



# City of Ozark Missouri

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## February 6, 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, Alderman Mark Spinabella 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	Here	Alderman Dennis Sparrow	Here
Alderman Eddie Campbell	Here	Alderman Rick Gardner	Here
Alderman James J. Haik, III	Here	Alderman Chris Snyder	Absent

\*Alderman Chris Snyder was absent during the Roll Call, he arrived during the Meeting at 7:05 p.m.

### Approval of the Minutes of the Previous Meeting(s): Approval of the January 16, 2012 Regular Session and January 23, 2012 Noon Work Session Minutes.

Motion was made by Alderman Campbell to approve the January 16, 2012 Regular Session as amended and January 23, 2012 Noon Work Session Minutes as written, seconded by Alderman Spinabella with all present voting aye.

Alderman Gardner amended the January 16, 2012 Regular Session Minutes as follows: Page 2, Paragraph 6th, Sentence-Last-Amendment- Delete “all present”, Insert “Alderman Snyder, Alderman Gardner, Alderman Haik, Alderman Campbell, Alderman Spinabella” voting aye and Alderman Sparrow voting nay.

Alderman Gardner amended the January 16, 2012 Regular Session Minutes as follows: Page-5, Paragraph-Last, Sentence-2<sup>nd</sup> –Amendment-Delete “Prairie

Ridge” Subdivision, Insert-“Rolling Prairie” Subdivision.

**CEREMONIAL MATTERS:**

**Proclamation-Proclaiming Ronald McDonald House Week-February 5, 2012 through February 11, 2012.**

Mayor Shane L. Nelson proclaimed Ronald McDonald House Week February 5, 2012 through February 11, 2012.

**BILLS OPEN FOR PUBLIC DISCUSSION:**

**A. BILLS REQUIRING A PUBLIC HEARING:**

**B. FIRST READING BILLS:**

**Bill #2581-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. Property Location-6151 N. 21<sup>st</sup> Street. Property Owner-Church Brothers Management, Inc. Conditional Use-Retail in the Front of the Main northern Structure, and Fabrication of the Retail Products in the Rear of the Main Northern Structure.**

Motion was made by Alderman Snyder to place Bill #2581 on its first reading by title and description only, seconded by Alderman Campbell with all present voting aye.

City Administrator Childers stated the property located at 6151 N. 21<sup>st</sup> Street was previously the Dodge dealership, the property is currently in the process of changing ownership. The property is zoned C-2 General Commercial which does allow retail sales but does not allow light fabrication of retail sales. The current owners are requesting a Conditional Use Permit, on behalf of the potential buyers, to locate a dual functioning business in the northern structure on the property. The parcel has two (2) structures the proposal is to locate cabinetry retail sales in the front section and fabricate the cabinets in the rear portion of the northern structure. The southern structure will be utilized as a storage facility. Staff is researching the possibility of creating a Zoning District to allow this type of use in our Commercial Districts. Planning and Zoning placed conditions upon the issuance of the Conditional Use Permit as stated on page 1 of this Ordinance.

Mayor Shane L. Nelson stated the Conditional Use is only for the northern building, the southern building will be utilized for storage purposes.

Bill #2581 will be held over until the February 21, 2012 Board of Aldermen Regular Legislative Session.

**Bill #2582-An Ordinance Amending the Code of Ordinances of the City of Ozark by Adding One (1) New Chapter Relating to Special Events Within the City.**

Motion was made by Alderman Haik to place Bill #2582 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye.

City Administrator Childers stated representatives of the A & M Society attended the January 26, 2011 Meeting held at the Community Center. Their representatives

present were pleased with the City's new course of action towards managing events held in the Finley River Park. Park Director Wagner met individually with the organizations who host annual events in the Finley River Park prior to the January 26, 2012 meeting, she received receptive positive responses during those meetings.

The City's main objective of implementing the Special Events Permit is for the City to streamline the management process and to retain control over the events held in the Finley River Park and City wide. During the process the City will retain the management and successfully delegate the City services and resources needed for each scheduled event. The Special Events Permit will be utilized for every Special Event held inside the City, whether the event is held in the Finley River Park, the square, City right-of-way, or any other City owned property. Alderman Haik questioned how the organizations hosting the events would provide the required detailed parking site map.

City Administrator Childers stated as part of the permitting process the Planning and Development Department will provide one specific Finley River Park site map outlining the perimeters, showing all buildings, services and parking areas. Alderman Gardner asked during the several meetings that were held did staff hear any opposition to the fee structure.

Park Director Wagner stated the organizations she met with individually were all very cordial and receptive to the implementation of the Special Events Permit. Alderman Campbell questioned if there were any negative responses towards the \$500.00 fee in particular. His concern is with the running events, such as the High School Track Team or any non-for-profit organization, which hold annual events with 200 or more participants that start and finish in the Finley River Park. He questioned whether or not these organizations should be charged the \$500.00 Special Events Permit fee.

Park and Recreation Director Wagner stated the way staff interprets the Special Events definition as stating any event or activity not held by the City placing an additional demand on City services or resources will be charged the permit fee. City Administrator Childers stated it is staff's opinion these events will not place additional demand upon City services or resources; therefore, they will not be subject to pay the Special Events Permit fee.

City Administrator Childers stated he has recently learned our Special Events Permit fee is considerably less than what other communities charge per event. This will not be a profit making process the fee will cover the City's cost to provide services and resources. The fee structure was based upon expenses acquired by the City during past events held in the Finley River Park.

Alderman Gardner stated it is his opinion that the fee structure is not part of this Ordinance and will be adopted in a separate Resolution.

Alderman Snyder stated the Special Event definition does include road runs and marathons; therefore, they will be subject to the permit fee charge.

Mayor Shane L. Nelson stated he has had positive responses to the implementation of the Special Events Permit.

Mayor Shane L. Nelson questioned whether or not these events should not be

subject to the permit fee charge. During these events there will be additional parking required, the post clean up of the facilities and grounds and the use of the Park facilities will increase the Park's electric expense.

Alderman Campbell stated he was not questioning whether or not these organizations should be charged the permit fee; his concern is with the drastic fee increase between the 199 participants' \$50.00 permit fee and the 200 or more participants' \$500.00 permit fee charge.

City Attorney Collignon stated the Special Events Permit along with the fee structure is not part of the proposed Ordinance, the Board of Aldermen can instruct staff to modify the Special Events Permit and Fee structure at any time. The fee structure was based upon anticipated demands placed upon City services and resources and expenses associated with past events, making it difficult to develop an accurate fee structure.

Mayor Shane L. Nelson stated the fee structure is not an attachment to this Ordinance, making it possible for any member of the Board of Aldermen to internally propose an amendment to the fee structure.

The Board of Aldermen discussed all Special Events held inside the City.

Alderman Campbell stated it is indicated in the Special Events Permit the fee is only associated with events held in the Finley River Park.

Alderman Snyder stated the Ordinance encompasses any event held inside the City of Ozark, the Special Events Permit, which is not attached to this Ordinance can be modified at any time by staff.

Alderman Haik stated he feels that any event held inside the City of Ozark should be subject to the Special Events Permit process in order for the City to maintain control and manage City Services provided to an event.

Bill #2582 will be held over until the February 21, 2012 Board of Aldermen Regular Legislative Session.

### **C. Resolutions:**

#### **1. Resolution #1743-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Authorizing the City Administrator to Execute an Interlocal Agreement for Cooperative Purchasing.**

Motion was made by Alderman Gardner to place Resolution #1743 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye.

City Administrator Childers stated there are various organizations throughout the country offering the service of performing formal bidding processes. This service could potentially provide a significant savings to City of Ozark particularly in major purchases. Houston-Galveston Area Council (H-GAC) has the resources available to create a more detailed technical bid proposals, which at this time the City does not have the available resources. There is no fee associated with this Agreement, the Agreement grants the City access to all the available products and services offered through H-GAC's program. Entering into this Agreement does not eliminate the City from entertaining other programs offered through similar organizations. The program is similar to the State Bidding process, except the City

will be given the opportunity to observe and test products prior to purchase. The Public Works Department has budgeted funds to purchase a sophisticated pump truck, without the resources to create the necessary technical specifications. H-GAC has the resources necessary to successfully bid to specification a pump truck that meets the City's needs and requirements. The pump truck H-GAC is proposing is \$50,000.00 under what was allotted in the 2012 Budget for this purchase. Alderman Gardner questioned how this Agreement would interact with our adopted Procurement Ordinance.

City Administrator Childers stated this procedure has been enacted into our new proposed Procurement Ordinance that staff will be bringing to the Board of Aldermen for consideration during the first Regular Session in March.

City Attorney Collignon stated the formal bidding process is not being eliminated, the Board of Aldermen is allowing this organization to do the formal bidding process. There are some products and services the City will be required by State Statute to follow the formal bidding process.

Alderman Campbell asked if we can execute this Contract without formally repealing our current Procurement Ordinance that does not allow this procedure to take the place of our formal bidding process.

City Attorney Collignon stated the City will not have to act upon our current Procurement Ordinance to enter into this Agreement with H-GAC. The City will have to act upon our current Procurement Ordinance to utilize H-GAC's services. The Board of Aldermen has two (2) choices either to repeal the current adopted Procurement Ordinance or in a particular situation waive the provisions of the current adopted Procurement Ordinance.

City Administrator Childers stated the provisions of our current Procurement Ordinance were followed for the new pump truck, as the result of this attempt the City did not receive any proposals. Prompting the City to seek H-GAC's purchasing services that successfully provided the City with a significant savings on a new pump truck.

City Administrator Childers stated the purchase of the pump truck will be the only purchase made upon the execution of this Agreement, moving forward the Board of Aldermen will repeal our current Procurement Code and adopt the new Procurement Code with this purchasing process enacted as a Section of the new Code.

City Administrator Childers stated this Resolution authorizes the Cooperative Purchasing Agreement to be entered into and executed; it does not authorize purchasing the new pump truck.

Motion was made by Alderman Gardner to adopt Resolution 1743, seconded by Alderman Snyder with all present voting aye.

**2. Resolution #1744-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Approving the Following Appointment to the Ozark, Missouri Planning and Zoning Commission. Appointment Jim Massey.**

Motion was made by Alderman Snyder to place Resolution #1744 on its first reading by title and description only, seconded by Alderman Campbell with all

present voting aye.

Mayor Shane L. Nelson stated the Planning and Zoning Commission has a vacant seat to fill. Two (2) of the Planning and Zoning Commissioners approached the Mayor requesting him to appoint Jim Massey to the Planning and Zoning Board. Jim Massey is a resident of the City and owns a business in Ozark. Motion was made by Alderman Spinabella to adopt Resolution 1739, seconded by Alderman Campbell with all present voting aye.

**3. Resolution #1745-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Authorizing the Director of Public Works to Sign Certain Attached Documents to Make application for a Storm Siren Repair Grant.**

Motion was made by Alderman Sparrow to place Resolution #1745 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye.

City Administrator Childers stated the City struggles with our storm siren maintenance. The Public Works Department is seeking the Board of Aldermen's approval to apply for an 85/15 matching Grant offered through the Missouri Department of Rural Services for \$4,500.00. The City's Grant match will be approximately \$675.00 funded through the General Revenue miscellaneous or the City Administrator's Discretionary fund line items. The \$4,500.00 will be utilized to repair our current storm siren back up systems costing the City \$675.00.

Motion was made by Alderman Sparrow to adopt Resolution 1745, seconded by Alderman Campbell with all present voting aye.

**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:** City Administrator Steve Childers.

**1. Utility Billing Discussion:**

During the year end reconciliation procedure a Utility Billing error was identified, the error happened during the Utility Billing modification process. There were some utility customers in the new Cycle 4 whose trash service charge was omitted from their October 2011 Utility Bill. We are in the process of communicating with these affected utility customers explaining the error and that their next utility bill they will receive, February 15, 2012, will reflect the unbilled rendered trash service. During this notification process the Board of Aldermen may receive phone calls from their constituents, please direct them to the Utility Billing Department.

**2. Christian County 1/4¢ Ballot Issue:**

City Administrator Childers stated during the last joint session held between the

Board of Aldermen and the Chamber of Commerce Presiding Commissioner Lou Lapalia was the guest speaker requesting the City of Ozark and the Chamber of Commerce support of the Christian County Sales Tax Ballot Issue on the April 3, 2012 Election Ballot. Christian County has two (2) issues they are requesting the voters to eliminate the Sunset Date placed upon their current Judicial Center 1/4¢ sales tax and approval of a new 1/4¢ sales tax to service a new bond debt to build an extension onto the existing Judicial Center.

Christian County is not requesting the Board of Aldermen to formally adopt a Resolution of support; however, they are curious to know whether or not the Mayor and Board of Aldermen support their Ballot issues.

Along with the jail services Christian County provides the City of Ozark we also receive a portion of Christian County's General Sales Tax revenues, last year the City received \$162,000.00 for road maintenance purposes. Other Cities and Road Districts within Christian County receive a portion of Christian County's General Sales Tax revenues. Christian County is under no obligation to allot these funds and if the Sales Tax issue does not pass it is almost certain Christian County will have to keep these funds to fund their own expenses.

Mayor Shane L. Nelson stated in his opinion due to the fact the City utilizes Christian County's jail facilities and receives a portion of Christian County's General Sales Tax revenues the City of Ozark's support of Christian County's Sales Tax Ballot issue should be warranted.

Alderman Gardner asked for clarification purposes, the January 23, 2012 Noon Work Session indicate during the Judicial Center extension construction phase, Christian County will request the City to abandon a portion of Walnut Street and add a double-decker parking facility to help eliminate the parking problems around the square, does this indicate Christian County will request the City to build the parking garage or will Christian County build the parking garage.

Mayor Shane L. Nelson stated although the parking garage is not included in Phase 1 Christian County has plans to build a parking garage in a future construction phase, with no expense incurred by the City.

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

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

**4. Parks:** Parks Director Sam Wagner.

Park and Recreation Director Wagner presented the Mayor and Board of Aldermen with the Community Center January Membership Overview.

The Community Center recently hosted a KY-3 Drive selling 284 Family Memberships and 68 Individual Memberships. The number of classes had to be increased to meet the demands of the increased Memberships.

Two (2) upcoming events scheduled at the Community Center-the Daddy Daughter Dance, Friday night, February 10, 2012 from 7:00 p.m. to 9:00 p.m. and the

Valentines Parents Night Out, Saturday night, February 11, 2012.

The Community Center hosted a Weight Loss Challenge with 68 participants the highest number of participants ever enrolled in the Weight Loss Challenge.

The Community Center was awarded the Chamber of Commerce Banquet catering bid, that will be held at the Community Center.

This past week the Community Center went live with the on-line sports program registrations, twelve (12) children have been enrolled using the on-line service.

Mayor Shane L. Nelson commented on the improved overall atmosphere at the Community Center.

**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 February 06, 2012 Regular Legislative Session adjourned at 8:15 p.m.

Minutes Written By:

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Lana Wilson, City Clerk

Approval of Minutes By:

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