



City of Ozark Missouri

P.O. Box 295
Ozark, Missouri 65721

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

January 17, 2012 Board of Aldermen Regular Legislative Session

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

Pledge of Allegiance

7:00 p.m.

Roll Call:

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

Approval of the Minutes of the Previous Meeting(s): Approval of the January 3, 2012 Regular Session and January 9, 2012 Noon Work Session Minutes.

Motion was made by Alderman Gardner to approve the January 3, 2012 Regular Session and January 9, 2012 Noon Work Session Minutes as amended, seconded by Alderman Campbell with all present voting aye.

Mayor Shane L. Nelson amended the January 03, 2012 Regular Session Minutes as follows: Page 3, Paragraph 4, 1st Sentence-Amendment-Replace sales autos with auto sales.

CEREMONIAL MATTERS:

BILLS OPEN FOR PUBLIC DISCUSSION:

- A. **BILLS REQUIRING A PUBLIC HEARING:**
- B. **FIRST READING BILLS:**
- C. **RESOLUTIONS:**

1. Resolution #1738-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Waiving Various Water Inspection and Building Fees for the Ozark R-V1 School District in Conjunction with the Proposed Bus Facility.

Motion was made by Alderman Gardner to place Resolution #1738 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye.

City Administrator Childers stated during the January 3, 2012 Regular Legislative Session the Board of Aldermen denied reimbursing the School District all fees associated with their new Bus Barn Project. During the January 9, 2012 Noon Work Session the consensus of the Board of Aldermen was to consider reimbursing various water inspection and building fees totaling \$2,764.00, which staff has prepared for the Board of Aldermen's consideration to adopt. The fees considered for reimbursement are functions associated with the Project performed by City staff.

There were no comments made by the School District representatives who were present.

Motion was made by Alderman Gardner to adopt Resolution 1738, seconded by Alderman Snyder with Alderman Gardner, Alderman Snyder, Alderman Haik, Alderman and Alderman Campbell voting aye and Alderman Sparrow voting nay.

2. Resolution #1739-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Naming Yates, Mauck, Bohrer, Elliff & Fels as Bond Counsel for the City and Authorizing the City Administrator to Enter Into an Agreement for Said Legal Services.

Motion was made by Alderman Campbell to place Resolution #1739 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye.

City Administrator Childers stated this Agenda item and the next two (2) Agenda items were the results from the City soliciting Request for Qualifications for professional services as stated in the Resolution title. Administrative Projects Director Borneman is present to explain the processes taken with each service request.

Administrative Projects Director Borneman explained the RFQ process taken to select the City's Bond Counsel. The City received five (5) proposals from firms, in which three (3) firms were selected for the final interview process. Based upon the grading criteria, the interview scores and contacted references the Bond Counsel Committee selected Yates, Mauck, Bohrer, Elliff and Fels P.C. for a three (3) year contract to provide the City's Bond Counsel services, who has provided efficient and professional Bond Counsel services to the City for the past ten (10) years.

Motion was made by Alderman Campbell to adopt Resolution 1739, seconded by Alderman Gardner with all present voting aye.

3. Resolution #1740-A Resolution of the Board of Aldermen of the City of

Ozark, Missouri Naming Torgerson Design Partners as Third Party Code Compliance Plan Reviewer for the City and Authorizing the City Administrator to Enter Into an Agreement for Said Services.

Motion was made by Alderman Snyder to place Resolution #1740 on its first reading by title and description only, seconded by Alderman Campbell with all present voting aye.

Administrative Projects Director Borneman stated she and Planning and Development Coordinator Lamb served as the Selection Committee using the same selection process as with the Bond Counsel services. The City received three (3) Requests for Qualification proposals from area firms. The Selection Committee is recommending the Board of Aldermen to approve Torgerson Design Partners, (John Torgerson) as the City's primary Third Party Code Compliance Plan Reviewer.

City Administrator Childers stated staff has selected a primary and a secondary Plan Reviewer in case Torgerson Design Partners is not available or has a conflict of interest with a certain review.

Ron Kisse-3200 N. State Highway NN.

Ron Kisse approached the Mayor and Board of Aldermen asking if the fees passed onto the developer and the turn around time been established.

City Administrator Childers stated there is a ten (10) day turn around time established to accomplish Planning and Development's review processes. Due to the slight increase in fees charged by the new Plan Reviewer the established fees will have to be reevaluated for a fee increase proposal made to the Board of Aldermen during a May Regular Legislative Session.

City Attorney Collignon stated John D. Torgerson, AIA, NCARB will be amended to Torgerson Design Partners in the approved executed Resolution.

Motion was made by Alderman Snyder to adopt Resolution 1740 with the name amendment, seconded by Alderman Campbell with all present voting aye.

Alderman Campbell exited the Meeting at 7:20 p.m.

4. Resolution #1741-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Naming Larry A. Burns, R.A., Principal as Third Party Code Compliance Plan Reviewer for the City and Authorizing the City Administrator to Enter Into an Agreement for Said Services.

Motion was made by Alderman Snyder to place Resolution #1741 on its first reading by title and description only, seconded by Alderman Gardner with all present voting aye.

Administrative Projects Director Borneman stated the Selection Committee used the same Request for Qualification process to select the secondary Third Party Code Compliance Plan Reviewer. The Selection Committee is recommending Burns Architecture, (Larry A. Burns) as the secondary Plan Reviewer.

City Attorney Collignon stated Larry A Burns, R.A. Principal will be amended to Burns Architecture in the approved executed Resolution.

Motion was made by Alderman Snyder to adopt Resolution 1741 with the name

amendment, seconded by Alderman Sparrow with all present voting aye.

5. Resolution #1742-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Approving and Authorizing the Purchase of a Folding/Inserting machine and Authorizing the City Administrator to Execute a Service Agreement with Neopost USA, Inc. for Said Equipment.

Motion was made by Alderman Sparrow to place Resolution #1742 on its first reading by title and description only, seconded by Alderman Gardner with all present voting aye.

City Administrator Childers stated the City revised the original Request for Proposals to acquire a Folding/Inserting Machine for the Utility Billing Department in order to receive a more qualified proposal. During the selection process City staff was able to visit locations currently using the proposed machines to visually and manually test the proposed machines for quality and function capabilities to assure each machine meet our expectations and requirements. As the result of these inspections staff found the best capable and qualified machine was submitted by Neo Post, even though, the machine is \$200.00 higher than the lowest submitted proposal, it is \$2,500.00 under the budgeted amount. Staff is recommending purchasing the machine submitted by Neo Post the DS-62 and entering into a Service Agreement for said machine, as required in our Request for Proposal specification the first year at no cost to the City.

Motion was made by Alderman Sparrow to adopt Resolution 1742, seconded by Alderman Snyder with all present voting aye.

D. Emergency Bills:

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

Motion was made by Alderman Gardner to place Bill #2579 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye.

City Administrator Childers stated on May 17, 2010 a previous Board of Aldermen adopted Ordinance #10-017, approving an Intergovernmental Cooperation Agreement between the City and the Town and Country Village TDD and CID and Gunnett, LLC. obligating City Assistance to the Developer on an “as collected” basis from the Limited Sales Tax Revenues. As part of this assistance the City will provide the Developer with an annual appropriation letter, on or before the last day of each fiscal year of the Budget that states the appropriated budgeted amount equal to amount of Limited Sales Tax Revenues anticipated for the next succeeding fiscal year. Since the Movie Theatre did not open until the later part of 2011 the 2012 Budgeted amount was unknown until we received our most recent sales tax breakdown from the Department of Revenue. The City is obligated to provide the appropriation letter to the Developer prior to January 30, 2012, necessitating this Budget Amendment to be an Emergency Bill.

The Budget Amendment will create the B & B Reimbursement Agreement

Expense line item in the amount of \$10,000.00 in the General Fund Expenses. Motion was made by Alderman Gardner to dispense with the second reading and place Bill #2579 on its third and final reading by title and description only, seconded by Alderman Sparrow with all present voting aye.

Motion was made by Alderman Gardner to adopt Bill #2579 as Ordinance #12-002, seconded by Alderman Sparrow with all present voting by roll call vote:

Alderman Eddie Campbell	Absent
Alderman Mark Spinabella	Absent
Alderman Dennis Sparrow	Aye
Alderman Rick Gardner	Aye
Alderman James Haik, III	Aye
Alderman Chris Snyder	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 #2574-An Ordinance Authorizing the Mayor to Enter Into a Settlement Agreement with Empire Bank for the Completion Bond Concerning the Detention Pond in the Rolling Prairie Subdivision.

Motion was made by Alderman Snyder to dispense with the second reading and place Bill #2574 on its third and final reading by title and description only, seconded by Alderman Sparrow with all present voting aye.

The City has been in on going negotiations with Empire Bank to resolve a dispute and complete the detention pond in the Rolling Prairie Subdivision. Resulting from the negotiations is the proposed Settlement Agreement between the City and Empire Bank, and a General Services Agreement made in between Empire Bank and Hartman & Co. for completion of the detention pond. The Settlement Agreement states the City will assume the Contract with Hartman & Co. for the completion of the detention pond and Empire Bank will provide the City with the payment of funds to satisfy that contract in exchange for a release from any liability regarding the Rolling Prairie Subdivision completion bond held by the City.

Motion was made by Alderman Snyder to adopt Bill #2574 as Ordinance #12-003, seconded by Alderman Gardner with all present voting by roll call vote:

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

2. Bill #2575-An Ordinance of the Board of Aldermen of the City of Ozark, Missouri Authorizing the Issuance of a Conditional Use

Permit of All/Or Part of Property in a Particular Zoning District in the City of Ozark, Missouri. Property Location 412 N. 3rd Street. Property Owners Billy and Ruth Hanks.

Motion was made by Alderman Snyder to dispense with the second reading and place Bill #2575 on its third and final reading by title and description only, seconded by Alderman Sparrow with all present voting aye.

City Administrator Childers stated the Planning and Development staff has been assisting the applicant with the sign requirements placed upon the Conditional Use Permit approval. The applicant has submitted a Sign Design plan for staff's review and approval.

City Administrator Childers stated all the conditions imposed upon the Conditional Use Permit approval have been met or are in the process of being met by the property owner/or applicant. Staff has been working with the property owner and applicant to resolve the conditions that no customer parking is allowed in the front parking area and the placement of a barrier to disallow ingress/egress off of N. 3rd Street into the business with signage stating the alternate access location.

We have presented MoDot with a design for the business's ingress/egress improvements that the property owner will be required to make during the 3rd Street Improvement construction. The curve extension at W. Farmer Street to the South will help to create parking on the south side of the building.

Alderman Gardner asked if there will be no parking signage placed on the north side of the building.

City Administrator Childers stated the City has the need to obtain stenciling, we will use the stenciling to place a no parking design on the ground along the north side of the building with temperature controlled permanent paint.

Motion was made by Alderman Snyder to adopt Bill #2575 as Ordinance #12-004, seconded by Alderman Gardner with all present voting by roll call vote:

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

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

Motion was made by Alderman Snyder to dispense with the second reading and place Bill #2576 on its third and final reading by title and description only, seconded by Alderman Gardner with all present voting aye.

No discussion.

Motion was made by Alderman Snyder to adopt Bill #2576 as Ordinance #12-005, seconded by Alderman Haik with all present voting by roll call vote:

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

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

Motion was made by Alderman Snyder to dispense with the second reading and place Bill #2577 on its third and final reading by title and description only, seconded by Alderman Gardner with all present voting aye.

City Administrator Childers stated the appointed Sign Committee has made recommendation to the Board of Aldermen and the Planning and Zoning Commission the presented Sign modifications. Staff has been presented with a sign application from a downtown business where the new Sign modifications were exercised.

Motion was made by Alderman Snyder to adopt Bill #2577 as Ordinance #12-006, seconded by Alderman Gardner with all present voting by roll call vote:

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

Report of Officers, Boards and Committees:

1. Administrative: City Administrator Steve Childers.

City Administrator Childers informed the Mayor and Board of Aldermen that today at 5:00 p.m. was the deadline for the April 3, 2012 Election Board of Aldermen Candidate filing. The Ballot issue has to be certified by the County Clerk no later than January 24, 2012, which will require the Bill to come before the Board of Aldermen prior to the next Regular Legislative Session. The Bill will come before the Board of Aldermen as an emergency Bill during the January 23, 2012 Noon Work Session, therefore the Meeting will be a Special Session. The Meeting will be at 12:00 p.m. and held at the Community Center, the second part of the Meeting will be a joint Session between the City and the Chamber of Commerce. There will be Christian County representatives present to discuss Christian County's proposed Tax Ballot issue.

2. Public Safety: Police Chief Lyle Hodges.

3. Public Works: Public Works Director Larry Martin.

4. Parks: Parks Director Sam Wagner.

Parks Director Wagner informed the Mayor and Board of Aldermen in the January 18, 2012 edition of the Springfield Newsleader there is an interesting article about the Ozark Community Center changing lives and life styles written with the input from our Fitness Staff.

Parks Director Wagner presented the Mayor and Board of Aldermen with the completed Pool and Community Center's 2011 Budget Revenues and Expenses Summary. The Expected Community Center Membership Fees were 403,000, the actual is 431,000; the Expected Pool Admissions were 21,000, the actual is 31,700. The provided Revenues and Expenses Summary showed increases in the Actual totals from what were the Expected totals. There have been a lot of positive improvements and changes made at the Community Center that has contributed to the increases in revenues and decreases in expenses. Staff is looking forward to having a great 2012 year.

Parks Director Wagner stated she has had positive Meetings with the organizations who host events in the Finley River Park. During these Meetings they showed positive attitudes towards the implementation of the Special Events Permit. She is looking forward to having positive communication and working relationship with the organizations. A Meeting has been scheduled on January 26, 2012 at the Community Center between City staff and the different organizations to discuss the need for the Special Events Permit implementation.

Unfinished Business:

New Business/Board of Aldermen Comments:

Alderman Haik asked for an update on the 3rd Street Improvements Project. City Administrator Childers stated MoDot has completed the right-of-way acquisition negotiations with the exception of one (1) property, but they are close to resolving the outstanding issues with the property owner. The Project is on track and moving forward.

Pay Bills-

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

The January 17, 2012 Regular Legislative Session adjourned at 7:30 p.m.

Minutes Written By:

Lana Wilson, City Clerk

Approval of Minutes By:
