



# City of Ozark Missouri

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## December 07, 2009 Council 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 Mark Spinabella, Alderman Dennis Sparrow, Alderman Melissa Wagner, Alderman Chris Snyder and Alderman Rick Gardner were present with Alderman Mike Esterl absent. 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	Absent	Alderman Rick Gardner	Here
Alderman Melissa Wagner	Here	Alderman Chris Snyder	Here

### **Approval of the Minutes of the Previous Meeting(s): November 16, 2009 Budget Meeting, November 16, 2009 Regular Session and November 23, 2009 Lunch Work Session Board of Aldermen Minutes:**

Motion was made by Alderman Rick Gardner to approve the November 16, 2009 Budget and Regular Session and the November 23, 2009 Work Session Minutes as written with the following amendments, seconded by Alderman Mark Spinabella with everyone present voting aye.

Alderman Rick Gardner amended Page 7, paragraph 3, second sentence and paragraph 4, third line the spelling of misfeasance and malfeasance.

Alderman Melissa Wagner corrected what she had stated on Page 10, paragraph 8, third sentence delete *and betrayed*.

### **Ceremonial Matters: Proclamation-Universal Hour of Peace.**

Mayor Bradley A. Jackson proclaimed the Proclamation Universal Hour of Peace.

Alderman Rick Gardner asked what organization requested the City to proclaim this Proclamation.

Mayor Jackson stated the School of Metaphysics.

**Report on Questions from Previous Meeting(s):** None

**Bills Open for Public Discussion:**

**A. Bills Requiring a Public Hearing:**

- 1. Public Hearing: Zoning Case #2009-387-Zoning Amendment for Property Located at 800 E. South St., Owner TWT Investments, LLC. Current Zoning R-4, Requesting C-2 Zoning.**

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

City Administrator Steve Childers stated the Planning and Zoning Commission held a Public Hearing on Zoning Case #2009-387 and did vote to recommend amending the current Zoning R-4 to the more appropriate Zoning C-2 classification for the area.

There were no further Public comments; Mayor Bradley A. Jackson closed the Public Hearing.

- 1. Bill #2478-An Ordinance Amending the Zoning Code and Official Map by Changing the Classification of Certain Property Located at 800 E. South St., Owners TWT Investments, LLC.**

Motion was made by Alderman Snyder to place Bill #2478 on its first reading by title and description only, seconded by Alderman Sparrow with all present voting aye.

There were no Comments.

Mayor Jackson stated Bill #2478 will be held over until the December 21, 2009 regular Session Meeting.

- B. First Reading Bills:** None.

**C. Resolutions:**

- 1. Resolution #1620-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Authorizing the Mayor to Execute a Contract with the Ozark Chamber of Commerce, Inc.**

Motion was made by Alderman Sparrow to place Resolution #1620 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye.

City Administrator Childers stated the City currently has an Intergovernmental Agreement with the Chamber of Commerce to provide Economic Development Services to the City. Along with the Agreement we have attached a breakdown of the salary and benefits for the new Chamber of Commerce Director. Even though the City pays fifty percent (50%) of the Chamber of Commerce Director's salary, we have to show the entire annual salary in the 2010 Budget.

Alderman Gardner questioned whether or not the Chamber of Commerce has made an appointment to fill the position of the Director.

Alderman Spinabella asked the status of the position appointment.

Chamber of Commerce President Rick Robison approached the Board of Aldermen. Rick stated the Chamber of Commerce appointed selection committee, which included City Administrator Childers and Project Manager Cara Jones, have made a final candidate selection. The appointment is contingent upon the Board of Aldermen's approval of the Agreement tonight.

Once the Agreement is approved Rick Robison will approach the selected candidate to officially offer him the position.

City Administrator Childers stated he was confident the selection committee selected a qualified candidate to fill the position.

Alderman Sparrow stated in the Contract it states the Director shall submit the Board of Aldermen a semi-annual report summarizing all Economic Development activity engaged in during the previous six (6) month period. The report will be due on the last Board of Aldermen Meeting in April and the first Board of Aldermen Meeting in November of each year.

The Board of Aldermen appreciated the informative monthly reports the former Chamber of Commerce Director submitted during their Meetings. It was determined the previous Director had resigned before the Report was due to be presented. Rick Robison stated it will be the Chamber of Commerce's intent to have that report available to the Board of Aldermen at those times or as often as the Board of Aldermen requests a Report. City Administrator Childers stated he felt it would be beneficial for the new Chamber of Commerce Director to become a member of the Economic Development Advisory Committee of the Chamber of Commerce. This would be a beneficial consultant tool for the new Director to continue to develop strategic planning to prioritize different projects. Rick Robison stated the Chamber of Commerce Director will continue to serve as the chair of the Committee. Motion was made by Alderman Sparrow to adopt Resolution #1620, seconded by Alderman Spinabella with all present voting aye.

**2. Resolution #1621-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Approving the Appointment to the City of Ozark Land Clearance for Redevelopment Authority (LCRA) Board. Tom Bass with a Term to Expire April, 2013.**

Motion was made by Alderman Snyder to place Resolution #1621 on its first reading by title and description only, seconded by Alderman Gardner with all present voting aye. Mayor Bradley A. Jackson stated Tom Bass will be a great asset to the LCRA Board. Alderman Sparrow asked Mayor Jackson if he would be resigning from the LCRA Board following this appointment.

Mayor Jackson stated he would like to appoint one (1) more person to the LCRA Board before he resigned. If he resigned, upon this appointment, the LCRA Board would still only have two (2) Board Members.

Alderman Sparrow questioned whether the City held the Land Clearance Five Year Plan Summarization Public Hearing.

City Attorney David Collignon stated he would research to see if the Public Hearing was held and provide an answer by the next meeting.

Motion made by Alderman Snyder to adopt Resolution #1621, seconded by Alderman Gardner with all present voting aye with Alderman Sparrow voting nay.

**3. Resolution #1622-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Approving Appointments to the Planning and Zoning Commission. Eddie Campbell and Cory Paschen with a Term to Expire June 11, 2012.**

Motion was made by Alderman Snyder to place Resolution #1622 on its first reading by title and description only, seconded by Alderman Spinabella with all present voting aye. Cory Paschen and Eddie Campbell was present for the meeting, Mayor Jackson introduced them to the Board of Aldermen.

Motion was made by Alderman Snyder to adopt Resolution #1622, seconded by Alderman Wagner with all present voting aye.

**4. Resolution #1623-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Approving Appointments to the City of Ozark Parks and Recreation/Tree Board. Trichia Long with a Term to Expire June 1, 2011 and William Shane Vaughan with a Term to Expire June 1, 2010.**

Motion was made by Alderman Snyder to place Resolution #1623 on its first reading by title and description only, seconded by Alderman Spinabella with all present voting aye.

Mayor Bradley A. Jackson introduced Shane Vaughn who was present for the meeting to the Board of Aldermen.

Motion was made by Alderman Snyder to adopt Resolution #1623, seconded by Alderman Wagner with all present voting aye.

**5. Resolution #1624-A Resolution by the Board of Aldermen of the City of Ozark, Missouri Approving and Authorizing the Mayor to Execute a Professional Services Agreement with Gray and Associates, Inc. to Provide Professional Surveying Services for the City of Ozark, Missouri.**

Motion was made by Alderman Spinabella to place Resolution #1624 on its first reading by title and description only, seconded by Alderman Gardner with all present voting aye. City Administrator Childers stated staff ventured into an extensive project requesting “Request for Qualifications” for several of our outsourced professional required services. “Request for Qualifications” were solicited for professional Surveying Services for City projects. Staff completed the selection process and recommend Gray and Associates, Inc. to provide said services for the City’s projects. We’ve established a standard agreeable Contract with Gray and Associates, Inc. that includes their Scope of Services.

Alderman Gardner questioned how staff selected Gray and Associates, Inc. from all the Surveying Firms in Christian County.

Project Manager Cara Jones stated there were several Surveying Firms who submitted a “Request for Proposal” but through the selection process Gray and Associates, Inc. scored the highest.

Alderman Wagner stated she did not feel like she could make an informed decision due to not being involved in the selection process, not knowing the scoring criteria for this service. She would have preferred the selection process to have been performed similar to the Insurance selection process.

Project Manager Jones stated there were several staff members involved in the selection process, she explained each ones roles and how the Firm was scored.

Alderman Wagner stated she feels there should be some validity *in* the role the Board of Aldermen plays towards the selection of the professional services providers.

City Administrator Childers stated we presented our selection process to the Board of Aldermen during a previous meeting, we should have provided the process criteria in this packet.

Alderman Spinabella stated he prefers to hire local companies. He trusts the staff’s careful and *methodical* selection basis for their recommendation.

Alderman Gardner stated he appreciated the Request for Proposals process and agreed staff should conduct the interviewing process and the Board of Aldermen should trust their recommendations.

Alderman Sparrow agrees that staff should conduct the interviews and make their recommendation to the Board. He questioned why Gray and Associates was going to charge us to use our GPS Equipment; most Surveying Firms have their own GPS equipment.

City Administrator Childers stated GPS Technician Marcus Heilman will protect and monitor the use of our GPS Equipment. They may utilize our GPS equipment while working on projects in conjunction with our staff.

Motion was made by Alderman Spinabella to adopt Resolution #1624, seconded by Alderman Snyder with all present voting aye, with Alderman Wagner abstaining.

**6. Resolution #1625-A Resolution of the Board of Aldermen of the City of Ozark,**

**Missouri Approving and Authorizing the Mayor to Execute a Professional Services Agreement with Mathews & Associates, Inc. to Provide Professional Transportation Consultant Services for the City of Ozark, Missouri.**

Motion was made by Alderman Gardner to place Resolution #1625 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye. City Administrator Childers stated Mathews and Associates will be providing Transportation and Engineering and Consultant services for City projects. There currently

are no funds designated for engineering and transportation projects. We have currently learned that even though we have gone through this Request for Qualification process, and will make our selection, one of the criteria to utilize STP Urban Funding is the “Request for Qualification” process will have to be done for each project.

Motion was made by Alderman Gardner to adopt Resolution #1625, seconded by Alderman Spinabella with all present voting aye, with Alderman Wagner abstaining.

**7. Resolution #1626-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Approving and Authorizing the Mayor to Execute a Professional Services Agreement with Lee Engineering and Associates, LLC to Provide Professional StormWater and Engineering Services for the City of Ozark, Missouri.**

Motion was made by Alderman Snyder to place Resolution #1626 on its first reading by Title and description only, seconded by Alderman Spinabella with all present voting aye. We have dedicated revenue source through our storm water sales tax. We have allocated funding for several projects in the Budget. Our goal is to complete a Storm Water Master Plan to prioritize storm water Capital Improvement projects. We are currently establishing a storm water buyout Program that we will be presenting to the Board of Aldermen for their consideration. We are researching FEMA funding and Grants to designate towards buying out flood properties.

Motion was made by Alderman Snyder to adopt Resolution #1626, seconded by Alderman Gardner with all present voting aye, with Alderman Wagner abstaining.

**8. Resolution #1627-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Approving and Authorizing the Mayor to Execute a Project Development & Support Agreement with CivicPlus Concerning the Creation of a Website for the City of Ozark.**

Motion was made by Alderman Spinabella to place Resolution #1627 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye. Project Manager Jones provided a breakdown of the selection process staff prepared to be submitted along with their recommendation. The City received three (3) RFQ for the Website design, staff is recommending CivicPlus. CivicPlus’ Agreement includes the design of a new City Logo.

Brandy Shantz-CivicPlus Representative approached the Board of Aldermen and presented them with CivicPlus’ Design portfolio. CivicPlus is a full service Website Development company that specializes in Government Websites. They redesign Website contents and standards. Any City staff will be able do design their own page and input their information. The City’s new Website will be designed to improve communication within the Community.

Alderman Wagner asked Brandy if the Website design was a fixed rate.

Brandy replied the fixed rate for designing the Website was based upon the size of the municipality. The Website design will take about four (4) to six (6) weeks.

Alderman Gardner asked if the completed Website design would belong to the City.

Brandy stated the Website content and design will belong to the City. CivicPlus will provide the City with 3,000 backups, unlimited support and antivirus programs.

Alderman Spinabella asked if the Website would include audio file or live audio capabilities to provide broadcasting for High School ballgames.

Brandy replied the Website does include audio, pictures and small video files. The Website has the capability to provide more extensive videos and audio streaming. CivicPlus will provide the City with information on these services.

Alderman Wagner informed Alderman Spinabella that there is a system on the internet that provides those services.

Alderman Sparrow asked if the Website had an intranet.

Brandy stated the Website does have intranet capabilities which will allow staff to review Website pages.

Alderman Gardner questioned by approving the CivicPlus Agreement if that meant we were approving the redesign of the City Logo. Rick stated he was not for sure that the City needs a new Logo. He is in favor of designing the Website but has reservations concerning redesigning the City Logo.

Alderman Wagner stated the current City Logo does not enlarge to good quality image.

City Administrator Childers stated by approving the CivicPlus Agreement to design the City's Website does not give CivicPlus automatic approval to redesign the City Logo. Staff will coordinate with CivicPlus to establish a branding image for the City.

Alderman Wagner stated she would like for the Board to be involved with the Logo redesign if it's redesigned. She feels as tight as the Budget is the \$2,250.00 cost of the Branding Analysis should be put on hold and revisited next year.

Alderman Spinabella stated he was in favor of designing the Website but also feels maybe the \$3,500.00 charge to redesign the City Logo and the Branding Analysis should be placed on hold until the economy is stronger.

Alderman Gardner stated he was not against the Branding Analysis he was against redesigning the City Logo. Rick stated that he would be in favor of updating the City Logo resolution for better quality.

City Administrator Childers stated he does not want the Board of Aldermen to be confused by thinking the redesign of the City's Logo is part of the Branding Analysis. A Branding Analysis can be a useful investigative tool that can strengthen our Economic Development capabilities.

Brandy stated if the Board of Aldermen anticipate they may want redesign the City Logo within three (3) to five (5) years it could be costly, it will affect the whole Website.

Alderman Gardner stated he didn't know why the City Logo would need to be redesigned but if the Board of Aldermen anticipates there may be a need in three to five years than why not do it all at this time.

Alderman Wagner asked we that if *go with CivicPlus if it would look the same as it currently does.*

Project Manager Jones stated it will have the same design and actual structure.

Alderman Wagner asked if the Branding Analysis had to be approved at this time. Since we did not approve raises this may be perceived as a feel good thing.

City Administrator Childers stated a portion of the cost was allocated from every Department's 2010 Budget.

Brandy informed the Board, as well as with the City Logo, if the Branding Analysis is not done at the time the Website is designed future modifications could be expensive.

Alderman Wagner recommended approving the CivicPlus Agreement without the Branding Analysis.

Alderman Snyder stated the completion and implementation of the Branding Analysis could enhance our Economic Development. It could increase our sales tax revenues by drawing people into our Community.

Brandy stated by approving the Agreement your not necessarily approving the Branding Analysis and Logo Design, those are included as an option package. CivicPlus can redesign a new City Logo and present it to the Board for comments.

Mayor Bradley A. Jackson asked if CivicPlus could enhance our City Logo to a sharper image quality.

Motion was made by Alderman Wagner to amendment the Agreement by removing the \$3,500.00 cost of the full Branding Package and revisit the partial Branding Package excluding redesigning the City Logo at a later date, seconded by Alderman Mark Spinabella. Alderman Mark Spinabella and Alderman Wagner voted, aye and Alderman Gardner, Alderman Snyder and Alderman Sparrow voting nay with Alderman Esterl absent.

Project Manager Jones stated if the full Branding Package was eliminated from the Website Design the total cost would be \$19,438.00.

Motion was made by Alderman Spinabella to adopt Resolution #1627, seconded by Alderman Gardner with all present voting aye.

**9. Resolution #1628- A Resolution of the Board of Aldermen of the City of Ozark**

**Authorizing the Mayor to Execute a Contract with Mercy Health Plans for the City Employees Health Insurance.**

Motion was made by Alderman Spinabella to place Resolution #1628 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye. City Administrator Childers stated Connell Insurance solicited bids for the City Employee's Health Insurance benefit this year. We currently are enrolled with Mercy Health Plans; we received one other quote that was extremely higher than our current premiums. Mercy Health Plans quoted our Insurance rates without an increase to our current cost. Staff is recommending renewing our Employee Health Insurance with Mercy Health Plans.

Motion was made by Alderman Spinabella to adopt Resolution #1628, seconded by Alderman Snyder with all present voting aye.

**10. Resolution #1629-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Authorizing the Mayor to Execute a Renewal Policy with "The Guardian Dental' Insurance Company for the City Employees Dental Insurance Benefit.**

Motion was made by Alderman Spinabella to place Resolution #1629 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye. City Administrator Childers stated Connell Insurance solicited bids for our Employee Dental Benefits this year along with our Health Insurance Benefit. There is a 5% increase in the premium. Staff is recommending renewing the Guardian Dental policy.

Motion was made by Alderman Spinabella to adopt Resolution #1629, seconded by Alderman Snyder with all present voting aye.

**11. Resolution #1630-A Resolution of the Board of Aldermen of the City of Ozark, Missouri Reaffirming the Approval and Authorization for the Mayor to Execute the Healthways Provider Agreement Previously Approved by the Board of**

Motion was made by Alderman Snyder to place Resolution #1630 on its first reading by title and description only, seconded by Alderman Gardner with all present voting aye. Mayor Bradley A. Jackson stated this Resolution is to reaffirm the prior approval authorization from the Board of Aldermen during the November 23, 2009 Noon Work Session.

Alderman Wagner stated the attached exhibits should be filled out in their entirety before the Resolution is adopted.

Park and Recreation Director Dodee Matthews stated the Agreement the Mayor executed was completed. Dodee verbally filled in the blanks on Exhibit 1-A for Alderman Wagner. Alderman Snyder asked what would happen if a member had child/children.

Park Director Matthews stated the memberships are recognized as individual membership, rather than family memberships.

City Attorney Collignon stated the completed Exhibits by Alderman Wagner will be incorporated and attached to the Resolution.

Alderman Spinabella recommended staff to complete the Exhibits with City Administrator Childers approval before the Resolution is executed.

Alderman Wagner asked if the City would be contractually obligated to provide services if tonight's completed Exhibits don't match the completed Exhibits that were executed by the Mayor during the November 23, 2009 Meeting.

Mayor Jackson recommended approving the Resolution contingent upon approval of the completed Exhibits by City Administrator Childers.

Park and Recreation Director Matthews stated the Park Department receives funding based upon the member swiping their card, not based upon the available services.

Motion was made by Alderman Wagner to amend the Agreement by completing the Exhibits before the Resolution is executed, seconded by Alderman Gardner with all present voting aye.

Motion was made by Alderman Snyder to adopt Resolution #1630 as amended, seconded by Alderman Gardner with all present voting aye.

#### **D. Emergency Bills:**

##### **1. Bill #2476-A Second Amended Ordinance Amending the Code of Ordinances of the City of Ozark, Missouri by Deleting Chapter 115 "City Officials" and Enacting in Lieu Thereof One New Chapter Relating to the Organization of City Staff Into Departments and the Revision of Certain Other Sections of Various Chapters.**

Motion was made by Alderman Sparrow to place Bill #2476 on its first reading by title and description only, seconded by Alderman Snyder with all present voting aye.

There were no questions, comments or concerns.

Motion was made by Alderman Sparrow to dispense with the second reading and go to the third and final reading of Bill #2476 by title and description only, seconded by Alderman Snyder with all present voting aye.

Motion was made by Alderman Sparrow to adopt Bill #2476 as Ordinance #09-045, seconded by Alderman Snyder with all present voting aye by roll call vote:

Alderman Melissa Wagner	Aye
Alderman Mark Spinabella	Aye
Alderman Dennis Sparrow	Aye
Alderman Chris Snyder	Aye

Alderman Mike Esterl Absent  
Alderman Rick Gardner Aye

**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.**

**Report of Officers, Boards and Committees:**

**1. Administrative Committee:**

**2. Public Works:**

**3. Public Safety: Police Chief Lyle Hodges-Awarding the Bid for the Police Tasers and Video Recorders.**

The City received one (1) Taser bid from Ed Roehr Safety Products Co. The City will be able to issue each Officer a taser gun with this purchase. The taser guns will be purchased with forfeiture funds.

Alderman Gardner questioned why there was only one (1) bid submitted.

Police Chief Hodges stated there is only one distributor in the State of Missouri. We went through the formal bidding process.

Alderman Wagner asked if it was common practice to request a specific brand in the bidding specifications.

Police Chief Hodges stated it was common practice to request a specific product brand in the bidding specifications.

Motion was made by Alderman Wagner to accept the bid submitted by Ed Roehr Safety Products Co. for the requested twenty five (25) Taser guns for \$30,547.50, seconded by Alderman Gardner with all present voting aye.

**4. Parks:**

The Park Department has received 95% of the FEMA Room Grant Funds.

**Unfinished Business:** None.

**Scheduled Visitors:**

**Council Comments:**

Alderman Spinabella thanked Police Chief Hodges for the terrific traffic control conducted by the Police Department during the Balloon Glow function at the Park.

Alderman Spinabella stated the Christmas Lights in the Park look wonderful.

Alderman Wagner commented she has never had a complaint about the Police Department they do a great job.

Alderman Gardner remarked the Police Department has always done a great job.

Alderman Sparrow stated he noticed after the MoDot Dedication Ceremony of the improvements to the overpass he noticed the W. Jackson Street Sign now reads Jackson Road.

City Administrator Childers stated the dedication went very well and he will contact MoDot about the Street Sign.

**Miscellaneous Business:** None.

**Pay Bills-**

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

The Meeting adjourned at 9:15 p.m.

Minutes Written By:

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Lana Wilson, City Clerk

Approval of Minutes By:

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December 7, 2009 Board of Aldermen Regular Session Minutes