



City of Ozark Missouri

P.O. Box 295
Ozark, Missouri 65721

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

BOARD OF ALDERMEN TENTATIVE MEETING AGENDA

Monday, April 2, 2012
7:00 P.M. Regular Session

POSTED

03-29-2012

Ordinance #12-016

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 19, 2012 Regular Session and March 26, 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 #2590**-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 April 2, 2012 to December 31, 2012. Alderman Rick Gardner. **C.**

C. RESOLUTION:

1. **Resolution #1749**-A Resolution by the Board of Aldermen of the City of Ozark, Missouri, Approving An Amendment to the Schedule of the Planning and Development Fees Pursuant to Section 405.490 of the Code of Ordinances of the City of Ozark. Alderman James Haik, III. **D.**

2. **Resolution #1750**-A Resolution by the Board of Aldermen of the City of Ozark, Missouri, Awarding the Bid for the Pineview Sanitary Sewer Extension Project and Authorizing the City Administrator to Enter Into Discussions For an Agreement with Martin Contracting for this Service. Alderman Dennis Sparrow. **E.**

D. EMERGENCY BILLS:

E. PUBLIC IMPROVEMENT BILLS (TAX BILLS):

F. GRANTS:

G. AMENDED BILLS:

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

1. **Bill #2589**-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. Alderman Rick Gardner. F.

REPORT OF OFFICERS, BOARDS AND COMMITTEES:

1. Administrative Committee: City Administrator Steve Childers.
 1. Discussion of RFP for Economic Development Partnership Project. (Ozark, Nixa and Christian County.) G.
2. Public Safety: Police Chief Lyle Hodges.
3. Public Works: Public Works Director Larry Martin.
4. Park: Parks and Recreation Director Sam Wagner.

UNFINISHED BUSINESS:

SCHEDULED VISITORS: 1. William Bock-Discuss Low Frequency Noise Pollution. H.

NEW BUSINESS/COUNCIL COMMENTS:

MISCELLANEOUS BUSINESS:

ADJOURNMENT

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

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



City of Ozark Missouri

P.O. Box 295
Ozark, Missouri 65721

Fax 417-581-0575
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March 19, 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, Alderman Dennis Sparrow and Alderman Jim Stewart were present. Also attending were City Administrator Steve Childers, City Attorney David Collignon and City Clerk Lana Wilson.

Pledge of Allegiance

7:00 p.m.

Roll Call:

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

Approval of the Minutes of the Previous Meeting(s): Approval of the March 5, 2012 Regular Session and March 12, 2012 Noon Work Session Minutes.

Motion was made by Alderman Campbell to approve the March 5, 2012 Regular Session and the March 12, 2012 Noon Work Session Minutes as written, seconded by Alderman Stewart with all present voting aye.

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 Approving Certain Budget Amendments to the 2012 Budget for the City of Ozark, Missouri From March 19, 2012 to December 31, 2012.

Motion was made by Alderman Gardner to place Bill #2589 on its first reading by title and description only, seconded by Alderman Sparrow with all present voting aye.

City Administrator Childers presented the Mayor and Board of Aldermen with the actual 2011 Carryovers. Staff can only anticipate carryover fund totals while preparing the following years Budget. The 2011 carryover totals were considerably more than what was projected. The Budget Amendments presented for consideration are only utilizing the 2011 carry over funds.

A portion of the \$25,000.00 in the General Fund Expense Budget Amendment will allow the City to continue working with City of Nixa and Christian County officials. In the near future staff will be proposing scheduled Meeting between the Board of Aldermen, the City of Nixa City Council and the Christian County Commission, to discuss and evaluate our strengths and weaknesses to prepare a marketing strategy for northern Christian County as one (1) unit. Staff is proposing to share in the cost with the City of Nixa and Christian County to obtain a marketing plan, called a Market Street Competitive Assessment that will evaluate our position, as a Community, in the market place. Staff is proposing \$12,000.00 allotted for the City's cost share of the plan.

Another portion of the General Fund Expense, \$7,000.00, staff is proposing to create a Central Business District Welcome Sign to be located at the north side of the W. Jackson Street and N. 3rd Street Intersection. The remaining funds will be used for Economic Development marketing tools.

Due to the fluctuating gas prices we realize the necessity to increase the Police Department's gas expense.

Funds were allotted to new computer equipment, office equipment and computer software license for the Code Enforcement Office to access the Utility Billing software.

The Park Fund Expense Budget Amendment allots funds to remove the dilapidated tennis court in the Park and replace it with a basketball court.

Funding for Phase I of the Finley River Park electrical upgrades.

The Parks/Stormwater Fund Expense Budget Amendment allots funds for the installation of security cameras to monitor inside the Community Center facility accesses and at the FEMA room.

There will be \$111,445.00 left in the carryover balance for any emergency expenses that may arise this year.

Alderman Gardner asked for an update on the Community Center Sign.

City Administrator Childers stated \$15,000.00 was allotted for the Sign in this year's Budget Capital Improvement Fund any remaining expenses will be covered

by dedicated funds negotiated in the Coca Cola Contract. Staff is preparing a Sign Request for Proposal and should have the Sign negotiations completed within the next 30 days.

Donna McQuay 1002 Amy Lane-Donna McQuay asked if funds have been allotted for Storm Siren improvements, the storm siren in her neighborhood failed to function during the recent storm siren test.

Mayor Shane L. Nelson informed Donna McQuay the Public Works Director put together a storm siren improvement proposal all eight (8) storm sirens should be repaired and functioning in the near future.

Bill #2589 will be held over until the April 2, 2012 Regular Board of Aldermen Legislative Session.

C. RESOLUTIONS:

D. Emergency Bills:

1. Bill #2585-An Amended Emergency Ordinance Authorizing and Directing the Issuance, Sale and Delivery of \$435,000.00 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.

City Administrator Childers stated the City had the opportunity to refinance the 2005 combined Waterworks and Sewerage System Revenue Bonds to achieve receiving a lower interest rate, saving the City \$45,000.00 in interest payments over the next 13 years. The cost of the Bond issuance is \$6,763.00.

Bond Counsel Carson Elliff stated the Bill was amended to reflect the decrease in the Bond from \$440,000.00 to \$435,000.00, the locked in interest rate and the adjusted maturity amounts. The interest rate is based upon the maturity of the Bonds ranging from 2.3% up to 4% the overall average interest rate is 3.7%.

Motion was made by Alderman Gardner to dispense with the second reading and place Bill #2585 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 #2585 as Ordinance #12-013, seconded by Alderman Spinabella. Motion carried with all present voting by Roll Call vote:

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

2. Bill #2588-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 19, 2012 to December 31, 2012.

Motion was made by Alderman Gardner to place Bill #2588 on its first reading by title and description only, seconded by Alderman Campbell with all present voting aye.

City Administrator Childers stated the City has two (2) time sensitive emergency expenses. The first Budget Amendment is the supplemental Engineering Agreement expense due to the 3rd Street Improvement Project design modification. The Supplemental Engineer Agreement has been approved by the Federal Highway Administration.

The OTO has administratively completed the Transportation Improvement Program Amendment, which in return allows the City to utilize STP Urban Funds to pay 80% approximately \$29,733.00 of the \$37,167.00 Supplemental Engineer Agreement cost. Staff is proposing to use General Revenue carry over funds to pay the remaining \$7,434.00 for the Supplemental Engineering Agreement expense.

The second emergency Budget Amendment is for the storm siren improvement expense. The Public Works Department has worked hard to secure a USDA Grant that will pay a small portion of the proposed \$30,000.00 expense. The total impact to the carry over funds will be \$26,000.00; this amount will be transferred into the Capital Improvement expense fund.

Alderman Campbell asked Public Works Director Martin when he projected the storm sirens would be functioning properly.

Public Works Director Martin stated assuming staff will begin ordering parts tomorrow the storm sirens requiring minor maintenance will be on-line in about

two (2) weeks, the sirens requiring major maintenance will be completed within thirty days.

Motion was made by Alderman Gardner to dispense with the second reading and place Bill #2588 on its third and final reading by title and description only, seconded by Alderman Spinabella with all present voting aye.

Motion was made by Alderman Gardner to adopt Bill #2588 as Ordinance #12-014, seconded by Alderman Campbell. Motion carried by Roll Call Vote with Alderman Sparrow abstaining:

Alderman Mark Spinabella	Aye
Alderman Dennis Sparrow	Abstain
Alderman Rick Gardner	Aye
Alderman James Haik, III	Aye
Alderman Eddie Campbell	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 #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 dispense with the second reading and place Bill #2586 on its third and final reading by title and description only, seconded by Alderman Campbell with all present voting aye.

City Administrator Childers stated the Board of Aldermen has before them the final version of the City's new Purchasing Code.

Motion was made by Alderman Gardner to adopt Bill #2586 as Ordinance #12-015, seconded by Alderman Campbell. Motion carried with all present voting by Roll Call vote:

Alderman Jim Stewart	Aye
Alderman James Haik, III	Aye
Alderman Eddie Campbell	Aye

Alderman Mark Spinabella	Aye
Alderman Dennis Sparrow	Aye
Alderman Rick Gardner	Aye

Report of Officers, Boards and Committees:

1. Administrative: City Administrator Steve Childers.

1. City Administrator Childers stated this is the first Budget the City of Ozark has had a dedicated emergency fund line item. Inserted in the Budget Amendments is an additional \$100,000.00 dedicated to the Emergency Fund, bringing the total Emergency Fund balance to \$200,000.00 in the 2012 Budget.

2. Administrative Projects Coordinator Cara Borneman-Personnel Policy Updates. Safe and Healthy Work Environment and the Sexual Harassment Policy.

Administrative Projects Coordinator Borneman introduced the two newly implemented Employee policies to the Mayor and Board of Aldermen.

Safe and Healthy Work Environment Policy-

The Safe and Healthy Work Environment is the only policy that will affect the Employee Manual. The purpose of implementing the Policy is to promote and maintain a healthy and sick-free work environment for the employees and to provide the Department Heads with a guideline to promote the same.

Sexual Harassment Policy-

The proposed Sexual Harassment Policy form will be attached to the full time employee's Annual Review and will require the employee's signature to indicate they have read and understand the Policy. The Policy was provided to the City by our Insurance Company's Human Resources consultant, the policy is being utilized by many City's our size in comparison.

Alderman Stewart questioned the statement implying the City takes no responsibility for unreported Sexual Harassment. It is his understanding the employer would have a legal obligation with or without an adopted Policy.

Administrative Projects Coordinator Borneman stated a Sexual Harassment claim will reflect upon the City once the claim is reported to the Human Resources Department. When the Human Resources Department becomes aware of a claim an investigation will be initiated.

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.

Public Works Director Martin stated this discussion took place during the Emergency Budget Amendments.

2. Award the Fill Dirt Project at the Community Center.

Public Works Director Martin stated the City received competitive bids for the fill dirt project, staff is recommending awarding the Bid to the lowest bidder, Martin Contracting for the amount of \$2,390.00. The Project amount would have fallen within the new Purchasing perimeter to not require the Board of Aldermen's approval it is by his request to bring this before the Board of Aldermen for formal approval due to the fact the lowest bid submitted was from his brother's company. To avoid any conflict Public Works Director Martin is requesting the Board of Aldermen to approve awarding the lowest bid submitted. The job is considered construction work and will be required to pay Prevailing Wage.

Alderman Campbell asked if the sidewalk project would connect to the existing sidewalk, he had noticed the staking did not extend to the north east corner of the Fasco Parking Lot.

Public Works Director Martin stated realizing most stakes are moved during the construction phase, in Phase 1 the side receiving a significant amount of fill was staked the other side will require more excavation.

Motion was made by Alderman Haik to award the bid to Martin Contracting for the submitted amount \$2,390.00, seconded by Alderman Campbell with all present voting aye.

Public Works Director Martin stated within the next few days a construction job will commence, an accelerated repair to a wall located in the men's shower room at the Community Center.

In an effort to avoid interrupting the water flow to the remaining shower stalls a temporary by-pass valve has been installed.

Public Works Director Martin stated the City is moving forward with the Blower Project at the Ozark Wastewater Treatment facility although the final documents have not been executed. Two of the Elk Valley Wastewater Treatment facility blowers have prematurely malfunctioned. The blowers were installed by the same company approximately two (2) years ago; the warranty expired about a year ago. Through negotiations with the company they have agreed to provide the parts and labor to repair the faulty blowers saving the Public Work's maintenance expense account over \$200,000.00.

The Engineering Plans to relocate the water lines from the right-of-way prior to the 3rd Street Improvements are in the process of being engineered.

The reverse 911 Cooperative Project for Christian County, between the City of Ozark, the City of Nixa and Christian County is on-line and functioning. The data base has been uploaded into the new System from the obsolete Iris program. The

County will begin their Media Campaigns as early as next week. Staff is uploading the systems link to sign up onto the City's Website.

The Street Department has requested to purchase a trencher rather than the Budgeted router; staff feels they can utilize the trencher more than the router. The trencher is around \$10,000.00 less than the router.

Alderman Gardner asked Public Works Director Martin if he has investigated whether or not the City has any legal recourse pertaining to the Community Center stem wall problem.

Public Works Director Martin stated he is waiting for the outcome of the Meeting at the site between the Project Architect/Construction Manager and his construction manager before deciding on what direction to proceed.

4. Parks: Parks Director Sam Wagner.

Unfinished Business:

New Business/Board of Aldermen Comments:

Alderman Mark Spinabella informed the Mayor and Board of Aldermen this year's Business Expo at the Community Center, co-sponsored by the City and the Chamber of Commerce has been sold out.

Alderman Mark Spinabella stated he would like to see the City take more of an active role in the Neighborhood Watch Programs.

City Administrator Childers gave an update to Alderman Spinabella's statement. Since speaking with Alderman Spinabella about this topic, he and Chief Hodges has met and discussed the Neighborhood Watch Programs with the Police Department's Community Resource Officer. The Community Resource Officer has placed information about the Programs on the City's Police Department's Website page, she is volunteering her services and knowledge with neighborhoods that may be interested in learning more about Neighborhood Watch Programs.

Alderman Campbell received a piece of mail addressed from a William Buck at 603 E. Jay Street who is present in the audience. Mr. Buck is requesting to discuss a noise nuisance presumably coming from the Christian County Judicial Center's rooftop air conditioning units.

Alderman Gardner suggested that Mr. Buck speak to the Mayor and Board of Aldermen during the April 2, 2012 Board of Aldermen meeting, this will give everyone a chance to review the information that has been provided by Mr. Buck.

Mayor Shane L. Nelson invited Mr. Buck to return and speak as a visitor during the April 2, 2012 Board of Aldermen Meeting.

City Administrator Childers stated staff is working diligently to simplify the City's Website information center process.

Pay Bills-

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

The March 19, 2012 Regular Legislative Session adjourned at 7:55 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
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March 26, 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 Mark Spinabella were present. Also attending City Administrator Steve Childers, City Attorney David Collignon and City Clerk Lana Wilson.

Pledge of Allegiance

12:00 p.m.

Roll Call:

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

*There was not a Quorum present during Roll Call. Alderman Rick Gardner was absent during the Roll Call he entered the Meeting at 12:14 p.m.

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

CEREMONIAL MATTERS:

BILLS OPEN FOR PUBLIC DISCUSSION:

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

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

Report of Officers, Boards and Committees:

1. Administrative:

1. Susan Kendrick-Least of These-Food Pantry for Christian County.

Mayor Shane L. Nelson introduced Susan Kendrick to the Board of Aldermen and invited her to speak about the Least of These Program.

Susan Kendrick approached the Mayor and Board of Aldermen to explain the function of the Least of These-Food Pantry Program. The Least of These Program originated in 1998 and is staffed with a Director and 90 volunteers all with the same goal to change the lives of the less fortunate families in Christian County. The Least of These Program provide the less fortunate Christian County families with food, cleaning supplies, personal care items, clothing and household items. The Program provides educational programs to clients that include nutrition classes, how to utilize coupons, writing resumes and financial management.

In 2011 the Food Pantry served 1,712 families and 7,793 Food Baskets were delivered. So far this year 942 families, 4,681 individuals have been served and 1,657 Food Baskets have been delivered. The demands for the Program's services have increased with the declining economy. The Program includes annually Thanksgiving Food Baskets and at Christmas time individual families are interviewed with the neediest family names given to area charitable organizations and churches. The Program relies heavily on donations received from food drives, some grants and money donations from the Community.

Mayor Shane L. Nelson asked Susan Kendrick what type of donations were most in demand from the Program.

Susan Kendrick stated household items are always useful but the most in demand are hygiene supplies.

City Administrator Childers asked Susan Kendrick if Least of These accepted venison. Susan Kendrick stated the Program accepts venison and works very closely with the Conservation Department for compliance purposes.

Alderman Campbell shared with the Mayor and Board of Aldermen this year all the proceeds from the annual Car Show hosted by the Car Club he is a Member of will be donated to the Least of These Program.

Susan Kendrick thanked the Mayor and Board of Aldermen for inviting her to speak and invited the City to join forces with the Program to help the less fortunate families in Christian County.

2. Discussion Regarding "Lexipol"-Law Enforcement Policy Manual-

Police Chief Hodges and Police Lieutenant Truman Isbell approached the Mayor and Board of Aldermen to explain how the Lexipol Law Enforcement Policy Manual and annual updates would benefit the Police Department. The Police Department's current Policy Manual has been kept updated and maintained but without a dedicated staff member the task is not done as often as it should. For a one time \$7,950.00 fee Lexipol, a risk management company, will provide the City with an updated Missouri Law Enforcement Policy Manual and annual updates for an annual \$3,100.00 Maintenance fee every year thereafter. The one time initial cost can be paid out of Federal Forfeiture Funds but the \$3,100.00 annual maintenance fee will be considered a reoccurring Budgeted expense and not be eligible for Federal Forfeiture Funds. Police Lieutenant Isbell stated Lexipol specializes in Law Enforcement Risk Management. Lexipol scrutinizes and studies State and Federal Law Enforcement Laws, without the City having a full time employee dedicated to study and research State and Federal Laws for additions or amendments we are putting the City at risk. Lexipol will automatically notify and provide the City with any amended or new State and Federal Law policies. Recently Lieutenant Isbell updated a certain Section of the

Police Department's Policy from the beginning which included extensive research to the final updated policy it took between 40 to 60 hours. To update the larger policies would take at least 120 man hours. It will take approximately 8 months working with Lexipol to update our Policy Manual, the Annual Maintenance period will take affect on the date our Policy Manual is completed and the final documents are executed.

City Administrator Childers stated the initial service expense will be paid out of Federal Forfeiture Funds assuming the Policy Manual update will be completed in 2013 the annual maintenance fee will not be an allotted Budget expense until 2014. If funds are not available the annual Maintenance Fee expense can be eliminated from any given year's Budget.

Lieutenant Isbell stated the Police Department is the City's biggest liability risk, without updated Policies weaken the Police Department's control over risk management issues. City Administrator Childers stated staff is prepared to move forward with purchasing this service using Federal Forfeiture Funds. The reasoning behind staff formally presenting this purchase to the Board of Aldermen is to bring to the Board's attention the potential impaction for the annual maintenance fee on future Budgets.

Alderman Stewart asked Lieutenant Isbell if the Police Department would utilize the Daily Training Bulletin option.

Lieutenant Isbell stated every Police Officer dedicates a lot of hours each year to training but none of those hours include Policy training. The Daily Training Bulletin option offered by Lexipol will provide each Officer at the beginning of each shift a random Policy to view than the Officer will answer a question given from within that Policy. The system administrator will be given the rights to view the daily Policy Training Bulletin process to gather data. Each Budget year the Policy Training Bulletin will be evaluated for training value purposes.

Alderman Gardner thanked the Police Department for bringing the Policy Manual purchase to the Board of Aldermen's attention he requested the Police Department to evaluate all Federal Forfeiture Fund purchases to avoid unnecessary spending.

City Administrator Childers stated he recently received an e-mail from Connell Insurance endorsing Lexipol as a potential risk management tool.

3. Discuss the Neal and Betty Grubaugh Memorial.

Mayor Shane L. Nelson spoke to the Board of Aldermen about raising private funds to purchase a memorial plaque to place on City owned property recognizing Neal and Betty Grubaugh.

The Board of Aldermen discussed the idea of dedicating a hallway at the Community Center to locate memorial recognition plaques.

Alderman Gardner brought up for discussion the **low frequency noise issue** and requested the Board of Aldermen not to take the complaint lightly he did not see it as a frivolous issue, the residents complaints are genuine.

Mayor Shane L. Nelson stated information can be gathered from the complainants during the April 2, 2012 Legislative Session, with that information the City can meet with the Christian County Commission to establish a plan to resolve the issue.

Alderman Gardner stated apparently the residents approached the County Commission with their complaint and were not satisfied with the County's reaction to their issue. City Administrator Childers stated he will contact the County Commission to receive any information they may have gathered and ask if they have any plans established to resolve this issue prior to the April 2, 2012 Legislative Session.

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

Unfinished Business:

New Business/Board of Aldermen Comments:

Pay Bills-

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

The March 26, 2012 Regular Noon Work Session adjourned at 1:05 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 APRIL 2, 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 16TH DAY OF APRIL 2012.

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

APPROVED THIS 16TH DAY OF APRIL 2012.

City of Ozark

SHANE L. NELSON, MAYOR

[SEAL]

ATTEST:

Lana Wilson, City Clerk

**Bill #2590
Ordinance #12-0
April 16, 2012**

EXHIBIT "A"

City of Ozark
Proposed Budget Amendments
4/2/2012

	Account Name	Account Number	2012 Current Budget	Proposed Amendment	2012 Requested Amended Budget
	<u>General Fund Expenses:</u>				
Personnel Changes	Salaries	101 010-610.100	\$ 606,300.00	\$ 14,590.00	\$ 620,890.00
	FICA Employer Contributions	101 010-645.100	\$ 37,590.00	\$ 905.00	\$ 38,495.00
	Medicare Employer Contributions	101 010-646.100	\$ 8,800.00	\$ 210.00	\$ 9,010.00
	Medical Insurance	101 010-660.100	\$ 86,960.00	\$ 3,240.00	\$ 90,200.00
	Dental Insurance	101 010-660.150	\$ 5,600.00	\$ 175.00	\$ 5,775.00
	Workmens Compensation	101 010-660.200	\$ 6,800.00	\$ 44.00	\$ 6,844.00
	Unemployment Security	101 010-660.500	\$ 4,500.00	\$ 102.00	\$ 4,602.00
	LAGERS Employers Contributions	101 010-665.100	\$ 76,740.00	\$ 1,940.00	\$ 78,680.00
	<u>Water Fund Expenses:</u>				
	<u>Water Expenses:</u>				
Personnel Changes	Salaries	201 040-610.100	\$ 611,405.00	\$ 1,705.00	\$ 613,110.00
	FICA Employer Contributions	201 040-645.100	\$ 37,910.00	\$ 105.50	\$ 38,015.50
	Medicare Employer Contributions	201 040-646.100	\$ 8,865.00	\$ 25.00	\$ 8,890.00
	Medical Insurance	201 040-660.100	\$ 85,450.00	\$ (20.00)	\$ 85,430.00
	Dental Insurance	201 040-660.150	\$ 5,500.00	\$ (0.50)	\$ 5,499.50
	Workmens Compensation	201 040-660.200	\$ 14,000.00	\$ 8.00	\$ 14,008.00
	Unemployment Security	201 040-660.500	\$ 4,700.00	\$ 14.00	\$ 4,714.00
	LAGERS Employers Contributions	201 040-665.100	\$ 81,000.00	\$ (505.00)	\$ 80,495.00
	<u>Sewer Expenses:</u>				
Personnel Changes	Salaries	201 050-610.100	\$ 776,560.00	\$ 1,705.00	\$ 778,265.00
	FICA Employer Contributions	201 050-645.100	\$ 48,150.00	\$ 105.50	\$ 48,255.50
	Medicare Employer Contributions	201 050-646.100	\$ 11,260.00	\$ 25.00	\$ 11,285.00
	Medical Insurance	201 050-660.100	\$ 112,585.00	\$ (20.00)	\$ 112,565.00
	Dental Insurance	201 050-660.150	\$ 6,750.00	\$ (0.50)	\$ 6,749.50
	Workmens Compensation	201 050-660.200	\$ 10,000.00	\$ 8.00	\$ 10,008.00
	Unemployment Security	201 050-660.500	\$ 6,100.00	\$ 14.00	\$ 6,114.00
	LAGERS Employers Contributions	201 050-665.100	\$ 99,940.00	\$ (505.00)	\$ 99,435.00
			\$ 2,753,465.00	\$ 23,870.00	\$ 2,777,335.00

RESOLUTION NUMBER 1749

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

WHEREAS, The Board of Aldermen has been presented the suggested change to the Planning and Development Permit Fees by the City of Ozark Sign Committee; and

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

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

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

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

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

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

THIS RESOLUTION PASSED AND APPROVED at a regular meeting of the Board of Aldermen of the City of Ozark, Missouri, on this 2nd day of April 2012.

Shane L. Nelson, Mayor

[SEAL]

ATTEST:

Lana Wilson, City Clerk

EXHIBIT "A"

**PLANNING AND DEVELOPMENT
APPLICATION FEES**

Banner Sign

\$15.00

RESOLUTION NO. 1750

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE
CITY OF OZARK, MISSOURI AWARDED THE BID FOR THE PINEVIEW
SANITARY SEWER EXTENSION PROJECT AND AUTHORIZING THE CITY
ADMINISTRATOR TO ENTER INTO DISCUSSIONS FOR AN AGREEMENT
WITH MARTIN CONTRACTING FOR THIS SERVICE.**

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

WHEREAS, the City of Ozark, Missouri solicited sealed bids or proposals from contractors for the completion of the Pineview Sanitary Sewer Extension Project as set forth in the bid specifications, and upon review, "Martin Contracting" was determined to be the lowest responsible bidder.

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

1. That Steve Childers, City Administrator, is hereby authorized to enter into discussions with Martin Contracting for the purpose of to complete the Pineview Sanitary Sewer Extension Project, as set forth in the bid specifications, for the submitted amount of \$53,470.00, and making the appropriate Budget adjustments.
2. That this Resolution shall be in full force and effect from the date of the passage and approval.

PASSED AND APPROVED, at a regular meeting of the Board of Aldermen of the City of Ozark this 2nd day of April 2012.

SHANE L. NELSON, MAYOR

ATTEST:

Lana Wilson, City Clerk



**Request for Sealed Bids to
Complete the Pineview Sanitary
Sewer Extension Project**

Sealed Bids shall be received by March 29, 2012

10:30 A.M.



**City of Ozark
205 N 1st Street
Ozark, MO 65721
417-581-2407**

www.ozarkmissouri.com

March 14, 2012

Request for Sealed Bid: Provide all necessary equipment and labor to complete the "Pineview Sanitary Sewer Extension Project".

INTRODUCTION

The City is soliciting Sealed Bids to provide all necessary equipment and labor to complete the Pineview Sanitary Sewer Extension Project as indicated on Engineered Drawings Titled "Pineview Sanitary Sewer Extension" and Dated 07/21/2011. The City of Ozark will provide the 4" and 8" Sewer Piping and Fittings as well as the Manholes with Frames and Lids. The Contractor shall provide all additional required materials to complete the Project. A one-time Construction Staking will be provided by the City's Engineer. As a minimum, the proposed Contract work includes the following:

The necessary earthwork, lift station abandonment and modifications, installation of 1544 lf +/- of 8" gravity sewer main, steel casing, 6-each standard 48" precast concrete manholes, site clean-up, reseed/straw, sediment/erosion control and all other requirements indicated on Drawings.

General: The completed work shall be in accordance with the Design Drawings for "Pineview Sanitary Sewer Extension". The work shall begin at the existing sewer main pipe at approximate Sta. 1+50 and continue to and include the existing lift station shown on referenced Drawings. The crossing at Longview may be accomplished by "open-trench" but shall include the steel casing. This crossing shall be coordinated a minimum of 30 days in advance with the Ozark Special Road District. The existing generator at the lift station shall be salvaged and the City shall be notified when ready to pick up at the site. The remaining lift station equipment shall be removed from the site by the Contractor. 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. The City of Ozark reserves the right to conduct field density tests at any point during the Project.

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. In the event that the Contractor or its sub-contractors fail to pay any employee Prevailing Wage in accordance with the terms of this paragraph, the Contractor will forfeit a penalty to the City in an amount equal to One Hundred Dollars (\$100.00) per day, or any portion thereof, for any work done on this Municipal Project.

Insurance Requirements: Contractor will be required to furnish the City of Ozark prior to commencement of any work on the Project a copy of the current Certificate for Workers Compensation Insurance as required by the State of Missouri.

Safety Training Requirements (Applies to the Awarded Bid):

- 1) The Contractor shall provide a ten (10) hour Occupational Safety and health Administration (OSHA) construction safety program for all employees who will be on-site at the Project. The construction safety program shall include a course in construction safety and health that is approved by OSHA or a similar approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program as required by Section 292.675 R.S.Mo.
- 2) The Contractor shall require its on-site employees to complete a Construction Safety Program within sixty (60) days after the date work on the Project commences.
- 3) The Contractor acknowledges and agrees that any of Contractor's employees found in the Project site without documentation of the successful completion of a Construction Safety Program shall be required to produce such documentation within twenty (20) days, or will be subject to removal from the Project.
- 4) The Contractor shall require all of its sub-contractors to comply with the stated requirements and with Section 292.675, R.S.Mo.

Federal Work Authorization Program: The Contractor shall comply with Section 285.530 R.S.Mo relating to the Federal Work Authorization Program and to comply with all applicable State and Federal laws relating to allowing unauthorized aliens to perform any of the services contemplated herein and that its employees are lawfully eligible to work in the United States.

Excessive Unemployment Law: The Contractor shall comply with the provisions of Section 290.550, et seq., of the Revised Statutes of the State of Missouri regarding the "Excessive Unemployment Law", when there is "a period of excessive unemployment" (as that term is defined under the Excessive Unemployment Law). This requirement includes, without limitation, the obligation to use only "Missouri laborers" and "laborers from nonrestrictive states" (as those terms are defined under the Excessive Unemployment Law) in constructing or building any public works project or improvement, except as may otherwise be allowed under the Excessive Unemployment Law.

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 sixty (60) calendar days. Liquidated Damages of \$500.00 per day will be assessed.

Questions: Any questions regarding this Project shall be directed to the City of Ozark Engineering Department, Bob 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.

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.

Plans: Drawings will be available for free download from the City of Ozark's Web Site at www.ozarkmissouri.com or paper copies will be available at the Public Works Field Office at 207 E. Brick Street for a \$6.00 fee. Payment may be made by exact change or check only.

The City of Ozark reserves the right to reject any or all Bids, waive any informality or to select any Bid deemed to be in the best interest of the City.

INSTRUCTION TO CONTRACTOR:

1. Delivery of Sealed Bid:

When sent by mail, the identified Sealed Bid shall be addressed to the City of Ozark, City Clerk's Department, 205 N. 1st Street, P.O. Box 295, Ozark, Missouri 65721. All Sealed Bids shall be filed prior to the time and at the place specified in the invitation. Sealed Bids unsealed or received after the time for opening of the Bids will be returned to the Contractor, unopened. Faxed or E-Mail Bids are not acceptable.

2. Withdrawal of Proposals.

A Contractor will be permitted to withdraw his or her Bid unopened after it has been submitted if the City receives a request for withdrawal in writing prior to the time specified for opening the Bids.

3. Disqualification.

Any or all of the following reasons may be deemed by the City in its sole discretion as being sufficient for the disqualification of a bidder and the rejection of his/her Bid:

- Evidence of collusion among bidders.
- Failure to submit all required information requested in the Bid Specifications.
- Reputation of poor work product or services.
- Default or unsatisfactory performance on previous Contracts.
- Such disqualification would be in the best interests of the City.

4. Submission Requirements.

Contractor submission should include the Bid Form with corresponding attachments.

5. Consideration of Sealed Bid.

After the Sealed Bids are publicly opened and read, they will be compared on the basis of the evaluation criteria and formal recommendation will be made to the Board of Aldermen for formal action at a regular scheduled Legislative Session to be announced.

6. Reservation of Rights.

The City reserves the rights to reject any or all Bids, to waive technical or legal deficiencies, and to accept any Bid that it may deem to be in the best interest of the City.

The City reserves the right to make such inquiries into the reputation of the Contractor (including without limitation its reputation for timely service and work ethics) as may be necessary to verify that the selection criteria has been satisfied.

Contact Person & Mailing Address:

All inquiries concerning this request for Sealed Bids should be directed to:

Bob Wilslef
Public Works Engineering Department
City of Ozark
417-581-1702, Ext. 1202
engtech@ozarkmissouri.org

General Information:

City Clerk
City of Ozark
205 N. 1st Street
P.O. Box 295
Ozark, Missouri 65721
417-581-2407
lwilson@ozarkmissouri.org

Deadlines for Sealed Bids: Sealed Bids will be received by the City of Ozark City Clerk Lana Wilson at the address listed above until 10:30 A.M. on Thursday, March 29, 2012. Bids must be clearly marked on the outside of the package with the following description, "Sealed Bid-Pineview Sanitary Sewer Extension Project".

Special Conditions for Sealed Bids: Sealed Bids may be delivered in person or mailed to the City Clerk. However, any response which is mailed but does not reach the City Clerk by the deadline time set forth above will not be accepted. The City reserves the right to accept or reject any and all Sealed Bids and to waive any technicalities or irregularities therein.

BID PROPOSAL

PINEVIEW SANITARY SEWER EXTENSION

Business Name: Martin Contracting

Contact Name: Gary Martin

Business Address: 1490 W State Hwy 125
Rueter MO 65744

Business Phone: 417 239 4221

Business Fax: 417 753-2285

Contact Cell Number: 417 239 4221

Please indicate if there are any Bid Exclusions:

Bid excludes rock removal from MH-A4 to
MH EX 2 where exploration was not permitted.

Bid Total: \$ 53,470.00

Attach any documentation on how this Bid Total was calculated.

- Indicate the number of years in business under present business name:

20

- Identify at least three (3) references (Business Name, Contact Name, Phone Number).

- 1) Hart Gravel Co - Steve Hart 830 1371
- 2) Under MO Sky Properties - Murray Bonitt 703-231-1020
- 3) ~~Gary~~ Scarslock - Rick 862 5088

The undersigned agrees that he/she on behalf of "the Business/Contractor" has read in its entirety the invitation to submit a Sealed Bid; understands the Drawings and

Specifications to complete the Project and agrees to the terms and conditions set forth herein.

Contractor further agrees that this Sealed Bid is not made jointly or in conjunction, cooperation or collusion with any person, firm, corporation or other legal entity.

Contractor agrees no Officer, Agent or Employee of the City is directly or indirectly interested in the Sealed Bid submitted by the Authorized Agent:

Signature: *Gary Martin*

Print Name & Title: Gary Martin - Owner

Date: 3-28-12

SANITARY SEWER EXTENSION SERVICES CONTRACT

THIS AGREEMENT, made here and entered into this 2nd day of April 2012, by and between The City of Ozark, Missouri (hereinafter "CITY") and "Martin Contracting" (hereinafter "CONTRACTOR").

WITNESSETH:

WHEREAS, the CITY has made a determination that it would benefit from a Services Contract for the completion of the Pineview Sanitary Sewer Extension Project within the City to be provided on a specific project basis for the City; and

WHEREAS, the CITY made a Request For Bid for the completion of the Pineview Sanitary Sewer Extension and a CONTRACTOR was selected and awarded the Contract for such services to be provided to the CITY; and

WHEREAS, the CONTRACTOR and the CITY have agreed to certain benefits which are set forth below; and

WHEREAS, the CITY wishes to employ CONTRACTOR on a Flat Fee Contract basis for the term of the above referenced Agreement.

NOW THEREFORE, in consideration of the covenants and agreements hereinafter set forth, it is agreed as follows:

1. The CITY Will:

Pay CONTRACTOR, upon completion of such services, the sum of Fifty Three Thousand Four Hundred and Seventy and 00/100 Dollars (\$53,470.00).

2. The CONTRACTOR WILL:

- a. Provide the sanitary sewer extension services in accordance with the Solicitation for Sealed Bids, CONTRACTOR's response and the Award of Bid set forth in a group of documents marked "Exhibit A", attached hereto and incorporated herein by reference as if fully set forth in this paragraph.
- b. Not subcontract or assign, sublet or transfer any rights under or interest in this Agreement without the written consent of the CITY.
- c. Prevailing Wage: CONTRACTOR hereby certifies that it shall pay any employees prevailing wage on this municipal project as that wage is established by the Missouri Department of Labor and Industrial Relations' Division of Labor Standards pursuant to its current Annual Wage Order. CONTRACTOR further agrees to provide CITY with certified payroll information concerning the wages paid for on-site employees. In the event that CONTRACTOR or its sub-contractors fails to pay any employee prevailing wage in accordance with the terms of this paragraph, CONTRACTOR will forfeit a penalty to the CITY in an amount equal to One Hundred Dollars (\$100.00) per day, or any portion thereof, for any work done under this Contract.
- d. Workers Compensation Policy: Prior to the commencement of any work on the project, CONTRACTOR agrees to supply CITY with a copy of the current certificate for Workers Compensation Insurance as required by the State of Missouri.

e. Safety Training:

- (1) CONTRACTOR shall provide a ten (10) hour Occupational Safety and health Administration (OSHA) construction safety program for all employees who will be on-site at the Project. The construction safety program shall include a course in construction safety and health that is approved by OSHA or a similar approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program as required by Section 292.675 R.S.Mo.
- (2) CONTRACTOR shall require its on-site employees to complete a construction safety program within sixty (60) days after the date work on the project commences.
- (3) CONTRACTOR acknowledges and agrees that any of CONTRACTOR'S employees found in the project site without documentation of the successful completion of a construction safety program shall be required to produce such documentation within twenty (20) days, or will be subject to removal from the project.
- (4) CONTRATOR shall require all of it sub-contractors to comply with the requirements of this Section and Section 292.675, R.S.Mo.

f. Notice of Penalties for Failure to Provide Safety Training:

- (1) Pursuant to Section 292.675, R.S.Mo, CONTRACTOR shall forfeit to CITY as a penalty two thousand five hundred dollars (\$2,500.00), plus one hundred dollars (\$100.00) for each on-site employee employed by CONTRACTOR or its sub-contractor, for each calendar day, or portion thereof, such on-site employee is employed without the construction safety training required in Section 2.f.(1) above.
- (2) The penalty described in subsection g.(1) above shall not begin to accrue until the time periods described in Sections 2.f.(2) and (3) above have elapsed.
- (3) Violations of Section 2.f above and imposition of the penalty described in this Sub-section shall be investigated and determined by the Missouri Department of Labor and Industrial Relations.
- (4) In the event that the Missouri Department of Labor and Industrial Relations has determined that a violation of Section 292.675, R.S.Mo has occurred and that a penalty as described in this Sub-section shall be assessed, the CITY shall withhold and retain all sums and amounts due and owing when making payments to CONTRACTOR under this Contract.

g. Conflict of Interest: CONTRACTOR covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services to be performed under this Contract.

h. Non-discrimination: Agrees in the performance of this contract not to discriminate on the grounds or because of race, creed, color, age, sex, national origin, or ancestry, political affiliation or beliefs, religion or handicap.

i. Federal Work Authorization Program: CONTRACTOR agrees to execute the affidavit, attached hereto, marked "Exhibit B" and incorporated herein as if fully set out in this paragraph, required by Section 285.530 R.S.Mo relating to the Federal Work Authorization Program and to comply with all applicable State and Federal laws relating to unauthorized aliens. CONTRACTOR acknowledges that Section 285.530 R.S.Mo, prohibits any business entity or employer from knowingly employing, hiring for employment or continuing to employ an unauthorized alien to perform work within the State of Missouri. CONTRACTOR therefore covenants that it is not

knowingly in violation of subsection 1 of Section 285.530 R.S.Mo and that it will not knowingly employ, hire for employment or continue to employ any unauthorized aliens to perform any of the services contemplated herein and that its employees are lawfully eligible to work in the United States.

