



# City of Ozark Missouri

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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. 3<sup>rd</sup> 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 3<sup>rd</sup> 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
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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 #12-01 5, 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 3<sup>rd</sup> 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:

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Lana Wilson, City Clerk

Approval of Minutes By:

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