



City of Ozark Missouri

P.O. Box 295
Ozark, Missouri 65721

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

March 15, 2010 Board of Aldermen Meeting

The Ozark Board of Aldermen met in Regular Session at 7:00 p.m. at the City Hall in Ozark, Missouri. Mayor Bradley A. Jackson presided over the meeting: Alderman Dennis Sparrow, Alderman Mark Spinabella, Alderman Melissa Wagner, Alderman Chris Snyder, Alderman Rick Gardner and Alderman Mike Esterl were present. Also attending City Administrator Steve Childers, City Attorney David Collignon and City Clerk Lana Wilson.

7:00 p.m.

Pledge of Allegiance.

Roll Call:

Alderman Mark Spinabella	Here	Alderman Dennis Sparrow	Here
Alderman Mike Esterl	Here	Alderman Rick Gardner	Here
Alderman Melissa Wagner	Here	Alderman Chris Snyder	Here

Approval of the Minutes of the Previous Meeting(s): March 1, 2010 Regular Meeting, March 8, 2010 Noon Work Session Meeting and Board of Aldermen and Park/Tree Board Meeting Minutes:

Motion was made by Alderman Wagner to table the March 1, 2010 Regular Session Minutes, March 8, 2010 Work Session Meeting and the March 8, 2010 Board of Aldermen and Park/Tree Board Meeting Minutes because page 8 was missing from the March 1, 2010 Regular Session Minutes seconded by Alderman Gardner with all present voting aye.

Ceremonial Matters:

Proclamation-Recognizing and Congratulating the Ozark High School Wrestling Team.

Coach Jackson and the wrestling team showed up to be recognized and congratulated by the Mayor and the Board of Aldermen.

Report on Questions from Previous Meeting(s):

Bills Open for Public Discussion:

A. Bills Requiring a Public Hearing:

1. Public Hearing-To receive Public Comment on Deleting Sections 405.490 and 500.190 of the Code Relating to Land Use Applications, Permits and Fees as well as Building and Permit Fees and Enacting New Sections Numbered 405.490 and 500.190.

Mayor Bradley A. Jackson opened the Public Hearing for Public comment.

City Attorney Collignon stated Sections of the Land Use Code, Title IV relating to fees were modified and adopted approximately three (3) years ago. Staff is recommending changing the annual due date that the fees will be established to April and the effective date of the changes June 1 of the same year the turnaround will be a 60 day period instead of twelve months.

Mayor Bradley A. Jackson closed the Public Hearing.

2. Bill #2491-An Ordinance Amending the Code of Ordinances of the City of Ozark by Deleting Sections 405.490 and 500.190 of the Code Relating to Land Use Applications, Permits and Fees as Well as Building and Permit Fees and Enacting in Lieu Thereof Two New Sections Numbered 405.490 and 500.190 Respectively Relating to the Same Subject Matter.

Motion was made by Alderman Chris Snyder to place Bill #2491 on its first reading by title and description only, seconded by Alderman Esterl with all present voting aye.

City Administrator Childers stated the current review date has proved to be hectic because it was so close to our annual Budgeting processes. By changing the annual review date to April it will give staff a more comfortable time frame to reevaluate our fees.

Alderman Wagner stated our current Code requires a four consecutive week publication and posting requirement, the new Code does not have this same requirement. Alderman Wagner recommended the four consecutive week publication requirement to be inserted in the new Code. Alderman Wagner questioned the 60-day turnaround effective time where we currently have a twelve (12) months notice of an increase to our fees that's passed onto the developers; she suggested the effective date to be amended from June 1 of the same year to January 1 of the following year.

Alderman Spinabella stated the City needs to become builder friendly the proposed effective date will give the developers ample time to plan for the increase to their expenses.

Alderman Sparrow agreed with the posting and notification requirement to remain as the current Code states publication and posting for four consecutive weeks prior to the Public Hearing, and suggested that the notice be published in more than one (1) circulation.

Alderman Gardner agreed with the publication notice should remain as the current Code four consecutive weeks. He agrees that we need to become developer friendly by allowing ample notice to the developers, but questioned if the fee increase effective date should be increased to six (6) months after their adoption.

The Board of Aldermen discussed at which point in development developers will be required to pay the increased fees and if there would be any retroactive fee charges.

Alderman Esterl stated the developers will be able to go to our new Website that will state all fee costs.

City Administrator Childers stated there will be no retroactive fees charged.

Alderman Esterl suggested amending the annual review date from the first of April to the first meeting in May after the April election.

Motion was made by Alderman Wagner to amend the Bill to amend the review date from the first meeting in April to the first meeting in May and insert circulation in Christian County for a period of four (4) consecutive weeks. Amend June 1 to January 1 of the following year. With the same amendment to Section 500.190, seconded by Alderman Gardner with all present voting aye. Mayor Bradley A. Jackson stated Bill #2491 will be held over for final reading and adoption during the April 5, 2010 Board of Aldermen Meeting.

3. Public Hearing-To Receive Comments from the Public on a Petition for the Creation of a Community Improvement District within the City of Ozark, Missouri Located at St. Highway J & N. 17th Street.

Mayor Jackson opened the Public Hearing for Public comment.

City Administrator Childers stated this project is moving forward. The property owner is requesting the Board of Aldermen to create a Community Improvement District to impose an additional sales tax upon their development.

Ron Kisse-Hopedale Plaza owner. Ron Kisse stated he was there to listen to the request and may have comment following the discussion.

Darrell Gross approached the Board of Aldermen to discuss the creation of the Community Improvement District application requested by property owner Richard Scrivener Trust. The CID will only be imposed upon the developers property only, for another property to be included in the CID the property owner will have to petition to the Board of Aldermen to be included. The CID is requesting an additional 1% sales tax to be imposed upon the developer's property only, than potentially a property tax increase. We are looking into requesting a TIF, but that will have to have the Board of Aldermen's approval. They are looking into different developing tools to eliminate requesting a TIF.

Alderman Gardner questioned whether the Plan was a Five-Year Plan or a 30-Year Plan.

Darrell Gross explained by State Law requires the developer to provide a Five-year Plan in his petition, the pay off plan is for 30 years, it may take less years to pay off the CID. When the debt is repaid the CID will go away.

Alderman Sparrow questioned why the property owner was seeking a blighted status.

Darrell Gross stated the blight status request is for the storage unit property only. The storage units are currently located on the lot line and on existing utilities.

Alderman Sparrow asked how this project would coordinate with the scheduled Highway CC road improvement project.

City Administrator Childers stated the City has not received any construction design plans for the Highway CC road improvement project.

Darrell Gross stated MoDot is allowing a right turn off of St. Highway J into the Development, further east of the existing entrance. MoDot may have to acquire driveway entrances from the developer if the design calls for them.

Alderman Wagner questioned if the success of this project was contingent upon approval of the TIF.

Darrell Gross stated the project is not contingent on approval of a TIF, other developing tools are currently being researched.

Alderman Gardner questioned how the spending of the CID funds are monitored.

Darrell Gross stated a CID Board of Directors are appointed to oversee the funds and how the funds are spent. The CID funds are open audited every year. The project estimate figures are high to cover the actual expenses.

City Administrator Childers asked if the City would be eligible to manage the CID expenses and if a fee could be associated with the management.

Darrell Gross stated the City could elect to manage the CID and charge a management fee.

Alderman Gardner stated by approving the creation of the CID we are not obligating the City.

Alderman Sparrow stated he has no problem with approving the creation of the CID, but would have a problem with imposing a TIF.

Ron Kisse questioned what property would be declared blighted.

Darrell Gross stated only the property where the storage buildings are currently located.

Ron Kisse stated he and the area developers developed their properties without any funding assistance and feels this developer should be required to build his own project without funding assistance.

Darrell Gross explained the purpose for the blighting status request to the Board of Aldermen. Alderman Sparrow stated our current Codes state any improvements to existing buildings, the whole structure will have to be done to current Code.

City Administrator Childers stated any improvements or use changes will require the whole structure to be developed to current Code. If the current structure is not being modified there are no Code requirements.

Alderman Wagner questioned when new development is occurring on an already existing developed property is the property owner required to bring the rest of the lot up to Code.

City Administrator Childers stated where nuisance complaints exist pertaining to a developed property that has been required.

Darrell Gross stated the Convenience Store will be built, if the proposed developing tools are not successful and a TIF is not approved the storage buildings will remain in their current location.

Darrell Gross stated a CID can receive funding at tax exempt rates.

Alderman Wagner questioned if the additional collected tax notice would be displayed on the premises.

Darrell Gross stated the notice posting was not required by State Law.

Mayor Bradley A. Jackson closed the Public Hearing.

4. Bill #2492-An Ordinance of the Board of Aldermen of the City of Ozark, Missouri, Creating the Highway J & N. 17th Street Community Improvement District Within a Certain Area of the City of Ozark, Missouri in Accordance with the Petition of the Property Owner Within the Proposed District.

Motion was made by Alderman Spinabella to place Bill #2492 on its first reading by title and description only, seconded by Aldermen Esterl with all present voting aye.

There were no comments.

Mayor Bradley A. Jackson stated Bill #2492 will be held over for final reading and adoption during the April 5, 2010 Board of Aldermen Meeting.

5. Public Hearing-To Consider Amending the Zoning Classification at 1530 W. Jackson St. from C-2 General Commercial, I-1 Industrial and A-1 Agriculture to C-2 General Commercial. Owner of the Property-The City of Ozark.

Mayor Bradley A. Jackson opened the Public Hearing for Public comment.

There were no comments.

Mayor Bradley A. Jackson closed the Public Hearing.

6. Bill #2493-An Ordinance Amending the Zoning Code and Official Map by Changing the Classification of Certain Property Located at 1530 W. Jackson Street. Owner of the Property-The City of Ozark.

Motion was made by Alderman Chris Snyder to place Bill #2493 on its first reading by title and description only, seconded by Alderman Spinabella with all present voting aye.

City Administrator Childers stated currently the property where our new Community Center is located has three (3) zoning districts; A-1 Agriculture, I-1 Light Industrial and C-2 General Commercial. The OC provides day care services, the Division of Family Services suggested the zoning to be amended to C-2 General Commercial on the property as a whole. Day Care facilities are currently not allowed in I-1 Light Industrial Zoning District. Staff recommends amending the

zoning on this City owned property to C-2. In the future a Governmental Zoning may be proposed for adoption.

Mayor Jackson stated Bill #2493 will be held over for final reading and adoption during the April 5, 2010 Board of Aldermen Meeting.

B. First Reading Bills: None.

C. Resolutions:

1. Resolution #1644-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Awarding the Bid for the Drainage Improvements at the Wellington Subdivision and the Placement of Fill at the Redevelopment Area to Darrell Mrotek, and Authorizing the Mayor to Enter Into Discussions and Execute a Contract for the Drainage Improvements at the Wellington Subdivision and the placement of Fill at the Redevelopment Area Projects.

Motion was made by Alderman Sparrow to place Resolution #1644 on its first reading by title and description only, seconded by Alderman Esterl with all present voting aye.

Public Works Director Martin stated Darrell Mrotek was the apparent low bidder on the project. Staff is recommending the bid to be awarded to Darrell Mrotek.

At this time Alderman Wagner removed herself from her seat due to Conflict of Interest.

Alderman Snyder questioned if Darrell Mrotek had done previous work for the City.

Public Works Director Martin stated Darrell Mrotek has done work previously for the City.

Public Works Director Martin explained how the project will be constructed and how it will function after completion.

Alderman Gardner asked if the project was properly engineered to function properly.

Public Works Director Martin stated he was comfortable in saying the project was properly engineered to function properly.

Motion was made by Alderman Sparrow to adopt Resolution #1644 and insert Darrell Mrotek in the Resolution title, seconded by Alderman Gardner with all present voting aye with Alderman Wagner abstaining due to Conflict of Interest.

Alderman Wagner returned to her seat at this time.

D. Emergency Bills:

1. Bill #2494-An Ordinance of the City of Ozark, Missouri Authorizing the Mayor to Execute a Change Order Number Four with HDR/Archer, for Professional Engineering Services for the Elk Valley Wastewater Treatment Facility.

Motion was made by Alderman Sparrow to place Bill #2494 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye.

City Administrator Childers stated this is the fourth (4th) Change Order which is extraordinary for a project of this magnitude.

Public Works Director Martin requested guidance from the Board of Aldermen pertaining to Change Order approvals. Some Change Orders that have to be approved may be for other reasons other than unbudgeted modifications. If all Change Orders have to be approved by the Board of Aldermen it may cause delays to projects. He suggested discussing this topic further during a Noon Work Session.

City Administrator Childers stated as we go forward with the Procurement Ordinance we will discuss Change Orders processes. Possible discuss if Change Orders that increase the Budgeted amount of a Project will have to be approved by the Board of Aldermen.

Mayor Bradley A. Jackson stated the project is currently well under Budget.

Alderman Wagner questioned the emergency reason for the Bill to be approved during this Meeting.

Public Works Director Martin stated the contractor is ready to finish construction and leave the work site. If this isn't completed by the Contractor the City will have to fund these items out of our Budget instead of through SRF funds.

Motion was made by Alderman Sparrow to dispense with the second reading and go to the third and final reading of Bill #2494 by title and description only, seconded by Alderman Snyder with all present voting aye.

Motion was made by Alderman Sparrow to adopt Bill #2494 as Ordinance #10-008, seconded by Alderman Snyder with all present voting aye by roll call vote:

Alderman Mark Spinabella Aye

Alderman Melissa Wagner Aye

Alderman Rick Gardner Aye

Alderman Dennis Sparrow Aye

Alderman Mike Esterl Aye

Alderman Chris Snyder Aye

Motion carried with six (6) aye votes.

E. Public Improvement Bills (Tax Bills): None.

F. Grants: None.

G. Amended Bills: None.

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

Alderman Snyder stepped down from his seat at this time due to Conflict of Interest concerning Bill #2489.

- 1. Bill #2489-An Ordinance of the City of Ozark, Missouri Approving and Authorizing the Mayor to Execute an Amendment Agreement by and Between the City of Ozark and Allied Waste Services of Springfield for the Collection, Transportation and Disposal of Residential Solid Waste Within the City Limits of the City of Ozark.**

Motion was made by Alderman Gardner to place Bill #2489 on its first reading by title and description only, seconded by Alderman Esterl with all present voting aye.

City Administrator Childers stated the proposed Contract Amendment will expire May 2011.

Alderman Wagner questioned whether the City would formally bid this service when the current Contract expires.

Mayor Bradley A. Jackson stated the City has been contracted with this Company since 1987.

City Administrator Childers stated this service will be formally bid if that is the direction of the Board of Aldermen.

Motion was made by Alderman Gardner to adopt Bill #2489 as Ordinance #10-009, seconded by Alderman Esterl with all present voting by roll call vote with Alderman Wagner voting nay and Alderman Snyder abstaining due to Conflict of Interest:

Alderman Rick Gardner	Aye
Alderman Melissa Wagner	Nay
Alderman Chris Snyder	Abstain
Alderman Mike Esterl	Aye
Alderman Mark Spinabella	Aye
Alderman Dennis Sparrow	Aye

Alderman Snyder returned to his seat at this time.

Report of Officers, Boards and Committees:

1. Administrative:

1. Discussion City Hall Maintenance Projects: a.) Roof Repairs and Maintenance. b.) Electrical Repairs. c.) Exterior Maintenance –

City Administrator Childers stated we have gone through the appropriate steps to receive roofing bids. Our Electrical repairs will begin tomorrow. We received one (1) bid for the City Hall facility exterior painting and repairs from Boyd Plastering & Stucco for \$8,900.00. If the Board of Aldermen is comfortable with receiving one (1) bid we will bring this back for approval during the April 5, 2010 Board of Aldermen Meeting. Alderman Gardner questioned if the Project would be done by an official Stucco Business. City Administrator stated the bid was received by a company named Boyd Plastering & Stucco.

2. Website Update-

Project Manager Cara Jones informed the Board of Aldermen staff has reviewed the first draft of the new Website and it looks amazing. With the initial website design completed we will begin the content development process. Cara will meet with all the department heads individually for their page contents by March 31, 2010. Finalization of the Website will be completed in April; our goal is to have our new Website up and running by June. Alderman Gardner stated any fee modifications as well as effective dates can be posted on the new Website. Project Coordinator Jones stated Citizens will have the option to request modifications by e-mail through the new Website.

3. Discussion of Space Relocation Update-

City Administrator Childers stated the upstairs Office is in the process of being updated for the City Clerk Lana Wilson and Intern Amber Elliott to relocate their offices.

4. Discussion of Grant-Healthy Active Community Grant-

City Administrator Childers stated Public Works Director Martin and Project Manager Jones have been working on obtaining a Healthy Active Community Grant. Twenty-five out of eighty applicants were selected to move forward, we were one of the selected to move forward with the

Grant process. Public Works Director Martin will attend a meeting this week concerning our next step in the process.

Alderman Snyder questioned if the Park Department was working on this Grant.

Public Works Director stated when we know the next step of the process all involved Departments will meet to select our Projects.

City Administrator Childers stated the goal is to connect the park and new Community Center with a walking trail.

5. Update of Google Fiber Application-

City Administrator Childers stated the City is coordinating with the City of Nixa and the County on the Google Fiber Application. We are competing with other larger communities.

Alderman Sparrow stated Springfield and Greene County are jointly submitting an application.

City Administrator Childers affirmed Springfield and Greene County are working in conjunction on a proposal.

Alderman Sparrow asked if we could piggyback with Springfield and Greene County's application.

City Administrator Childers stated we can certainly request to join their application process.

Alderman Gardner stated with all of us joining together it would only enhance their proposal.

City Administrator Childers stated we are going to continue to work on all available possibilities but still continue to work establishing our own application.

6. March 22, 2010 Noon Session Agenda-Economic Development Discussion.

City Administrator Childers stated the Noon Work Session Agenda will be an Economic Development Discussion and will be held at the new Community Center.

7. Development Issues Input Group-

City Administrator Childers stated he will be attending a Development Issues In-Put Group Meeting. He will observe and work on implementing this in our Community.

2. Public Safety:

Police Chief Lyle Hodges stated Corporal Becky Turpin has researched some of the Board of Aldermen's questions during the March 8, 2010 Noon Work Session concerning our current Police Dispatchers Employment.

Corporal Turpin stated during her research she has contacted various other Police Departments policies concerning reduction of pay with the reduction of duties.

We are currently paying our Dispatchers under what other Police Departments are paying, the Dispatchers are currently the lowest paid Clerks position in the City.

We have five (5) Dispatchers that are requesting to remain City Employees. They are being offered positions with the new E-911 System, they are needing to know

their future of working for the City or if they should pursue other employment options.

Alderman Wagner asked if the same duties would be performed.

City Administrator Childers stated an internal audit has never been performed to determine how many clerks will be needed. Going from six (6) to five (5) Dispatchers has been an expense savings to this year's Budget. All five (5) Dispatcher salaries have been implemented into this year's Budget. As we move forward with the 2011 Budget he cannot say if there will be funds available to retain their employment. The Clerk's will still enter warrants for the Police Department.

Corporal Turpin stated by retaining the five (5) clerks the Police Department will be able to remain open 24 hours a day seven (7) days a week.

Alderman Spinabella stated considering the Public Safety side of the issue the Police Department will be able to remain accessible to the Public 24 hours a day. Police Chief Hodges stated this will work with accessibility and safety issues by the Police Department remaining open during the evening hours.

Alderman Wagner asked how much traffic the Police Department received after hours.

Corporal Turpin stated the evening traffic was mostly finger printing services, complaints and report filing.

Alderman Wagner stated the Board of Aldermen can't guarantee the funding for their positions will be available next year.

Corporal Turpin stated the five (5) Dispatchers are questioning if their positions will be eliminated January 1, 2011 or their positions will be retained by the Police Department.

Alderman Snyder questioned what the E-911 interviewing time frame was scheduled.

Mayor Bradley A. Jackson suggested giving the Board of Aldermen a chance to review the material presented by Corporal Turpin and do their own research.

The Board of Aldermen requested staff to produce a traffic analysis in the Police Department from 5:00 p.m. to 3:00 a.m., all Administrative calls including average time spent on these calls to present to the Board of Aldermen in three (3) months. The goal of this analysis is to determine what portion of the Dispatchers jobs will be reduced with the new E-911 System.

3. Public Works:

Public Works Director Martin updated the Board of Aldermen on the Southfork sinkhole. He met with Palmerton and Parrish there is no plan that will exactly work they have offered two Plan Options. Larry explained the options and the expenses that will be involved in the project.

Alderman Wagner questioned what the City's responsibility if a home fell into the sinkhole.

Public Works Director Martin stated that is very realistic as water increases in the sinkhole it will increase the size of the sinkhole.

Alderman Spinabella stated it sounds as we need to move fairly quick on the project.

Public Works Director Martin stated staff is compiling official data for Palmerton and Parrish. Staff is recommending using one (1) of the options recommended by Palmerton and Parrish as the first option to try.

Community Emergency Team Training will begin tomorrow morning, we will update the Board of Aldermen of the training outcome.

Public Works Director Martin informed the Board of Aldermen that six (6) of our nine (9) storm sirens failed during the storm drill. Staff is recommending relocating two (2) of the sirens to more productive locations.

Public Works Director Martin updated the Board of Aldermen on the Iris System. There are 6,500 residents inside the City of Ozark, 7,700 total utility connections within the City Limits and our Urban Planning Area. The reason for combining would be for emergency and non emergency notifications. Funding can be added monthly or per year to the Utility Bill, \$.25 per month or \$3.00 a year. There is no initial set up charge. Two dollars (\$2.00) will be paid to the supplier and \$1.00 for City management of the system.

City Administrator Childers stated a Budget Amendment will be required for any expenses.

Alderman Snyder stated he would like to see this System highly promoted.

Alderman Esterl questioned whether non resident could take advantage of this System by paying the yearly fee.

Public Works Director Martin stated it is time for staff to begin working on bidding out our road improvement projects. Our early estimate is approximately \$300,000.00.

Alderman Wagner suggested holding off on improvements to streets that are not needing immediate attention, and putting those funds into the sinkhole project.

Alderman Sparrow stated the Board of Aldermen's priority should be street maintenance.

4. Park:

Parks Director Matthews stated the Glitter Gowns and Gems raised \$2,000 for the Family Crisis Center. The recent tournament held at the Community Center grossed over \$4,000.00. The Home School tournament is scheduled for this weekend. Coca Cola donated the new Community Center sign.

Unfinished Business: None.

New Business/Board of Aldermen Comments:

Alderman Wagner asked if the City could broadcast our meetings on the City's Cable Channel.

Alderman Spinabella stated it would not be possible at this time, with receiving fiber optic this would be an option but would be very expensive. Mark has been working on the Audio portion of ballgames and the Board of Aldermen Meetings.

Alderman Sparrow questioned why the City was repairing so many computer viruses; we had to repair five (5) viruses in the past month.

Public Works Director Martin replied the virus protection upgrades were neglected to be loaded onto one of our field lap tops.

Scheduled Visitors:

Board of Aldermen Comments:

Miscellaneous Business: None

Pay Bills-

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

The Meeting adjourned at 10:13 p.m.

Minutes Written By:

Lana Wilson, City Clerk

Approval of Minutes By:
