

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

NIXA CITY HALL

August 13th, 2024 6:00 P.M.

The regular meeting of the Nixa City Council was called to order by Mayor Jarad Giddens. Attending were Council Members Kelly Morris, Matt Ogden, Shawn Lucas, Aron Peterson, Darlene Graham, and Zern Vess.

The Pledge of Allegiance was given.

Award and Recognition:

Mayor Giddens asked Greg Chappel to provide information on the Federal Junior Duck Stamp Program. Chappel stated that the Junior Duck Stamp Program helps children and young adults learn about conservation and wildlife skills Chappel said it also helps to develop art skills. Mayor Giddens recognized Maddie Martin for placing 1st in the Grade 4th – 6th Age Group. Mayor Giddens stated it took Maddie one (1) year to complete her oil painting. Mayor Giddens recognized Vivian Bashar for placing 1st in the Grade 10th – 12th Age Group and winning Best in Show. Mayor Giddens said it took Vivian seven (7) months to complete her oil painting. Mayor Giddens stated Vivian's painting was sent to Washington D.C. to be judged after winning Best in Show in Missouri. Mayor Giddens said that Vivian's painting placed 14th out of 62 in Washington D.C. Mayor Giddens stated that both Maddie and Vivian's paintings were on display at Bass Pro.

Visitors:

None.

Ordinance (First Reading and Public Hearing; Comments Limited to 5 Minutes; No Council Vote Anticipated):

Council Bill #2024-23 Establishing and Levying Taxes on Real Property in the City for the 2024 Tax Year. Rebekka Coffey, City Clerk, told Council this is an annual ordinance to establish and levy taxes on real property within the city limits. Coffey said the deadline for final certification to the County Clerk is August 30th. Coffey stated that the anticipated levy rate for 2024 is point two nine eight one (0.2981), which is the same as the 2023 levy rate. Coffey told Council, that if approved at the August 27th Council meeting, all required documents would be provided to the County Clerk. Coffey said that staff recommends approval. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed.

Council Bill #2024-24 Authorizing the City Administrator to Execute a Cost Apportionment Agreement with the Missouri Highways and Transportation Commission. Jeff Roussell, Street Superintendent, stated this agreement would allow the Missouri Highways and Transportation Commission to administer federal and local funds to the City. Roussell said that this agreement would also allow the Missouri Highways and Transportation Commission to assist with bid awards and contract administration. Roussell told Council that this agreement would save staff

time and effort. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed.

Council Bill #2024-25 Authorizing the City Administrator to Execute a Wireline Pole Attachment Agreement with Ozark Fiber II, LLC. Doug Colvin, Assistant City Administrator and Public Works Director, stated that staff was approached by Ozark Fiber about their intent to build a fiber-to-home network in Nixa. Colvin said that Ozark Fiber has requested to use the City's power poles to deploy overhead infrastructure. Colvin stated that the pole attachment agreement presented in this council bill is based on a generic pole attachment agreement that was developed by the Missouri Public Utility Alliance. Colvin said the current pole attachment fee is \$11.14 per pole attachment. Colvin discussed the procedure for violation notices and the time frames for Ozark Fiber to respond to concerns or system issues needing repair. Colvin told Council that Ozark Fiber reviewed the agreement and approved the terms. Colvin said that staff also recommends approval. Council asked questions with Colvin responding. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed.

Council Bill #2024-26 Declaring the Necessity of Acquiring by Condemnation Certain Property Rights Over, Under, and Through Certain Real Estate for the Purpose of Construction and Maintaining Street Improvements on North Main Street, Generally Located Between Tracker Road and State Highway CC; and Authorizing Certain City Officials to do all Things Necessary or Convenient to Carry Out the Terms and Intent of This Ordinance. Colvin stated that staff is working to get the Main Street Project done and is working on a tight timeline. Colvin said that the City is responsible for getting all easements and rights-of-way and must follow a strict policy to acquire the property. Colvin told Council that the City used Southwest Valuations to acquire the easements associated with the Main Street project. Colvin discussed the process of acquiring easements. Colvin said that currently three (3) easements have been secured and negotiations will continue to acquire the other easements. Colvin told Council that staff recommends approval of the council bill to acquire the last needed rights-of-way and easements. Council asked questions with Colvin responding. Mayor Giddens opened the public hearing, with no comments made, the public hearing was closed.

Ordinances (Second Reading and Public Hearing; Comments Limited to 5 Minutes; Council Vote Anticipated):

Council Bill #2024-21 Amending the 2024 Annual Budget in the Amount of \$100,000.00 and Authorizing the City Administrator to Apply for and Accept Certain Grant Funding in the Amount of \$50,000.00 for the Purpose of Funding the Removal of Trees Affected by the Emerald Ash Borer. Colvin stated the American Public Power Association has opened a grant to help with the removal and treatment of trees affected by the Emerald Ash Borer. Colvin told Council that if the grant is awarded the City would receive \$50,000.00 and have to match that award with our own \$50,000.00. Colvin stated that due to this grant being a reimbursement grant, the City does have to have all \$100,000.00 available. Colvin said that this grant would be a two (2) year program within the City. Colvin told Council that if the City doesn't receive the grant, then the City will not be participating in the program or expending any money. Colvin said that staff recommends approval. Mayor Giddens opened the public hearing for comments, with

no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the council bill. Ogden made a motion to approve Council Bill #2024-21 with Graham seconding and Lucas, Morris, Vess, Ogden, Peterson, and Graham voting aye on roll call vote.

Council Bill #2024-22 Amending Chapter 12, Article II, and Chapter 2, Article IV, Section 2-151 of the Nixa City Code for the Purpose of Modifying the City’s Regulations Related to Business and Solicitor Licenses. Nick Woodman, City Attorney, stated this council bill was first (1st) read at the July 22nd Council meeting. Woodman said that this code change is to clean up provisions of the business and solicitor licenses. Woodman discussed changes being made in the code. Woodman stated that staff recommends approval. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the council bill. Graham made a motion to approve Council Bill #2024-22 with Peterson seconding and Vess, Lucas, Ogden, Peterson, Graham, and Morris voting aye on all call vote.

Resolutions (Public Hearing; Comments Limited to 5 Minutes: Council Vote Anticipated):

Resolution #2024-47 Authorizing the City Administrator to Execute a Contract in an Amount Not to Exceed \$19,000.00 with Roberts & Associates, Inc., for Appraisal Review Services. Roussell stated that as a part of the criteria for the federally funded project, improvements to Main Street from Tracker Road to Highway CC, the City must follow strict guidelines when appraising and acquiring easements and rights-of-way. Roussell told Council that staff must use a predetermined list of appraisal companies and valuation companies for all federally funded projects. Roussell stated that Roberts & Associates are on the Transportation Department’s preapproved list and have been vendor-verified by the Finance Department. Roussell said that staff recommends approval. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the resolution. Ogden made a motion to approve Resolution #2024-47 with Vess seconding and all Council Members voting aye.

Resolution #2024-48 Acknowledging the Planning and Zoning Commission’s Adoption of the “Nixa 2045; Planning Our Growth” Plan as the City Plan for the City of Nixa. Scott Godbey, Planning and Development Director, stated in June 2023 the City entered into a contract with Olsson Studios for the development of a new comprehensive plan. Godbey told Council the original plan was approved in 2003. Godbey said that to help design the new comprehensive plan, Olsson organized interactions with the community, youth committees, and stakeholder committees. Godbey told Council that state statute gives the Planning and Zoning Commission the authority to approve the comprehensive plan and that they unanimously approved the plan at their August meeting. Godbey said that the Planning and Zoning Commission is requesting support from Council in approving the plan as well. Godbey introduced Shelby Ferguson with Olsson Studios. Ferguson stated she is excited to be in attendance. Ferguson discussed the 13–month long process to design the new comprehensive plan. Ferguson said the comprehensive plan has a pyramid structure and works from the bottom up. Ferguson read the vision statement for the comprehensive plan. Ferguson discussed the Land Use Development Framework, Connectivity Framework, Community Aesthetics Framework, Economic Development Strategy,

and Implementation of the comprehensive plan. Mayor Giddens thanked Ferguson for all of her work. Jimmy Liles, City Administrator, stated he was pleased with the final product and thanked Godbey and Ferguson, and her staff for all of their work. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the resolution. Lucas made a motion to approve Resolution #2024-48 with Vess seconding and all Council Members voting aye.

Mayor and Council Member Reports:

Zess reminded everyone that the third (3rd) annual Multicultural Festival will be held on September 21st at McCauley Park from 3 p.m. to 7 p.m.

Peterson said that Movies in the Park will be on August 4th and the movie will be The Little Mermaid.

Matt Crouse, Parks Director, stated that the Friends of the Pool Party will be on August 4th as well and mermaids would be in attendance.

Mayor Giddens said that National Night Out had a good turnout.

Liles introduced the new Communications Director Summer Rascoll. Rascoll stated she was looking forward to helping the City.

Adjournment:

With no further business, Mayor Giddens adjourned the meeting at 6:50 p.m.

Mayor

City Clerk

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

NIXA CITY HALL

August 27th 2024 7:00 P.M.

The regular meeting of the Nixa City Council was called to order by Mayor Jarad Giddens. Attending were Council Members Kelly Morris, Matt Ogden, Shawn Lucas, Aron Peterson, Darlene Graham and Zern Vess.

Consent Agenda:

Mayor Giddens called for a motion to approve the consent agenda. Peterson made a motion to approve the consent agenda as presented, items a through b, with Graham seconding and Graham, Peterson, Ogden, Vess, Morris, and Lucas voting aye on roll call vote.

Service Awards:

Mayor Giddens recognized Matt Crouse for his 20 years of service to the City. Jimmy Liles, City Administrator, stated Crouse started in aquatics as a part-time employee and has worked his way up to the Parks Director. Liles said that Crouse leads by example and appreciates his foresight for the Parks Department. Liles told Council that Crouse and his staff are phenomenal.

Mayor Giddens recognized Amanda Hunsucker for her 15 years of service to the City. Liles stated that Hunsucker started in the Finance Department as an accounting clerk and was moved to the accounts payable clerk. Liles said that Hunsucker worked as the purchasing clerk for a few weeks. Liles stated that Hunsucker was promoted to Human Resources Director in 2018. Liles told Council that Hunsucker is a true advocate for the City's employees and appreciates everything she does with such a limited staff.

Visitors:

None.

Ordinance (First Reading and Public Hearing; Comments Limited to 5 Minutes; No Council Vote Anticipated):

Council Bill #2024-27 Authorizing the City Administrator to Execute Electric Transmission Contract Amendments with Southwest Power Pool. Doug Colvin, Assistant City Administrator and Public Works Director, told Council since 2019 the City has been on the open market for wholesale power and has had a contract with the Southwest Power Pool (SPP). Colvin explained what the Integrated Service Agreement and Network Operating Agreement with SPP do for the City. Colvin said the first (1st) agreement amendment is to the Network Integrated Transmission Service Agreement (NITSA). Colvin stated the second (2nd) and third (3rd) agreements are Network Operating Agreements (NOA). Colvin told Council that both NOAs are third-party agreements. Colvin said the first (1st) NOA is between Nixa, SPP, and Southwest Power Administration (SPA), addressing transmission operations between the SPP and SPA for power delivered to the City. Colvin stated quite a few editorial changes were being made to align wording and that there were no substantive changes such as rates or additional requirements on

the City. Colvin told Council the third (3rd) agreement is also a NOA between the City, SPP, and the Missouri Electric Commission (MEC). Colvin said the main function of this NOA is to assign operating responsibilities between the SPP, SPA, and MEC for the delivery of Nixa's wholesale power. Colvin stated there were no substantive changes such as rates or additional requirements on the City. Colvin discussed the attachments that were provided with the council bill. Colvin told Council staff would be back at the next Council meeting to ask for approval. Colvin stated that there will be a slight difference to one of the NOA agreements because the current one is missing a whereas clause. Colvin said the correct agreement would be included in the September 10th council packet. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed.

Ordinances (Second Reading and Public Hearing; Comments Limited to 5 Minutes; Council Vote Anticipated):

Council Bill #2024-23 Establishing and Levying Taxes on Real Property in the City for the 2024 Tax Year. Rebekka Coffey, City Clerk, told Council this is an annual ordinance that is required to set the tax rate on real property within the city limits. Coffey stated that all required documents would be submitted to the Christian County Clerk by August 30th if approved. Coffey said the anticipated tax rate is point two nine eight one (.2981), which is the same as last year. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the council bill. Ogden made a motion to approve Council Bill #2024-23 with Vess seconding and Peterson, Graham, Ogden, Vess, Lucas, and Morris voting aye on roll call vote.

Council Bill #2024-24 Authorizing the City Administrator to Execute a Cost Apportionment Agreement with the Missouri Highways and Transportation Commission. Jeff Roussell, Street Superintendent, stated this agreement would allow for the allocation of federal funds for the Main Street project. Roussell said this agreement would be beneficial for staff. Roussell stated staff recommends approval. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the council bill. Ogden made a motion to approve Council Bill #2024-24 with Peterson seconding and Ogden, Lucas, Morris, Peterson, Graham, and Vess voting aye on roll call vote.

Council Bill #2024-25 Authorizing the City Administrator to Execute a Wireline Pole Attachment Agreement with Ozark Fiber II, LLC. Doug Colvin, Assistant City Administrator and Public Works Director, told Council that Ozark Fiber came to the City with a proposal for fiber to the home while utilizing the City's poles. Colvin stated the staff used a modified MPUA pole attachment agreement. Colvin discussed the formula for pole rental and permitting. Colvin said that Ozark Fiber has signed the contract. Colvin stated that there is a potential property lease with Ozark Fiber which is not attached to this council bill. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the council bill. Lucas made a motion to approve Council Bill #2024-25 with Graham seconding and Lucas, Ogden, Vess, Morris, Graham, and Peterson voting aye on roll call vote.

Council Bill #2024-26 Declaring the Necessity of Acquiring by Condemnation Certain Property Rights Over, Under, and Through Certain Real Estate for the Purpose of Construction and Maintaining Street Improvements on North Main Street, Generally Located Between Tracker Road and State Highway CC; and Authorizing Certain City Officials to do All Things Necessary or Convenient to Carry Out the Terms and Intent of This Ordinance. Colvin told Council this council bill is to authorize staff to proceed with condemnation is necessary to carry out easement and rights-of-way acquisition for the Main Street project. Colvin said that there are six (6) outstanding properties without easement or rights-of-way. Colvin stated of the six (6), two (2) have verbal agreements and are in process and four (4) are still being worked on by staff. Colvin told Council that Roussell has been working tirelessly with property owners. Colvin said that staff recommends approval. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the council bill. Ogden made a motion to approve Council Bill #2024-26 with Vess seconding and Ogden, Graham, Lucas, Vess, Morris, and Peterson voting aye on roll call vote.

Resolutions (Public Hearing; Comments Limited to 5 Minutes: Council Vote Anticipated):

Resolution #2024-49 Authorizing the City Administrator to Execute a Contract in an Amount of \$109,760 with Paymentworks, Inc, for Vendor Verification and Electronic Payment Services. Jennifer Evans, Finance Director, discussed the current vendor verification process. Evans said that there are rising issues with electronic payments being scammed. Evans stated that Paymentworks vets vendors, collects all paperwork, verifies all information, and makes payments. Evans told Council that Paymentworks would guarantee up to \$2 million in fraud. Evans stated that staff recommends approval. Evans said that the \$109,760 will be split over three (3) years. Council asked questions with Evans responding and providing additional information. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the council bill. Vess made a motion to approve Resolution #2024-49 with Peterson seconding and all Council Members voting aye.

Resolution #2024-50 Authorizing the City Administrator to Transfer Certain City Rights-of-Way to the Missouri Department of Transportation to Facilitate Improvements at the Intersection of Main Street and Highway CC. Roussell stated that MoDOT is in the process of acquiring rights-of-way and easements at the Main Street and Highway CC intersection for a proposed roundabout. Roussell said that a few of the rights-of-way that MoDOT needs for this project, the City has possession of. Roussell stated that staff recommends approval of the transfer of the rights-of-way to MoDOT. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the resolution. Lucas made a motion to approve Resolution #2024-50 with Vess seconding and all Council Members voting aye.

Council Bill #2024-51 Adopting a Cash Reserve Policy for the City's Utilities. Travis Cossey, Assistant Public Works Director, stated the current cash reserve policy is percentage-based and the proposed policy will be calculation based. Cossey told Council this cash reserve policy would only apply to the enterprise funds. Cossey said that the proposed policy will help to keep

the enterprise funds healthy. Cossey explained how the calculation method works. Cossey stated that the proposed policy established four (4) to five (5) major risk factors with calculation criteria for establishing the minimum cash reserves. Cossey said the risk factors include Operations & Maintenance, Electric Purchase Costs (electric fund only), Historical Investment in Assets, Debt Service, and the Five-Year Capital Improvement Plan. Cossey discussed the examples that were provided to Council. Council asked questions with Cossey responding. Cossey said that the proposed policy establishes a minimum reserved, not a maximum. Council asked additional questions with Cossey responding. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the resolution. Graham made a motion to approve Resolution #2024-51 with Vess seconding and all Council Members voting aye.

Mayor and Council Member Reports:

Ogden told Council on September 5th and 6th the first (1st) MPUA rodeo will take place in Columbia. Goden said that two (2) members of staff are participating.

Vess said that the Multicultural Festival will be September 21st from 3 p.m. to 7 p.m. at McCauley Park. Vess stated that the festival was growing.

Liles reminded Council that City offices will be closed on September 2nd. Liles stated that the MML Conference will be September 16th – 18th in Branson.

Mayor Giddens stated that on Friday, August 30th, football season starts.

Adjournment:

With no further business, Mayor Giddens adjourned the meeting at 7:43 p.m.

Mayor

City Clerk