, 2012 Regular Noon Work Session adjourned at 1:10 p.m.

Minutes Taken By:

Lana Wilson, City Clerk

Approval of Minutes By:

**AN 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 19, 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, are as contained in the attached Exhibit "A" which is incorporated herein by reference; and

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 2ND DAY OF APRIL 2012.

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

APPROVED THIS 2nd DAY OF APRIL 2012.

City of Ozark

SHANE L. NELSON, MAYOR

[SEAL]

ATTEST:

Lana Wilson, City Clerk

**Bill #2589
Ordinance #12-0
April 2, 2012**

EXHIBIT "A"

**City of Ozark
Proposed Budget Amendments
3/19/2012**

Account Name	Account Number	2012 Current Budget	Proposed Amendment	2012 Requested Amended Budget
<u>General Fund Expenses:</u>				
(From \$259,379 Add'l Carryover less \$100,000 to Reserve)				
Competitive Assessment Plan \$12,500 CBD Welcome Sign \$7,000 CBD Logo Development \$2,500 Direct Marketing Pieces \$3,000	101 010-683.100	\$22,880.00	\$25,000.00	\$47,880.00
Increase Police Gas Expense	101 020-690.160	\$110,000.00	\$10,000.00	\$120,000.00
Computers & Monitors - Lana, Steve, New Office	101 010-784.200	\$1,000.00	\$2,500.00	\$3,500.00
Desks, Chairs & Filing Cabinets	101 010-680.100	\$2,000.00	\$2,000.00	\$4,000.00
New CUSI Software License to allow Code Enforcement access to data	101 010-784.500	\$2,500.00	\$1,000.00	\$3,500.00
Budget Impact to Fund 101			<u>-\$40,500.00</u>	
<u>Park Fund Expenses:</u>				
(From \$35,420 Add'l Carryover) New Basketball Courts in Finley River Park; Repair of existing Applecreek Courts; and Phase 1 of Electric Upgrades to Finley River Park	351 070-725.100	\$20,000.00	\$30,000.00	\$50,000.00
Budget Impact to Fund 351			<u>-\$30,000.00</u>	
<u>Parks/Stormwater Fund Expenses:</u>				
(From \$133,082 Add'l Carryover) Security Cameras in O.C. - All Exits Plus FEMA Tornado Shelter	651 010-680.100	\$6,000.00	\$25,000.00	\$31,000.00
Budget Impact to Fund 651			<u>-\$25,000.00</u>	

Note: After Budget Amendments, General Fund 101 additional carryover is \$111,445.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OZARK BY DELETING SECTIONS 405.490 AND 500.190 OF THE CODE RELATING TO LAND USE APPLICATIONS, PERMITS AND FEES AS WELL AS BUILDING AND PERMIT FEES AND ENACTING IN LIEU THEREOF TWO NEW SECTIONS NUMBERED 405.490 AND 500.190 RESPECTIVELY RELATING TO THE SAME SUBJECT MATTER.

WHEREAS, The Board of Aldermen has reviewed certain Sections of the Code of Ordinances relating to Land Use Applications, Permits and Fees and Building and Permit Fees; and

WHEREAS, After conducting the aforementioned review finds that the foregoing Section, as written, causes an undue burden upon the City, its Staff and further causes a greater expense than is necessary for the City, additionally, the Planning and Zoning Commission has recommended the changes proposed herein; and

WHEREAS, The Board of Aldermen is interested in recouping reasonable costs of the administration of the Application and Permit program for Land Use within the City as well as Building and Permit fees while providing the users of said systems with as much advanced notice as possible without causing additional expense to the City and, therefore, a change in the Code is necessary.

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

SECTION 1. Title IV "Land Use", Chapter 405 "General Zoning Regulations", Article III "Supplemental land Use Regulations" Section 405.490: Applications, Permits and Fees" is hereby deleted in its entirety and one new Section to be known as Section 405.490 is hereby enacted in lieu thereof, which said new Section shall read as follows:

"SECTION 405.490: APPLICATIONS, PERMITS AND FEES

Wherever in this Title IV, a Section or other provision of the Code calls for a particular fee for an application or permit, the City Administrator or his/her designee shall establish annually, no later than the First regular meeting of the Board of Aldermen in May, a schedule of fees for applications and permits. The aforementioned schedule shall be presented by Resolution to the Board of Aldermen for its approval and, if approved, the schedule of fees will be posted in conspicuous places in City Hall, posted on the City's web-site and published in a newspaper of general circulation within Christian County for a period of one (1) week. The approved fees shall take effect thirty (30) days after said fees were approved. Fees shall be established or recalculated based upon the recovery of costs to administer the inspection programs by the Department of Planning and Development."

SECTION 2. Title V “Building and Construction”, Chapter 500 “Building Codes and Building Regulations”, Article XI “Permit Fees, Inspection Fees and Penalties” Section 500.190: Building and Permit Fees” is hereby deleted in its entirety and one new Section to be known as Section 500.190 is hereby enacted in lieu thereof, which said new Section shall read as follows:

“SECTION 500.190: BUILDING AND PERMIT FEES

Wherever in this Title V, a particular ICC Code or Code of Ordinance Section or regulation calls for a particular fee for an application or permit, the City Administrator or his/her designee shall establish annually, no later than the First regular meeting of the Board of Aldermen in May, a schedule of fees for applications and permits. The aforementioned schedule shall be presented by Resolution to the Board of Aldermen for its approval and, if approved, the schedule of fees will be posted in conspicuous places in City Hall, posted on the City’s web-site and published in a newspaper of general circulation within Christian County for a period of one (1) week. The approved fees shall take effect thirty (30) days after said fees were approved. Fees shall be established or recalculated based upon the recovery of costs to administer the inspection programs by the Department of Planning and Development.”

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

PASSED THIS 2nd DAY OF APRIL 2012.

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

APPROVED THIS 2nd DAY OF APRIL 2012.

SHANE L. NELSON, MAYOR

[SEAL]

ATTEST:

Lana Wilson, City Clerk

**Bill #2590
Ordinance #12-
April 2, 2012**

AN EMERGENCY ORDINANCE APPROVING CERTAIN BUDGET AMENDMENTS TO THE 2012 BUDGET FOR THE CITY OF OZARK, MISSOURI, FROM MARCH 19, 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 is needed, and that this Budget Amendment must be accomplished at the earliest time and prior to the next regular Board of Aldermen Meeting. Therefore, the Board of Aldermen deems this Bill of emergency nature.

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

1. The Budget of the City of Ozark for the fiscal year 2012 is hereby irrevocably amended. The Board of Aldermen finds that these adjustments are necessary and in the best interest of the City of Ozark, Missouri, and the appropriate officers of the City are hereby directed to cause the following accounting entries as are contained in the attached Exhibit "A" which is incorporated herein by reference, 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 19th DAY OF MARCH 2012.

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

APPROVED THIS 19th DAY OF MARCH 2012.

City of Ozark

SHANE L. NELSON, MAYOR

[SEAL]

ATTEST:

Lana Wilson, City Clerk

**Bill #2588
Ordinance #12-0
March 19, 2012**

EXHIBIT "A"

**City of Ozark
Proposed Emergency Budget Amendments
3/19/2012**

Account Name	Account Number	2012 Current Budget	Proposed Amendment	2012 Requested Amended Budget
<i>General Fund Expenses:</i>				
STP Fund Expense - STP 9900(824)	101 010-704.700	\$40,130.00	\$37,167.00	\$77,297.00
<i>General Fund Revenues:</i>				
STP Urban Funds - STP 9900(824)	101 000-464.250	\$32,104.00	\$29,733.00	\$61,837.00
Budget Impact to Fund 101			-\$7,434.00	
<i>Capital Improvement Fund Expenses:</i>				
Capital Improvements	401 000-790.100	\$28,000.00	\$26,000.00	\$54,000.00
Budget Impact to Fund 401			-\$26,000.00	

(From \$259,379 Add'l Carryover)
3rd Street Engineering -
Supplemental Agreement for
Design Changes
Reimbursed 80% with STP Funds

(From \$31,319 Add'l Carryover)
Storm Siren Upgrades

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

TABLE OF CONTENTS

**ARTICLE I
DEFINITIONS**

Section 101. Definitions of Words and Terms.	2
Section 102. Rules of Construction.....	7

**ARTICLE II
AUTHORIZATION OF BONDS**

Section 201. Authorization of the Bonds.....	8
Section 202. Description of the Bonds.	8
Section 203. Designation of Paying Agent and Escrow Agent.....	9
Section 204. Method and Place of Payment of the Bonds.....	9
Section 205. Registration, Transfer and Exchange of Bonds.	10
Section 206. Execution and Authentication of the Bonds.....	11
Section 207. Mutilated, Lost, Stolen or Destroyed Bonds.	12
Section 208. Cancellation and Destruction of Bonds Upon Payment.	12
Section 209. Escrow Agreement.	12
Section 210. Book-Entry Only Issuance.	13
Section 211. Succession of Securities Depository.....	13
Section 212. Reserved.	13
Section 213. Reserved.	14

**ARTICLE III
REDEMPTION OF BONDS**

Section 301. Redemption of Bonds.	14
Section 302. Extraordinary Redemption.	14
Section 303. Selection of Bonds to be Redeemed.....	15
Section 304. Notice of Call for Redemption.	15
Section 305. Effect of Call for Redemption.	16

**ARTICLE IV
FORM OF BONDS**

Section 401. Form of Bonds.	16
----------------------------------	----

**ARTICLE V
CREATION OF FUNDS AND ACCOUNTS**

Section 501. Creation of Funds and Accounts.....	23
Section 502. Administration of Funds and Accounts.	23
Section 503. Sufficiency of Funds for Payment of the Refunded Bonds.	23
Section 504. Reserved.	23
Section 505. Reserved.	23

ARTICLE VI
APPLICATION OF MONEYS

Section 601. Deposit of Bond Proceeds.	24
Section 603. Revenue Fund.	24
Section 604. Application of Moneys in Cost of Issuance Fund.	25
Section 605. Application of Moneys in the Debt Service Fund.	25
Section 606. Application of Moneys in the Rebate Fund.	26
Section 606. Additional Authority.	26

ARTICLE VII
DEPOSIT AND INVESTMENT OF MONEYS

Section 701. Deposit of Moneys.	26
Section 702. Investment of Moneys.	26
Section 703. Refunding Bonds.	27
Section 704. Sufficiency of Funds for Payment of the Refunded Bonds.	27
Section 705. Notice of Redemption.	28

ARTICLE VIII
REVENUE FUND

Section 801. Combined Waterworks and Sewerage System Revenue Fund.	28
Section 802. Reserved.	29
Section 803. Deficiencies of Payments into Funds and Accounts.	29
Section 804. Reserved.	29
Section 805. Transfer of Funds to Trustee and Paying Agent.	29

ARTICLE IX
DEFAULT AND REMEDIES

Section 901. Acceleration of Maturity in Event of Default.	30
Section 902. Amendments.	30
Section 903. Remedies.	31
Section 904. Consents and Other Instruments from Bondowners.	32

ARTICLE X
DEFEASANCE

Section 1001. Defeasance.	32
-----------------------------------	----

ARTICLE XI
ADDITIONAL BONDS

Section 1101. Prior Lien Bonds.....	33
Section 1102. Junior Bonds.....	34
Section 1103. Refunding Bonds.	34

ARTICLE XII
MISCELLANEOUS PROVISIONS

Section 1201. Tax Covenant.	35
Section 1202. Qualification as Small Governmental Unit, Designation of the Bonds as Qualified Tax-Exempt Obligations and Authorization to File Information Report.	35
Section 1203. Tax Covenants.	36
Section 1204. Particular Covenants of the City.....	36
Section 1205. Further Authority.	40
Section 1206. Severability.....	40
Section 1207. Governing Law.....	40
Section 1208. Effective Date.....	40

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

principal amount of \$975,000, of which approximately \$565,000 remains outstanding as of the date of adoption of this Ordinance; and

WHEREAS, by Ordinance No. 05-089 adopted on December 19, 2005 (the "Series 2005 Bond Ordinance"), the City has issued its Combined Waterworks and Sewerage System Revenue Bonds, Series 2005 (the "Series 2005 Bonds"), dated December 30, 2005, in the original principal amount of \$600,000, of which \$420,000 remains outstanding as of the date of adoption of this Ordinance; and

WHEREAS, by Ordinance No. 06-021 adopted on March 16, 2006 (the "Series 2006 Bond Ordinance"), in the original principal amount of \$7,980,000, of which approximately \$6,245,000 remains outstanding as of the date of adoption of this Ordinance; and

WHEREAS, by Ordinance No. 07-023 adopted on April 2, 2007 (the "Series 2007 Bond Ordinance"), the City has issued its Combined Waterworks and Sewerage System Revenue Bonds, Series 2007 (the "Series 2007 Bonds"), of which approximately \$15,125,000 remains outstanding as of the date of adoption of this Ordinance; and

WHEREAS, the City, upon the issuance of the Bonds, will not have outstanding any other bonds or other obligations payable from the Net Revenues hereinafter defined other than the Outstanding Parity Bonds hereinafter defined and the Bonds; and

WHEREAS, under the provisions of the Outstanding Parity Bond Ordinances (hereinafter defined), the City may issue additional bonds payable out of the Net Revenues that are on a parity with the Outstanding Parity Bonds (hereinafter defined), only if certain conditions are met; and

WHEREAS, to accomplish the foregoing purposes, it is necessary to authorize the issuance and delivery of a principal amount currently not to exceed of \$440,000 Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2012 for the purpose of currently refunding the Series 2005 Bonds.

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

ARTICLE I **DEFINITIONS**

Section 101. Definitions of Words and Terms. In addition to the words and terms otherwise defined herein, unless the context shall clearly indicate some other meaning, the words and terms defined in this Section shall for all purposes of this Ordinance have the respective meanings specified in this Section, to wit:

"**Arbitrage Agreement**" means the Arbitrage Agreement dated as of April 1, 2012, by and between the City and the Paying Agent, as the same may be amended or supplemented in accordance with the provisions thereof.

If the budget discloses that the estimated Revenues of the System for the ensuing Fiscal Year may be less than the amount required to enable the City to conform with its obligations, the City will promptly increase its existing rates, fees or charges for the use and services furnished by the System to such amount as may be necessary in order to enable the City to meet said obligations and will cause said increased rates to be effective within 90 days thereafter.

(h) The holder of any of the Bonds have the right at all reasonable times to inspect the System and all records, accounts and data relating thereto, and any such holder shall be furnished all such information concerning said System and the operation thereof which he may reasonably request.

(i) The City will faithfully and punctually perform all duties and obligations with respect to the operation of its System, including all extensions and improvements thereto, now or hereafter imposed upon the City by the constitution and laws of the State and by the provision of the Ordinance.

Section 1205. Further Authority. The appropriate officers of the City, including the Mayor or the Mayor Pro Tem and the City Clerk or the Deputy City Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1206. Severability. If any section or other part of this Ordinance, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 1207. Governing Law. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1208. Effective Date. This Ordinance shall take effect and be in full force and effect after its passage and approval.

First Reading _____ day of March, 2012.

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	
		<hr/> <hr/>	
		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

What Is Harassment?

Harassment can take many forms. It may be, but is not limited to: words, signs, jokes, pranks, intimidation, physical contact, or violence. Harassment is not necessarily sexual in nature in addition it can include; discrimination based on race, color, sex, religion, national origin, age disability, pregnancy, military status including veterans and retaliation against an employees for complaining of discrimination or participating in an investigation or complaint proceedings, or any other status protected by law.

The City of Ozark accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threatens or in any way harasses another employee is personally liable for such actions and their consequences.

Sexual Harassment

It is the policy of the City of Ozark that all employees should enjoy a working environment free from all forms of discrimination, including sexual harassment. No employee, either male or female, should be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual harassment is defined as "uninvited and unwelcome verbal or physical conduct directed at an employee because of his or her sex." Conduct may include unwelcome sexual advances, requests for sexual favors, or any other verbal or physical contact of a sexual nature that prevents an individual from effectively performing the duties of their position or creates an intimidating, hostile or offensive working environment, or when such conduct is made a condition of employment or compensation, either implicitly or explicitly.

Examples of this conduct referred to above may include (but are not limited to): sexual bantering; off-colored language or jokes verging on the indecent; sexual flirtation, advances or propositions; requests for sexual favors; verbal abuse of a sexual nature; verbal commentaries about an individual's body; sexually-degrading words used to describe individuals; displays of sexually suggestive objects or pictures; and using sexually-oriented or degrading gestures or other non-verbal communications.

It should be clear to all employees that supervisors do not have the authority to grant or deny promotions, pay increases, or affect any aspect of an employee's status or working conditions on the basis of the provision or denial of sexual favors by the employee. An employee subjected to acts of sexual harassment is encouraged to request the person or persons involved to cease from such harassment and shall immediately report such conduct to a supervisor or member of management.

Responsibility of Reporting Harassment

All City of Ozark employees, and particularly supervisors, have a responsibility for keeping our work environment free of harassment. Any employee, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to their immediate supervisor or any management representative with whom they feel comfortable. When management becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the City to do so.

Harassment Complaint Reporting Procedure

Employees submit a complaint form , from the Administrative/HR Coordinator, to the appropriate supervisor or Department Head including the following:

- 1. The name(s) of the alleged harasser(s)
- 2. The date(s) of the alleged incident(s)
- 3. Description of the alleged harassment
- 4. Time
- 5. Location
- 6. The name(s) of the witnesses(s)
- 7. As much detail as possible

- 1. I have read the City of Ozark Harassment and Sexual Harassment Policies _____ (initial)
- 2. I understand what steps may be necessary to take if a violation of said policy occurs _____ (initial)

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

Safe and Healthy Work Environment

In order to maintain a healthy and sick-free environment the City of Ozark asks that all employees not feeling well or leave work sick to please remain home or under a physician's care for twenty-four hours before returning to work. The City of Ozark also asks that those employees who receive treatment from a physician with antibiotics to not return to work for forty-eight hours to ensure that they are not contagious, and well enough to perform and carry out their duties. It may be necessary for an employee to treat an injury or may have ongoing medical needs that may require treatment. Please ensure that all measures are taken to avoid co-workers from coming in contact with bodily fluid and/or blood. At no time is it acceptable to have bodily fluids or blood exposed in the work environment. The City of Ozark asks that you are courteous to those around you and that you maintain the highest levels of personal hygiene.



**City of Ozark Missouri
OFFICE OF THE CITY CLERK**

P.O. Box 295
Ozark, Missouri 65721

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

Feb xx, 2012

SOLICITATION FOR BID

The City of Ozark Public Works Department is soliciting sealed bids to;

Provide placement, compaction and rough grading of existing earth fill for the "Proposed sidewalk improvement project located at the Community Center at 1530 W. Jackson Street. At a minimum, the proposed work includes the following;

Scarify the subgrade to a depth of at least 6" in the fill sections. The existing fill material located at the site shall be placed in 8" maximum lifts to rough grade and compacted to 95% of maximum density as determined by the Standard Proctor Compaction Test. The City of Ozark reserves the right to conduct field density tests at any point during the project. The rough grade shall be in accordance with the design drawings for "State Route 14 Transportation Enhancement Project STP: 9900 (883)". The work shall be accomplished between Sta. 0+00 and Sta. 2+80+/- per Sheet C2 of referenced drawings. A gap shall be maintained for the culvert crossing at Sta. 1+90.5. The cross-section shall be constructed as per detail 5/C4 on sheet C4.

- 1. GENERAL:** All construction shall conform to the current edition of the City of Ozark Design Standards for Public Improvements and City of Ozark Construction Specifications for Public Improvements and all revisions thereto.
- 2. PREVAILING WAGE:** Contractor will be required to furnish an affidavit to the City stating that he has paid the prevailing wages as set forth in Missouri Annual Wage Order No. 18 and fully complied with the provisions and requirements of the Missouri State Prevailing Wage Law.
- 3. COMPLETION TIME:** The Contractor will be required to commence work under this contract within ten (10) calendar days after his date of receipt of the Notice to Proceed, to prosecute said work diligently and to complete the work within thirty (30) calendar days. Liquidated Damages of \$500 per day will be access.

4. **QUESTIONS:** Any questions regarding this project shall be directed to the City of Ozark Engineering Department (Robert Wilslef) 417-581-1702, Ext 1202 at least four (4) calendar days prior to bid date. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.

5. **WATER:** All water required for and in connection with the work to be performed may be obtained from a City of Ozark's water source under the direction of the City's Inspector.

Sealed bids visibly marked "Placement, grading and compaction of earth fill at the OC" will be accepted until 10:30 a.m. March 15th 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. Design drawing information can be reviewed at the Public Works Field Office at 207 E. Brick Street or by contacting Robert Wilslef, Public Works Department at (417) 581-1702, Ext: 1202. Send Sealed Bids to the Ozark City Hall, Attn; City Clerk, 205 N. 1st Street in Ozark, Missouri 65721.

City of Ozark Missouri
OFFICE OF THE CITY CLERK



P.O. Box 295
Ozark, Missouri 65721

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

March 09, 2012
10:30 a.m.

RE: Sealed Bid Opening to provide placement, compaction and rough grading of existing earth fill for the "Proposed Sidewalk Improvement project" located at the Community Center at 1530 W. Jackson Street.

The City received four (4) bids for the "Placement, grading and compaction of earth fill at the Community Center" from the following Contractors:

- 1) Martin Contracting
Denver and Stacey Martin
1490 N. State Highway 125
Rueter, Missouri 65744
Phone Number-417-239-4221

Work will be completed to the City's Specifications.
Total Bid Amount- \$2,390.00

- 2) Darrell Mrotek Construction, Inc.
3405 US Highway 160
Walnut Shade, Missouri 65771
Phone Number: 417-335-0294

Work will be completed to the City's Specifications.
Total Bid Amount- \$2,750.00

- 3) Hamilton and Dad, Inc.
12390 W. Faith Lane
Republic, Missouri 65738
Phone Number: 417-844-1025

Bid Includes:
Placement and grading of existing fill on site.
Bid Excludes:
Staking and Permits and Fees.

Total Bid Amount- \$3,795.00

- 4) Prime Contracting, Inc.
Mark Powell
P.O. Box 744
Republic, Missouri 65738
Phone Number: 417-732-5353

Work will be completed to the City's Specifications.

Total Amount- \$5,995.62

The Sealed Bids were opened at 10:30 a.m., Friday, March 9, 2012 by the City's Engineer Environmental Resources Manager Bob Wilslef, Senior Infrastructure Inspector Tim Auchtung and City Clerk Lana Wilson. The Bid will be awarded to the most responsible and lowest Bid submitted.

Martin Contracting Bid

1490 N. St. Hwy. 125
Rueyer, MO 65744
(417) 239-4221

Placement, grading & compaction of earthfill at
the OC according to plans provided by City of Ozark.

Total Bid \$ 2390.⁰⁰

Gary Martin Owner

PROPOSAL

DARRELL MROTEK CONST INC.
3405 US HWY 160
WALNUT SHADE MO 65771

TEL. 334-1144
MOBILE 335-0294
DATE 5/7/12

PROPOSAL SUBMITTED TO:

City of Gark
Placement grading and
Compaction of Earth Fill
AT the OC

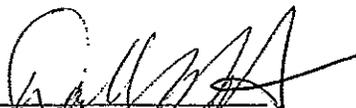
WORK TO BE PERFORMED AT:

Side walk AT the OC

Place & Compact Fill From Station 0+00 to Station 2+80

ALL MATERIAL ARE GUARANTEED TO BE AS SPECIFIED, AND THE WORK TO BE PERFORMED IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS SUBMITTED FOR THE WORK AND COMPLETED IN A SUBSTANTIAL WORKMANLIKE MANNER FOR THE SUM OF \$ 2,750.00

RESPECTFULLY SUBMITTED


DARRELL MROTEK

ACCEPTANCE OF PROPOSAL

THE ABOVE PRICE, AND CONDITIONS ARE SATISFACTORY AND ARE HERBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE ABOVE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED. ABOVE.

SIGNATURE _____

DATE _____

BID DOES NOT INCLUDE:

UTILITY ADJUSTMENTS	ENGINEERING	FILL MATERIAL
PERMIT	SOIL TESTING	BLASTING
STAKING	TOP SOIL	BREAKING ROCK
SEED & MULCH	EROSION CONTROL	

Hamilton and Dad, Inc.

12390 W. Faith Lane Republic, Mo. 65738

Fax: 417-732-8437

Phone:417-732-8796

Mobile:417-844-1025

03/09/12

Bid for

The City of Ozark, The OC

Bid includes:

- Placement and grading of existing fill on site

LS Total \$3,795.00

Items not included

- Staking
- Permits and fees

Thank you,
Jerry Hamilton

Prime Contracting, Inc

P.O. Box 744, Republic MO, 65738

ph. 417-732-5353

fax 417-732-5354

Date: 3/9/2012

To: City of Ozark, Missouri Public Works Department.

Attn:

Project: "Placement, grading and Compaction of earth fill at the OC"

RE: Submitting of bid proposal

Includes:

-Labor, Equipment and Insurance.

-Scarify the subgrade to a depth of at least 6" in the fill sections. Placing and compacting of existing fill material located at the site and shall be placed in 8" maximum lifts to rough grade and compacted to 95% of maximum density as determined by the Standard Proctor Compaction Test. The rough grade shall be in accordance with the design drawings for "State Route 14 Transportation Enhancement Project STP: 9900(883)". Work shall be accomplished between Sta. 0+00 and Sta. 2+80 +/- per Sheet C2 of referenced drawings. A gap shall be maintained for the culvert crossing at Sta. 1+90.5. The cross-section shall be constructed as detail 5/C4 on sheet C4.

-In compliance to the standards set forth by solicitation for bid by: City of Ozark Missouri Office of the City Clerk. Dated: 2/24/2012

-

Lump sum amount \$5,995.62

Marc Powell



Project Estimator

Prime Contracting, Inc