- j. **Excessive Unemployment Law:** CONTRACTOR hereby agrees to comply with the provisions of Section 290.550, et seq., of the Revised Statutes of the State of Missouri (hereinafter the "Excessive Unemployment Law" and incorporated herein by reference), when there is "a period of excessive unemployment" (as that term is defined under the Excessive Unemployment Law). This requirement includes, without limitation, the obligation to use only "Missouri laborers" and "laborers from nonrestrictive states" (as those terms are defined under the Excessive Unemployment Law) in constructing or building any public works project or improvement, except as may otherwise be allowed under the Excessive Unemployment Law.

3. **The Parties Mutually Agree to the Following:**

- a. **Term.** The Contract shall be in effect for a period of Six (6) months from the date of this Agreement unless earlier terminated with or without cause or extended as referenced below.
 - b. **Termination.** The Agreement may be terminated by either party without cause, upon fourteen (14) days written notice. This Agreement may be terminated with cause upon twenty-four (24) hour written notice. In either such event, final payment to the CONTRACTOR shall be limited to services provided by the CONTRACTOR as of the effective date of said termination. In any event, this Agreement shall terminate automatically upon the termination of funding in the CITY's budget for this work.
 - c. **Just Cause for Termination.** Noncompliance with any portion of the Agreement, or violation of State or Federal laws or City Code, will be just cause for immediate termination of this Contract as set forth in paragraph 3.a) above. Just cause may include any other grounds determined by the CITY to be just cause.
4. **Jurisdiction.** This Agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this Agreement be adjudicated, venue shall be proper only in the Circuit Court of Christian County, Missouri.
5. **Entire Agreement.** This Agreement, contain the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this Agreement shall be effective unless in writing specifically referring hereunto, and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date and year herein stated.

MARTIN CONTRACTING

By: Gary Martin, Owner

CITY OF OZARK, MISSOURI

Steve Childers, City Administrator

[SEAL]

ATTEST:

Lana Wilson, City Clerk

APPROVED AS TO FORM

City Attorney

**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
			<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
			<u>-\$30,000.00</u>	
<u>Parks/Stormwater Fund Expenses:</u>				
Security Cameras in O.C. - All Exits Plus FEMA Tornado Shelter	651 010-680.100	\$6,000.00	\$25,000.00	\$31,000.00
			<u>-\$25,000.00</u>	

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

Strategic Economic Development Plan Assessment/Market Analysis
Statement of Qualification/Request for Proposal

The Cities of Nixa and Ozark, Missouri, along with Christian County, are seeking proposals from professional consultants for the preparation of an economic development plan for our region. Our intention is to have the selected firm fully evaluate the current economic conditions of our region, develop a 5-10 year strategic plan that will facilitate quality growth of our local economy and prepare a marketing plan for each jurisdiction. Interested firms shall have highly qualified, creative economic development professionals capable of completely evaluating our local economic state of affairs (*Strengths, Weaknesses, Opportunities and Threats*); develop specific economic development objectives geared towards strengthening our local economy's foundation, enhancing our competitiveness and sustaining our existing employers, while attracting future employers suited for our region's market. Upon completion of the analysis, under separate contract, the professional firm will assist in the preparation of a marketing plan that articulates a clear complementary marketing vision for each jurisdiction.

Both Nixa and Ozark, Missouri are located in Christian County. It is the fastest growing county in the state of Missouri. It is the 44th fastest growing county in the nation; and it is growing faster than any other county in 30 other states. A recent Missouri Department of Natural Resources (DNR) population analysis has Christian County growing 141% between the years of 2000 to 2030. "The American City Business Journal" said this, "Christian County is one of the top metropolitan counties in the country for potential growth." The cities of Nixa and Ozark are the primary reasons for Christian County's growth.

Nixa, between the years of 1990 and 2010, grew 353%. It currently has a population of 19,022. Nixa grew concentrically around the intersections of US 160 and State Highway 14, located 6 miles south of Springfield, MO. In 2005, it was estimated that there were 51,827 persons within a 10-minute drive radius of Nixa. Taking but half of the City's annual growth rate since 2005 and applying it to that estimated population, there are now approximately 83,752 persons within that same 10-minute drive radius. Nixa has a median income of \$51,207 and is located just south of three of the most affluent census tracts of Greene County.

Ozark, between the years of 1990 and 2010, grew 320%. It currently has a population of 17,820. Ozark grew linearly along the US65 corridor largely due to its three commercial interchanges granting easy access to and from US65 to the City of Ozark. Ozark is located 6-miles south of Springfield, MO and 20 miles north of Branson, MO., placing it strategically between the World Headquarters of Bass Pro and one of the most popular tourist destinations in the Midwest (Branson). The City's of Ozark and Nixa have been considered two of the most rapidly urbanizing communities in the State over the last decade, with city limits boundaries separated by a mere 1-mile. Ozark has median income of \$48,473 and is also located south of three of the most affluent census tracts of Greene County.

There are differences between the two communities and it is important that the study evaluate these differentiations for the development of individualized strategic plans as well as for future marketing purposes. Likewise, the geographical areas of interest are not exclusive to Christian County. It is important that the analysis capture distinct dynamics of those southern Greene County census tracts that abut the northern boundary of Christian County and assess the influence these areas' attributes have on Ozark and Nixa.

The overall intent of a strategic economic development plan is to facilitate a pro-active approach towards improving the area's quality of life. This is accomplished through the evaluation of where the communities' (Ozark and Nixa) are presently at in terms of economic capacities and opportunities, and then develop germane strategies that will enhance the attractiveness and competitiveness of existing and future employers, workforces and residents as well as its long-term sustainability. In addition, the study shall include potential commercialization of the areas of interest to address sales leakage to the surrounding commercial markets.

Response to Statement of Qualification (SOQ) Content and Format

Please email a letter of intent to Autumn Miller: AMiller@nixa.com by _____ stating that you intend to submit a full response to the request for SOQ by _____. The full submitted response to the SOQ must include the following, in the order shown below. All of the information should be included by the respondent is expected to be relevant to this request and the project. Graphic illustrations are encouraged.

Cover letter: On your organization's letterhead introduce your organization and all members of your consulting team (sub-consultants). List the content of your submittal, including the required elements and any additional items relevant to this SOQ. Provide the name of your contract person with his/her regular and facsimile telephone numbers and e-mail address. This letter must be signed by an individual authorized to commit the respondent's personnel and financial resources to the project's work tasks and to execute legal documents for the organization.

Organization type and background: Describe the nature of your organization (e.g. private company, not-for-profit, university), its general organizational structure and provide a brief background on its history and the types of work it engages in.

Experience with similar projects: Describe similar projects you have experience with and-or related research you have performed. For the economic development strategies analysis, the identified projects should have dealt with: local, regional, national and global economic trend analysis; analysis of major sector based or emerging industries; local economic base assessment within a regional context; and/or recommendations and action plans for economic positioning. The identified projects should have dealt with analysis of quality of life and other factors that influence the attraction and retention of quality work force; analysis of trends that will influence the location decisions of the work force in the future; regional analysis of current work force and future work force needs; and/or recommendations and action plans for regional work force attraction and retention. Be sure to clearly identify the client for each project and the intended and actual use of the work products you provided. For the market plan, please submit examples of research and brand development you have conducted for cities, counties or economic development agencies.

Project understanding and approach: Identify and succinctly explain your organization's understanding and overall approach to the scope of services and the anticipated tasks and services of this project. Based on the information provided in this SOQ and your experiences, clearly state in your response what you believe the region needs to achieve from this study and how you would approach the work to ensure that those needs are met, including public participation. If you are partnering with other consultants on this project, please explain how you would coordinate your work with that of other consultants on this project. Please explain how you would coordinate your work with that of other

consultants performing elements of the project. List what information, if any, would need to be provided by the region to complete each component.

Request for Proposal (RFP) requirements:

Scope of work: Based on your understanding of and approach to the project outline the general tasks and work plan your organization would undertake to complete the scope of services and anticipated tasks and services listed in this RFP to the SOQ along with any additional tasks and/or products you believe are necessary to meet the region's goals and objectives as expressed in this request for responses. The consultant should also identify what benchmarks would be used in the future to measure the region's success as we implement the strategic action plans. If your firm has any strategies to incorporate and/ or maximize the use of respective web sites or various social media tools to advance our regions development and marketing objectives, please include those in your proposal as well

Schedule of work: Prepare a work schedule outline indicating timeframes for the completion of all your identified work tasks and work products.

Time/Cost of project elements: Provide and estimated amount of time and cost for each of the work elements you identify and then a final budget summary showing total number of hours and cost for the entire project, except the market plan, which will be negotiated under separate contract.

Team participants: List all companies participating on the team and describe each organization's specific functions and the expected level of their participation. Describe what type of local "team" your firm expects us to assemble and what level of community engagement that your firm wants and/or will need.

Key personnel: List the project manager and key personnel that will undertake project tasks along with their company affiliation, their job classification, their level of participation, and means of contract (telephone, FAX and email address). Include copies of resumes of significant contributors.

References: Provide a list of at least five (5) previous clients including the address, email and phone number of the appropriate contact person for whom you have conducted economic development planning and marketing consulting with a special emphasis on multi-jurisdictional public agencies. Please specify your level of responsibility and contribution to the final work product.

Organization financial information: Furnish a current financial statement, annual report or other evidence of financial stability.

Copies: Ten (10) bound copies, one (1) original and nine (9) copies and an electronic version on CD in Word format shall be enclosed in a single sealed package with name and address of the respondent clearly visible.

Delivery date and locations:

Responses to this request shall be received at the following address by _____
_____, Central Standard Time:

Autumn Miller, Purchasing Clerk
P.O. Box 395
Nixa, MO 65714

Delivery of the response to this request by the prescribed date and time is the responsibility of the respondent.

Contact person: The contact person for this project is Brian Bingle, City of Nixa, Administrator. Questions about this request may be submitted at any time by either calling 417.725.3785 or emailing Brian at bbingle@nixa.com. Please put Economic Development Proposal in the subject heading of all emails. Questions that are received from prospective firms will be posted at the City of Nixa's web page www.nixa.com under Economic Development SOQ.

Consultant selection process and schedule

The regional representatives comprised of Nixa, Ozark and Christian County and their respective Chambers of Commerce will review the submissions. The top three (3) firms deemed most qualified to complete the project will be invited to a formal interview.

The responses submitted to this request will be assessed on:

- Cover letter, organization type and background of consulting firm
- Experience of organization and any sub-consultants with similar projects
- Experience of key personnel with similar projects
- Project understanding and approach
- Overview of scope of services/work tasks, approach to public participation
- Experience working with public-private entities
- Overall responses to the requirements set forth in this request
- Detailed breakdown of the scope of services/work tasks to accomplish goals of the region, identification of responsible firm and key personnel of the consulting team
- Comprehensive project schedule from start to finish, including internal and external meetings, and public participation plan
- Project budget with specific costs listed for each identified work element, with final budget summary to complete the project
- References
- Organization's financial information
- Contract preparation and approval

Following the bid award, the accepted proposal will be the basis for contract preparation by the regional representatives and selected firm.

Consultant selection schedule

Date:

- Statement of qualification and proposal notification
- Email letter of intent to submit
- SOQ & RFP due date
- Review of submissions
- Schedule formal interviews with selected firms
- Bid award
- Contract negotiation
- Contract execution
- Project initiation



CITY OF OZARK, MISSOURI

P.O. Box 295
Ozark, Missouri 65721

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

Attention: Ms. Lana Wilson, City Clerk
City of Ozark
P.O. Box 295
Ozark, Missouri 65721

RE: REQUEST TO ADDRESS THE BOARD OF ALDERMEN

Dear Ms. Wilson:

I hereby request to address the Board of Aldermen at its regular meeting of, Monday April 2002 at 7:00 p.m.

This issue that I wish to bring to the Board's attention is as follows:
(Briefly and legibly describe the matter that you want to address. Attach any documents and /or photos that you wish to have the Board consider during the course of your presentation.)

I was at the last meeting and had
sent mail to the Council member concerning
noise from the County complex and was
asked to fill out this form.

But the subject is still the same

I ask that the Board take the following action.
(Briefly and legibly describe what you want the Board to do.)

Order the county to comply to the
ordinance that they enforce in the county
and contain whatever noise they produce on their
property and not let it get into the neighbourhood

I UNDERSTAND THAT THIS REQUEST MAY BE FORWARDED TO THE APPROPRIATE CITY STAFF MEMBER OR MY ALDERPERSON FOR RESOLUTION PRIOR TO APPROVAL BY THE MAYOR. IF MY REQUEST IS APPROVED, I WILL BE NOTIFIED AND I WILL HAVE FIVE (5) MINUTES TO MAKE MY PRESENTATION TO THE BOARD OF ALDERMEN.

William E. Buck
Printed Name

William E. Buck
Signature

306 E 6th ST
Street Address

Ozark MO. 68721
City, State and Zip Code

485-8364
Day Time Telephone Number

3/21/2012
Date

Approved: _____

Date: _____