



City of Ozark Missouri

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October 19, 2009 Council Meeting

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

7:00 p.m.

Regular Session:

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	Absent

Approval of the Minutes of the Previous Meeting(s): October 5, 2009 Council Meeting, October 12, 2009 Lunch Work Session Council Minutes and October 12, 2009 Insurance Broker Interview Council Minutes:

Motion was made by Alderman Rick Gardner, seconded by Alderman Mike Esterl to approve the October 5, 2009 Council Minutes and October 12, 2009 Work Session and Insurance Broker Interview Council Minutes as written with the following amendments made by Alderman Rick Gardner. Motion carried with Alderman Chris Snyder absent.

October 5, 2009 Council Minutes-Pg. 5, paragraph 7, amend Alderman Rick Wagner to Alderman Rick Gardner.

October 12, 2009 Lunch Work Session Council Minutes-Page 2, first paragraph, last sentence under General Fund insert the word **may** freeze all merit raises if funds are not available.

Ceremonial Matters: Proclamation-Pancreatic Cancer Awareness Month.

Mayor Bradley A. Jackson read the Proclamation Pancreatic Cancer Awareness Month.

Report on Questions from Previous Meeting(s): None

Bills Open for Public Discussion:

A. **Bills Requiring a Public Hearing:** None

B. **First Reading Bills:** None

C. **Resolutions:**

1. **Resolution #1611- A Resolution of the Board of Aldermen of the City of Ozark, Missouri Authorizing the Mayor to Execute on Behalf of the City of Ozark, Missouri, a Modification to the Original Depository Services Contract with Southwest Community Bank.**

Motion was made by Alderman Dennis Sparrow, seconded by Alderman Mark Spinabella to place Resolution #1611 on its first reading by title and description only. Motion carried with Alderman Chris Snyder absent.

City Administrator Steve Childers stated Southwest Community Bank has approached the City requesting us to approve a modification to our original depository services contract. The modification would modestly benefit the City and significantly benefit their institution. Southwest Community Bank has elected to participate in the Transaction Account Guarantee Program, the Program will guarantee all non-interest bearing transaction accounts to be 100% FDIC guaranteed for the entire amount of the account. This is in addition to and separate from the coverage available under the FDIC's general deposit insurance rules. The City's non-interest bearing transaction accounts and interest-bearing transaction accounts fixed at the 0.50% interest rate will be insured by the FDIC for the entire amount until the expiration of the original depository services contract.

Alderman Melissa Wagner asked if staff could foresee any reason why we should not modify the contract.

City Administrator Steve Childers stated that the modification will lock in our interest rate until we solicit bids for our depository services in June. The modification will support the City's financial institution.

Alderman Melissa Wagner stated the only risk would be our interest rates would be locked in if interest rates were to increase. This is not likely to happen considering the state of the economy.

Motion was made by Alderman Denis Sparrow, seconded by Alderman Rick Gardner to adopt Resolution #1611. Motion carried with Alderman Chris absent.

D. **Emergency Bills:** None.

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:

1. **Bill #2472 –An Amended Ordinance Amending the Code of Ordinances of the City of Ozark by Adding One New Chapter to Title IV “Land Use”, To Be Numbered Chapter 430 and Relating to the Regulation of Illicit Discharge Into the Municipal Storm Drainage System.**

Motion was made by Alderman Rick Gardner, seconded by Alderman Mike Esterl to dispense with the second reading and go to the third and final reading of Bill #2472 by title and description only. Motion carried with Alderman Chris Snyder absent.

City Administrator Steve Childers stated this Addition to our Code of Ordinances was presented for adoption by our MS4 Coordinator Marcus Heilman. This is the first stage in implementing our MS4 permitting process that regulates illicit discharge into the City of Ozark's storm drainage systems.

Alderman Melissa Wagner stated even though the City is required by the Missouri Department of Natural Resources to adopt these regulations she would like to review the Code in a year to see if we have implemented any unnecessary restrictive regulations, other than the required.

Motion was made by Alderman Rick Gardner, seconded by Alderman Mike Esterl to adopt Bill #2472 as Ordinance 09-038. Motion carried with a roll call vote with Alderman Chris Snyder absent:

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

Motion carried with five (5) aye votes with Alderman Chris Snyder absent.

2. Bill #2474-An Ordinance Amending the Zoning Code and Official Map by Changing the Zoning Classification From C-4 to C-2 of Certain property Located at 400-444 S. 3rd Street and Lot 1 of Southern Hills. Owners Leslie & Melanie Johns and Gary and Kristin Wiggins.

Motion was made by Alderman Mike Esterl, seconded by Alderman Rick Gardner to dispense with the second reading and go to the third and final reading of Bill #2474 by title and description only. Motion carried with Chris Snyder absent.

City Administrator Steve Childers stated the Planning and Zoning Commission recommended the requested zoning amendment.

Motion was made by Alderman Mike Esterl, seconded by Alderman Rick Gardner adopt Bill #2474 as Ordinance 09-039. Motion carried with a roll call vote with Alderman Chris Snyder absent:

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

Motion carried with five (5) aye votes with Alderman Chris Snyder absent.

Report of Officers, Boards and Committees:

1. Administrative Committee: Selection of an Insurance Broker-

City Administrator Steve Childers stated staff has evaluated the responses to the City's RFQ request for an Insurance Broker. The Council interviewed five agents and selected two (2) final agencies for further staff evaluation. Staff has made a final recommendation to the Council to select Connell Insurance as our Insurance Broker of Agent.

Connell Insurance currently provides the City's Employee Benefits Insurance. They have provided us access to a Human Resources coordinator who reviewed our new employee manual as well as other beneficial Human Resources assistance.

Administrative Projects Manager Cara Jones and City Clerk Lana Wilson did a wonderful job by asking the two final Agencies interview follow up questions and discussed in-depth each agencies qualifications

Alderman Rick Gardner complimented the staff members who performed the research required to select an Insurance Broker for the City.

Motion was made by Alderman Dennis Sparrow, seconded by Alderman Rick Gardner to accept Connell Insurance as the City's Insurance Broker. Motion carried with Alderman Chris Snyder absent.

2. Public Safety Committee: Awarding the bid for a New Police Vehicle:

Police Chief Lyle Hodges stated the City received two bids for the new police vehicle. The lowest bid submitted by Jimmy Michel Motors was \$20,358.32. The only fault is the vehicle is gray and will not match our existing white fleet.

The bid submitted from by local dealer Campbell Ford Mercury is a white vehicle without the powered driver seat, for \$20,599.16. Staff is recommending awarding the bid to the local dealer Campbell Ford Mercury, in the amount of \$20,599.16. Campbell Ford Mercury's bid is \$241.16 higher than the bid submitted by Jimmy Michel Motors but Campbell Ford's vehicle is white and will be delivered to Ozark.

Motion was made by Alderman Rick Gardner, seconded by Alderman Dennis Sparrow to accept the bid from Campbell Ford Mercury for the bid amount of \$20,599.16. Motion carried with Alderman Chris Snyder absent.

3. Public Works- Street Superintendent Mike Grider: Discuss the Purchase of a Dump Truck for the Public Works Department:

Street Superintendent Mike Grider informed the Council that he and Public Works Director Larry Martin has done extensive research concerning purchasing a new dump truck for the Public Works Department. In the 2009 Budget \$125,000.00 was allotted for a new dump truck, but because of the tight budget we haven't been able to purchase the new vehicle. The MoDot bid was \$125,000.00, we located 2008 and 2009 dump trucks in Arkansas sitting on the lot and ready for purchase for \$100,000.00 to \$110,000.00.

The purchase of a new dump truck would prove to be beneficial to the Public Works Department. During the year we haul about 800 tons of gravel, 500 tons of black soil and several tons of asphalt patching, the City is charged \$2.75 extra per ton for a haul bill charge.

Alderman Rick Gardner asked if the purchase price of these vehicles were less than what was allotted in the budget.

Street Superintendent Mike Grider stated the purchase price for the 2008 and 2009 dump truck are less than what was allotted in the budget. The dump trucks meets all of our required specifications, if we purchased a dump truck using the MoDot bid a dump truck would have to be built.

City Administrator Steve Childers stated he has discussed with Street Superintendent Mike Grider his concerns concerning purchasing a new dump truck at this time.

With the uncertain deficit in the 651 fund he would not feel comfortable purchasing this vehicle at this point in the budget year.

Mayor Bradley A. Jackson stated if the dealer had vehicles sitting on his lot chances are They will still be available in January.

Alderman Melissa Wagner stated she is disappointed that such a necessary vehicle cannot be purchased for the Public Works Department. Melissa requested staff to provide the

Council with an estimate of what the purchase of this vehicle is to what we are paying without this vehicle.

Mayor Bradley A. Jackson stated this vehicle could be used for storm water projects. Alderman Dennis Sparrow stated he liked the idea that a spreader could be placed on this vehicle for snow removal. During the clean up of the Redevelopment Area the Public Works Department made a lot of trips using the smaller trucks, with this vehicle the trips and man power could have been minimal.

Street Superintendent Mike Grider stated the crew would make four trips to the one trip this vehicle would haul.

City Administrator Steve Childers at this time discussed the FEMA short fall. The City should receive at least \$350,000.00 from the FEMA Grant. If we don't receive the rest of the FEMA Grant money we will be very pressed to balance the 2009 Budget. The worse case in scenario we will have to come up with \$400,000 to cover the shortfall.

Alderman Melissa Wagner asked if we would have to come up with the short fall in this year's Budget or will this come out of next year's Budget.

We have scheduled a meeting this week for staff to meet with Branco Construction to discuss the finalization of the unfinished construction items in the FEMA Room and in the Community Center, we should know the construction status from the out come of this meeting. The contractor is requesting to be paid so he can pay his sub contractors. Steve has scheduled a meeting tomorrow with Park Director Dodee Matthews to discuss the status of the submittal of the last phase of the FEMA Grant application.

Alderman Melissa Wagner asked if there was a carry over in the water or sewer fund that could be used to purchase the new dump truck.

City Administrator Steve Childers stated other than the six (6) month required carry over there isn't a substantial amount in either water or sewer carry over funds.

Parks: Park Board President Randy Veach – Annual Park Board Report.

Park Board President Randy Veach was not present to present to the Council the Park Board Annual Report.

Alderman Dennis Sparrow stated he has requested the presentation of the Annual Report in a formal written request. He feels this report would be substantially beneficial to the Council for budget purposes. It is the Park Board President's responsibility to deliver the Park Board's Annual Report to the Council. Alderman Dennis Sparrow recommended Park Board President Randy Veach to be removed from the Park Board.

Alderman Melissa Wagner asked if the Park Board had ever presented the Council with an Annual Park Board Report.

City Attorney David Collignon stated we have received these reports in a timely manner.

Park Director Dodee Matthews stated the Park Board President usually presents the Park Board Annual Report in December.

Alderman Mark Spinabella stated before the Council makes a decision to remove Park Board President we should find out why Randy Veach could not be present he could be ill or absent due to work purposes.

Mayor Bradley A. Jackson stated he would take Alderman Dennis Sparrow's recommendation under advisement, he would contact Park

Board Randy Veach to find out the reason he could not be present tonight to present the Annual Park Board Report.

Alderman Rick Gardner asked if the Council should place a deadline on the presentation of this report.

Mayor Bradley A. Jackson stated it was his understanding the Park Board President Randy Veach would be present tonight to present the Annual Park Board Report to the Council. If he could not make it to the meeting he should have requested the Park Board Vice President present the report to the Council.

Mayor Bradley A. Jackson stated he would respectfully take Alderman Dennis Sparrow's recommendation under advisement and the Council could discuss this matter further during the October 26, 2009 Noon Work Session.

Unfinished Business:

1. Council Decision Regarding Lots 74 and 75 of Shana Claire Subdivision.

Alderman Melissa Wagner requested City Attorney David Collignon's professional legal opinion regarding the ownership of the sidewalks in the Shana Clair Place Subdivision.

City Attorney David Collignon stated the City owns the sidewalks in the Shana Clair Subdivision.

Alderman Melissa Wagner stated she has exhausted her research abilities regarding this issue, it's her opinion the sidewalks were installed according to City Codes and regulations. She requested the Council to make a final decision concerning this issue.

Alderman Melissa Wagner stated she visited the location after the City received seven (7) inches of rain and did not observe any ponding of rain water in any of the locations the plaintiff described.

Alderman Dennis Sparrow stated he respectfully made some recommendations to the owner, in his opinion the plaintiff should forward his complaints to the landscaper. Dennis stated it is his opinion the improvement to the owners drainage would be minimal and would not justify the expense of lowering the sidewalk and the necessary re-grading that will have to be done to complete the project.

Motion was made by Alderman Melissa Wagner, seconded by Alderman Rick Gardner to follow staff's recommendation that this is a private party Issue, no action required. Motion carried with Alderman Chris Snyder absent.

New Business/Council Comments: None.

Scheduled Visitors: None

Council Comments: None

Miscellaneous Business: None

Pay Bills-

Mayor Bradley A. Jackson asked City Administrator Steve Childers to give an update on Public Works Director Larry Martin's health condition.

City Administrator Steve Childers stated Public Work's Director Larry Martin's health condition is improving daily, he may be able to leave the hospital and stay at his daughter's home in Rolla until a thorough evaluation of his liver has been determined, or if he requires a liver transplant and one becomes available. His kidneys have improved significantly. Steve stated he has talked to Larry personally he seems to have regained his spirit and is feeling better than he had previously felt in the past two weeks.

Alderman Melissa Wagner asked if staff had any updates on the interpersonal working relationship between the City and the Ozark Special Road District concerning the ownership of road right-of-ways inside the City Limits.

City Administrator Steve Childers updated the Council on the joint storm water project the City and the Ozark Special Road District are in the engineering phase of the process. The Developer of Walnut Crossing has agreed to partner with the City and the Ozark Special Road District in installing a functional drainage system. We have not received the signed agreements, we're anticipating the project to begin this Spring. Due to Larry's illness the discussions on the street ownership have been placed on hold. In the meantime we are still continuing to strengthen the working relationship between the City and the Ozark Special Road District.

Motion was made by Alderman Mike Esterl, seconded by Alderman Dennis Sparrow to adjourn. Motion carried with Alderman Chris Snyder absent.

The Meeting adjourned at 8:25 p.m.

Minutes Written By:

Lana Wilson, City Clerk

Approval of Minutes By:
