

REGULAR MEETING OF THE COUNCIL MEMBERS OF THE CITY OF NIXA, MISSOURI

NIXA CITY HALL

FEBRUARY 3, 2016 7:00 P.M.

The regular monthly meeting of the Nixa City Council was called to order by Mayor Brian Steele. Attending were Council Members Tom Maher, Chris Russell, Aron Peterson and Darlene Graham. Andy Ellis was absent.

The pledge of allegiance was given.

VISITORS:

None

SERVICE AWARDS:

Mayor Steele presented Barb Blevins, with the Finance Department, a service award for her twenty (20) years of service. Finance Director Donna Swatzell stated Blevins is the Lead Accounting Clerk and is one of the most respected city employees. Some of Blevins' duties includes: Nixa's general ledger, payroll and asset management. Swatzell stated she was fortunate to have Blevins in her department.

PROCLAMATION:

Mayor Steele read a brief explanation of the Ronald McDonald House proclamation and announced February 8 through February 14, 2016 as "Ronald McDonald House Week" in Nixa.

BID AWARDS:

City Administrator Brian Bingle addressed Council with a request for a bid award for the Tracker and Main Street Intersection Improvement Project. Bingle explained that staff had received three (3) qualified bids for the project with Leo Journagan Construction Company coming with the lowest bid at \$1,635,893.13. Bingle further explained the project was budgeted at \$1,900,000.00 and recommended awarding the bid to Journagan. Graham made a motion to award the Tracker and Main Street Intersection Improvement Project to Leo Journagan Construction Company with Peterson seconding and all Council members voting aye.

Bingle presented Council with a request for a bid award for the new 8" water line installation to service the Southwestern Power Administration (SWPA) substation. Bingle explained the waterline will run along the north side of SH14 from the Wellington Park subdivision to Maynard Road. SWPA is building a new control center and will be fully reimbursing the city for the cost of the waterline installation. Bingle stated staff had received eight (8) qualified bids and American Excavating was low bidder at \$89,462.30. Bids ranged from \$224,575.00 to \$89,462.30. Staff recommends awarding the bid to American Excavating. Maher made a motion to award bid for the SWPA Water Line Project to American Excavating with Russell seconding and all Council members voting aye.

Finance Director Donna Swatzell addressed Council with a request for a bid award to finance \$268,000.00 for six (6) fully equipped patrol vehicles. Swatzell explained the city had received four (4) bids for the three (3) year lease/purchase agreement with Arvest Bank coming in as the lowest bidder at 1.85%. Swatzell estimated the cost at approximately \$91,000.00 per year. All the vehicles have been ordered and will be on the road as soon as they are equipped and ready to go. Russell made a motion to

award the bid for the lease/purchase agreement to Arvest Bank with Graham seconding and all Council members voting aye.

DISCUSSION ITEMS:

City Clerk Cindy Robbins provided Council with a brief update on the current solicitors' license policy and practices. Robbins explained the new procedures went into effect on January 1, 2015. Each solicitor has to fill out an application and have a background check before they are able to solicit inside Nixa. The nation-wide background check is done by a third-party vendor and must be passed prior to the solicitation. Robbins clarified that religious and political organizations are exempt from the license procedure. Council discussed allowing real estate agents to go door-to-door during an open house event without obtaining a solicitor's license. Real estate agents are required to pass a background check and have fingerprints on file with the state before they are licensed. Council gave direction for Robbins to research what professions are licensed by the state of Missouri and require a background check. Council discussed concerns with the time constraints placed on a real estate agent during an open house event. Robbins was also directed to research ordinance language that would allow a Missouri-licensed professional, with proof of a valid background check, to solicit in Nixa without a solicitor's license.

Communication Director Jill Finney provided Council with the results of the Customer Service Survey. Finney stated the survey received seven hundred seventy (770) responses within a two (2) week timeframe. The city scored an overall score of 4.11 for customer service, one (1) being the worst possible score and five (5) being the best possible score. Finney stated that all city departments scored higher than three (3) on the survey and provided Council with a listing of all the comments received from the survey. Bingle addressed some of these comments stating the employees are aware of the customer service standards required and all employees will continue to receive training on customer service. Bingle stated there were legitimate comments that need to be further examined. Bingle asked for direction on how Council would like to utilize the results of the survey. Finney said she learned there is room for improvement in communicating daily city-related business. Council discussed concerns with the survey and requested more social media regarding areas of concern such as backflow requirements, etc. Finney stated the Street Department was accidentally left off the survey. One hundred fifty-eight (158) new people signed up to receive the e-newsletter with five hundred (500) survey responses coming from the e-newsletter link.

Bingle provided Council with a quick overview of a meeting with Ozark regarding the Business Development Corporation (BDC) to promote economic development in Christian County. Bingle stated Ozark's Council is in full support, morally and financially, of the effort. Bingle said with Ozark's contribution the BDC's budget is \$75,000.00 from the public sector and plans are to focus on obtaining the private sector's support and investment. A banquet is planned for late February or the first of March.

DEVELOPMENT ACTIVITY:

Cossey updated Council about current development activity. Cossey explained that there will be two (2) items on the next agenda for Cheyenne Valley. Cossey will bring an annexation request and preliminary plat for this subdivision for Council's consideration. This plat will include a multi-family component with a senior housing development within the subdivision along with one hundred twenty-one (121) single-family residential lots. Cossey will also present a resolution of compliance for annexation for Eagle Park at the next meeting. Cossey explained that several residents of Sleepy Hollow subdivision have stormwater concerns with Eagle Park and the engineer for the subdivision is looking at options to help with stormwater detention and drainage.

INFORMATION:

Bingle explained a Request for Proposal has gone out for bid for the city’s janitorial services. Bingle stated there have been five (5) vendors contact us for information.

Park Director Matt Crouse stated he is still looking for a venue for the Sky High 4th of July Celebration. Crouse has contacted the owner of Summer’s at the River and was given a potential cost of \$800.00 to use the facility. Crouse will be exploring that possible site, as well as several others, in order to determine the feasibility of the event.

ADJOURNMENT:

Maher made a motion to adjourn at 8:15 p.m. with Russell seconding and all voting aye.

Mayor

City Clerk

REGULAR MEETING OF THE COUNCIL MEMBERS OF THE CITY OF NIXA, MISSOURI

NIXA CITY HALL

FEBRUARY 16, 2016, 7:00 P.M.

The regular monthly meeting of the Nixa City Council was called to order by Mayor Brian Steele. Attending were Council Members Tom Maher, Andrea Long, Aron Peterson and Darlene Graham. Chris Russell and Andy Ellis were absent.

The pledge of allegiance was given.

CONSENT AGENDA:

Mayor Steele called for a motion on the Consent Agenda. Graham made a motion to accept the Consent Agenda as presented, items a through c, with Peterson seconding and Long, Peterson, Graham and Maher voting aye on roll call vote.

VISITORS:

None

BID AWARDS:

Public Works Director Doug Colvin addressed Council with a request for a bid award for a sewer force main relocation. Colvin explained this project is needed to lower a portion of sewer force main for the US160/SH14 Intersection Improvement Project. Colvin explained it was the city's responsibility to move this utility to accommodate a new city street south of Central Bank. Colvin stated the city only received two (2) qualified bids for the project with K & B Equipment submitting the low bid of \$36,400.00. Colvin explained the project will be completed prior to the road construction and will include a bypass line during the project so that service is not affected during the line relocation. Colvin stated a contract will be brought to Council for consideration at the next meeting. Maher made a motion to award the sewer line relocation project bid to K & B Equipment with Long seconding and all Council members voting aye.

Colvin provided Council with a request for bid award for the 2016 Slip Lining Project. Colvin explained staff had received two (2) qualified bids for this year's annual slip lining project. VisuSewer came in as lowest bidder at \$188,802.80 which was \$34,000.00 less than the other bid and well within the \$250,000.00 budget. Colvin stated plans are to complete about three thousand (3000) feet of lining, with the focus on the original (dated approximately 1969) concrete sewer lines. Colvin recommended awarding the bid to VisuSewer. Peterson made a motion to award the 2016 Sewer Slip Lining Project to VisuSewer with Graham seconding and all Council members voting aye.

ORDINANCES:

Bill #2016-021 Authorizing the Mayor to Sign a Lease/Purchase Agreement with Arvest Bank for the Purchase of Six Fully-Equipped Vehicles for the Nixa Police Department was presented. Graham made a motion to approve Bill #2016-021 on first reading and pass to second with Peterson seconding. Finance Director Donna Swatzell addressed Council with information about proposed lease/purchase agreement with Arvest Bank. Swatzell stated Council had awarded the bid at the last meeting to the lowest bidder, Arvest Bank, to purchased six (6) fully-equipped vehicles for the Police Department. The interest rate for this three-year agreement is 1.85% and payments would be \$90,989.72 annually. The vehicles have an

anticipated delivery date of mid-March. Mayor Steele opened the public hearing for comments, no comments were made and the hearing was closed. Mayor Steele called for a vote on the motion and all Council members voted aye. Bill# 2016-021 was presented for final reading. Long made a motion to approve Bill #2016-021 on final reading and pass into law with Graham seconding and Peterson, Graham, Maher and Long voting aye on roll call vote.

Andy Ellis arrived at 7:15 p.m.

Bill #2016-022 Authorizing the Mayor to Sign a Contract with Leo Journagan Construction Company, Inc., for the Main Street and Tracker Road Improvement Project was presented. Peterson made a motion to approve Bill #2016-022 on first reading and pass to second with Long seconding. Colvin informed Council this ordinance was a result of the bid awarded to Leo Journagan Construction Company at the last meeting. The Main Street and Tracker Road Intersection Improvement Project was bid at \$1,635,898.13 and should be completed, weather permitting, around October. Colvin stated there are some utility lines that will need to be moved but otherwise the project is ready to go and should start in March. Mayor Steele opened the public hearing for comments, no comments were made and the hearing was closed. Mayor Steele called for a vote on the motion and all Council members voted aye. Bill# 2016-022 was presented for final reading. Ellis made a motion to approve Bill #2016-022 on final reading and pass into law with Long seconding and Graham, Ellis, Maher, Long and Peterson voting aye on roll call vote.

Bill #2016-023 Authorizing the Mayor to Sign a Contract with American Excavating for the West Highway 14 Waterline Extension Project was presented. Ellis made a motion to approve Bill #2016-023 on first reading and pass to second with Peterson seconding. Colvin informed Council this ordinance was a result of the bid awarded to American Excavating at the last meeting. Colvin stated this contract is for the construction of a new eight inch (8") water line extending west on Highway 14, on the north side of the road, from the Wellington Park subdivision to Maynard Road. This water line will service a Southwest Power Administration (SWPA) control center. SWPA will be fully reimbursing the city for the cost of the water line and the line will be owned by the city. This contract is a seventy-five (75) day contract going to a local contractor. Mayor Steele opened the public hearing for comments, no comments were made and the hearing was closed. Mayor Steele called for a vote on the motion and all Council members voted aye. Bill# 2016-023 was presented for final reading. Maher made a motion to approve Bill #2016-023 on final reading and pass into law with Long seconding and Ellis, Maher, Long, Peterson and Graham voting aye on roll call vote.

Bill #2016-024 Authorizing the Mayor to Sign a Contract with Sellenriek Construction, Inc. for the Construction of the New 12kV Underground Feeder from Tracker (3) to Downtown (4) was presented. Peterson made a motion to approve Bill #2016-024 on first reading and pass to second with Maher seconding. Colvin informed Council this ordinance was a result of the bid awarded to Sellenriek Construction, Inc., at last month's Council meeting.

Andy Ellis stepped out of the meeting at 7:25 p.m.

Colvin further explained the scheduled project is an underground electric tie-line that will go between substations. The line will run from Bob E-Z, on the east side of Main, all the way down to the Junior High. This project is a continuation of the efforts to loop Nixa's distribution lines and allows the electric department to move circuits during maintenance without interrupting service. The project was bid at \$425,548.46 and is a ninety (90) day contract. Mayor Steele opened the public hearing for comments, no comments were made and the hearing was closed. Mayor Steele called for a vote on the motion and all Council members voted aye. Bill# 2016-024 was presented for final reading. Graham made a motion to approve Bill #2016-024 on final reading and pass into law with Peterson seconding and Maher, Long,

Peterson and Graham voting aye on roll call vote. Ellis had stepped out of the meeting and was not present for the vote.

Bill #2016-025 Approving the Annexation of 77.49 Acres of Land Located on the Southeast Corner of Cheyenne Road and North Street was presented. Maher made a motion to approve Bill #2016-025 with Peterson seconding.

Andy Ellis rejoined the meeting at 7:30 p.m.

Planning and Development Director Travis Cossey stated Council passed a resolution of compliance for annexation at last month's meeting. Mr. James McCauley, on behalf of potential developer Stu Stenger, had petitioned for the annexation of 77.49 acres located at the southeast corner of Cheyenne Road and North Street. The request for annexation also included requests for three (3) zonings: 59.325 acres of land zoned R1 single-family, 8.473 acres of land zoned R3 multi-family and 9.696 acres zoned GC general commercial. The general commercial zoned property is located at the intersection of North Street and Cheyenne Road, on the northwest corner of the site. During review of the site, staff found the property as a rolling terrain with three (3) valleys potentially causing the need for three (3) lift stations. Sewer to the property will be obtained from the Northeast Regional Collection System which will require the developer to contribute financially to hook on to the line. There is a city-owned, eight inch (8") water line on Cheyenne Road and city-owned, three (3) phase power line on the west side of the property. The property will be within the Nixa Police Department's jurisdiction but will be in the Ozark Fire District. Cossey stated the property had gone through the P & Z Commission and was found in conformance for annexation. Staff recommends approval of the annexation request for the 77.49 acres. Council discussed concerns with the fire district, lift station locations and snow removal routes. Mayor Steele opened the public hearing for comments.

Jill Swift, 1010 Denali, asked Council how many homes will be built on the property. She also addressed the amount of families coming into the development and concerns with schools and busing. Council assured her that the school was aware of the development proposed and stated the developer has not submitted plans for the land zoned R3 multi-family.

With there being no other comments, Mayor Steele closed the public hearing. Mayor Steele called for a vote on the motion and all Council members voted aye. Bill# 2016-025 was presented for final reading. Graham made a motion to approve Bill #2016-025 on final reading and pass into law with Ellis seconding and Long, Peterson, Graham, Ellis and Maher voting aye on roll call vote.

RESOLUTIONS:

Resolution #2016-021 Approving the Statutory Compliance for Voluntary Annexation of 33.26 Acres of Property (Known as Eagle Park) was presented. Cossey explained this is a resolution finding the annexation petition in compliance with statutory requirements and completes the public hearing portion of the process. Cossey stated the city-owned land is located at Gregg and Northview Road and is currently under contract with Mr. Stu Stenger. The 33.26 acres is requested for annexation with two (2) zonings: 20.245 acres of R1 single-family zoning and 13.01 acres of R3 multi-family zoning. Upon review the property was found within compliance and staff recommends approval of the resolution. Mayor Steele opened the public hearing for comments.

Eric Smith, 1137 Sleepy Hollow, explained there were seventy-two (72) homes in Sleepy Hollow and he is concerned with flooding within the subdivision, especially on the south side. Smith also asked how many notices were mailed to homeowners. Cossey explained notices were mailed to everyone within one eighty-five (185) feet of the proposed annexation. Smith explained there were two (2) streams that flow

into the subdivision during a rain that flood the subdivision to where some of the residents are unable to get in or out. Smith is looking for assurance the proposed Eagle Park subdivision will not make the flooding issue worse by dumping runoff onto Gregg Road. Council explained the 2016 development process addresses concerns with water retention and storm water runoff. Cossey explained the detention design has not been completed yet but will be public record once submitted. Smith asked about soil samples, core samples and potential for blasting. Cossey explained the city does not require core testing but does not think blasting will be allowed due to the proximity to homes.

Barbara Fleming, 907 Yellowstone, asked how many lots will be developed on the property and was told the subdivision design had not been submitted yet. Fleming asked who would pay for the cost of grading and was told it was the developer's responsibility. Fleming also asked if the developer was receiving tax breaks for the property and was told no.

Kraig Snodgrass, 1116 Sleepy Hollow, addressed Council with concerns about traffic on Northview and Gregg. Snodgrass wanted to know why a three (3) lane road was planned for Northview Road, west of Gregg Road. Council explained the city only budgets a few road improvement projects each year and this would allow the road to be constructed for future anticipated use.

Jill Swift, 1010 Denali, spoke with Council about traffic study concerns. Colvin explained there has been a recent traffic count showing Northview Road carrying twenty-eight hundred (2800) cars in a twenty-four (24) hour period and Gregg Road carrying thirty-seven to thirty-eight hundred (3700-3800). Swift does not want a problem fixed, she wants it prevented. Swift thinks adding another subdivision on that road will add to the current traffic problem.

Mayor Steele called for a five (5) minute recess at 8:23 p.m. Mayor Steele called the meeting back to order at 8:31 p.m.

Robert Self, 1009 W. Glacier Court, asked the age of the traffic count and was told the count was completed in 2015. Self also had concerns with the design of three (3) lane road. Cossey explained the city's collector street policy and stated the extension of Northview Road will be built to the city's current standards. Self voiced his thoughts that Northview needs to be widened. Self asked Council to consider the audience's concerns with the annexation.

Barbara Fleming, 907 Yellowstone, requested an hourly break-down of the most recent traffic count.

Danny Hopkins, 705 Zion Way, voiced his concerns with the property being developed rather than having a park. Council explained voters had rejected the park ballot issue twice and without the funds to develop the park and the city thought the property should be sold rather than sit vacant.

Fleming addressed Council again asking how much other land the city owns and was told the city owns approximately twelve (12) acres on Norton Road that houses a city well and salt dome.

With there being no further comments, Mayor Steele closed the public hearing. Mayor Steele called for a motion, Ellis made a motion to accept Resolution #2016-021 with Long seconding and all Council members voting aye.

Resolution #2016-022 Approving the Preliminary Plat for Cheyenne Valley Subdivision was presented. Cossey explained this request is for approval of a preliminary plat for Cheyenne Valley located on Cheyenne Road and North Street. The property is a seventy-seven (77) acre subdivision with one hundred twenty-one (121) proposed R1 single-family lots on 20.245 acres and one (1) R3 multi-family lot on 13.015 acres. The subdivision will have two (2) common areas and will have city water, sewer and

electric. Cossey explained the development will have two (2) lift stations to pump wastewater to the Northeast Regional Collection System. Cossey explained all access to the single-family homes will be by internal streets and parking will only be allowed on one (1) side of the street. Collector streets will be required to be thirty (30) foot wide and sidewalks will also be required. Cossey stated the plat had gone through the Planning and Zoning Commission and recommends approval of the plat. Mayor Steele opened the public hearing for comments, no comments were made and the public hearing was closed. Mayor Steele called for a motion, Maher made a motion to approve Resolution #2016-022 with Peterson seconding and all Council members voting aye.

DISCUSSION ITEMS:

Cossey addressed Council with a request to review the current collector street improvement policy. Cossey explained the policy was originally adopted in 1999 to collect funds to offset the impact of a new development. The first policy made the developer pay either one half or one third the cost of a collector street improvement at a cost per linear foot of frontage. The percentage of responsibility was based on development potential from the property on the opposite side of the road. In 2006 the cost per linear foot of frontage was amended due to increased street construction costs. In 2009 the policy was again amended to include a re-evaluation clause and to eliminate the one third option. Cossey explained the city currently has \$417,206.61 earmarked for specific street projects that the city is not able to complete due to lack of city funds. Cossey asked Council to review the policy and the wording and decide if the one third option should be incorporated back into the policy. Cossey also asked Council to consider implementing a timeframe to refund the monies if the city were unable to complete the project. Council requested Cossey research other collector street policies from other cities and counties and present that information at the next meeting. Council discussed the possibility of bonding street projects and other funding options to afford the needed improvements. City Administrator Brian Bingle provided Council with examples of streets in Springfield, Fremont and Republic Road, which functions prior to any improvements made. Cossey told Council the policy would not eliminate any safety requirements. Bingle explained in today's market the developer is unable to charge enough per lot to recoup the costs associated with the collector street policy. Council discussed concerns and options for the policy. Cossey asked for direction on how to proceed and was instructed to bring back the information about the other area collector street policies along with building permit costs from other cities and a total cost of the unimproved streets that have earmarked funds held.

Bingle next addressed Council about mosquito spraying costs. In 2015 Nixa's mosquito spraying program was a four (4) month program, spraying two (2) hours, four (4) days each week. The average daily cost for the program was \$162.99. Bingle wanted Council to be aware of a potential increase in cost should the city increase the mosquito spraying program due to public concern of the Zika virus. Bingle explained the Central for Disease Control indicates there is no proof if additional spraying would help in the defense of the Zika virus. An example increasing the mosquito spraying program to a five (5) day program was given showing the increase in costs. Bingle wanted Council to be informed prior to any changes in the program that would result in a need for a budget amendment to the Street Department's budget.

Communication Director Jill Finney updated Council on the Alternative Court grant application. Finney explained the grant application for \$200,000.00 will be submitted on Friday. Finney will be meeting with Judge Harris to review the information and state the grant seems to be tailored to the proposed Alternative Court program. Council had a brief discussion on the potential to expand the Alternative Court program to a county-wide program or a joint effort with Ozark. Finney explained the grant would only be good for two (2) years and data will have to be tracked for the grant. Finney stated grant notification should take place in April.

Finney also gave Council a brief update on the new web page. Finney stated currently the web page is in the data migration stage and should be close to launching with the next few weeks.

Park and Recreation Director Matt Crouse informed Council the 2015 Sky High 4th of July event site is unavailable for 2016. Crouse had spoken with Summers at the River but that site was eliminated due to lack of fireworks discharge site. Other sites have been reviewed and either have parking issues or property owners will not grant permission. Crouse is checking into the having the event at the McCauley Park but it require the use of smaller, three inch (3") shells. Crouse had talked with the Fire District about the use of smaller shells closer to residential areas and was told to expect a lot of complaints about debris if choosing to go that route. Crouse asked for Council's direction on how to proceed. After deliberation, Council gave direction to cancel the event due to lack of event location.

INFORMATION ITEMS:

City Administrator Brian Bingle gave Council a brief update on the status of the Business Development Corporation (BDC). Bingle said efforts for the BDC are moving forward and \$6500.00 had been pledged so far by the private sector for the BDC budget.

MAYOR AND COUNCIL MEMBER REPORTS:

Council stated there had been complaints from Rolling Hills subdivision about parking issues. The residents within the subdivision are wanting the city to only allow parking on one (1) side of the street.

ADJOURNMENT:

Graham made a motion to adjourn at 10:11 p.m. with Ellis seconding and all voting aye.

Mayor

City Clerk