



## **RE: PUBLIC WORKS FEES AMENDMENT**

### **Background:**

In October of last year City Council adopted Section 2-151, Fees for City Services or Other Charges. This amendment consolidated fees charged by various departments throughout the city into one convenient and easily accessible area. Staff is requesting a deletion of the set fee for LED Street lights identified in Section 2-151 (b)(5). Streetlights are part of the package of materials invoiced under the Materials Replacement Cost section of the code.

### **Analysis:**

Section 2-151 (b)(5) establishes fees administered by the Public Works department. In the Electric section of the ordinance, LED Street lights are called out with an established fee of \$1,450. At the time of new development, streetlights are invoiced to the developer along with all other materials needed for the approved project.

The city maintains material stock for all items needed to provide an underground electric system. When a new project develops, materials are taken out of inventory and delivered to the project for installation by the developer. The developer is then billed for the replacement cost of the material used on the project. This provides cost savings to the developer by allowing them to capitalize on the bulk savings that the city gets by making larger material purchases. Materials Replacement Cost is established in the Miscellaneous Fees section of the ordinance. Having a set fee for streetlights is in contradiction with the Miscellaneous Fees section of the ordinance and does not allow the city to invoice for actual replacement cost.

### **Recommendation:**

Staff is requesting that the ordinance be amended to remove the established fee for LED Streetlights to allow for invoicing at the direct replacement cost along with all other materials provided to a development for the installation of underground electric.

### **MEMO PREPARED BY:**

**Travis Cossey** | Asst. Director Nixa Utilities & Public Works

417-725-2353

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-151 OF THE NIXA CITY CODE FOR THE PURPOSE OF DELETING THE SET FEE FOR LED STREET LIGHTS.**

**WHEREAS** in October of last year, City Council adopted Section 2-151 of the Nixa City Code; and

**WHEREAS** Section 2-151 of the Nixa City Code consolidates the fees charged by the various departments of the City; and

**WHEREAS** Public Works staff are requesting the deletion of the set fee for LED streetlights, identified in Section 2-151(b)(5); and

**WHEREAS** the removal of this set fee will allow the City to invoice developers for the actual costs of the LED streetlights used as part of a development; and

**WHEREAS** the City Council desires to modify the City Code as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NIXA, AS FOLLOWS, THAT:**

**SECTION 1:** Chapter 2, Article IV, Section 2-151 of the Nixa City Code is hereby amended by deleting the following language from Section 2-151(b)(5) in its entirety:

LED Street Light	\$1,450.00 per light	To cover a portion of the cost of new street light installation in new subdivisions.
------------------	----------------------	--

**SECTION 2:** The City Attorney, when codifying the provisions of this Ordinance, is authorized to provide for different section numbers, subsection numbers, and different internal citation references than those provided herein when such section numbers, subsection numbers, or internal citation references are in error or are contrary to the intent of this Ordinance.

**SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired, or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.

**SECTION 4:** Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71

**SECTION 5:** This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

**ADOPTED BY THE COUNCIL THIS 8<sup>th</sup> DAY OF OCTOBER 2024.**

ATTEST:

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
CITY CLERK

**APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF OCTOBER 2024.**

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY