



City of Ozark Missouri

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February 27, 2012 Board of Aldermen Special Legislative Session

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

Pledge of Allegiance

12:00 p.m.

Roll Call:

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

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

CEREMONIAL MATTERS:

BILLS OPEN FOR PUBLIC DISCUSSION:

A. BILLS REQUIRING A PUBLIC HEARING:

B. FIRST READING BILLS:

C. RESOLUTIONS:

D. EMERGENCY BILLS:

E. PUBLIC IMPROVEMENT BILLS (TAX BILLS):

F. GRANTS:

G. AMENDED BILLS:

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

Report of Officers, Boards and Committees:

1. Administrative:

1. Planning and Development and Building Fee Schedules.

City Administrator Childers stated during this Meeting staff will present the

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

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

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

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

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

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

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

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

Building Permit Fee Modifications: Building Inspector Bill Pears.

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

Staff recommends modifying the Swimming Pool Permit Fee from \$80.00 plus

\$40.00 a piece for the electrical and plumbing inspections to a flat \$100.00 Swimming Pool Permit Fee.

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

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

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

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

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

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

Building Inspector Pears stated staff is proposing no fee modifications to the Commercial Building Permit fee schedule other than the Plan Review fees for Plan resubmitted: \$100 for the 4th submittal and \$200.00 for the 5th submittal and \$200.00 each submittal thereafter.

Public Works Department Fees: Engineer Technician Bob Wilslef.

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

Engineer Technician Bob Wilslef stated staff proposes to amend the City's water impact fees to "water capacity charge". Our current impact fees are not correctly

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

2. Presentation and Discussion of the New Procurement Code.

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

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

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

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

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

City Administrator Childers brought to the Board of Aldermen's attention Section B Item #5 of the Procurement Code that gives the City Administrator the authority to approve purchases of less than \$20,000.01, which require the transfer of funds from one (1) budgetary line item to another within the same Department and/or as

long as the expenditure is within total Budget. This process is currently accomplished through a Budget Amendment prior to purchasing the goods or services, except with emergency purchases.

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

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

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

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

Public Works Director Martin stated due to the final land acquisition negotiations between MoDot and property owner significant modifications were required to the 3rd Street Improvements Project design. MoDot along with paying \$50,000 for the easement to the property owner and avoided condemnation approved a different corridor, narrow lanes and a jog in the sidewalk in front of the Vanvig house. The project Engineer submitted to MoDot a \$41,000 change order to make the design modifications. MoDot officials approved the change order and without the City's approval forwarded the order to the Federal Highway Administration for their approval. The City met with the Project Engineer to discuss negotiating the cost of the Change Order and negotiated the Change Order cost to \$36,000.00.

(The following paragraph was amended in the March 5, 2012 Board of Aldermen Meeting for clarity purposes to the paragraph following the paragraph in italics by Public Works Director Martin.)

Even without the City's approval, if the Federal Highway Administration approves the change order the City will be responsible for a percentage of the cost, which can be absorbed with the savings in the property acquisitions, without their approval the City will be responsible for the total cost of the Change Order.

[Public Works Director Martin stated the Change Order submitted by the Project Engineer was in the amount of \$36,000.00 for the Design Modifications. We had

yet to spend \$40,000.00 in property acquisitions, leaving funds available without MoDot changing the cost of the Project. If the Federal Highway Administration approves the \$36,000.00 Change Order the City will be responsible for \$6,200.00, without the Federal Highway Administration's approval of the Change Order the City will be responsible for \$36,000.00. The City is anticipating the Federal Highway Administration will approve the Change Order submitted by the Project Engineer.]

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

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

Unfinished Business:

New Business/Board of Aldermen Comments:

Pay Bills-

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

February 27, 2012 Regular Noon Work Session.

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

Minutes Taken By:

Lana Wilson, City Clerk

Approval of Minutes By:
