

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

NIXA CITY HALL

AUGUST 3, 2016 6:30 P.M.

A special reception was held from 6:30 p.m. until 7:00 p.m. at Nixa City Hall. The reception was in honor of Purple Heart Day and Purple Heart recipients. Mayor Steele thanked everyone for coming to the reception and thanked the Purple Heart recipients in attendance for their service to our country.

At 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 Kendal Dingus, Aron Peterson, Justin Orf and Ryan Keating. Andrea Long and Chris Russell were absent.

The pledge of allegiance was given.

VISITORS:

Jeremy Womack was scheduled as a visitor but had called and asked to be moved to the next meeting.

Terry Allen with the Nixa Area Chamber of Commerce addressed Council with a special event fee waiver. The Chamber is holding a barbeque contest, NixaQue, September 17th at the Nixa High School. Allen asked Council to waive the required fee for the event. Keating made a motion to approve the fee waiver with Dingus seconding and all Council members voting aye.

Mayor Steele stated the Nixa Ministerial Alliance had also requested a special event fee waiver but had a conflict and were unable to attend the meeting. Mayor Steele stated the Nixa Ministerial Alliance is holding a September 11th event, "One Nation Under God". This event will be held at the Nixa High School and will commemorate the 15th anniversary of 9/11. Mayor Steele asked upon the behalf of the Ministerial Alliance for Council to consider a special event fee waiver. Peterson made a motion to approve the fee waiver with Orf seconding and all Council members voting aye.

SERVICE AWARDS:

Mayor Steele presented Corporal Nic Preator with a five (5) year service award. Lieutenant Chad Tennis stated Preator had been with the Police Department five (5) years to the day. Besides all the other duties Preator does during the day, Preator acts as the go-to person for police IT issues. Tennis is thankful to have him and appreciates all Preator does for the department. Mayor Steele thanked Preator for his service and shared an entertaining story about Preator. Mayor Steele said that during a community event, Mayor Steele was attempting to direct traffic and having extreme trouble with the task; Preator drove by, recognized the problem and came to Mayor Steele's aid and took control of the situation.

PROCLAMATION:

Mayor Steele read a proclamation designating August 7, 2016 as Purple Heart Day in Nixa. The Purple Heart Day proclamation was presented to three (3) Purple Heart recipients in the audience.

PRESENTATION:

Human Resources Director Sharon Hankison gave Council a brief overview of city's recruitment and hiring process. Hankison highlighted some of material provided in the Council packets. Hankison stated the city is an Equal Opportunity Employer and follows all requirements and guidelines. Hankison stated all job openings are posted. Hankison opened up the discussion for questions on the information presented. Mayor Steele said Council's main concern was the advertising channels used for job openings. What does the city need to do to improve job position advisement and recruitment? Council asked if there were specific sites used per career field and if the site LinkedIn was utilized. Hankison provided information on the various sites used per department. Mayor Steele also asked if she performed a follow-up on positions advertised on MO Career Center. Hankison reported that after her last job posting on Indeed, she received twenty-five (25) to thirty (30) resumes but only received two (2) or three (3) completed applications. Hankison covered some of the costs associated with using Indeed for job postings. Hankison stated she is open to any Council recommendations or suggestions for job postings.

ORDINANCES:

Bill #2016-071 Authorizing the Mayor to Sign an Amendment to the Power Purchase Agreement with Nixa Solar, LLC. was presented. Orf made a motion to approve Bill #2016-071 on first reading and pass to second with Keating seconding. Public Works Director Doug Colvin explained that David Bunge on behalf of Nixa Solar and the new investors Gardner Capital, had requested wording changes to the document. Wording for the capacity charges on peak delivery, under the Capacity section of the contract needed to be better defined. Errors in the agreement were caught and needed to be corrected. Colvin explained that no costs had been changed in the agreement. Colvin said the only adjustments in the agreement were wording changes and actual projected start year was changed to 2017 with a twenty-five (25) year term. Council held a brief discussion on the possibility of renegotiation of cost. Colvin was unsure if Nixa Solar would be willing to renegotiate because Colvin believes Nixa Solar was looking at installing better panels in the solar field. Peterson made a motion to table the ordinance until the next Council meeting with Dingus seconding and all Council members voting aye. Council gave direction for Colvin to negotiate a better price and bring the information and ordinance back at the next meeting.

DISCUSSION ITEMS:

New Business Items:

Colvin presented a change order for \$3,654.09 to adjust the Main and Tracker Waterline Relocation Project. Colvin explained Leo Journagan Construction had made necessary changes in the construction project due to actual field conditions. Colvin said several areas were changed including a fire hydrant extension. Some of the changes resulted in an increase in cost and some changes resulted in a decrease in cost. Colvin said the final amount of changes resulted in a \$3,654.09 overage that required a change order to be approved by Council. Dingus made a motion to approve the change order with Orf seconding and all Council members voting aye.

Finance Director Donna Swatzell provided a 2017 budget introduction. Swatzell gave Council a budget schedule and pointed out the capital improvement project (CIP) deadline was August 22nd. Swatzell stated that TSI had recommended replacing thirty(30) computers in 2017 but Swatzell had identified over sixty (60) computers older than 2012. Operating budgets would be due in September but health insurance costs would not be available until the end of the third quarter. Swatzell indicated the cost of living adjustment (COLA) is currently running at about 1% (based on consumer price index). Swatzell plans to follow the budget schedule similar to last year's schedule. Swatzell believes employee benefits and personnel needs will generate a lot of discussion. Swatzell said she would be available to discuss any of Council's questions.

Mayor Steele provided an overview from the 2012 Budget Analysis. This presentation is available for review at City Hall. Mayor Steele pointed out several assumptions were made for the 2012 through 2014 budgets. These assumptions included a 5% revenue growth, payoff of short-term General Fund debt, passing any cost reductions on to residents and not micro-manage staff. Operation assumptions included a systematic process of reducing operating expense and a reduction in the growth of expenses. Mayor Steele said CIPs should be separated into two (2) groups: general projects and strategic plan projects. Surplus reserves should not be used for general CIP projects and most strategic plan CIPs should not be under normal operations. Mayor Steele said these goals had been met in 2012, 2013 and 2014. Mayor Steele posed the question "Where do we go from here"? Mayor Steele would like to see a continued reduction in operating expense ratios which would result in gains over the next five (5) years. These gains could provide up to \$5,000,000.00 in capital improvement funds. This gain would provide funding for a strategic plan project. Mayor Steele stressed Council should set goals for staff and not micro-manage staff. Mayor Steele would like to see the budgeted amount for departments brought close to the actual amount spent.

ADJOURNMENT:

With there being no more questions or items for discussion, Keating made a motion to adjourn at 8:18 p.m. with Peterson seconding and all Council members voting aye.

Mayor

City Clerk

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

NIXA CITY HALL

August 15th, 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 Kendal Dingus, Chris Russell, Aron Peterson, Justin Orf and Ryan Keating. Andrea Long was absent.

The pledge of allegiance was given.

Russell asked for a moment from the meeting to take a selfie for Nixa's City Hall Selfie Day. Nixa was participating in the National City Hall Selfie Day.

CONSENT AGENDA:

Mayor Steele called for a motion on the Consent Agenda. Dingus made a motion to accept the Consent Agenda as presented, items a through b, with Peterson seconding and Russell, Peterson, Orf, Keating and Dingus voting aye on roll call vote. Mayor Steele asked for a clarification on the park impact fees and fitness membership income shown on the financials.

VISITORS:

Jeremy Womack, 729 E. Gallup Hill Road, asked Council to consider changing Nixa's ordinances to allow utility task vehicles (UTV) on city streets. Womack provided examples of some city ordinances that allow UTVs; with some of the ordinances requiring a UTV permit fee. Womack explained that UTVs are not titled or licensed but have a lot of standard safety devices like seat belts. Womack does not feel there is a safety issue with a UTV on city streets and would like to be able to use his UTV around town. Lieutenant Joe Campbell, Nixa Police Department, was asked for input on this subject. Campbell said state statutes do not allow UTVs on streets and roads. Campbell stated there were a few exceptions to the statutes but none that would apply in this instance. Campbell expressed concern with the huge variance in UTV types, definitions and equipment. When asked about allowing 49cc mopeds on city streets, Campbell said state statutes allow 49cc mopeds but Nixa further restricted moped use. Campbell stated the Nixa Police Department is very concerned with the safety issues allowing UTVs on city streets because of the amount of traffic in Nixa. Council discussed some of the UTV safety equipment issues and concerns. Womack told Council that some of the UTVs have headlights and brake lights and are similar to a car. Campbell stated a UTV permit would be required to allow use of city streets and roads. This permit would require an inspection and Campbell brought up questions on manpower and training for a \$15.00 UTV permit.

Andrea Long arrived at 7:16 p.m.

After Council discussion and deliberation, Council said they would read over the sample ordinances, discuss this matter with staff and will revisit this topic at the next meeting.

PROCLAMATION:

Mayor Steele read a proclamation for September 11 Remembrance Day in commemoration of the 15th anniversary of 9/11. The proclamation was presented to the Nixa Ministerial Alliance. The Nixa Ministerial Alliance is having an event, One Nation Under God, on September 11th at the Nixa High

School at 5:00 p.m. This event will honor the lives of those lost, pay tribute to those in service that day and those who serve our country today, including veterans, soldiers, military families and first responders.

ORDINANCES:

Bill #2016-071 Authorizing the Mayor to Sign an Amendment to the Power Purchase Agreement with Nixa Solar, LLC. was presented. Russell made a motion to approve Bill #2016-071 on first reading and pass to second with Peterson seconding. Public Works Director Doug Colvin said following Council's direction at the last meeting, he went back to David Bunge with Nixa Solar to renegotiate pricing for the power purchase agreement. Colvin reported Bunge with Nixa Solar, LLC and the investors Gardner Capital agreed to go back to the original 2015 pricing. This price of \$0.0487 will begin in 2017 and result in a cost saving over the life of the contract. Colvin stated there were no other changes to the contract. Council asked Colvin his thoughts on the project and contract. Colvin said he liked the solar farm project but was disappointed it has taken so long. After a brief discussion, Council directed Colvin to check into a solar farm display for the City Hall lobby. 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 to amend the power purchase agreement and all Council members voted aye. Bill# 2016-071 was presented for final reading. Keating made a motion to approve Bill #2016-071 on final reading and pass into law with Orf seconding and Peterson, Orf, Keating, Dingus, Long and Russell voting aye on roll call vote.

Bill #2016-081 Establishing a Procedure to Disclose Potential Conflicts of Interest and Substantial Interests for Certain Officials was presented. Orf made a motion to approve Bill #2016-081 on first reading and pass to second with Keating seconding. City Administrator Brian Bingle addressed Council regarding the ordinance presented. Bingle stated this was the annual ordinance required for submittal to the Missouri Ethics Commission covering conflict of interest policy. 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# 2016-081 was presented for final reading. Keating made a motion to approve Bill #2016-081 on final reading and pass into law with Peterson seconding and Orf, Keating, Dingus, Long, Russell and Peterson voting aye on roll call vote.

Bill #2016-082 Allowing for the Vacation of a City Utility Easement in the Arvest Bank Subdivision was presented. Long made a motion to approve Bill #2016-082 on first reading with Russell seconding the motion. Planning and Development Director Travis Cossey addressed Council with information on the request from Mr. Brad Crain with Arvest Bank for easement vacation. Cossey stated Arvest Bank is constructing a new facility and had purchased two (2) lots on the northwest corner of Highway 160. The property was re-platted and this existing easement is central to their property. When Kenneth Street was relocated, a right of way was provided for Kenneth Street and Arvest Bank's architects said the original easement did not need to be vacated. Arvest Bank does not agree and wants to have the easement vacated. Currently there are no utilities in the easement and the utility easement no longer serves a purpose, Staff recommends vacating the easement. Planning and Zoning Commission passed the vacation and recommends approval. 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# 2016-082 was presented for final reading. Russell made a motion to approve Bill #2016-082 on final reading and pass into law with Peterson seconding and Keating, Dingus, Long, Russell, Peterson and Orf voting aye on roll call vote.

Bill #2016-083 Approving the Annexation of 4.33 Acres of Land (Pine Woods) Located on the Northwest Corner of Nicholas Road and Snyder Boulevard was presented. Long made a motion to approve Bill #2016-083 on first reading with Dingus seconding the motion. Cossey addressed Council with information on the annexation request. Cossey stated Joe and Marie Carmichael had submitted a request for annexation on behalf of the property owner, Julie Wilson. Cossey explained the Carmichaels are

interested in purchasing the vacant parcel for development of a multi-family apartment complex. Cossey reported the property and annexation request meets all city guidelines. The Carmichaels are also requesting R3 (multi-family) zoning for the property. Cossey stated utilities will be provided by Nixa. An eight (8) inch water line runs on the east side of Nicholas. Connection to the water line is the developer's responsibility. Fire hydrant placement will need to be determined through the Nixa Fire District. A developer's agreement is already in place and will require the developer to reimburse for sewer line connections to the existing eight (8) inch sewer line. Electric service already exists in the area and should not be an issue. An additional twenty-five (25) foot right-of-way will be dedicated during annexation to meet the requirements of the Major Thoroughfare Plan. Staff recommends annexation of the property. Planning and Zoning Commission reviewed and passed the proposed annexation and recommends approval. Council had questions regarding current city limits and expressed concerns with needed sidewalks. Cossey provided information addressing their concerns. Council said Carmichael's Springfield development looks very nice and well-designed. Council believes this well designed project will be a nice addition to the community. Mayor Steele opened the public hearing for comments. Joe Carmichael addressed Council and presented them with copies of the development's preliminary site plan. Carmichael wanted to offer more information about the Missouri Housing Development Commission (MHDC) project. Carmichael said the project is a thirty-nine (39) unit apartment complex consisting of one (1), two (2) and three (3) bedroom units. These units would vary from 900 square feet for the single bedroom unit to 1150 square feet for the two (2) bedroom unit and 1300 square feet for a three (3) bedroom unit. All residents will be income qualified. Carmichael said there will be green space on the property that includes a playground. Carmichael stated the entrance location on Nicholas Road will be decided by MoDOT but no entrance will be located on Snyder. Carmichael stated he feels this is a great location for this development. Carmichael said the other items on the agenda, resolution of support and mayor's letter of support, would be sent to MHDC. Council asked about an estimated occupancy rate for the complex. Carmichael estimates the construction will take approximately twelve (12) months and thinks the apartment complex will be full within two (2) to three (3) months. Carmichael believes the project will attract local residents. Council had questions about the resident screening process, crime prevention and maintenance requirements. Carmichael answered the residents must be income qualified, have no issues with the previous landlord and pass a credit and criminal background check. Carmichael said they are not involved in the multi-family crime prevention program but anticipates involvement in the program soon. Carmichael explained MHDC provides federal tax credit funding allocated by the commission. State tax credits are also available. The project's loan is reduced when the tax credits are sold. The state tax credits require the units to be offered for rent at a reduced rate. Carmichael stated that maintenance requirements of the property is regulated. With there being no further comments the hearing was closed. Mayor Steele called for a vote on the motion and all Council members voted aye. Bill# 2016-083 was presented for final reading. Dingus made a motion to approve Bill #2016-083 on final reading and pass into law with Long seconding and Dingus, Long, Russell, Peterson, Orf and Keating voting aye on roll call vote.

Bill #2016-084 Rezoning 5.8 Acres (Lot 1 and Lot 2 of the Black Rock Preliminary Plat) from R4 (Two Family) and NC (Neighborhood Commercial) to R3 (Multi-Family) Within the Corporate Limits of the City of Nixa, Missouri was presented. Keating made a motion to approve Bill #2016-084 with Peterson seconding. Cossey explained that this was part one (1) of a two (2) part application; with part one (1) being the rezoning request and part two (2) the preliminary plat request. Cossey went on to say this project is located at Gold and Rice Streets, adjacent to E. Mt. Vernon Street (Highway 14). In 1954 there were eight (8) lots (1.89 acres) zoned R4. Mr. Kelly Byrne is proposing a senior development (Black Rock) that will require R3 zoning to allow for multiple duplex units on a single lot. Cossey clarified that Lot 3 will remain NC zoning. Staff and the Planning and Zoning Commission have reviewed and support approval of the rezoning and the proposed Black Rock preliminary plat. Water, sewer and electric services will be provided by the City of Nixa. Council expressed concerns with stormwater causing problems to the west of the development. Cossey explained a detention basin will be constructed to

handle a one hundred (100) year storm. Council voiced their concerns with the detention basin not being large, causing the water to back up, making the stormwater issues in the west to worsen. Cossey said engineers will review all plans to ensure the detention basin is sufficient. Mayor Steele opened the public hearing for comments. David Bodeen with Pinnacle Engineering addressed Council regarding the Black Rock senior development. Bodeen explained all structures in the complex will be single story buildings. This development will be a fifty-five (55) and older community. Bodeen ensured Council the detention basin constructed will actually help with the water flow downstream. With there being no further comments the hearing was closed. Mayor Steele called for a vote on the motion and all Council members voted aye. Bill# 2016-084 was presented for final reading. Orf made a motion to approve Bill #2016-084 on final reading and pass into law with Peterson seconding and Long, Russell, Peterson, Orf, Keating and Dingus voting aye on roll call vote.

RESOLUTIONS:

Resolution #2016-081 Approving the Preliminary Plat for the Black Rock Subdivision was presented. Cossey provided information on the proposed plat. Cossey said Water, sewer and electric will be provided by the City of Nixa. The developer will be required to provide an additional fifteen (15) feet of right of way for Lot 3. The entrance for this 1.73 acre lot will be located off State Highway 14 and will require MoDOT approval. Access to Lot 1 and Lot 2 will be obtained off of Gold and Rice Streets. This access will require the developer to improve those streets to local standards and include dedication of right of way to provide necessary widths. Stormwater will be transported through concrete ditches that meet the city's Technical Specifications Manual. Cossey stated the Planning and Zoning Commission has reviewed and approved the request. Mayor Steele opened the public hearing for comments, no comments were made and the public hearing was closed. Steele called for a motion and Russell made a motion to approve Resolution #2016-081 with Peterson seconding and all Council members voting aye.

Resolution #2016-082 Granting Support for the Proposed Multi-Family Affordable Housing Development Known as Nicholas Court at the Northwest Corner of Nicholas Road and Snyder Boulevard was presented. Cossey stated Nicholas Court Development is located in the Pine Woods Preliminary Plat that was approved earlier in the meeting. The Carmichaels will be applying for the MHDC tax credit allocation and a resolution of support is needed. Cossey and Mr. Carmichael were available for any questions about the resolution. Mayor Steele opened the public hearing for comments, no comments were made and the public hearing was closed. Steele called for a motion and Russell made a motion to approve Resolution #2016-082 with Peterson seconding and all Council members voting aye.

Resolution #2016-083 Authorizing a Memorandum of Understanding Regarding Common Service with the City of Ozark and Christian County was presented. City Administrator Brian Bingle addressed Council with information about the resolution. Bingle stated this resolution is a formal agreement with Ozark and Christian County for each entity to provide \$25,000.00 for five (5) years for implementation of the Christian County Business Development Corporation (CCBDC). Rick Gardner, Ray Weter and Brian Steele will need to sign and formalize the memorandum of understanding and the Articles of Incorporation to initiate Carl Yates from the law firm of Yates, Mauck, Bohrer, Elliff and Fels, P.C. to submit application to the state and federal government for formation of the 501C(3) corporation, CCBDC. Bingle informed Council that so far investors have pledged \$161,000.00 toward the economic development strategy. Mayor Steele opened the public hearing for comments, no comments were made and the public hearing was closed. Steele called for a motion and Peterson made a motion to approve Resolution #2016-083 with Dingus seconding and all Council members voting aye.

DISCUSSION ITEMS:

New Business Items:

Cossey asked Council for consideration to authorize the Mayor to sign a letter of Support for the previously discussed Nicholas Court Development. Council had no further questions on the topic. Mayor Steele opened the public hearing for comments, no comments were made and the public hearing was closed. Steele called for a motion and Long made a motion authorizing the Mayor to sign a letter of support. Dingus seconded the motion and all Council members voted aye.

Bingle next offered information about the old City Hall building and parking. Bingle explained he had been working with Shaffer and Hines and McCroskey Trust to figure out differences on warranty deeds, parking access and ownership. McCroskey Trust is claiming ownership of the property area where old City Hall parking stalls are located. McCroskey Trust is unwilling to sell or give access to that parking area. So far the deed for that property has not been located and is being shown as an unknown owner. Also there is a conflict in deeds of the area behind 120 S. Main. Bingle went on to say the old City Hall building is in bad repair and contains asbestos. Estimates of \$45,000.00 for demolition came in along with estimates of \$28,000.00 for asphaltting the lot. There has been some interest shown from a potential buyer for the lot. Bingle asked Council to think about the issue and may want to consider it for a capital improvement project. Council discussed a public parking area and other options including public area for a farmer's market and Sucker Day. Bingle said he wanted Council to be aware of the matter and is asking for direction on how to proceed. Bingle would like to clean up the overlap in deeds. Park Director Matt Crouse told Council he utilizes the old City Hall for storage and if the Old City Hall is demolished he will need to build a storage building. Council direct Bingle to continue researching the matter.

INFORMATION:

Upon Bingle's request, Cossey told Council he had been contacted by Ozark's Planning and Zoning Department. Ozark's Board of Alderman have been visiting with the development community and have found developers prefer Nixa's processes, codes and staff. Ozark is looking for assistance to improve their procedures.

MAYOR AND COUNCIL MEMBER REPORTS:

Council said there had been an increase in mosquitoes this year. Questions were asked if Nixa could require all new multi-family or senior developments participate in the crime-free multi-housing program. Bingle will research to see if we can require participation. Council also discussed initiating a proactive program for tall grass. The amount of rain this year has played a big part in the increase of tall grass calls. Nixa will increase community education to try and combat the increase.

EXECUTIVE SESSION:

At 9:01 p.m., Peterson made a motion to move to executive session pursuant to RSMo 610.021.03- Personnel with Keating seconding and Russell, Peterson, Orf, Keating, Dingus and Long voting aye on roll call vote.

Council returned to regular session at 9:58 p.m.

ADJOURNMENT

Russell made a motion to adjourn at 10:00 p.m. with Peterson seconding and all voting aye.

Mayor

City Clerk

**SPECIAL MEETING OF THE COUNCIL MEMBERS OF THE CITY OF
NIXA, MISSOURI**

NIXA CITY HALL

AUGUST 25, 2016 6:00 P.M.

The special meeting of the Nixa City Council was called to order by Mayor Brian Steele. Attending were Council Members Kendal Dingus, Andrea Long, Chris Russell, Aron Peterson and Ryan Keating.

The pledge of allegiance was given.

VISITORS:

None scheduled.

ORDINANCES:

Bill #2016-085 Levying the Taxes on the Real Property for the 2016-2017 Tax Year was presented.

Justin Orf arrived at 6:02 p.m. to join the meeting.

Russell made a motion to approve Bill #2016-085 on first reading and pass to second with Peterson seconding. City Clerk Cindy Robbins addressed Council regarding the ordinance presented. Robbins stated this ordinance would set the levy for the 2016-2017 Real Estate Taxes. Robbins had received the current pro forma from the State Auditor's office allowing for a levy of \$0.3316 which remains unchanged from last year. Time constraints required 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# 2016-085 was presented for final reading. Long made a motion to approve Bill #2016-085 on final reading and pass into law with Keating seconding and Long, Russell, Peterson, Orf, Keating and Dingus voting aye on roll call vote.

ADJOURNMENT

Dingus made a motion to adjourn at 6:09 p.m. with Peterson seconding and all voting aye.

Mayor

City Clerk