

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

NIXA CITY HALL

July 8th, 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 Matt Ogden, Shawn Lucas, Aron Peterson, Darlene Graham, and Zern Vess. Kelly Morris was absent.

The Pledge of Allegiance was given.

Visitors:

Susan Haralson, Candidate for State Senate Seat District 29, stated that Christian County was her home. Haralson said that the State Senate was redistricted and Christian County is now a part of District 29. Haralson told Council that 48% of District 29 comes from Christian County. Haralson stated she wants to work with Show Me Christian County and discussed economic development. Haralson said she would like to have a meeting with Nixa leaders to see what Nixa needs. Haralson encouraged everyone to vote on August 6th.

Michael White, Candidate for Western District Commissioner, told Council he owns a business in Christian County. White said that Christian County needs fresh eyes. White stated that he is the Chairman of the Christian County Planning and Zoning. White said he lives in between Billings and Clever. White told Council that the Western Commissioner position is a maintenance and oversight position, not a political position. White encouraged everyone to vote on August 6th.

Johnny Williams, Candidate for Western District Commissioner, thanked Council for the opportunity to speak. Williams said he has been a Nixa Police Officer for over 20 years. Williams discussed schools, community, and growth. Williams said he was looking forward to making a career and growing with Christian County. Williams discussed economic development. Williams said he was looking forward to serving the people of Christian County. Williams encouraged everyone to vote on August 6th.

Mayor Giddens thanked the candidates for their comments.

Ron Sanders, 976 Glen Oaks Dr., discussed bureaucracy, the Chevron deference, and types of politicians.

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

Council Bill #2024-20 Amending Chapter 1, Section 1-9 of the Nixa City Code for the Purpose of Modifying the City's General Penalty Provisions. Nick Woodman, City Attorney, told Council that section 1-9 of the Nixa City Code applies to all code violations without specific penalty sections. Woodman said that the council bill removes the section of the code that

incorporates by reference state law violations that make prosecution difficult. Woodman discussed the section of code that was being removed. Woodman said that the other changes to the code are removing duplicate language regarding the ongoing nature of violations and language cleanup. Woodman stated that staff recommends approval. 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 #2024-18 Amending the 2024 Annual Budget in the Amount of \$151,472.00 for the Purpose of Funding Two Additional Positions Within the Police Department. Joe Campbell, Police Chief, stated in April 2023 the citizens of Nixa passed a $\frac{3}{4}$ cent sales tax for public safety. Campbell said that during the 2024 budgeting process the revenues of that tax were not fully implemented. Campbell told Council that by the 2nd quarter of 2024, revenues were \$1.3 million. Campbell said that he was comfortable with the money being available to fund two (2) additional officers and promotions. Campbell told Council the budget amendment is for six (6) months of salary for the two (2) additional officers and six (6) months of salary for the promoted officers. Campbell stated that staff recommends approval. Mayor Giddens discussed monitoring sales tax revenue. 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 #2024-18 with Peterson seconding and Graham, Peterson, Ogden, Vess, and Lucas voting aye on roll call.

Council Bill #2024-19 Approving the Preliminary Plat of the Subdivision Known as Century Heights Which is Generally Located in the 1500 Block of North Owen Road, and Authorizing Certain City Officials to Take Certain Actions Upon the Filing of a Final Plat. Scott Godbey, Planning and Development Director, stated that this preliminary plat is for Century Heights and will include 27 single-family homes and 12 duplexes. Godbey said this subdivision would be north of the bowling alley and Tracker Road. Godbey discussed sinkholes on the property. Godbey told Council that the primary road would cross over two (2) sinkholes. Godbey provided information on the sinkhole evaluation. Godbey stated that there is a floodplain on the property and that the subdivision layout for the lots accommodates the floodplain. Godbey told Council that the property owner is discussing possible secondary access for emergency access on the southwest portion of the property. Godbey said a 3rd party geologist will review the technical specifications and sinkhole evaluation. Godbey stated that no one approached the Planning and Zoning Commission, and the Commission voted unanimously to approve. Godbey said that staff also recommends approval. Council asked questions, with Godbey responding. Mayor Giddens opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., asked about permit fees.

Dave Bodeen, Pinnacle Designs, thanked staff for their work on this project. Bodeen discussed emergency access to the subdivision. Bodeen said that the property is landlocked, and the only access is over the sinkholes. Bodeen told Council that the road would be near the rim of the sinkhole. Council asked questions, with Bodeen responding.

Robert Staab, 909 Strawberry Ct., discussed sinkholes, floodplains, and emergency access roads. Council responded to the visitor's comments.

With no further comments, the public hearing was closed. Mayor Giddens called for a motion to approve the council bill. Lucas made a motion to approve Council Bill #2024-19, with Graham seconding and Ogden, Lucas, Graham, Vess, and Peterson voting aye.

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

Resolution #2024-41 Authorizing the City Administrator to Solicit Bids for On-Call Boring Services. Travis Cossey, Assistant Public Works Director, stated that the City currently has an expiring contract for this service. Cossey said that this service was added a few years ago and has benefited the City and staff. Cossey told Council that there are currently two (2) contractors for this service, and staff would like to have two (2) again in this bidding cycle. Council asked 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. Vess made a motion to approve Resolution #2024-41, with Graham seconding and all Council Members voting aye.

Resolution #2024-42 Authorizing the City Administrator to Execute a Contract in the Amount of \$77,610.00 with Insituform Technologies, USA, LLC for the Installation of a Multi-Layer Cured in Place Pipe System in the Bentwater Subdivision. Jason Stutesmun, Water Superintendent, stated that this resolution is for the I&I project that started in 2013. Stutesmun said the I&I project helps prevent stormwater from entering the sewer system. 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. Peterson made a motion to approve Resolution #2024-42, with Vess seconding and all Council Members voting aye.

Resolution #2024-43 Authorizing the City Administrator to Execute a Contract in the Amount of \$72,500.00 with Advanced Rehabilitation Technology, LLC for Manhole Lining Services in the Bentwater Subdivision. Stutesmun told Council that this resolution is for another I&I project that has been going on since 2013. Stutesmun said this project is for the 32 manholes in the Bentwater Subdivision. Stutesmun stated that Advance Rehab Technologies completed the clarifier project. 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 #2024-43 with Graham seconding and all Council Members voting aye.

Resolution #2024-44 Authorizing the City Administrator to Execute a Contract in the Amount of \$392,442.50 with Donelson Construction Company, LLC for Micro-Paving Construction Services. Jeff Roussell, Street Superintendent, stated that this contract would help to preserve City Streets. Roussell told Council this contract is being utilized through a co-op with Greene County. Roussell said that micro-paving can be done at a cheaper rate than mill and overlay. Roussell stated that the micro-paving will be done between Ozark and Old Bittersweet. 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 #2024-44, with Vess seconding and all Council Members voting yes.

Resolution #2024-45 Authorizing the City Administrator to Solicit Qualifications for Geological Engineering Services. Godbey stated that this resolution is for permission to solicit a professional geologist. Godbey said the current contract with Gredell is set to expire. Godbey told Council he would like to get two (2) geologists under contract this bidding cycle. Godbey said 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. Vess made a motion to approve Resolution #2024-45 with Peterson seconding and all Council Members voting aye.

Resolution #2024-46 Waiving Building Permit Fee in the Amount of \$22,924.25 for the Nixa Public School System's Proposed Multi-Purpose Facility. Jimmy Liles, City Administrator, stated that this request for a permit fee waiver for the multi-purpose project was received from the school district. Liles said the total permit fee is \$29,032.47. Liles told Council that staff is offering to remove internal review costs totaling \$22,924.25. Liles said that the remaining costs are third (3rd) party reimbursements and meter fees. Liles stated that the current ordinance allows Council to waive fees if the fee waiver better serves the public. Council asked questions with Liles responding. Liles told Council he met with the school district about a possible MOU to trade fees because the fees for the use of the school gym space would be increasing. Liles said that the school district chose to turn that offer down in favor of the fee waiver. Council asked additional questions with Liles responding. Mayor Giddens opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., said that this fee waiver gives the school all the benefits and the city all the costs. Sanders asked if the school board had approved the fee waiver before it came to Council.

Nicholas Gerdes, 984 N. Niangua, stated that money was the biggest concern with the fee waiver. Gerdes said that everyone pays permit fees. Gerdes discussed the memo provided by the school district, previous fee waivers, and the funding for the multi-purpose building.

With no further comments, the public hearing was closed. Council held a discussion. Mayor Giddens called for a motion to approve the resolution. Lucas made a motion to approve Resolution #2024-46 with Peterson seconding and all Council Members voting nay. Resolution #2024-46 failed.

Discussion Item – Council Meeting Schedule Change:

Mayor Giddens thanked Public Works for their work after the storm on July 4th. Mayor Giddens thanked Carthage for their help in getting power restored to Nixa citizens.

Mayor Giddens discussed moving the City Council Meeting from the second (2nd) and fourth (4th) Mondays of the month to the second (2nd) and fourth (4th) Tuesdays of the month. Mayor Giddens said the best day to have Council Meetings would be Tuesdays at 6:00 p.m. Liles stated that staff is in agreement with moving meetings to Tuesdays at 6:00 p.m. Council held a

discussion. Mayor Giddens stated that the Council Meetings will move to the second (2nd) and fourth (4th) Tuesdays of the month at 6:00 p.m. being August 2024.

Mayor and Council Member Reports:

Mayor Giddens discussed liaison reports. Mayor Giddens stated that liaisons should be champions for their departments.

Lucas told Council that the Planning and Development’s Code Compliance officer has resigned his position. Lucas stated that Godbey is providing updates to the Planning and Zoning Commission about Council action items.

Mayor Giddens discussed the potential of holding a joint meeting with the Council, the Planning and Zoning Commission, and the school board. Mayor Giddens discussed his concerns with the Police Department having to access the Century Heights subdivision through the county. Campbell provided information on Police procedure.

Graham said that there is a citizen concern about speeding on Livingston Street. Campbell and Liles responded to Graham’s comments.

Liles told Council that the Chamber’s Sky-High fireworks show was a success. Liles said the Chamber lunch would be Tuesday, July 9th.

Adjournment:

With no further business Mayor Giddens adjourned the meeting at 8:36 p.m.

Mayor

City Clerk

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

NIXA CITY HALL

July 22nd, 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, and Darlene Graham. Zern Vess was absent.

American Legion Post 434 did a presentation of colors. The Pledge of Allegiance was given.

Consent Agenda:

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

Proclamation:

Mayor Giddens thanked everyone in attendance at the Purple Heart Day Ceremony. Mayor Giddens read a proclamation proclaiming August 2024 as Purple Heart Month. American Legion Post 434 members were in attendance to accept the proclamation.

Mayor Giddens discussed the Honor and Remember Flag being flown at City Hall. Mayor Giddens asked staff to look at a new reconfiguration of the flags outside City Hall. Jimmy Liles, City Administrator, responded to the Mayor's comments.

Service Award:

Mayor Giddens recognized Dustin Tackitt for his five (5) years of service to the City. Joe Campbell, Police Chief, stated that Tackitt was not in attendance. Campbell told Council that this is Tackitt's second (2nd) time with the City. Campbell said that Tackitt is the squad four (4) corporal and a field training officer. Campbell told Council that the Police Department is looking forward to many more years of leadership and service from Tackitt.

Visitors:

Katie Schmidt, 731 N. Galileo Dr., Apt. 2A, discussed her son's service in the military. Schmidt provided information on the Honor and Remember flag. Schmidt said that in 2013, the Missouri Congress adopted the Honor and Remember flag. Schmidt asked Council to fly the Honor and Remember and the Honor and Sacrifice flags.

Ron Sanders, 976 Glen Oaks Dr., asked what citizens can do for veterans. Sanders stated that we should celebrate the freedoms that we have because of veterans.

Nicholas Gerdes, Commander of American Legion Post 434, told Council that American Legion Post 434 will donate the first (1st) Honor and Remember flag.

Ordinance (First Reading and Public Hearing; Comments Limited to 5 Minutes; No 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. Doug Colvin, Assistant City Administrator and Public Works Director, stated that the Electric Department had found a matching grant that would remove ash trees that are affected by the emerald ash borer. Colvin said that the emerald ash borer poses a threat to the electric system. Colvin told Council this grant is through the American Public Power Administration's Energy and Efficiency Developments program. Colvin said the trees affected can cause limbs to fall and damage electric lines. Colvin stated that the estimated \$100,000.00 of grant funding would include tree removal, stump grinding, and replacement of trees. Colvin told Council that because this is a reimbursable grant, staff is requesting the full \$100,000.00, and if the grant funding is secured, \$50,000.00 will be reimbursed to the City. Colvin said that if the grant is not secured, then staff would not move forward with spending any funds and would deal with the affected trees as they are found. 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 #2024-22 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 License. Nick Woodman, City Attorney, stated that Chapter 12, Article II is the current section for the business and solicitor license code. Woodman said the modifications may appear lengthy, but most of the changes are cleaning and reorganizing the code. Woodman told Council that one of the more significant changes was to the moral turpitude requirements for the solicitor licenses. Woodman said the amendment to this section defines crimes that are disqualifying for solicitors. Woodman stated that the new code would become effective November 1st, 2024. Woodman said that staff recommends approval. Council asked questions, with Woodman responding. 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 #2024-20 Amending Chapter 1, Section 1-9 of the Nixa City Code for the Purpose of Modifying the City's General Penalty Provisions. Woodman stated that this council bill's first (1st) reading was on July 8th. Woodman said the most significant update to the code is removing reference to state law. Woodman told Council 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 #2024-20 with Graham seconding and Graham, Lucas, Ogden, Peterson, and Morris voting aye on roll call vote.

Mayor and Council Member Reports:

Peterson provided an update on the Parks Department. Peterson said the pool is now open, and during the month of June, there were 11,200 verified visitors. Peterson stated that the splash pad is still on track and that ground should be broken soon. Peterson told Council that the disc golf course has been renovated and should be open at the beginning of August. Peterson stated that

the playground has had 900 recorded hours of play in 2024. Peterson said that the Parks Department is exploring 24-hour fitness accessibility.

Liles reminded Council that this was the last Monday night meeting. Liles said beginning in August, Council meetings would be the second (2nd) and fourth (4th) Tuesdays at 6:00 p.m.

Mayor Giddens reminded everyone to vote on August 6th.

Campbell stated there would be a blood drive on July 23rd at North Point Church from 10a.m. – 4p.m. Campbell told Council that this blood drive is a friendly competition between the other first responders.

Graham said National Night Out will be August 6th at the pool from 6 – 8 p.m.

Adjournment to Closed Session:

Mayor Giddens called for a motion to adjourn the meeting to close session. Peterson made a motion to adjourn to closed session pursuant to section 610.021 (1), (2), (3), and (13) RSMo. in which the Council will discuss legal actions, causes of action, and confidential and privileged communications with their attorney, the leasing, purchase, or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration, therefore and discuss the hiring, firing, disciplining, or promoting of particular employees and personal information about the employees is to be discussed; and individually identifiable personnel records, performance rating or records pertaining to the employee are to be discussed with Lucas seconding and Peterson, Morris, Lucas, Ogden, and Graham voting aye on roll call vote.

The meeting will be considered closed after the closed session.

Mayor

City Clerk