



City of Ozark Missouri

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March 05, 2012 Board of Aldermen Regular Legislative Session

The Ozark Board of Aldermen met in Regular Session at 7:00 p.m. at the Ozark City Hall in Ozark, Missouri. Mayor Shane L. Nelson presided over the Meeting: Alderman Eddie Campbell, Alderman Rick Gardner, Alderman James Haik, III, Alderman Mark Spinabella and Alderman Dennis Sparrow were present. Alderman Jim Stewart was sworn in during the meeting. Also attending were City Attorney David Collignon and City Clerk Lana Wilson.

Pledge of Allegiance

7:00 p.m.

Roll Call:

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

*Alderman Jim Stewart was sworn in as Ward I Alderman during the Meeting.

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

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

Alderman Gardner amended the February 27, 2012 Noon Work Session Minutes as follows: Page 6, 1st Paragraph, 3rd Sentence—Amendment- Alderman Gardner requested the following paragraph to be reworded for future clarity purposes: *Even without the City's approval, if the Federal Highway Administration approves the Change Order the City will be responsible for a percentage of the cost, which can be absorbed with the savings in the property acquisitions, without their approval the City will be responsible for the total cost of the Change Order.*

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

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

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

Resolution #1746-A Resolution by the Board of Aldermen of the City of Ozark, Missouri, Approving the Mayor’s Appointment of Jim Stewart as Alderman for the First Ward to Fill a Vacancy Created by Resignation.

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

Mayor Shane L. Nelson stated due to the resignation of Ward I Alderman Snyder he respectfully nominates Jim Stewart to fill the vacant Seat. Jim Stewart is running unopposed for Ward I Alderman on the April 3, 2012 Election Ballot.

Motion was made by Alderman Spinabella to adopt Resolution #1746, seconded by Alderman Gardner with all present voting aye.

Swearing In Jim Stewart as Ward I Alderman.

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

CEREMONIAL MATTERS:

BILLS OPEN FOR PUBLIC DISCUSSION:

A. BILLS REQUIRING A PUBLIC HEARING:

B. FIRST READING BILLS:

1. Bill #2585-An Ordinance Authorizing and Directing the Issuance, Sale and Delivery of \$440,000.00 Aggregate Principal Amount of Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2012 (The “Bonds”) of the City of Ozark, Missouri (The “City”) for the Purpose of Paying the Costs to Currently Refund the Outstanding Principal Amount of the City’s Series 2005 Combined Waterworks and Sewerage System Revenue Bonds; Prescribing the Form and Details of Said Refunding Bonds and Covenants and Agreements Made by the City to Facilitate and Protect the Payment Thereof; Providing for the Collection, Segregation and Application of the Revenues of the Combined Waterworks and Sewerage System for the Purpose of Paying the Principal of and Interest on Said Refunding Bonds as They Become Due; and Authorizing the Execution of an Escrow Agreement.

Motion was made by Alderman Gardner to place Bill #2585 on its first reading by

title and description only, seconded by Alderman Campbell with all present voting aye.

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

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

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

2. Bill #2586-An Ordinance Amending the Code of Ordinances of the City of Ozark by Deleting Chapter 140 of Title I of Said Code Relating to "Procurement" and Enacting, In Lieu Thereof, One New Chapter Relating to the Same Subject Matter.

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

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

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

C. RESOLUTIONS:

1. Resolution #1747-A Resolution by the Board of Aldermen of the City of Ozark, Missouri Approving the Schedules of Planning and Development and Various Building Fees Pursuant to Section 405.490 of the Code of Ordinances of the City of Ozark.

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

Alderman Haik informed the Mayor and Board of Aldermen in the near future the

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

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

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

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

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

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

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

Public Works Director Martin explained the contractual Agreement the City entered into in 1998 obligated the City to install infrastructure and construction of a roadway as part of the Duck Stadium property acquisition. The roadway and infrastructure was constructed with the exception of the stormwater system. At that time the cost of the engineered stormwater system was approximately \$1,000,000.00, that design today would cost the City approximately \$1,400,000.00. Through negotiations an engineered storm water agreement was arrived, the new stormwater system design will cost the City approximately \$200,000.00 to install. This project will be the first step to alleviate the stormwater problems that begin at W. Sunset Road extending to the Duck Stadium property.

Motion was made by Alderman Sparrow to adopt Resolution #1748, seconded by Alderman Campbell with all present voting aye.

D. Emergency Bills:

1. Bill #2587-An Emergency Ordinance of the Board of Aldermen of the City of Ozark, Missouri Approving Certain Budget Amendments to the 2012 Budget for the City of Ozark, Missouri from March 5, 2012 to

December 31, 2012.

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

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

Alderman Gardner questioned the phone system Budget Amendment.

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

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

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

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

E. Public Improvement Bills (Tax Bills):

F. Grants:

G. Amended Bills:

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

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

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

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

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

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

disband the Park Board.

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

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

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

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

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

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

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

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

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

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

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

Report of Officers, Boards and Committees:

1. Administrative:

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

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

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

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

Mayor Shane L. Nelson requested the Board of Aldermen to vote by a show of hands to authorize Public Works Director Martin to submit the necessary documents to the Department of Revenue for the Wastewater Treatment Facility Sludge Aeration Improvement Project. The show of hands aye vote was unanimous with all present voting.

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

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

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

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

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

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

Alderman Spinabella asked if the City had any legal recourse.

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

Public Works Director Martin informed the Mayor and Board of Aldermen the City is down to one (1) to three (3) working storm sirens at any given time. There

were no funds allotted to Emergency Management in the 2012 Budget, recently staff applied for a \$4,500.00 USDA Grant. The City will need to allot approximately \$30,000.00 (which includes the \$4,500.00 Grant funds) for storm siren maintenance and the upgrades needed to meet the Narrow Band Radio requirements that become effective in 2013, on all eight (8) of the City's storm sirens. Without the upgrade to meet the requirement none of our Storm Sirens will function in 2013.

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

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

4. Parks: Parks Director Sam Wagner.

Parks Director Wagner shared with the Mayor and Board of Aldermen some interesting Membership statistics she has compiled for marketing purposes. The Community Center has the highest Membership total since the Center opened. Kids Night-In will be this Friday. Spring Break Camp begins next week. The Community Center catered the Chamber of Commerce Banquet there were 291 guests attending.

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

There are 82 participants in the Weight Loss Challenge.

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

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

Unfinished Business:

New Business/Board of Aldermen Comments:

Pay Bills-

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

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

Minutes Written By:

Lana Wilson, City Clerk

Approval of Minutes By:
