

AGENDA WORK SESSION

JANUARY 7, 2009 12:00 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Charles McCorkle, Kevin Elmer, Barb Stillings, Tracy Haist, Michael Durbin and Roger Meadows.

Mayor Hayes presented Cindy Robbins with a 20 year Service Award and a pin.

Brian Bingle, City Administrator, reminded the Aldermen that the City signed a 5 year contract with Allied Waste last month to pick up all solid waste and recyclables inside the City limits. Allied Waste is asking the City to amend the contract to eliminate a recyclable commodity that is no longer marketable. As of now glass is a product that is not marketable. Shilo Smith with Allied Waste informed the Board that they are excited about the new curbside recycling. She said that the commodity prices for recyclables have dropped, but they are always looking for items to be marketed instead of putting them in the landfill. They are currently stockpiling glass products hoping they will find a place to sale it. They would like the Board to amend the contract to eliminate a recyclable commodity if the product becomes unmarketable. This will be brought to the Board Monday night.

Bingle informed the Aldermen that the Utility Billing Collection Policy has been modified some from the original. He said that the City requires 2 deposits from the citizens that have been shut off as of now and we could refund the first deposit to pay the late bill and then charge them another deposit. Donna informed them that would cause the Finance Department more paper work by trying to keep track of all refunds and recharging of new deposits.

Bingle explained that the Senate approved a Net Metering Bill. This means residents or commercial businesses can manufacture electric through windmills or solar panels that will feed into our electric system. Doug Colvin, Public Works Director, explained that the Green Technology can generate more electricity than the customer needs and that will put their extra electricity into our system. If that would happen then the City would need to reimburse them for the electricity. Colvin created a draft of a Net Metering Service Policy to be established by the City. We will need special meters at the property that has a net metering system. There are safety issues for the linemen working on the electric lines. The citizens with Net Metering systems inside the City will need special insurance for safety factors. The City was supposed to have an ordinance for the Net Metering Service in October 2008. Colvin will be working on this ordinance.

Chief James Bacon explained that there is a Missouri Blueprint for Safer Roadways Grant application for \$1,995.00 that is available and Brent Forgey found a local business that will sell the City an enclosed trailer for \$1,995.00. This trailer is need for the DWI enforcement. He is asking the Board's permission to accept the grant. The Police Department also is asking permission to accept a grant from the Community Foundation for \$2,677.00 to provide a SMART Board. Haist made a motion to accept the grant for the trailer with McCorkle seconding and all voting aye. The Board also approved the grant from the Community Foundation.

Bingle informed the Board about the developers meeting and had Travis Cossey, City Planner, explain the builder's requests.

1. Reducing minimum lot size – The builders want the lot size changed from 7000 square feet in R7 to increase the density of lots by changing them from 70' to 65' on street frontage. Staff recommend keeping the lot size at 7000 square feet by making the lots 65' X 110'.
2. Reducing street width from 30 feet to 26 feet - Staff supports reducing the street width for local streets with parking on one side of the street but the width of the travel lanes will not be reduced
3. Reconsider the collector street policy - Staff agrees that the collector street policy needs revised and the staff will continue working on the policy.
4. Reducing price of land - Land price is market driven and the City can not regulate the prices.
5. The use of Class 200 sewer pipe - Since the City has a subdivision inspector to inspect infrastructures; the City can change the pipe requirements from class 200 to schedule 40 pipe if

- used in depths less than 10 feet.
6. Copper lines for water line installation – Staff can not support the elimination of the copper tubing for water line installation.
 7. Have the Electric Department install electric service – Staff does not recommend any change. The policy requires the developer to install the electric service.
 8. Allow the use of sand as a bedding material versus ¾ inch gravel – Staff does not allow sand in the road crossings, but in areas outside the road base, staff will allow for sand as a bedding material if the manufacture specifications for installation allow for the use of sand.
 9. Not require the project engineer to be present for mandrel and pressure testing of sewer mains – Staff agrees that the engineer no longer needs to be present, because the City subdivision inspector can ensure the testing is conducted according to code.
 10. Increasing street grades from 8% to 10 or 12% - Staff recommends the current street grades policy specifications remain in place.
 11. Have builders install meter pits instead of the developers – Staff does not support the builder installing meter pits, they recommend the developer install meter pits.
 12. Allow developers to pick the electric provider instead of using Nixa electric – The Board of Aldermen determined that all developers in the City of Nixa must use the Nixa electric.
 13. Use of marketing tools to promote Nixa – Staff does support the use of marketing; however this is a budget issue.
 14. Diversity of development; use of open space and mixed use's versus cookie cutter subdivisions – The diversity of housing types is supported by the City codes, through the PUD process.

Bingle informed the Aldermen that he would like to appoint a Ad-Hoc Committee to look at the list of items the builders would like to see changed. The committee will need to look at the Planning and Zoning Policies and at the Strategic Plan. This committee will meet monthly.

Bingle informed the Aldermen that the Cherry and Main Street Storm Water Improvement bids were all good and that Staff recommends awarding the bid to Perry Excavating. This will be brought to the Aldermen Monday night at the Board meeting.

Bingle explained that the Board had requested staff to research temporary portable storage containers. Bingle suggests that the City allow the temporary portable storage containers to be used on site in the residential area if they have a building permit, then they will be eligible for a miscellaneous permit to allow the temporary portable storage container to be used for 30 days. He will give this to the Planning and Zoning Commissioners to exam and they will bring it back to the Board in February. Durbin would like the commercial area be excluded. Stillings would like a permit extension for the containers if needed for a project that is not completed in the 30 day period.

Bingle informed the Aldermen that with the adoption of the Technical Specification amending Sinkholes, the City needs to retain a geologist. In November, Purchasing requested bid proposals for a geologist. We received two bids; Pendergrass Geological Consultants and Palmerton and Parrish, Inc., both have done work for the City. Staff recommends retaining Pendergrass Geological Consultants. This contract will be brought to the Board Monday night.

Bingle informed the Aldermen that the road improvements on Cheyenne Road that the school paid for does not include the intersection improvements. This intersection is dysfunctional for the amount of traffic that uses it.

Bingle explained that the estimate the CJW presented last month for Northview Street has doubled. CJW suggested the cost for Tractor Supply would be approximately \$24,000.00, but we are looking at more like \$50,000.00 to improve Northview Street. Clayton Hines with Shaffer and Hines Inc. looked closer at the project and there will be other improvements that will be needed to be done because of other activity of new businesses coming to that area of town. Bingle said that Kenneth Street will need improving with the amount of traffic coming off of the Northview Street. We will proceed with the OTO on this project for STP funds. Doug Colvin will look at other projects that can be moved in the 2009 budget.

Bingle explained to the Aldermen about the Clean Air Action Plan that was in their packet. The Community Partnership's Ozarks Clean Air Alliance (OCAA) has developed the Clean Air Action Plan. Municipalities are expected to voluntarily follow the plan to reduce air pollution. The City already has a Idling Policy in effect.

Bingle reminded the Aldermen of the joint meeting with the Nixa School District February 17th at 6:30 pm in the Council Chamber at City Hall.

Bingle informed the Aldermen that the City has always waived the building permit cost to the Nixa School District. He would like the Board to reconsider this policy at this time with the economy in the situation it is in.

There being no further business, the meeting was adjourned at 1:35 pm

Mayor

City Clerk

REGULAR MEETING

JANUARY 12, 2009 7:00 PM

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Hayes. Attending were Kevin Elmer, Barb Stillings, Charles McCorkle, Tracy Haist, Michael Durbin and Roger Meadows.

The Pledge of Allegiance was lead by Troop 200 of the Boy Scouts

MINUTES

The minutes of the December 3rd and 8th were approved as presented by unanimous consent.

FINANCIAL REPORT

Donna Swatzell, Financial Director, reported that the City's 2008 Budget went well and we were under budget in several departments. The financial report was approved by unanimous consent.

VISITORS

Jim Settle requested to be put on the agenda, but did not come forward to speak.

Karen Keever, 405 Lynn, told the Aldermen that her property floods every time it rains. The houses on both sides of her property are empty, the people have left them. She gets the water run off from the Korean Church. She wants the drainage pipe on her property sealed shut. Miss. Keever brought minutes from a Board meeting in 1994 that first mentioned the water problem. August 8, 2001, it was addressed again at the City Board meeting. She wants to know if the City is going to fix this problem. Bingle informed her that Scott Engineering did a study on these properties and they determined that they are on a sinkhole rim. Mayor Hayes is going to have staff review the problem. This will take 30-45 days to get all the studies done. The Mayor will call her when he gets some information.

Rick Miller with Miller-Blevins Construction, Spokane, came to inform the Aldermen that he is a local company. The Mayor spoke up and told the Aldermen that Rick Miller was here because he was the low bidder on the Cherry and Main Street construction bids and he heard that the Aldermen were going to award the bid to Perry Excavating because they are a local company. He wants to inform the Alderman that he is a local company also. Mr. Miller wanted to make it clear that he resides in Spokane, but does a lot of business in Nixa and feels that he is a local business.

Sharon Whitehill-Gray with the Chamber of Commerce, 105 Sherman Way, wanted to inform the Aldermen that the temporary storage trailer at Walmart are brought in for the Christmas season, so they have them on site starting in October through January. She wants to know why the City is looking at regulating storage trailer on commercial businesses. She thought the main concern was the residential areas using the storage trailers. Sharon also reminded the Aldermen that the Chamber of commerce Annual Banquet has been moved from the Community Center to the Summit Room at the Chamber office.

PUBLIC HEARINGS

A public hearing was opened for the annexation petition of 2.09 acres on Northview Street owned by Kathryn and Albert Munzinger. Clayton Hines with Shaffer and Hines Inc. was representing Brad Brody the developer for Tractor Supply. He informed the Aldermen that some of the property is in the City, but 2.09 acres is not. All of the 2.09 acres touches the City limits. No more public comments were made and the public hearing was closed.

ORDINANCES

Bill #2009-11 authorizing the Mayor to sign an amendment to the Allied Waste contract was presented for first reading. Bingle explained that the City entered into a 5 year contract with Allied Waste to collect the City's solid waste and also provide the City with a recycling service. They recycle the materials that are collected at the recycle center. Since the economic situation, some of the commodities have become unmarketable; therefore, they would like to amend the contract. In event that a commodity becomes nonmarketable Allied Waste will supply the Board of Aldermen substantiation of satisfactory proof that the commodity does not have a market from three vendors. The City will than notify the citizens that we are no longer accepting that product. McCorkle stated that this is a nation wide problem. McCorkle made a motion to approve Bill #2009-11 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2009-11 was presented for final reading. McCorkle made a motion to approve Bill #2009-11 on final reading and pass into law with Haist seconding and Elmer, Stillings, McCorkle, Haist, Durbin and Meadows all voting aye on roll call vote.

Bill #2009-12 amending Chapter 18 Section 18-6 Delinquent bills and Chapter 7 Section 7-4 Rendering and payment of bills were presented for first reading. Bingle explain that we have received many phones calls from residents not able to pay their utility bills and we need to develop a policy. These ordinances need to be amended to include that there is a collection policy statement and procedure for the utility office to follow in collecting and shutting off utilities. Durbin made a motion to approve Bill #2009-12 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2009-12 was presented for final reading. Meadows made a motion to approve Bill #2009-12 on final reading and pass into law with Haist seconding and Stillings, McCorkle, Haist, Durbin, Meadows and Elmer all voting aye on roll call vote.

Mayor Hayes explained that we had two Bills to present on the contract for Cherry and Main Street Stormwater improvements. The Board will need to decide which contractor to go with since Miller-Blevins had the low bid and is a local company.

Bill #2009-13 authorizing the Mayor to sign a contract with Perry Excavating for the Cherry and Main Street Stormwater improvements was presented. Bingle explained that Miller-Blevins was the low bidder and Shaffer & Hines the City's consultant on the project recommend Miller-Blevins, but staff recommended Perry Excavating because he is local. Both Miller-Blevins and Perry Excavating have done jobs in Nixa and there is no problem with either business. After a short discussion on who to award the bid to Durbin made a motion to accept Bill #2009-13 on first reading and pass to second with McCorkle seconding and all voting nay. The bill failed.

Bill #2009-14 authorizing the Mayor to sign a contract with Miller-Blevins Construction for the Cherry and Main Street Stormwater improvements was presented. There was no discussion since the discussion was held on Bill #2009-13. Meadows made a motion to accept Bill #2009-14 on first reading and pass to second with Stillings seconding and all voting aye. Bill #2009-14 was presented for final reading. Haist made a motion to accept Bill #2009-14 on final reading and pass into law with Meadows seconding and Haist, Durbin, Meadows, Elmer, Stillings and McCorkle all voting aye on roll call vote.

Bill #2009-15 authorizing the Mayor to sign a contract with Pendergrass Geological Consultants was presented. Bingle explained this is due to the new Technical Specifications on the use of sinkholes for purposes of construction. The City needs to retain a consultant to assess the developer's engineer's proposals. We received two bids, one was Palmerton and Parrish and the other was Pendergrass Geological Consultants. Staff recommends Pendergrass Geological. McCorkle made a motion to accept Bill #2009-15 on first reading and pass to second with Haist seconding and all voting aye. Bill #2009-15 was presented for final reading. Meadows made a motion to accept Bill #2009-15 on final reading and pass into law with Stillings seconding and Durbin, Meadows, Elmer, Stillings, McCorkle and Haist all voting aye on roll call vote.

Bill #2009-16 adopting the 2008 Final Budget was presented. Donna Swatzell explained that this is just a

formality that is done every year. The packet shows the budget amendments and the actual revenues and expenditures for 2008. This ordinance approval indicates that the Aldermen agree with the final budget. Durbin made a motion to accept Bill #2009-16 on first reading and pass to second with Haist seconding and all voting aye. Bill #2009-16 was presented for final reading. McCorkle made a motion to accept Bill #2009-16 on final reading and pass into law with Durbin seconding and Meadows, Elmer, Stillings, McCorkle, Haist and Durbin all voting aye on roll call vote.

RESOLUTIONS

Resolution #2009-11 compliance for annexation of 2.09 acres on Northview Street owned by Kathryn and Albert Munzinger was presented. Travis Cossey explained that the 2.09 acres is located on Northview Street and is part of a 3.4 acre site. The remainder of the property is inside the City limits and zoned HC highway commercial. This is the property that Tractor Supply wants to put their store on. Staff recommends approval of the compliance of annexation. Durbin made a motion to approve Resolution #2009-11 with Meadows seconding and all voting aye.

Resolution #2009-12 amending the Administration Standard Operating Procedures, adding a policy statement for the Nixa Utility Billing Department Collection Policy Procedures was presented. Bingle explained to the Aldermen that they just approved the Ordinance to amend Chapter 18 Delinquent bill and Chapter 7 Rendering and payment of bills. This policy and procedure statement on the collection of utility bills will be added to the Policy Manual. McCorkle made a motion to approve Resolution #2009-12 with Elmer seconding and all voting aye.

Resolution #2009-13 amending the personnel handbook regarding floating holidays was presented. Bingle explained that staff would like to change the floating holidays from just the 4th of July and Christmas to other holidays that fall where we can use Presidents Day or Columbus Day to allow a 4 day holiday. Durbin would like the City to find a way to notify the citizens that the offices are closed for the floating holidays that are not a normal holiday. Bingle said he would look into publishing the holidays that the City is closed. Haist made a motion to approve Resolution #2009-13 with Stillings seconding and all voting aye.

DISCUSSION ITEMS

Bingle informed the Aldermen that the Park Department received \$425.00 grant for Walkie-Talkies for the Safe Base Program from the Community Foundation. Haist made a motion to accept the grant for \$425.00 from the Community Foundation with McCorkle seconding and all voting aye.

Bingle informed the Aldermen that the Home Rule Petition drive is very close to getting enough signatures, but they are not verified by the County Clerk as of yet. We will take the petitions to the County Clerk tomorrow.

MAYOR AND ALDERMEN REPORTS

McCorkle wanted to remind the Aldermen of the Economic Development meeting every 3rd Tuesday of the month, the next one is January 20th at 7:30 A.M. the Summit Room at the Chamber of Commerce.

McCorkle stated he would like to see the City extend its Urban Service Boundary line from the river on the north to the river on the south down Cheyenne road to where the rivers come together, which is the 911 area. He also would like to take a look at annexing this area also.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:00 pm.

Mayor

City Clerk

SPECIAL MEETING

JANUARY 22, 2009 6:00 PM

The special meeting of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Kevin Elmer, Barb Stillings, Charles McCorkle, Tracy Haist and Michael Durbin. Roger Meadows was absent.

The Pledge of Allegiance was given.

McCorkle made a motion to amend the agenda to discuss a grant for the Police Department. Elmer seconded with all voting aye.

Bingle, City Administrator, explained that Chief Bacon asked to apply for the Missouri Blueprint for Safer Roadway grant at the last work session and the Board approved. Bacon was notified that the Police Department did receive the grant for the trailer to haul the DWI equipment, now the Board needs to approve the acceptance of the grant. Stillings made a motion to accept the grant from the Missouri Blueprint for Safer Roadways with McCorkle seconding and all voting aye.

Bill #2009-17 directing that the question of whether a Commission should be chosen to frame a charter for the City of Nixa and the list of candidates for that Commission be placed on the ballot for election, called for April 7, 2009 was presented. Bingle explained that the candidates have worked hard getting the petitions signed and the County Clerk has verified that the petitions have enough signatures. This ordinance is to call for an election to ask the citizens to vote on framing a charter and electing 13 commissioners to write the charter. The Aldermen commended the petitioners for all the hard work they have done. Durbin made a motion to approve Bill #2009-17 on first reading and pass to second with Stillings seconding and all voting aye. Bill #2009-17 was presented for final reading. McCorkle made a motion to approve Bill #2009-17 on final reading and pass into law with Haist seconding and Elmer, Stillings, McCorkle, Haist and Durbin all voting aye on roll call vote.

Bingle announced that Richard Hill, Water and Waste Water Department Supervisor, will be retiring January 27, 2009 after serving 35 years with the City.

There being no further business, the meeting was adjourned at 6:10 pm.

Mayor

City Clerk

AGENDA WORK SESSION

FEBRUARY 4, 2009 12:00 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Charles McCorkle, Kevin Elmer, Barb Stillings, Tracy Haist, Michael Durbin. Absent was Alderman Roger Meadows.

Mayor Hayes presented Richard Hill with a 35 year service award and plaque.

Mayor Hayes informed the Aldermen that he received a phone call from the Ronald McDonald House requesting that he sign a proclamation declaring next week "Ronald McDonald Week".

Brian Bingle, City Administrator, informed the Aldermen that staff had been working on an ordinance dealing with Temporary Portable Storage Units. The Aldermen were provided with a packet of information concerning the ordinance. Mr. Bingle introduced Brian Cates, owner of POD's, who requested to speak to the Aldermen concerning this issue. Mr. Cates stated that he had some concerns about the ordinance. He supports the ordinance; however the way it is written as a whole would be harmful to his business. Mr. Cates introduced Joel Curless with Paul Davis Company to speak. Mr. Curless said that he agreed with Mr. Cates, as far as the way the ordinance is written. Mayor Hayes stated that the intent is to prevent year round placement of temporary storage containers in yards and in driveways. The real issue is knowing when the container is placed.

Alderman McCorkle stated that it is important to have control of when they are placed and when they are picked up. Alderman Stillings said that open communication was important, so as to not give anyone a bad taste when they move into Nixa. Alderman Durbin asked if the company placing the container could let the city know instead of the customer. Bingle said the fence companies do this and it works out very well. Mayor Hayes stated that the Board of Aldermen will discuss this further on Monday night. Bingle said that there was one more item to consider adding to the ordinance concerning placing the temporary storage units on a commercial lot. We need to restrict them behind the front set back. Mayor Hayes agreed.

Doug Colvin, Public Works Director, informed the Aldermen that in their packet was an ordinance amending Chapter 7 of the City of Nixa's Code of Ordinance "Electricity" by adding Section 25, "Net Metering Service". Colvin stated that the charge for the meter is \$250. At this time, there is not a rush on them but we are bound by law to adopt this ordinance. Ozark Electric currently has 4 and Empire has 2 customers.

Bingle stated that in order to be compliant with the MS4 Permit law the City of Nixa is defined by federal regulations as a Small Municipal Separate Storm Sewer System (MS4) permitted under the Department of Natural Resources. The city's mandated Storm Water Management Program is required to include a component that controls erosion and the movement of sediment from construction sites. Danny Newell, Public Works Inspector and Travis Cossey, City Planner, were available to explain the process. Travis Cossey

stated that the purpose was to repeal and replace Chapter 25, Article VII Stormwater Management Plan, Part IV Sediment and Erosion Control. This ordinance will revise the existing Sediment and Erosion Control section of the Technical Specifications Manual to more effectively control land disturbance activities during construction. It will also provide for a permit and inspection program, penalties for non-compliance and define and regulate illicit discharges.

Danny Newell gave a brief overview of the purpose of the ordinance. He said that because of state laws we are mandated to adopt an ordinance that would bring us into compliance. We have to be conscious of the conveyance of storm water through Nixa. The actual permit dictates the requirements. The requirements would mandate that we would be required along with the contractor to inspect and keep a log of the activity.

Mayor Hayes asked if the permit would be required immediately after the adoption of the ordinance. Cossey stated it would be immediate. Michael Durbin asked if there would be inspections throughout. Newell said that yes there are a select number of inspections that are required and also on a complaint basis. Mayor Hayes asked if there was a fine issued and who would be responsible for paying it? Cossey responded that it would be the City's responsibility. Doug Colvin stated that we do inspections now on a voluntary basis, but until we pass the ordinance we cannot require them.

Bingle said that because of the improvements to Northview Road, Kenneth Street would need some work. The entrance to Kenneth Street would be abandoned and rerouted. The Aldermen were given three different scenarios concerning the rerouting of the street.

Bingle said that Claire McCaskill's office forwarded the information concerning the Economic Stimulus package. There are currently 8 projects. However, none are in the City of Nixa. The City feels that we need to go ahead and apply for several areas just in case there is left over funds. Mayor Hayes said the he feels it would benefit the City to form a coalition with Branson or Springfield for the 160 corridor. Tracy Haist asked what areas of undeveloped land were left inside the city. Bingle said that anything south of Bentwater and north of the livestock sale barn was inside the city limits.

Bingle said that county staff was currently working towards traditional zoning in Christian County. There will be a Public Forum concerning this on March 10, 2009 at 7:00 pm.

Bingle wanted to let everyone know that on Thursday at 6:30 at the Richwood Valley OTC campus there is an E911 sales tax ballot kick off meeting.

Bingle reminded everyone that next week there would be a Home Rule meeting at 6:30 here at City Hall.

Bingle said that on February 16, 2009 at 6:30 the Builder's Ad Hoc Committee would be meeting to go through the Technical Specifications and Development Procedures. It should last 1 – 1.5 hours.

Bingle said that on Friday of last week, the Keever property was looked at to see what the issues were with the flooding. We would need to obtain easements from 2 property owners in order to install a gravity flow pipe. However, it would set a precedent if we accept responsibility for issues on private property.

Mayor Hayes said the he went to look at the property, at this time we do not have an easement. The existing pipe is not ours. Stillings asked if we could go back to the time the permit was pulled to see what regulations were then. Bingle stated that we didn't adopt any storm water requirements until 1994. This house was built prior to regulations being put into place. Best solution would be to give her the information on the best way to solve the problem and let her take care of it from there. She was aware that the property flooded when she purchased the house.

Sharon Whitehill-Gray from the Chamber stated that they were currently looking into the problem of the "Character Education" banners. They are falling apart. She also requested that someone look into a problem with the license bureau not having the correct city boundaries as this is losing tax dollars that the City really needs.

Chief Bacon wanted to let everyone know that Friday morning there will be a training exercise with the SWAT Team. If anyone calls it isn't real.

Kevin Elmer said he received a phone call Saturday morning complaining about snow removal after the last storm. They live on a cul-de-sac and these areas were not plowed and wanted to know why. Colvin said cul-de-sacs were difficult to plow since there wasn't anywhere to push the snow and ice. The City just doesn't have the resources to plow a lot of the streets. They plowed as many streets as they could.

Stillings asked Chief Bacon if they could organize a community wide meeting concerning setting up a Neighborhood Watch program. Bacon told her to get with Brent Forgey he handles those meetings.

With no further business the meeting was adjourned at 1:30 p.m.

Minutes were taken by Lisa Brown, Secretary of the Planning and Zoning Department in Judy Long's absence.

Mayor

City Clerk

REGULAR MEETING

FEBRUARY 9, 2009 7:00 PM

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Hayes. Attending were Kevin Elmer, Barb Stillings, Charles McCorkle, Tracy Haist, Michael Durbin and Roger Meadows.

The Pledge of Allegiance was given.

MINUTES

The minutes of the January 7th, 12th and 22nd were approved as presented by unanimous consent.

FINANCIAL REPORT

The Financial Report was approved as presented by unanimous consent.

VISITORS

Jerry Blevins with Show-Me-Ozarks Real Estate was representing Why Not Investments and Stewart Limited Partnership. Mr. Blevins came to inform the Board about a 47 acre tract south of Nixa for sale. It is located south on Highway 160 across from Kelby Creek. He thought the City would be interested in purchasing this property for an Industrial Park. Elmer was concerned who the developer would be, because as a government entity that would put the City in competition with private businesses and developers. The Mayor agreed and said if the City purchased the property there would have to be a developer.

ORDINANCES

Bill #2009-21 annexation of 2.09 acres of land located on Northview Street owned by Albert and Kathryn Munzinger was presented for first reading. City Planner, Cossey explained that this annexation was requested by Albert Munzinger and then would be purchased by Brad Brody to construct a Tractor Supply Store. The 2.09 acres is part of 3.4 acres that the store will sit on. They are also requesting the property be zoned HC. The annexation request meets the Statutory Compliance which requires the property be contiguous to the existing city boundaries. The water and wastewater will be provided by the City of Nixa. A traffic study conducted by CJW Engineering identified the need for the dedication of a 40 foot road right of way from the centerline of Northview Rd. and improvements to the roadway. The applicant has agreed to contribute \$23,295.90 with the City using STP funds through the OTO for the remaining monies. The Furtherance Agreement has been signed by the Munzingers'. Staff has recommended approval of the request for annexation. McCorkle made a motion to approve Bill #2009-21 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2009-21 was presented for final reading. Haist made a motion to approve Bill #2009-21 on final reading and pass into law with Stillings seconding and Elmer, Stillings, McCorkle, Haist, Durbin and Meadows all voting aye on roll call vote.

Bill #2009-22 amending Chapter 23, Land Development Code Article II, Basic Definitions and Interpretations, Section 23-17, Definitions of Basic Terms to include Temporary Portable Storage Containers and amending Article XI, Supplementary Use Regulations, Part I General provisions to include Section 23-174, Temporary Portable Storage Containers was presented for first reading. City Administrator, Brian Bingle stated that we have incorporated all language that was discussed in the meetings. Temporary Storage Containers are permitted on commercial or industrial zoned property without limitations of the number of units, but not within the front setback line of the principal structure. The residential zoned sites will allow the Temporary Storage Containers for a 30 day period without a building permit when the resident is moving from or to the City or making repairs to the residence that do not require building permits. A resident wanting to place a Temporary Portable Storage Container on a

residential zoned lot while constructing or remodeling will need a building permit for the Portable Storage Container. Bingle informed the Board that he would like to add the words "website address" in paragraph g. The paragraph should read "A Temporary Portable Storage Container shall have no signage other than the name, address, website address and telephone number of the person or firm engaged in the business of renting or otherwise placing the storage unit. Brian Cates, 4953 S Tanager, Battlefield, MO, came forward from the audience and said that he supports this ordinance, and wanted to know if the renter of the storage unit could apply for the permit. The Mayor informed him that they could. Elmer made a motion to approve Bill #2009-22 on first reading with the amendment of adding the words "website address" and pass to second with McCorkle seconding and all voting aye. Bill #2009-22 was presented for final reading. Durbin made a motion to approve Bill #2009-22 on final reading with the amendment of adding the words "website address" and pass into law with Haist seconding and Stillings, McCorkle, Haist, Durbin, Meadows and Elmer all voting aye on roll call vote.

Bill #2009-23 amending Chapter 7, Electricity to include Section 25, Net Metering Service was presented for first reading. Public Works Director, Doug Colvin explained that this ordinance authorizes the City to incorporate Net Metering into our Electric Code in compliance with the Consumer Clean Energy Act and the Missouri Public Service Commission Rule 4. This ordinance establishes the availability of service, rates and special conditions. This allows the citizens to generate their own green energy and receive credits from the excess energy that goes back into our system. There is an application process for the citizens that want to use the Net Metering service. Durbin made a motion to approve Bill #2009-23 on first reading and pass to second with Haist seconding and all voting aye. Bill #2009-23 was presented for final reading. McCorkle made a motion to approve Bill #2009-23 on final reading and pass into law with Durbin seconding and McCorkle, Haist, Durbin, Meadows, Elmer and Stilling all voting aye on roll call vote.

Bill #2009-24 repealing Chapter 25, Article VII, Stormwater Management Plan, Part IV, Sediment and Erosion Control, and replacing in its' entirety, Chapter 25, Article VII, Stormwater Management Plan, Part IV, Land Disturbance, Illicit Discharge and Erosion Control was presented for first reading. Planner Cossey explained that this is an amendment to the existing ordinance. In March 2007 the City was granted a permit for MS4 from DNR that requires the City to adopt regulations to meet the Clean Water Act. This ordinance will update the erosion control requirements. Inspections will be required at the development site by the City's Subdivision Inspector and DNR will have spot inspections at the development site also. The Mayor stated that now the City is responsible to make sure the developer's are in compliance with the stormwater control. Haist made a motion to approve Bill #2009-24 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2009-24 was presented for final reading. Meadows made a motion to approve Bill #2009-24 on final reading and pass into law with Durbin seconding and Haist, Durbin, Meadows, Elmer, Stillings and McCorkle all voting aye on roll call vote.

RESOLUTIONS

Resolution #2009-21 approving the Preliminary Plat of Brad & Dad Phase 2 (Tractor Supply) was presented. Planner Cossey explained that a preliminary plat was submitted by Brad and Dad LLC for 4.52 acres that consists of two lots. This is a continuation of the annexation you had previously. Lot 1 is 3.4 acres and zoned Highway Commercial and lot 2 is 1.059 acres and is zoned Light Industrial. The applicant will be responsible for the dedication of a 40 foot right of way from the centerline of Northview Road to meet qualification of OTO. Lot 2 will need the applicant's dedication of 10 feet adjacent to Kenneth Street to accommodate a 50 foot corridor. The planning department is working with the owners of lot 2, Allied Paint and Harter House on rerouting Kenneth Street to meet the requirements of the OTO. Lot 1 has a sinkhole on the northwest corner which accommodates water drainage. McCorkle asked about the entrances to the Tractor Supply Company. Cossey informed him that there were two entrances, one on the east side and one on the west side of the lot. Elmer asked if the sinkhole would take care of there water drainage and Cossey said no, they will need stormwater retention on lot 2. Cossey informed the Aldermen that staff recommends the approval of the preliminary plat. McCorkle made a motion to approve Resolution #2009-21 with Haist seconding and all voting aye.

DISCUSSION ITEMS

Public Works Director, Doug Colvin presented the bids for the Espy Substation. He said we received bids January 30, 2009 for the expansion of the Espy Substation. We received 6 bids ranging from \$90,133.00 to \$201,528.00. Storee Construction of Stafford, Missouri was the low bidder and they have received very good recommendations from those we contacted. City Staff and the City's consulting engineer recommend the City award the bid to Storee Construction. Haist asked why there was such a big difference in the bids. Colvin informed the Board and he double checked the bids because of the large difference of the bids. Colvin explained that there are a lot of contractors looking for work, so they are bidding jobs that they normally don't bid. Haist made a motion to accept Storee Construction's bid of \$90,133.00 for the expansion of the Espy Substation with McCorkle seconding and all voting aye.

Bingle informed the Board that the Police Department has received a \$500.00 unsolicited grant for traffic enforcement. The grants time frame will be March 15th through March 31st 2009 to target safety belts among the youth. The Police Department is asking for the Boards authorization to accept this grant. Stilling made a motion to accept the \$500.00 grant for the safety belt program with Haist seconding and all voting aye.

MAYOR AND ALDERMEN REPORTS

Mayor Hayes informed the Board that he received a complaint from a gentleman about the time limit he has to pay his utility bill. He said he pays his bills on time and is never late, but he always receives a late notice in the mail. He doesn't like everyone thinking he doesn't pay his bills. Mayor Hayes said that his payment and the notice must be crossing in the mail. Mayor Hayes said we have been billing the residents the same way for years.

ADJOURNMENT

There being not further business, the meeting was adjourned at 7:50 PM

Mayor

City Clerk

AGENDA WORK SESSION

March 4, 2009 12:00 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Charles McCorkle, Kevin Elmer, Barb Stillings, Tracy Haist, Michael Durbin and Roger Meadows.

City Administrator, Brian Bingle explained the relocation of Kenneth Street that the Aldermen have approved. The City will be using STP fund for this project. Donna Swatzell, Finance Director has prepared a spread sheet showing that we do have funds available to proceed. The OTO said we are in line to receive double of what we were expecting. Donna handed out the March 2009 Street Department Status Report and explained it to the Aldermen. Donna said this is an exercise she goes through at the end of the year. This report shows that we do have enough funds for the improvement of Kenneth Street if we stay on budget. Bingle said this will be on Monday night's agenda.

Bingle informed the Board that Shaffer and Hines is submitting an application for a stimulus package on Water and Wastewater at no charge to the City.

Bingle explained that Chief Bacon has requested that we annex sections of streets that are not in the City so the officers can enforce the law. Chief Bacon said when there is a wreck in one of these areas; it takes time to determine if the accident is inside or outside the City, before they can work the incident. These areas are only on state highways.

Bingle informed the Board that there is a special legislature being introduced on road districts that could help in our situation. Jay Wasson gave us a copy of the Bill to see if it could help the City solve our road district problem. We have to take to the voters to dissolve the Nixa Special Road District and create a new road district for the City. Mayor Hayes wants to know if we would be in support of this House Bill #573. The Aldermen agreed to let Wasson know that this Bill could help the City.

Bingle informed the Aldermen that there is meeting about the South Sanitary Sewer Truck line March 5th at 6:30 pm to visit with the Property owners.

Bingle informed the Aldermen that there is no written policy for the accounts payable clerk. We will audit the current company's we do business with. Accounts Payable has rules and regulations to follow yet there are deficiencies that we will have to change and enforce. We relied on the supervisors to check the ladings and now we will have the purchase agent do the ladings. We are doing inventory of supplies. Brian and Donna meet with Marshall Decker, Auditor, Monday and he said we have a formal process procedure. Chief Bacon is in the process of questioning the public works employees and the finance employees. Pat Sweeney will file a civil law suit against Covington.

Attorney Sweeney explained that Covington and Griggs registered their businesses with the State. If they wouldn't have registered with the State we would not have known the owners of the fictitious companies.

Stillings explained that she knew a company that got references from the company's that they were interested in purchasing from. Bingle informed the Aldermen that Donna is inquiring how other company's check the business they want to purchase from.

Bingle informed the Aldermen that the bid opening for the dog pound is Monday.

At 12:25 pm McCorkle made a motion to go into executive session pursuant to RSMo 610.021 to discuss litigation with Stillings seconding and Meadows, Elmer, McCorkle, Durbin, Stillings and Haist all voting aye on roll call vote.

Members returned to regular session at 1:20 PM.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:20 PM.

Mayor

City Clerk

REGULAR MEETING

MARCH 9, 2009 7:00 PM

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Hayes. Attending were Kevin Elmer, Barb Stillings, Charles McCorkle, Tracy Haist, Michael Durbin and Roger Meadows.

The Pledge of Allegiance was given.

MINUTES

The minutes of the February 4th, 9th were approved as presented by unanimous consent.

FINANCIAL REPORT

The Financial Report was approved as presented by unanimous consent.

Aldermen Elmer made a motion to amend the agenda by adding the discussion of the Purchase and Inventory Policy with McCorkle seconding and all voting aye.

VISITORS

Ken Thrasher, 1666 Timber Lake Dr, came to represent Lola's Pastry's on the sign ordinance. They put a sign at Fort Street and Hwy 14 on Auto Zone's property with their permission. A City employee removed the sign without notifying them. The ordinance has no regulations or zones for the off-premise signs. McCorkle said that they would look over the sign ordinance and it will be addressed.

Dr. Stephen Klinessmith and Glenn Scott with the Nixa School District came to inform the City what is on the School Bond issue. There will be 5 projects; a new 5-6 grade school, expanding the Early Learning Center, a facelift to Thomas Elementary entrance, a district technology center, remodel Main Street Elementary into the district's Central Office, complete various capital projects, and pay off the district's lease purchase agreement. There will be no increase in the Tax Levy and they would like the support of the City.

Sharon Whitehill-Gray, Chamber of Commerce is also concerned about the sign ordinance. The Chamber would like the City to address it as soon as possible.

Chris Pedersen, 1245 Verna Lane, said he read the article about the theft with Covington and we need to fire Bingle. He said we need to file a civil Rico against Covington and gave the City Attorney a copy of the civil Rico.

Steve Tallaksen, 711 Rice, said that we have two Aldermen on the Board that are leaving and this is a thankless job. He appreciates the time and effort they have put in.

DISCUSSION ITEMS

Rance Duffy with the Nixa Fire Department gave a presentation on the Christian County ¼ cent Sales Tax for the 911 Emergency Response. The 911 dispatch departments receive their funding from the tariff tax on land lines. The revenue from landlines has dropped so much that it is not enough to fund 911. Tariff tax on cell phones is not permitted under state law and cell phone calls make up about 65% to 75% of all 911 calls. The 911 Board is short \$435,000.00 yearly and must be supplemented by the City of Nixa and the Nixa Fire Department. Currently there are two different 911 systems in Christian County, the two dispatch

systems have to make calls to each other to cover all the area in Christian County which takes extra time. The county wide ¼ cent sales tax will remove the landline taxes. The 911 Emergency Response Board of Directors will consist of seven Christian County Departments. They are the Christian County Sheriff, Ozark Fire Chief, Ozark Police Chief, Nixa Fire Chief, Nixa Police Chief, Director of Office of Emergency Management and Director of the Ambulance District of Christian County.

Bingle requested a budget amendment for the improvements on Northview Street from Highway 160 west approximately 550 feet and realignment of Kenneth Street. Shaffer and Hines prepared a proposal for the improvements and the realignment for \$4,550.00. McCorkle made a motion to approve this amendment with Meadows seconding and all voting aye.

Bingle informed the Aldermen that Chief Bacon has proposed that the City annex portions of highway 14, M and 160 that are not inside the City. This will help the Police Officers enforce the law in these sections. Stillings made a motion to prepare legal descriptions and a annexation proposal for these areas with McCorkle seconding and all voting aye.

Bingle informed the Aldermen that during the Cherry and Main Street stormwater improvements, Miller-Blevins ran into a waterline that needed to be lowered which cost \$3,197.10 to complete. Staff recommended that they proceed and lower the water line. Doug Colvin suggested that the City pay for this out of the Water Department budget. Haist made a motion to accept the change order to lower the water line with Meadows seconding and all voting aye.

Bingle informed the Aldermen that the City has received numerous complaints and there are pictures in your packet of the tractors and trailers parking on Eagle Pride Way and our codes indicate that there is no parking on our streets over 24 hours. We also adopted a provision that tractor trailers are not allowed on residential streets. Chief Bacon said that the officers can write tickets to the owners of the trucks, but the fine isn't that significant, so the owners are willing to pay the fine so they have a place to park their trucks. We have no ordinance to be able to tow the vehicles if they remain. Bacon suggested that we revisit the ordinance and have the Aldermen give input on what they want us to do. Haist said she has been recording these trucks for some time and thought maybe we could put up signs saying no tractor trailer parking and see how that works. Durbin said that the pictures indicate a large amount of leakage from these trucks and can we see if we can ticket them on that also. McCorkle gave Bacon a list of what he has in mind to do. Mayor Hayes asked Chief Bacon if he would prepare an ordinance and bring it back to the Aldermen next month. Sharon Whitehill-Gray with the Chamber of Commerce stated that she drives that street every day and most of the trucks are probably owned by the people that live in those apartments. Maybe the City could designate a place in town they could park their trucks.

Elmer reminded the Board that he sent a letter March 3, asking the members of the Board of Aldermen to look at what has transpired with the handling of purchases with Mr. Covington and Mr. Griggs. He informed the Aldermen that he has reviewed all articles that he requested. The privileged information that is at City Hall was reviewed and he found the allegations that the City charge card that was being wrongly used has no truth to it. Everything is documented on the use of the charge cards properly. We can only look at the crimes that were committed and look where the break down was. Durbin asked if the information that he looked at is available for him to review, Bingle informed him that they all could. Elmer informed the Board that he asked to see the executive session minutes for the time around April, 2006 and there was no mention of the Aldermen reviewing records of the investigation at that time. Durbin asked if there was a police report of the 2006 theft, Bingle said yes. Elmer stated that the City has a Purchasing Policy and it was revised 2007 and it needs redoing to eliminate what transpired in this case. Elmer said in the Purchase Policy Section 2, the Purchasing Agent shall, Subsection Part 10 inspect all deliveries quality and quantity. Elmer asked who the Purchasing Agent is and Bingle replied that is Mary Tronnes in the Finance Department. McCorkle asked if Mary Tronnes can be the receiving person. Bingle informed the Aldermen that we have audited our purchasing procedures as of the 17th of last month. We are asking other cities how they do receiving of items and verifying authenticity of companies and about their bill of lading. We have stopped gaps in the process to alleviate this from happening again. Elmer asked what gave her the authority to be the purchasing agent and Bingle replied that we hired her as purchasing agent after the Aldermen let the City create the position. Bingle said we audit all departments of the City and after hiring Donna

Swatzell we decided that we needed a purchasing agent. Elmer said after reviewing City Ordinance Chapter 2, Article 9 Administration, Section 2-210 Duties of the City Administrator, Subsection Part B states that the City Administrator shall be the purchasing agent. How does this mesh with having another purchasing agent? Bingle replied that we need to revise the ordinances on where the responsibilities lie. Elmer stated that the Purchasing Policy, Section 8, Subsection part 2, purchases of \$201.00 - \$2000.00 shall be made with regard for competitive prices and quality and that purchases for \$201.00 or more must have a purchase order and be approved by the department head. Elmer asked who is a department head. Bingle explained that it is interpreted as the supervisor and they can acquire purchases up to \$2000.00. We now have reconsidered that and have disallowed this until we modify the procedure. Durbin stated the Board of Aldermen responded to the State Auditor, that the manager will be responsible for collections and monitoring of inventory of products. Durbin asked if the manager is defined as the supervisor as well. Bingle replied, no the manager is the department head and they are responsible of inventory. Elmer stated that in the Chapter 2, Section 211 Powers of the City Administrator, Subsection Part A, the City Administrator shall have the responsibility for all inventories of such property. Elmer asked, how does your day to day responsibility of this ordinance fit into what transpired in the Covington case. Bingle replied that he relies on his department heads to manage the operations of their departments and maintain accurate inventory of all products. Elmer stated, also in Section 211, Subsection part B that the City Administrators power to investigate, examine and inquire about the operations of any department and you shall report on any condition requested by the Board of Aldermen or Mayor. In the prior investigation of Covington at the request of the Mayor, what step did you take to investigate the 2006 theft? Bingle replied that he gave the request to the Chief Belin to investigate and he submitted the report to the Board of Aldermen. There was no information that would substantiate theft of products or the claims that were made in the letter. Durbin asked if the Chief of Police investigated other employees or just Covington. Bingle said that he doesn't have the report with him, but he believes it included more than Covington in regards to the theft. Haist informed the Aldermen that she was an Alderman at that time, and they gave this to the Chief of Police to look at. We put our faith in the Chief to investigate the theft and what he came back with was enough to tell them there wasn't enough to go any further. Elmer asked why there were no minutes of the meeting. Bingle replied that he would have to ask the City Clerk at that time which was Miss Patrick. Elmer asked Mr. Bingle if he feels any responsibility for permitting Covington's actions to occur. Bingle replied, absolutely, he is the manager of the City. He said that he places a lot of reliance on the senior staff and supervisors. There actions reflect poorly on me and I accept full responsibility for them. Durbin asked Bingle if to his knowledge, was there any other wrong doings by Covington and Griggs. Bingle replied, no, not that he is aware of.

INFORMATION

Bingle informed the Aldermen that he received a letter from the IBEW requesting a meeting be scheduled to meet and confer with the Electric Department. The meeting is set for April 6 at 3:00 pm.

ADJOURNMENT

At 8:00 PM Haist made a motion to go into executive session pursuant to RSMo 610.021 to discuss litigation. Stillings seconded with Elmer, Stillings, McCorkle, Haist, Durbin, and Meadows all voting aye on roll call vote.

Members returned to regular session at 8:40 PM.

There being no further business, the meeting was adjourned at 8:40 PM.

Mayor

City Clerk

AGENDA WORK SESSION

April 8, 2009 12:00 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Charles McCorkle, Kevin Elmer, Barb Stillings, Tracy Haist, and Michael Durbin. Roger Meadows was absent.

Mayor Hayes presented Linda Galligher and Doug Colvin a certificate of service for 5 years. He presented Trish Atkinson a certificate of service for 15 years.

Mayor Hayes presented a proclamation and City pins in recognition of the Nixa Lady Eagles Basketball Team and their coaches for the accomplishment of winning the 2009 Class 5 Show-Me Showdown Final Four Championship.

City Administrator, Brian Bingle informed the Aldermen that the City will purchase 4 signs that indicate the Lady Eagles Basketball Team State Championship and place them at the city limits. The signs will remain up for 3 years and the cost will be \$3,400 to \$6,800 depending on the size. Mayor Hayes recommends we purchase the signs in recognition of the teams' championship as we have done in the past.

Finance Director, Donna Swatzell presented the new purchasing policy for receiving and purchasing. This policy is implemented for immediate action. She explained that she has set in place, vendor verification forms and W-9 forms that have to be filled out and returned before city employees can purchase from them. At the current time we have received 80% of the vendor forms back that were sent out. Finance Department will make a list of vendors that the employees are allowed to buy from and this list will be update as needed. The purchasing agent will keep a log of purchases. This new policy will be used until she can rewrite the entire policy, because it is a work in progress. Each department will inventory all supplies and tools on hand. They are looking at new software for purchasing.

Bingle explained that the City is able to receive \$366,000.00 from the American Recovery and Reinvestment Act of 2009. The City has until February 17, 2010 to use these monies. This amount is calculated by population. Mayor Hayes met with Representative Jay Wasson, Jim Anderson (Missouri Highway Commission), Kurt Juranas (MoDOT) and staff to discuss improvements of Hwy 160 or Hwy 14. They decided that Hwy 160 would provide more to the community, but it would cost \$45 million which was more than we would receive from the stimulus package. Staff met with Christian County Commissioners, City of Ozark, and OTO to discuss co-mingling our stimulus monies on a project that would be good for all three entities. They decided that Hwy CC project would be the best for three entities. With the ARRA monies from Christian County, Ozark and Nixa, we could complete the engineering of Hwy CC. After using \$300,000.00 towards Hwy CC project, the City would have 66,939.00 remaining. Christian County agreed to transfer their unexpended amount to Ozark and Nixa. This would leave the City with \$119,912.00 to use on other projects. Staff recommends that the Board authorize the use of the \$119,912.00 on the engineering of Hwy 14 and Hwy 160 intersection. This project cost is \$161,750.00. This would require the use of STP funds in the amount of \$17,470.00 and \$4,367.00 of the streets reserves. This would complete two shovel ready projects. Mayor Hayes thought Hwy 160 project was needed, and Springfield is looking at it, but it will take time. Durbin is uncomfortable with accepting the stimulus money, because he feels that there are strings attached and the money will have to be paid back in time. Jay Wynn with CJW informed the Board that there is a rumor that there is a second stimulus package in the works. Staff also gave the Board a list of the 2010 Transportation Improvement Programs. Christian County Commissioner Grubaugh will attend the Monday night meeting to present the Hwy CC project to the Board.

Bingle reminded the Board of the truck parking problem on the city streets from last months meeting. Staff has recommended making a truck route. He presented an ordinance that designated trucks over 7,000 pounds should travel on a truck route and are restricted from parking on city streets. This will be presented to the Board Monday night. Chief Bacon informed the Board that he will need to purchase two boots to attach to the trucks for illegal parking in the streets. The boots will cost approximately \$1,500.00. Chief Bacon said they will notify the trucking companies of the new ordinance and will publish the information in the newspaper. The Police Department will give out warnings to truck drivers for 30 days after the ordinance is passed, so they will be informed of the new law.

Bingle informed the Board that the sign ordinance has been updated seven times since 1988. The sign ordinance has been revamped by an Ad-hoc committee in 2008. McCorkle thinks that with the economic conditions we could consider letting the businesses put out signs for off-site businesses. Bingle asked the Board if we should ask the 1st tier business to give up their 10x20 sign for a 10x10 sign and allow the 2nd tier businesses to put up a 10x10 sign on the 1st tier's property. McCorkle said to leave the 1st tier business as is and allow the 2nd tier to put up a 10x10 sign on the 1st tier's property. Robin Reese with the Chamber of Commerce informed the board that they are working on a sign plan to bring to the Monday night meeting, for the Board to consider.

Bingle explained the Veteran Memorial information that was in their packet. The Veteran Memorial plan was brought to the City by Al Michaels. Mr. Michaels and the veterans of Nixa would like a place to put a Veterans Memorial. They thought one of the parks would be a good place for it. Mayor Hayes said that it needs to be put where there is electric close by. Park Director, Hasner thought that the eastside of the tennis courts would be a good location. Hasner will look at different options for the location in the park.

Bingle explained that the City has conducted an inventory of businesses on Basic/Non Basic Industries to find out what the city needs. The results are in the packets. Durbin asked the City to look at the dual loop of fiber optic for the businesses in the City.

Chief Bacon informed the Board that there is a COPS Hiring Recovery Program Grant that is in the Stimulus Package that he needs the Boards approval to apply for. Bacon explained that this grant is for two police officers, they base the number of positions that you can have is by the growth of the City. The grant provides 100% funding for three years with the requirement that we keep the officers for one year following the conclusion of the grant. Chief Bacon said he would make one officer an investigator and one patrolman. The City's cost would be approximately \$100,000.00 for the fourth year and if we don't need them, the fifth year we would let them go. In five years we will probably need more officers anyway. The deadline is next Tuesday so this will be brought to the Board Monday night. Chief Bacon said he has two more grants he would like to apply for and they are non matching grants. The first is for forensic equipment for the investigators and the second is to connect the computers in the police cars to the Mules terminal, the deadline is April 27th. Haist made a motion to authorize Chief Bacon to apply for the COPS Hiring Recovery Program Grant with McCorkle seconding and all voting aye. The other two grants will be brought back Monday night.

Bingle informed the Board that the Personnel Handbook changes will be presented Monday night. They are Mutual Aid Emergency Pay for employees that we send to other city's for an emergency situation; Ethical Standards/Conflict of Interest for employees that have delinquent accounts with the City; Leave for new employees; Meal Allowance and Travel Policy for employees going out of town on city business; and Mileage Reimbursement Policy for employees that use their personal vehicles on city business.

Bingle explained the bids for appraising property easements from South Main Street to the Treatment Plant. Staff recommends Vinson Appraisal because they have done work for the City before and they did a good job, they are good to work with. This will be brought before the Board Monday night.

Bingle explained the bids on the architects for the dog pound. The City received 8 proposals; staff reviewed them and recommends Jennifer Wilson Architects, LLC. who will work with Great River Engineering.

Bingle explained that the design on Northview Road is completed. Colvin will present the recommendation for the project Monday night

Bingle informed the Board that the Police Department needs another Balloon light for DWI checkpoints. Chief Bacon asked MoDot for funding and they informed Bacon that it will be a reimbursement grant. This will be brought to the Board Monday night.

Mayor Hayes explained that Mr. Nance came to the City asking us to annex his home on South Main Street because he needs utilities. The Mayor told him that it has to meet statutory requirements and to get inspections from the City. He did not get any inspections and he has storm water drainage problems. City Planner, Cossey

informed the Board that he has had several conversations with Mr. Nance in the last year and a half. Mr. Nance wants to hookup to the water and sewer early because of financing. Staff does not recommend approval of the annexation because of the street is only 10 foot wide, that does not meet minimum city standards, it need to be 50 foot wide. He has a storm water problem that runs onto the homes south of his property. They house has not had any inspections and the nearest sewer is located south of him. The City would need an easement from the property owners that has the storm water problem that drains from his property.

Bingle informed the Board that Harter House is applying for rezoning from LI to GC. This will be brought to the Board Monday night.

There being no further business, the meeting was adjourned at 1:50 PM.

Mayor

City Clerk

REGULAR MEETING

APRIL 13, 2009 7:00 PM

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Hayes. Attending were Kevin Elmer, Barb Stillings, Charles McCorkle, and Michael Durbin. Roger Meadows and Tracy Haist were absent.

The Pledge of Allegiance was given.

MINUTES

The minutes of the March 4th and 9th were approved as presented by unanimous consent.

FINANCIAL REPORT

The Financial Report was approved as presented by unanimous consent.

OATH OF OFFICE

City Clerk, Long issued the oath of office to the newly elected officials: Charles McCorkle, Steve Tallaksen and Kyle Vogel, Aldermen.

Election of President of the Board of Aldermen was held. McCorkle nominated Stillings as the President of the Board. Barb Stillings nominated Michael Durbin as President of the Board. The Mayor took the vote for Stilling as President of the Board and all voted aye.

Mayor Hayes informed the Board that they would need an emergency executive session pursuant to RSMo 610.012 on personnel. Tallaksen made a motion to amend the agenda to add an executive session pursuant to RSMo 610.012 on personnel, with McCorkle seconding and all voting aye.

VISITORS

Al Michaels came to ask the City's support and for an area to put a Veterans Memorial. He stated that there are many veterans that live in Nixa and the VFW and Legion want to establish a Veteran Memorial in the City. The Veterans are ready to support a memorial and thought one of the City Parks would be a good location. Mayor Hayes said the board does support it and Kelly Hasner, Park Director offered to look at sites in the Parks with Al Michaels. Mayor Hayes told Mr. Michaels to find a location and bring it back to the Board for approval.

Karen Kever, 405 Lynn Street, Mayor Hayes explained the history of her stormwater drainage problem. Hayes, Pendergrass and Hines went and viewed the property. The Mayor told her in the past that she could close the drainage pipe because we do not know who put it there and the City doesn't have an easement. Miss Kever closed off the drainage pipe that is on the west side of her property and now the water is in the street. She wants to know the status of the water problem. Cossey, City Planner said that he, Pendergrass and Shaffer and Hines looked at the property and the drainage problem. Cossey said Shaffer and Hines informed him that it will cost \$500 to \$600 for taking shots of the elevation to determine what can be done. Mayor Hayes said the City will have to have shots taken to get the cost to fix the water problem. Mayor Hayes informed the Board that this is on private property and we do not have a stormwater fund. The Board will have to decide if the City wants to expend money for the shots. The Board agreed to have the City pay for shots of the elevation.

Sharon Whitehill-Gray with the Chamber of Commerce presented the campaign of B Vocal 4 Shop Local. This campaign looks at what citizens are spending outside the local businesses and what they could spend here. They are promoting citizens to shop local and asking citizens to bring back 5% of purchases to Nixa. Every month they will have something special going on with different businesses. The Chamber is asking for a moratorium for one year with signs no larger than 18x24. The signs placed off premises must have the property owner's consent and have a Nixa business license of located within the city limits of Nixa. They also want signs in disrepair removed. Mayor Hayes informed the Chamber that citizens have called and complained about businesses putting their signs on their property without permission and they have to mow around them. Mayor Hayes told Sharon to get with Cossey to work on the ordinance and bring it back to the Board.

PUBLIC HEARINGS

Mayor Hayes opened the public hearing on the rezoning of the 2 acres at 815 Kenneth Street from M1 to HC. Cossey explained the request of the rezoning by Munzinger, they are currently under contract with Harter House grocers. This land was in M1 which is industrial, but the area is changing to commercial businesses. The Planning and Zoning Board has approved the rezoning. City staff supports and approves the request and is asking the Board for their approval. No public comment was made and the hearing was closed.

ORDINANCES

Bill #2009-41 rezoning 2 acres on Kenneth Street was presented for first reading. Cossey said his information is the same that he gave in the public hearing. McCorkle made a motion to approve Bill #2009-41 on first reading with Stillings seconding and all voting aye. Bill #2009-41 was presented for final reading. Durbin made a motion to approve Bill #2009-41 on final reading and pass into law with Stillings seconding and Elmer, Stillings, McCorkle, Durbin, Vogel and Stillings all voting aye on roll call vote.

Bill #2009-42 authorizing the Mayor to sign an agreement with Green Valley LLC. for an electric power line was presented for first reading. Doug Colvin, Public Works Director, explained the construction of the new circuit line from Espy Substation for the Kelby Creek Subdivision. We are giving them temporary power so they can begin building houses. This line will only supply power to Kelby Creek, we will not allow other subdivision to hook up to this line, unless they sale or share the capacity by a payment from a new developer. Green Valley will provide the City with a letter of credit. They will build the electric line to the City's standards. Stillings made a motion to approve Bill #2009-42 on first reading with McCorkle seconding and all voting aye. Bill #2009-42 was presented for final reading. Tallaksen made a motion to approve Bill #2009-42 on final reading and pass into law with McCorkle seconding and Stillings, McCorkle, Durbin, Tallaksen and Elmer all voting on roll call vote and Vogel abstaining.

Bill #2009-43 amending Chapter 12 to include a designated Truck Route was postponed until next months Board meeting, because the wording of how we would enforce the ordinance.

Bill #2009-44 amending Chapter 25 Technical Specifications, 25-20 Excavation and Trenching, 25-21 Installation of Main, 25-28 Sewer Pipe, 25-30 Sewer Acceptance Testing, 25-31 Waterline Acceptance Testing was presented for first reading. Cossey informed the Board that in January 2009 an Ad-hoc committee had been formed to look at changes to the Technical Specifications Codes. The committee agreed that the following items needed to be changed. Section 25-28 the depths less than 10 feet SCH-35 gasket-bell type pipe shall be used and all sewer pipe with a depth of 10 feet or greater shall be SDR-21 gasket-bell type pipe. Section 25-20 & 21 either 3/4" crushed limestone embedment pipe foundation material or sand if in accordance with the material manufactures design specifications. Sec. 25-30 & 31 changing engineer to City inspector. After a short discussion Durbin made a motion to approve Bill #2009-44 on first reading with McCorkle seconding and all voting aye. Bill #2009-44 was presented for final reading. Durbin made a motion to approve Bill #2009-44 on final reading and pass into law with Stillings seconding and Durbin, Vogel, Tallaksen, Elmer, Stillings and McCorkle all voting aye on roll call vote.

Bill #2009-45 amending Chapter 23 Land Development Code Sec. 23-277 Street width, Sidewalk and Drainage requirements in Subdivisions was presented for first reading. Cossey explained that this would give the developers a choice of a 27 foot street measured from back of curb to back of curb with parking on one side or a

30' street measured from back of curb to back of curb with parking on both sides. The Aldermen asked if this was for the collector streets. Cossey said no it is for the local streets in the subdivisions only. After a long discussion Tallaksen made a motion to approve Bill #2009-45 on first reading with Vogel seconding and Durbin, Stillings, McCorkle, Tallaksen and Vogel voting aye and Elmer voting nay. Bill #2009-45 was presented for final reading. Durbin made a motion to approve Bill #2009-45 on final reading and pass into law with Vogel, Tallaksen, Stillings, McCorkle and Durbin all voting aye on roll call vote and Elmer voting nay.

Bill #2009-46 amending Chapter 23 Land Development Code Sec. 23-146 Residential Districts Established was present for first reading. Cossey explained that this ordinance is part 1 of 2 parts, to establish a R1 District. The next ordinance will be to remove the R7 and R11 Districts next month. The City has two single family residential districts and the property size does not regulate the home size. The R1 district will have a minimum lot size of 6,500 square foot per family. The existing ordinance minimum lot size is 7,000 square foot per family. If this ordinance is passed it will replace the R7 and R11 districts for single family homes. The 6,500 square foot lot size will result in more lots along the streets. Durbin said this will provide an incentive for the builders to come back to Nixa to build. Elmer and Vogel are concerned about the street width, increase in density and less green space for the neighborhoods. Elmer said the cost of land is the main issue and we can't legislate the price. Mayor Hayes explained the more lots will lower the price of the starter homes. Elmer left the chamber for an emergency phone call. After a long discussion Durbin made a motion to approve Bill #2009-46 on first reading with Tallaksen seconding and Stillings, Tallaksen, McCorkle and Durbin voting aye and Vogel voting nay. Elmer was not present. Bill #2009-46 was presented for final reading. McCorkle made a motion to approve Bill #2009-46 on final reading and pass into law with Durbin seconding and Tallaksen, Stillings, McCorkle, Durbin voting aye on roll call vote. Vogel voted nay and Elmer was not present.

Bill #2009-47 authorizing the Mayor to sign an agreement with Vinson Appraisal for appraisal services on the City's southeast sanitary sewer trunk line was presented for first reading. Mayor Hayes explained that this is an agreement for Vinson to appraise the easements that we need to put the southeast sanitary sewer trunk line in. Colvin informed the Board that the cost will be \$6,400.00 to appraise the easements at \$400.00 per report. Mayor Hayes said that Vinson isn't the lowest bid, but she was second lowest. Colvin said that she is very thorough in her work and her reports; she has done work for the City before. Tallaksen made a motion to approve Bill #2009-47 on first reading with Vogel seconding and all voting aye. Bill #2009-47 was presented for final reading. McCorkle made a motion to approve Bill #2009-47 on final reading and pass into law with Tallaksen seconding and Stillings, McCorkle, Durbin, Vogel and Tallaksen all voting aye on roll call vote. Elmer was not present.

Bill #2009-48 authorizing the Mayor to sign a contract with Shaffer and Hines Inc. to perform all civil engineering design of the City's newly proposed dog pound was presented for first reading. Colvin informed the Board that the cost of the civil engineering will be \$5,890.00 for site layout and we may need a water and sewer line extension design and possibly stormwater design if necessary. Tallaksen made a motion to approve Bill #2009-48 on first reading with Stillings seconding and all voting aye. Bill #2009-48 was presented for final reading. McCorkle made a motion to approve Bill #2009-48 on final reading and pass into law with Durbin seconding and Stillings, McCorkle, Durbin, Vogel and Tallaksen voting aye on roll call vote. Elmer was not present.

Kevin Elmer returned to the meeting.

Bill #2009-49 authorizing the Mayor to sign a contract with Jennifer Wilson Architect LLC. to design the City's newly proposed dog pound was presented for first reading. Chief Bacon informed the Board that they received several bid on the dog pound. They reviewed all the bids and they believe Jennifer Wilson is the architect the City should use. McCorkle made a motion to approve Bill #2009-49 on first reading with Vogel seconding and all voting aye. Bill #2009-49 was presented for final reading. Tallaksen made a motion to approve Bill #2009-49 on final reading and pass into law with Vogel seconding and McCorkle, Durbin, Vogel, Tallaksen, Elmer and Stillings all voting aye on roll call vote.

Bill #2009-50 authorizing the Mayor to sign a contract with Shaffer and Hines Inc. to perform engineering design Northview Road Construction design project was presented for first reading. Colvin explained that this

is known as a local project authority process through MoDOT. This was on our OTO plan; we will use some of our OTO funds for this project. They require that we solicit for qualification. We received interest from three companies; Shaffer and Hines Inc., CJW Transportation Consultants and Mathews and Associates. The three companies were ranked by several staff members. Staff recommends Shaffer and Hines for this project. Next month we will bring back an agreement from the Hwy Transportation Commission authorizing the use of these funds. Mayor Hayes added that this is 525 foot on Northview Road west of Hwy 160. Durbin made a motion to approve Bill #2009-50 on first reading with Tallaksen seconding and all voting aye. Bill #2009-50 was presented for final reading. McCorkle made a motion to approve Bill #2009-50 on final reading and pass into law with Durbin seconding and Durbin, Vogel, Tallaksen, Elmer, Stillings and McCorkle all voting aye on roll call vote.

RESOLUTIONS

Resolution #2009-41 approving changes in the Personnel Handbook was presented. Sharon Hankison, Human Resources Director, explained that the Mutual Aid Pay is for employees that we send to other towns to help in an emergency situation. The policy explains the hourly rate of pay and lodging. The Ethical Standards/Conflict of Interest policy states that city employees must pay promptly any indebtedness to the City. Clarification of Eligibility of leave is a 90-day waiting period for new employees. Meal Allowance and Travel Policy explains the dollars amount allowed for meals, reimbursement for travel, and driving time. Mileage Reimbursement Policy explains the rate of pay employees will receive for using their personal vehicle, if the City van is not available. After a short discussion the Aldermen would like the clarification of the utility user in the Ethical Standards policy established. Tallaksen made a motion to accept Resolution #2009-41 with a clarification of the utility user in the Ethical Standards Policy. Vogel seconded with all voting aye.

DISCUSSION ITEMS

Mayor Hayes informed the Board that they have spoken with the City of Springfield, MoDot and Jim Anderson with the Missouri Highway Commission on spending the STP monies on Hwy 160 corridor and they decided it was out of our price range. He then spoke with John Grubaugh, Presiding Christian County Commissioner and discussed a cost share on Hwy CC with the City of Nixa using \$300,000.00, City of Ozark using \$300,000.00 and the County using \$300,000.00 of their STP monies. John Grubaugh said the county sent out RFP's to firms and they reported that Hwy CC has high economic growth. Grubaugh informed the Board that if all three entities do the cost share on Hwy CC the County will give their remainder of their monies to the City of Nixa and Ozark which will be approximately \$53,000.00 each. This will help the City's do another small project. Durbin ask if there are any provisions of using the STP funds. Grubaugh said that they watch you very closely, when you use the STP funds. Durbin is concerned that there may be strings attached to this money. Grubaugh informed him that the Federal Government has the same rules as they always use. McCorkle made a motion to authorize the City to expend \$300,000.00 for the Hwy CC project with Tallaksen seconding and Elmer, Stillings, McCorkle, Vogel and Tallaksen voting aye and Durbin voting nay.

Chief Bacon presented to the Board that they need another Balloon light for the DWI check point. This will be through the COP Grant and the purchase will be reimbursed to the City. McCorkle made a motion to authorize the Chief to apply for the COP Grant to purchase the Balloon lights with Vogel seconding and all voting aye. Chief informed the Board that he needs their authorization to apply for two more grants. A grant for forensic equipment for the investigators and a grant to connect the computers in the police cars to the mules terminal, these two grants are non-matching grants. Stilling made a motion to authorize Chief Bacon to apply for these two grants with Tallaksen seconding and all voting aye. Chief Bacon informed the Board that he will need their authorization to purchase boots to use on the trucks that are illegally parked. These boots will be used when the Board passes the Truck Route ordinance. McCorkle made a motion to authorize Chief Bacon to purchase two boots with Durbin seconding and all voting aye.

Park Director, Kelly Hasner asked the Board for their approval to purchase a Field Master machine for \$2,797.90 to prepare the ball fields. The machine is quicker and fewer games are rained out because the machine permits quicker and more complete drainage in the event of rain. To help pay for the machine the park will cut back on other maintenance projects. Durbin made a motion for the Park Department to purchase the Field Master machine with Vogel seconding and all voting aye.

Doug Colvin explained that he and Bingle meet with the representative from Professional Answering Service because we have been getting complaints from citizens when they call in on their electric outage. They were inquiring if there was something else we can do or another type of service we can get. The answering service gave them two options. The first one is that they can have a recording of all the calls, after a certain number of calls come in. The second option is they have instantaneous messaging, they then can send a text message to us. These are the areas they are looking at now.

Colvin informed the Board that they need to go back to the STP section in their packets because there are two items to discuss. He explained that the City needs the Boards authorization to expend the remaining \$66,000.00 from the \$366,000.00 STP monies that will be left over from the Hwy CC project and the \$53,000.00 from the county. This money will be used for the Hwy 14 and 160 intersection. The second item the Board needs to authorize is 2010 Transportation Improvement Program modification as follows:

- 2010 Construction of approximately 520 feet of Northview west of its intersection with US 160, \$240,770
- 2010 Construction of the north side of Gregg Road at its intersection with SH 14, including widening and signalization improvements, \$461,593
- 2010 Complete the engineering design of the SH 14/US 160 intersection, \$161,750
- 2011 Complete the engineering design of North Street from Century Elementary to Cheyenne Road, including Cheyenne Road's intersection \$282,368
- 2011 Complete the engineering design of Tracker Road west of Main to the US 160 intersection , \$95,000
- 2011 Complete the engineering design of Nicholas north of its intersection with SH 14, \$46,160
- 2012 Complete the engineering design of Main Street north of its intersection with SH14 to North Street intersection, \$106,000.
- 2012 Main Street construction project north of Aldersgate to Tracker Road, including the Tracker/Main Street intersection , with full signalization upgrades, \$2,052,469

Attachments: ARRA 2009 allocation
Cost estimate of US 160
Cost estimate of SH 14/Us 160 intersection
2010 TIP

On the first item, Vogel made a motion to authorize the expenditures of the \$66,000.00 and \$53,000.00 from the county to be used for the Hwy 14 and 160 intersection, with McCorkle seconding and Elmer, Stillings, McCorkle, Vogel and Tallaksen voting aye and Durbin voting nay. The second item, Vogel made a motion to authorize the amendment to the Transportation Improvement Program as listed with McCorkle seconding and all voting aye.

MAYOR AND ALDERMEN REPORTS

Durbin asked the Chief if we utilize the Missouri Information Analyzation Centers Report on the militia movement and do you distribute them to the officers in the line of duty? Chief Bacon replied that he does not.

Elmer is concerned about the decrease of Sales Tax and we need to keep an eye on it, there could be a substantial difference than last year. Donna Swatzell explained that this drop in sales tax could be the timing of when the businesses sent in their sales tax reports to the state.

EXECUTIVE SESSION

At 9:50 pm Durbin made a motion to go into executive session pursuant to RSMo 610.021 to discuss personnel with Stillings seconding and Elmer, McCorkle, Durbin, Stillings, Vogel and Tallaksen all voting aye on roll call vote.

Members returned to regular session at 9:55 PM.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:00 PM.

Mayor

City Clerk

AGENDA WORK SESSION

MAY 6, 2009 12:00 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Charles McCorkle, Kevin Elmer, Barb Stillings, Steve Tallaksen, Kyle Vogel and Michael Durbin.

Mayor Hayes presented a certificate to Brian Stockwell for 5 years of service with the City.

Mayor Hayes read a proclamation for Municipal Clerks Week and presented the proclamation to Judy Long, City Clerk.

Al Michaels presented to the Board a site at the Community Center for the Veterans Memorial. He also presented a design that he thought would work for the area, but has no amounts for the project yet. The reasons he picked this site was that there are flag poles already there, high visibility, adequate parking, handicapped parking, sidewalks, restrooms, electricity and security available. The Board approved the location and he will proceed with the project and get more details for them.

City Administrator, Brian Bingle informed the Board that Clayton Hines with Shaffer and Hines will present the shots of the Lynn Street area Monday night. Ron Shawgo, 317 S Market, informed the Board that there has always been a stormwater problem on Lynn Street and now it is worse. When we get an inch and a half of rain, it floods. He said it use to drain into the sinkhole, but now it doesn't, because the sinkhole is plugged up. Paul Major, 407 Lynn Street, said he knew there had been a flood from the water marks on the walls in the garage before he bought his house. Now that the culvert is plugged it can't drain. Mr. Majors took pictures of the water and children playing in it. He said if someone gets hurt he believes the City will be responsible. Mr. Majors gave permission to go through his yard with a drainage pipe. Ron Brooks, 404 Lynn Street, said that there has always been a problem, but now it is worse. He brought pictures of SUV driving through the water very fast several time for fun and the street is breaking up. He has to drive through the water to get home which is not good on vehicles. The flooding lowers his property value. Karen Keever, 405 Lynn Street said that 99% of the water is in her yard and she plugged the culvert because it isn't big enough for the water to drain through. She is only trying to protect her property. Mayor Hayes told them that Monday night, we will see the shots and the elevation and if there is anything that we can do.

Bingle informed the Board that Bridgewood Subdivision has complained that students are parking in their subdivision and the Home Owners Association has a covenant on no parking on the streets. They want the city to enforce the covenant. Mayor Hayes explained that if the students don't pay for parking, you can't park on school property, so they can park on city streets. He said we don't have the authority to enforce their covenant.

Human Resource Director, Sharon Hankison informed the Board that staff discussed the issue of garnishing an employees pay for their indebtedness to the City. Staff came to a conclusion that the City has to treat every citizen the same, so we will write a new Resolution for the Mutual Aid Emergency Pay, Eligibility of Leave, Mileage Reimbursement and the Meal Allowance and Travel Policies. The Board agreed.

Bingle informed the Board that the truck route ordinance has been revised allowing the police to put boots on trucks and trailer for parking in the streets. The ordinance will be presented Monday night at the Board of Aldermen meeting.

Bingle gave a brief explanation that Travis Cossey, City Planner, has revised the Sign ordinance. Bingle asked if anyone had any changes for the ordinance. Sharon Whitehill-Gray said that she intended for 3 signs to be allowed at intersections not 12 and she suggested the signs be no larger than 18x24 and no higher than 36". This ordinance will be presented Monday night.

Bingle informed the Board that the Lease/Purchase McCauley Park ordinance is done annually and will be presented Monday night.

Bingle informed the Board that the Sucker Day Street Closure ordinance is done annually and will be presented

Monday night.

Bingle explained that the Park Department will need a budget amendment Monday night for a new pool drain to comply with the Federal mandate and the VBG Act. The amount will be for \$4,958.18 for the drain.

Bingle advised the Board that the police department will need a budget amendment Monday night for the two boots that are needed to enforce the new Truck Route ordinance.

Chief Bacon informed the Board that he will need their authorization to apply for a \$2,000.00 grant for the Click It or Ticket program May 18 through May 31, 2009. This grant will be presented Monday night for the Board approval.

Chief Bacon advised Board that MoDot will give the City a \$30,000.00 equipped DWI van that the City of Springfield had and we borrowed several times. The only stipulation is that we allow other towns to use the van if it is available. McCorkle made a motion to accept the DWI van from MoDot with Stillings seconding and all voting aye.

Bingle gave a brief explanation to the Board that the fuel cost adjustment rate has decreased from .0174 to .0127 and this will be adjusted on the utility bills. This fuel adjustment is done twice a year.

Bingle informed the Board that Sharon Chapman in the IT Department has created a website for the Home Rule Commission. The website will have the minutes of the meetings and other information.

Bingle stated that the Joint School/City meeting has been cancelled.

Bingle informed the Board that Mr. Nance has withdrawn his petition for annexation.

Bingle informed the Board that the owner of 211 S. Main Street is requesting to be rezoned to M1 to conduct auto salvage and repair business. This will be presented Monday night.

Bingle explained the Chief is requesting the annexation of road right of way on Highway 160 and 14. The Planning and Zoning Board has approved the annexation. The Resolution of compliance for annexation will be brought to the Board of Aldermen Monday night for approval.

Bingle informed the Board that the Park Department will present where the parks are with their programs.

Bingle explained that the City needs a variance to connect to the sewer for the new dog pound.

The Mayors prayer breakfast is tomorrow morning at the Chamber at 7:00 a.m.

There being no further business, the meeting was adjourned at 1:15 PM.

Mayor

City Clerk

REGULAR MEETING

MAY 11, 2009 7:00 PM

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Hayes. Attending were Kevin Elmer, Charles McCorkle, Barb Stillings, Michael Durbin, Kyle Vogel, and Steve Tallaksen.

The Pledge of Allegiance was given.

MINUTES

The minutes of the April 8th and 13th were approved as presented by unanimous consent.

FINANCIAL REPORT

The Financial Report was approved as presented by unanimous consent.

VISITORS

Robert Haswell, 713 Briarwood, wrote a letter about the speed limits and stop signs in Nixa. He stated that the stop signs are not where they are needed. Mr. Haswell would like yield signs instead of 4 way stops at intersection and 35 miles an hour in every subdivision. He said that the city needs to follow the Federal Highway Administration Manual, Section 2B.05 on stop sign regulations and the city should hire a traffic engineer to do a study on our stop signs in accordance to the Federal Highway Administration Manual.

Mayor Hayes informed the Board that he got a phone call from the developer of Tractor Supply and Bob Massengale is here to answer any questions. The developer said that he is having difficulties with the numbers to work on the collector street price. We reduced the road construction fee to \$24,900.00 for them. He needs to keep the amount around \$50,000.00 to make the project feasible. The seller on the other side of the street has agreed to reduce their price by \$25,000.00. The Tractor Supply developer is asking the city to waive \$24,900.00 for the street costs. The developer said he would come down and show the Board his costs. Mayor Hayes asked the Board if they would entertain this idea. After a short discussion the Board agreed that the Mayor could talk to him and set up a meeting.

Sharon Whitehill-Gray with the Chamber of Commerce came to give an overview of the B Vocal 4 Shop Local campaign. They now have a steering committee for the B Vocal 4 Shop Local and they are creating a gift certificate program. You must be a member to participate. They hope this will encourage businesses and people in the community to use these gift certificates.

PUBLIC HEARINGS

A public hearing was opened on the rezoning of 211 S. Main Street from GC to M1. Earl Brown, owner of 211 S. Main said he bought the building and has plans to make it a hot rod shop and fix it up. Brian Keiser, a city employee and 15 year resident is helping him design the building. Keiser said it will have the Route 66 theme with cars painted on the fencing. Keiser presented a power point showing what the property will look like. Jason Guernsey, 213 S. Main Street, said he is very glad to have Mr. Brown's business there. No further comments were made and the public hearing was closed.

A public hearing was opened on the annexation of right of ways on Hwy 14, Hwy 160 and Hwy M. No public comment was made and the hearing was closed.

ORDINANCES

Bill #2009-51 rezoning 211 S. Main Street from GC to M1 was presented for first reading. City Planner, Travis Cossey explained that this property is GC (general commercial) but the property was M1 (light manufacturing) in 1960. In 2006 the city rezoned it from M1 to GC. The new owner, Earl Brown, is going to use this property for auto body work. Auto body work businesses must be in M1 zone. Staff and the Planning and Zoning Board recommend approval of the zoning change. Tallaksen made a motion to approve Bill #2009-51 on first reading with Durbin seconding and all voting aye. Bill #2009-51 was presented for final reading. Tallaksen made a motion to approve Bill #2009-51 on final reading and pass into law with Stillings seconding and Elmer, McCorkle, Stillings, Durbin, Vogel and Tallaksen all voting aye on roll call vote.

Bill #2009-52 amending Chapter 23, Sign was presented for first reading. Travis Cossey reminded the Board that the Chamber of Commerce asked for a change to the off-premise signs last month. Cossey presented the changes that the city staff and the Chamber agreed on; they will be in effect from May 11, 2009 through May 11, 2010. Vogel presented pictures of sign and posts in the city. He feels that there are already temporary signs in the city. After the Board discussed the signs, McCorkle made a motion to approve Bill #2009-52 on first reading with Durbin seconding with McCorkle, Stilling, Durbin, Tallaksen and Elmer all voting aye and Vogel voting nay. Bill #2009-52 was presented for final reading. Tallaksen made a motion to approve Bill #2009-52 on final reading and pass into law with McCorkle seconding and McCorkle, Stilling, Durbin, Tallaksen, Elmer all voting aye on roll call vote and Vogel voting nay.

Elmer left the chambers.

Bill #2009-53 renewal of series 1997A, a lease for facilities financed through the Public Building Corporation was presented for first reading. City Administrator, Brian Bingle, informed the Board that this is the lease on city facilities and we must pass annually. McCorkle made a motion to approve Bill #2009-53 on first reading with Tallaksen seconding and all voting aye. Bill #2009-53 was presented for final reading. Tallaksen made a motion to approve Bill #2009-53 on final reading and pass into law with Stillings seconding and Stillings, Durbin, Vogel, Tallaksen, McCorkle all voting aye on roll call vote. Elmer was not present for this vote.

Elmer returned to the chambers.

Bill #2009-43 amending Chapter 12 Motor Vehicles and Traffic to include Truck Route was presented. This ordinance was from the April Board meeting. Bingle updated the Board of the problem with tractor and trailers parking on city streets and we have no ordinance to cover this. The staff has written an ordinance to solve the problem by designating a truck route inside the city. The trucks can pick up or deliveries to areas off the truck route with proof of delivery ticket or ticket of lading. The Police Department will ticket a truck that doesn't have proof to be off the route and will boot the trucks that park in unapproved areas. After a short discussion McCorkle made a motion to approve Bill #2009-43 on first reading with Durbin seconding and Vogel, Elmer, McCorkle, Stillings, Durbin all voting aye and Tallaksen voting nay. Bill #2009-43 was presented for final reading. Durbin made a motion to approve Bill #2009-43 on final reading and pass into law with Durbin, Vogel, Elmer, McCorkle, Stillings all voting aye on roll call vote and Tallaksen voting nay.

RESOLUTIONS

Resolution #2009-51 approving closure of streets for Sucker Days was presented. Tallaksen excused himself from the chamber, because he serves on the Sucker Day Committee. Bingle explained to the Board the streets that are closed from noon May 15 through midnight May 16, 2009. These streets are closed every year for Sucker Day. Stillings made a motion to approve Resolution #2009-51 with Durbin seconding and all vote aye. Tallaksen returned to the chamber.

Resolution #2009-52 approving changes in the Personnel Handbook was presented. Bingle explained that staff removed the section on Ethical Standards/Conflict of Interest policy that states city employees must pay promptly any indebtedness to the City. The Resolution does include Mutual Aid Emergency Pay, Eligibility of Leave, Meal Allowance and Travel Policy and Mileage Reimbursement. McCorkle made a motion to approve Resolution #2009-52 with Durbin seconding and all voting aye.

Resolution #2009-53 approving the compliance of annexation of right of ways on Hwy 160, Hwy 14 and Hwy M was presented. Cossey explained the areas that are not in the city limits and how this causes confusion with different law enforcement agencies as to what agency is responsible for working the traffic call. The area to be annexed is contiguous and compact the existing boundaries of the City of Nixa. Staff recommends approval of the resolution. Vogel made a motion to approve Resolution #2009-53 with Tallaksen seconding and all voting aye.

DISCUSSION ITEMS

Bingle requested a budget amendment for the Police Department in the amount of \$1,600.00 to purchase two truck boots to enforce Bill #2009-43 Truck Route. McCorkle made a motion to approve this amendment with Stillings seconding and all voting aye.

Mayor Hayes introduced the budget amendment for the swimming pool drain for \$5,000.00. This is required by a Federal mandate. Durbin made a motion to approve this amendment with Vogel seconding and all voting aye.

Mayor Hayes reminded the Board of the Click it or Ticket Grant that was discussed at the last Wednesday meeting. Stilling made a motion to authorize Chief Bacon to proceed with the Click it or Ticket Grant with McCorkle seconding and all voting aye.

INFORMATION

Sharon Hankison, Human Resource Director, informed the Board that the City has received a Safety Award from the Missouri Rural Worker Compensation for a low ratio of costs and low number of injuries from April 2005 through March 2008.

Kelly Hasner, Park Director and Scott Parson, Assistant Park Director gave a presentation of the sporting activities they provide. They have basketball, volleyball, soccer, T-ball, girl's fast pitch, boy's baseball, adult coed slow pitch and men's baseball. Youth Basketball has 385 kids/ 48 teams that participate in an 11 week period; this equals out to 192 one-hour games and 319 one-hour practices. Girl's volleyball has an 8 game season with 144 girls participating. The Girl's Competitive league has two seasons with 16 teams. Access to gyms is a very critical issue; to the success of many of our recreational sports programs is the availability of gymnasiums. These gyms are in schools. Currently, we do not enjoy enough access to the Nixa school gyms, with the frequency and consistency needed to produce quality, stable and successful programs, in order to the demand. We use Nixa school gyms perhaps more than most parks departments use their community's schools largely due to our very successful Safe Base program. Safe Base used five school gyms for over 5,000 hours each school year. Youth basketball used school courts about 520 hours per season. Youth Soccer, spring and fall, has 448 kids/40 teams that play 120 one-hour games and 320 one-hour practices. Soccer fields are on school property, Cox Hospital property and at McCauley Park. Mighty Mites Football is not offered through the Nixa Parks Department. We provide the Nixa parent-volunteers space to conduct their registration, practice space and game fields. Approximately 475 Nixa kids participate. We have one adult ball field and two youth ball fields. We use two elementary schools for two more ball fields. These five ball fields are used by 1,230 players, 105 teams and 630 practices. The soccer program has ample space. We have insufficient gym time which will cause us to turn away players again this year. The insufficient quantity and quality of ball fields prevents the department from aggressively growing these programs. The City Parks Department needs an additional 50-60 acres to meet the recreational needs of 20,000 people.

Bingle gave a brief explanation that staff recommends putting a holding tank in the new dog pound instead of connecting to the sewer. The animal feces will be put into a holding tank and then will be transported to the treatment plant and added to the other sewage. In the future as the pound expands we can look at public facilities. McCorkle made a motion to approve the installation of a holding tank with Elmer seconding and all voting aye.

Bingle stated that Shaffer & Hines took shots of the Lynn Street property and is here to explain to the Board what they have. Clayton with Shaffer and Hines informed the Board that they took 4 hours of topographic shots of the Lynn Street sinkhole area to get the data. The floor of the sinkhole is 996 feet deep. The lowest lying area

in to drain the water is to the north of the three houses. There is not enough fall in the land to be able to drain the water, by the city's regulation it should fall one foot for every 200 feet. The city can not push the water onto someone else. Mayor Hayes stated that this area was developed when we didn't have stormwater control in place, so we don't have a solution for the stormwater problem on Lynn Street and we don't have the funds. We will continue to look at the problem. Karen Keever asked what the next step is. Mayor Hayes said we don't know why the sinkhole isn't draining. Keever wants the culverts widened to help with the water. Mayor Hayes informed her that would not help. Paul Majors 407 E Lynn said he bought his house 3 months ago and it has had water in it. The water is causing hazards and it destroying the street. After a long discussion, Mayor Hayes told them that we don't have a solution or the funds to correct the water problem, but we will keep looking at it.

Donna Swatzell, Finance Director, informed the Board that the sales tax is up somewhat and we are still watching our expenses.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:15 PM.

Mayor

City Clerk

AGENDA WORK SESSION

JUNE 3, 2009 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Kevin Elmer, Charles McCorkle, Barb Stillings, Kyle Vogel and Michael Durbin. Steve Tallaksen was absent.

Mayor Hayes presented a certificate to Matt Sloan and Rick Warfel for 5 years of service with the City.

City Administrator, Brian Bingle stated that Brad and Dad LLC., developer of Tractor Supply is asking the City to waive their entire participation cost. This project will cost the City \$600,000 and we normally have the developer to pay 1/3 of the costs. Mayor Hayes discussed this with Brad Brody and Bob Massengale. The Board needs to decide if we are going to do this. This area has a potential of future development. They are asking us to waive \$23,700.00. At this time the total road project is not just for the Tractor Supply project. We have already waived the cost of the traffic study for them. Bingle stated that we have to do Kenneth Street even if Tractor Supply comes or not, because of Harter House. The Board discussed the issue further. Durbin made a motion not to waive the fee, Elmer seconded with Vogel, Elmer, Durbin voting no and McCorkle and Stillings voting yes. There was no majority, doesn't pass. Mayor Hayes said he will call Brad and let him know how the Board feels and see if he wants to make a counter offer.

Bingle informed the Aldermen that Mr. Cage came in to see if the City could offer a level pay plan for the utility bills. Bingle checked with the Finance Department and the software that they will need is too expensive. Stillings would like to see the costs of the level pay plan software. Finance Director, Donna Swatzell explained that each citizen can do a level pay on their own, by paying more when their bills are lower, which will be applied to the larger utility bills. Bingle said that we will research the costs for the level pay plan.

Bingle, reminded the Aldermen about the sign issue on south Main Street from the last board meeting and if they wanted to change the ordinance on the signs. Staff researched the problem in Main Street and there is a 25 foot right-of-way on both sides of Main Street. Stillings is concerned with the signs by the Main Street School, because people park in front the resident's driveways in the evening for school functions. Chief Bacon said that if they are blocking driveways or parking on private property, they can call the police department to have them move. Stillings said the stop sign at Northview and Ellen Street could be removed, because there are not a lot of homes or traffic in this area. Chief Bacon informed her that, that intersection is a complete intersection where one street runs into another street and as soon as construction starts we will need the stop sign for the traffic. After a short discussion, Mayor Hayes stated that we don't have the support from the Board to remove the stop sign. Stillings said the speed limit signs and school times by Main Street School are too small and feels the signs should be bigger. Bingle said that we will have Doug Colvin check to see if the lettering can be larger. Mayor Hayes said he would call about a grant for additional flashers for the Main Street School. Bingle reminded the board that Mr. Haswell is asking for a speed study and Chief Bacon informed them that we have already done one. Stillings said she will give Mr. Haswell the information from this meeting.

Chief Bacon explained that due to a recent court ruling we need to address vehicle searches with a Vehicle Inventory Policy; this policy requires the police to inventory items found in a vehicle while it was being searched. This is to protect the vehicle owner's property when the vehicle is released to another individual. This policy will be brought to the Board Monday night.

Chief Bacon informed the Board that we get a DWI grant for DWI check points annually through MoDot and he needs the Boards authorization to apply for this years grant. He is applying for about \$3,400.00 in grant money. McCorkle made a motion to authorize Chief Bacon to apply for the DWI Grant with Stillings seconding and all voting aye.

Chief Bacon stated that the Police Department has received the DWI Van from MoDot that was discussed at the last months meeting. He said the state will service it and put new blue lights and decals on it. We will need to pay for it up front and they will reimburse the City. They are also offering to send Brent Forgey to training through LETSAC. We will need to pay for the training and meals and the state will reimburse the City for the training only. McCorkle made a motion to pay for the maintenance of the DWI van and for Brent's training up

front with Elmer seconding and all voting aye.

Chief Bacon introduced a new ordinance that the City needs, this ordinance is on striking a stopped vehicle. As of now all we can charge a person with is a C & I ticket, when they strike a stopped vehicle but that is too aggressive of a ticket. Striking a stopped vehicle should be a lesser charge unless a C & I ticket is needed. This ordinance will be brought to the Board Monday night for your approval.

Bingle explained that Husch Blackwell Sanders LLP the attorney for Mr. Barnes, Walnut Creek developer is asking the assistance of the City to help him obtain right-of-way easements from Gale Hedgpeth. Mr. Hedgpeth refuses to speak with them and the City might have to file an eminent domain to obtain necessary right-of-way. Mr. Hedgpeth was present and he said he will not talk to Mr. Barnes. Mr. Hedgpeth said they offered him \$5,000 and \$10,000 for easements, by comparing it with land in Republic, Mo., which he believes is wrong. He said putting the fence back will cost more than what they are offering to pay for an easement. Mayor Hayes said you can require them to put the fence back as is, in the agreement. Mayor Hayes stated that they need 23,000 square feet for the easement. Mr. Hedgpeth said he wants \$30,000 for his easement and he will take less if they put the fence back correctly. Mr. Hedgpeth doesn't want to talk to Mr. Barnes, he wants to talk to the City. Bingle informed him, that he will have to go to court for condemnation, to get a fair market value. Mayor Hayes feels Mr. Hedgpeth should negotiate with Mr. Barnes before the City does condemnation. Mayor Hayes said he would call their attorney and tell them to talk to Mr. Hedgpeth for an easement before the City gets involved in this.

Bingle informed the Aldermen that there will be two ordinances that they need to authorize the Mayor to sign. The first one is the Northview Road project which allows the City to receive STP funds. The second one is the American Recovery and Reinvestment Act Federal Aid Program Agreement (ARRA) money to engineer US 160 and Hwy 14 intersection. These ordinances will be presented Monday night.

Bingle advised the Board that he has negotiated with St. John for an electric line easement on Hwy 14 from the Espy Substation. They are willing to accept \$12,200 for an overhead electric utility easement. We will present and ordinance Monday night for the Boards authorization to approve these expenditures.

Bingle informed the Board that the Optimist Club has requested a closure of streets for the triathlon July 18, 2009. Resolution #2009-62 was presented for street closure for the triathlon. McCorkle made a motion to approve Resolution #2009-62 with Elmer seconding and all voting aye.

Bingle explained that Michael Durbin has received a phone call about the explicit material in stores. Vogel is concerned that a store with this material might not be able to hire someone less than 18 years of age. Mayor Hayes asked what is explicit to some, might not be to others. Durbin believes the ordinance we have needs to be tightened up. Bingle said that Rolla's ordinance is acceptable, but we need Attorney Sweeney to find out if a 4th Class City can add that definition to the ordinance. Durbin wants to see Sweeney's version brought to the Board.

Bingle informed the Aldermen that P&Z has prepared Planning and Zoning Commission Bylaws. We have never had bylaws for the P&Z Commissioners, but we do need to adopt some. This will be brought to you Monday night.

Bingle gave a brief explanation of the Harrington property at 104 E. Elm that he would like rezoned from GC to R3 to build a 4 plex. This ordinance will be presented Monday night.

Bingle reminded the Board of the annexation of right-of-way along Hwy 160 and Hwy 14 so the areas will join the existing city limits. This ordinance will be presented Monday night.

Bingle explained that there will be an ordinance to replace R7 and R11 with a R1 zoning in Chapter 12 and Chapter 4 for there consideration Monday night.

Bingle informed that all the elected officials need to go through a NIMS class. Fire Chief Sebree said the Aldermen should go to this class every few years.

Monday night's agenda includes:

- Bank Bids
- AT&T installation of Fiber Optic on Hwy 14
- Waste Water Stimulus money
- Marshall Decker's audit presentation

At 1:40 p.m. Durbin made a motion to go into an executive session pursuant to RSMo 610.021 for Attorney Consultation and Litigation with Elmer seconding and Vogel, McCorkle, Stillings, Durbin and Elmer all voting aye on roll call vote.

Members returned to regular session at 2:15 PM.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:20 PM.

Mayor

City Clerk

REGULAR MEETING

JUNE 8, 2009 7:00 PM

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Hayes. Attending were Kevin Elmer, Charles McCorkle, Barb Stillings, Michael Durbin and Steve Tallaksen. Kyle Vogel was absent.

The Pledge of Allegiance was given.

MINUTES

The minutes of the May 6th and 11th were approved as presented by unanimous consent.

FINANCIAL REPORT

The Financial Report was approved as presented by unanimous consent.

VISITORS

Arvil Cage, 708 Evergreen, feels the city needs a level pay plan, because he is on a fixed income. The utilities bills go up and down and he has a hard time paying them. He would like the Board of Aldermen to look into the cost of purchasing the software for the citizens.

AUDIT REPORT

Marshall Decker with Decker and DeGood presented the 2008 audit report. Mr. Decker informed the Aldermen that the City received a letter from DNR requesting that we switch from modified cash to full accrual; these are methods of reporting financial statements. Mr. Decker reported that the General accounts are in good shape and the Utility Department has a net increase and is in good shape. His suggestions for changes are to segregate job duties. We have no compliance problems.

PUBLIC HEARINGS

Mayor Hayes opened the public hearing on 104 E. Elm. Gary Shaffer with Shaffer & Hines Inc. spoke on behalf of Tim Harrington, asking for 104 E. Elm to be rezoned from GC to R3. City Planner Travis Cossey introduced the request for rezoning 104 E. Elm. He stated that the property is a vacant lot and is just south of the Municipal parking lot. Mr. Harrington wants to build a 4 plex on the property. Elm Street is not in the right-of-way that is provided for the street. Mr. Harrington said he is willing to dedicate 15' of right-of-way to bring Elm Street in compliance with the City's requirements. Staff and the Planning and Zoning Commission recommend approval. No further comment was made and the public hearing was closed.

ORDINANCES

Bill #2009-61 rezoning 104 E. Elm from GC to R3 was presented for first reading. Cossey stated that the information he gave in the public hearing covers this ordinance. Durbin made a motion to approve Bill #2009-61 on first reading with McCorkle seconding and all voting aye. Bill #2009-61 was presented for final reading. Tallaksen made a motion to approve Bill #2009-61 on final reading and pass into law with Durbin seconding and Elmer, McCorkle, Stillings, Durbin and Tallaksen all voting aye on roll call vote.

Bill #2009-62 the annexation of right-of-ways on Highway US 160, Highway 14 and Highway M were presented for first reading. Mayor Hayes stated that Chief Bacon brought this to the Board's attention in the May meeting. He asks for the Board's authorization to annex these areas to eliminate confusion with other law enforcement agencies and to provide better service. McCorkle made a motion to approve Bill #2009-62 on first

reading with Tallaksen seconding and all voting aye. Bill #2009-62 was presented for final reading. Elmer made a motion to approve Bill #2009-62 on final reading and pass into law with Tallaksen seconding and McCorkle, Stillings, Durbin, Tallaksen and Elmer all voting aye on roll call vote.

Bill #2009-63 amending Chapter 23 and Chapter 4 by replacing R7 and R11 with R1 zoning. Bingle explained that this will change the ordinance to the correct zoning, because we are removing R7 and R11 districts and replacing them with R1 a single family zone. Durbin made a motion to approve Bill #2009-63 on first reading with Stillings seconding and all voting aye. Bill #2009-63 was presented for final reading. Durbin made a motion to approve Bill #2009-63 on final reading and pass into law with McCorkle seconding and Stillings, Durbin Tallaksen, Elmer and McCorkle all voting aye on roll call vote.

Bill #2009-64 amending Chapter 12 to include regulations for striking a stopped vehicle was presented. Chief Bacon explained that the purpose of this ordinance is to be able to ticket someone for striking a stopped vehicle with a lesser offense for a minor incident. Tallaksen made a motion to approve Bill #2009-64 on first reading with Stillings seconding and all voting aye. Bill #2009-64 was presented for final reading. Tallaksen made a motion to approve Bill #2009-64 on final reading and pass into law with Stillings seconding and Durbin, Tallaksen, Elmer, McCorkle and Stillings all voting aye on roll call vote.

Bill #2009-65 authorizing the Mayor to sign an agreement with the Missouri Transportation Commission for the use of STP urban funds on the design and construction of Northview Road project. Bingle explained that this project is to improve Northview Road and the City will be reimbursed \$107,320.00 for the design and construction of Northview Road from Highway 160 to the west to Foxwood Road. Elmer asked what if Tractor Supply doesn't come. Bingle replied that we have to look at this project again. Durbin asked if there was a point of no return on this project. Bingle answered yes. Elmer asked if we have to do the agreement now and where are we on our priority list for streets. Doug Colvin, Public Works Director replied that if we don't do this agreement we won't get reimbursed for what has all ready been spent on this project. Tallaksen stated the Northview needs improving even if Tractor Supply doesn't come to town. After a long discussion Tallaksen made a motion to approve Bill #2009-65 on first reading with McCorkle seconding and all voting aye. Bill #2009-65 was presented for final reading. McCorkle made a motion to approve Bill #2009-65 on final reading and pass into law with Tallaksen seconding and Tallaksen, McCorkle, Stillings voting aye with Elmer and Durbin voting nay on a roll call vote. Bill #2009-65 failed.

Bill #2009-66 authorizing the Mayor to sign an agreement with the Missouri Transportation Commission for the use of the American Recovery and Reinvestment Act Federal Aid Program for the design of Highway 160 and Highway 14 intersection project. Bingle informed the Aldermen that the Highway 160 and Highway 14 project is under a deadline and if we don't meet the dead line we will lose these monies. This is just the design, no construction. These are STP funds, but they are additional STP funds provided by the American Recovery and Reinvestment Act, that have been provided to the State of Missouri. We applied for the Hwy 14 and Hwy 160 intersection in addition to the monies we will receive back from Christian County from co-mingling ARRA monies with them. This project is to design the intersection only. Tallaksen made a motion to approve Bill #2009-66 on first reading with McCorkle seconding and Tallaksen, Elmer, McCorkle, Stillings voting aye and Durbin voting nay. Bill #2009-66 was presented for final reading. Tallaksen made a motion to approve Bill #2009-66 on final reading and pass into law with Stillings seconding and Tallaksen, Elmer, McCorkle, Stillings voting aye and Durbin voting nay on roll call vote.

Bill #2009-67 authorizing the Mayor to sign a contract with Shaffer and Hines Inc., to perform all civil engineering design for the sewer rehabilitation/maintenance. Bingle explained the next three ordinances are a result with the effort of Shaffer and Hine Inc., applying through DNR for a grant to put toward three sewer projects. They obtained approximately \$800,000.00 with ARRA to pay toward our sewer projects; the gravity sewer line east of the Southeast sewer line, the sewer line east of Hwy 160 at the Rosedale intersection and designing of the infiltration of the stormwater on our sewer system. Fifty percent of the \$800,000.00 is grant money and the other fifty percent is a low interest loan. The deadline is February 2010. We are asking authorization from the Board to follow through with this. If we don't we will need to rebid the projects. Mayor Hayes stated that these three projects are needed to be done and are on our priority list. Bingle informed the Aldermen that these projects are going to need budget amendments if the Board passes the ordinance for the projects. Bingle told the Board that Donna Swatzell prepared a memo that is in their packets that describes the

money wastewater will need for the three projects. We have already approved \$265,000.00 this year for the southeast sewer trunk line and staff suggests using \$186,401.00 for engineer costs from the wastewater surplus reserves. Durbin asked what percent will this use of the reserves and Swatzell said that it will use 1/3 of the wastewater reserves. Bingle stated that we have been authorized to receive the grant so it is now up to the City to decide to use it. McCorkle made a motion to approve Bill #2009-67 on first reading with Tallaksen seconding and Elmer, McCorkle, Stillings, Tallaksen voting aye and Durbin voted nay. Bill #2009-67 was presented for final reading. Tallaksen made a motion to approve Bill #2009-67 on final reading and pass into law with Stilling seconding and Elmer, McCorkle, Stillings, Tallaksen all voting aye and Durbin voting nay on roll call vote.

Bill #2009-68 authorizing the Mayor to sign a contract with Shaffer and Hines Inc., to perform all civil engineering design for the parallel 12" trunk line west side of US 160 was presented. Bingle inform the Aldermen that this is the same information as Bill #2009-67. Tallaksen made a motion to approve Bill #2009-68 on first reading with McCorkle seconding and all voting aye. Bill #2009-68 was presented for final reading. McCorkle made a motion to approve Bill #2009-68 on final reading and pass into law with Stillings seconding and McCorkle, Stillings, Tallaksen, Elmer voting aye and Durbin voting nay on roll call vote.

Bill #2009-69 authorizing the Mayor to sign a contract with Shaffer and Hines Inc., to perform all civil engineering design for the parallel old sewer trunk line under US 160 was presented. Bingle inform the Aldermen that this ordinance has the same information as was given for Bill #2009-67. Tallaksen made a motion to approve Bill #2009-69 on first reading with Stillings seconding and Tallaksen, Elmer, McCorkle, Stillings voting aye and Durbin voting nay. Bill #2009-69 was presented for final reading. Stillings made a motion to approve Bill #2009-69 on final reading and pass into law with Tallaksen seconding and Stillings, Tallaksen, Elmer, McCorkle all voting aye and Durbin voting nay on roll call vote.

RESOLUTIONS

Resolution #2009-61 approving an amendment to the Nixa Police Department Standard Operating Procedures by adding a Policy Statement for Vehicle Inventory was presented. Chief Bacon explained that the Police Department has a policy to inventory items in a vehicle that will be turned over to a towing company. This new policy will include taking inventory of the items in a vehicle that will be turned over to another individual. Durbin made a motion to approve Resolution #2009-61 with Stillings seconding and all voting aye.

DISCUSSION ITEMS

Donna Swatzell, Finance Director, advised the Board that she has received Bank bids from Great Southern Bank, Guaranty Bank, Empire Bank and Ozark Bank. She examined the bids and recommends that the City goes with Empire Bank. McCorkle made a motion to accept Empire Banks bid with Stillings second and all voting aye.

Mayor Hayes introduced the budget amendment for the Sewer Department for the sanitary sewer line rehabilitation improvement. McCorkle made a motion to approve the budget amendment with Stillings seconding al all voting aye.

Mayor Hayes introduced the budget amendment for the Sewer Department for the South Parallel line for the sanitary sewer system improvement. Stilling made a motion to approve the budget amendment with Tallaksen seconding and all voting aye.

Mayor Hayes introduced the budget amendment for the Sewer Department for the Forest Park sanitary sewer system improvement. Tallaksen made a motion to approve the budget amendment with McCorkle seconding and all voting aye.

Michael Durbin excused himself from the meeting due to a conflict of interest; he is employed with St. Johns. Bingle explained the easement agreement with St. Johns. This easement is along their west property line off of highway 14 corridor. The appraisal shows a fair market value. We offered \$12,203.80 for the easement and St. Johns has agreed to that amount. Elmer made a motion to approve the amount for the St. Johns easement with

Tallaksen seconding and all voting aye.

Bingle informed the Aldermen that Mr Rase on Prospect Street has submitted an application for stimulus funds for stormwater issues.

MAYOR AND ALDERMEN REPORTS

McCorkle informed the Aldermen that they can view the Legislative updates on MML website.

Stillings informed the Aldermen that Michael Durbin, Judy Long, Sharon Hankison and herself went to the overview of the sunshine law in Republic.

Mayor Hayes said he would like to add the street priority list and the collector street policy to the next agenda to be discussed.

McCorkle reminded the Board of the Economic Development meeting at the Chamber office at 7:30 a.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:50 PM.

Mayor

City Clerk

Special Meeting

June 15, 2009 7:00 p.m.

Mayor Hayes called the special meeting of the Nixa Board of Aldermen to order. Attending were Kevin Elmer, Charles McCorkle, Barb Stillings, Michael Durbin, Kyle Vogel and Steve Tallaksen.

The Pledge of Allegiance was given.

Visitors

No visitors were present.

Discussion

Mayor Hayes introduced to the Aldermen that Christian County Fair Board wants to know if the City would donate to the fair. Stillings informed the Board that Pat Shillings gave her information on how the money is spent. Bingle reminded the Board that the City donated \$350.00 last year. Tallaksen stated that the City couldn't afford to donate to the Sky High 4th of July, so we don't have the money for the fair. Vogel made a motion to donate \$350.00 to the Christian County Fair with Stillings seconding and all voting aye.

Mayor Hayes explained that he wanted to bring the STP fund for Northview Road project back to the Board because he was concerned that if they decided to readdress the project in a couple of months it might be too late to receive the funds. Tallaksen made a motion to reconsider the STP Funds on Northview Road with Stillings seconding and all voting aye. Mayor Hayes explained that we had 3 votes for the project and 2 against the project, so it failed. City Administrator Brian Bingle asked if everyone understood the difference between the STP and OTO funds. Mayor Hayes reminded the Board that this project was on the 2005 project list. Durbin stated that citizens keep asking him when Gregg Road and Hwy 14 intersection will be redone. Durbin feels we need to get a plan and stick with it. Public Works Director, Doug Colvin, said that we are following a list of projects that were made. The Federal and State changed the rules that you can not bank the STP money and save it up. You can not have more than two years of allocations at a time, so we had to do 6 design projects to get the funds back down where they belonged. We spent the STP money on the designs and not the dirt work. Mayor Hayes said that we are discussing on having a meeting in July to plan the priority list for the streets that need work. Vogel asked which project we are discussing; NX0903 or NX1003. Bingle said NX0903 the construction of 525 leaner feet on Northview west of highway 160. Elmer said this means if we don't pass this ordinance then Northview will not get done. Mayor Hayes replied, correct, if we don't pass this ordinance than we won't receive funds from OTO to do the project. McCorkle asked the Board to reconsider and vote for the Northview project, because of the potential commercial development, the increase of tax dollars and the intersection is dangerous.

Ordinance

Bill #2009-65 authorizing the Mayor to sign an agreement with Missouri Transportation Commission for the use of STP Urban funds on the design and construction of Northview Road project was presented. Vogel made a motion to approve Bill #2000-65 on first reading with Stillings seconding and all voted aye. Bill #2009-65 was presented for final reading. Vogel made a motion to approve Bill #2009-65 on final reading and pass into law with Stillings seconding and Elmer, McCorkle, Stillings, Durbin, Vogel and Tallaksen all voting aye on roll call vote.

Executive

At 7:45 p.m. Elmer made a motion to go into an executive session pursuant to RSMo 610.021 for Attorney Consultation with McCorkle seconding and Elmer, McCorkle, Stillings, Durbin, Vogel and Tallaksen all voting aye on roll call vote.

Members returned to regular session at 7:50 PM.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 PM.

Mayor

City Clerk

JOINT MEETING/SCHOOL

JUNE 24, 2009 6:30 PM

The Nixa Board of Aldermen met with the members of the Nixa School Board for their quarterly meeting. Attending were Mayor Hayes and Aldermen Charles McCorkle, Barb Stillings, Michael Durbin and Kyle Vogel. Alderman Tallaksen and Elmer were absent. School Board members attending were Glen Scott, Linda Daughtery, Jim McCauley and Scott McDonald.

School Board President Glenn Scott opened the meeting.

Linda Daughtery asked if the City has an emergency plan in case of an emergency. Mayor Hayes explained that the Aldermen have NIMS training. Bingle informed everyone that the City has an Emergency Management Plan as well as the Fire Department. The Fire Chief could come to a meeting and explain their emergency plan. The City also has a Pandemic Plan and we can make the school copies of the City's plans. Superintendent Kleinsmith said the school system has a Pandemic Plan also. Kleinsmith stated that he will contact the County Commissioner, Fire Chief and the Chamber of Commerce and invite them to the next joint meeting to discuss their emergency plans.

Kleinsmith gave an update on the new 5th and 6th school, it is underway and there will be 450 kids attending this school. The Main Street School will be changed to Administration offices and Early Childhood development. The tennis courts will be finished in August and available to use by the citizens. They are remodeling Thomas Elementary. The new 5th & 6th school has a gym the Park Department will be able to use. Inman School will have a gym added on by February 2010 that the Park can use also. Kleinsmith stated the he met with Kelly Hasner, Park Director, Scott Parson, assistant and Ashley Lewellen about the scheduling problems with the schools gyms and they will be more accountable on their scheduling. A new Junior High School is being planned to be built in 4 to 5 years. The school system will have about 5,700 students this fall. Kelly Hasner informed the school board that the City appreciates the use of the school gyms because we have to turn people away when the programs are full. Hasner gave an overview of the Parks programs and the shortage of facilities needed to provide programs for all that want to participate.

Kleinsmith feels that school zone flashers are needed at the schools that don't have them. Doug Colvin, Public Works Director informed them that there is a grant opportunity and the school system has a better chance of getting it. The City and the School System can partnership in getting the flashers to the schools that need them.

Kleinsmith informed the City that the school crossing areas need repainted, Colvin replied that the City is working on it.

Kyle Vogel would like the schools to have recycling bins and maybe they could have a joint trash contract with the City. Bingle explained the City's trash contract.

Glen Scott informed the City Board that the school is searching for 20 acres of land to build a K-4 school on.

The next joint meeting will be September 22, 2009 at 6:30 pm in the City Hall.

The meeting adjourned at 8:10 pm.

Bingle had the Aldermen that were present to stay for information he received on the Covington issue. Bingle informed the Aldermen that the state charges of embezzlement on Covington have been dismissed today, but new charges can be filed.

City Clerk

AGENDA WORK SESSION

JULY 8, 2009 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Kevin Elmer, Charles McCorkle, Barb Stillings, Kyle Vogel and Michael Durbin. Steve Tallaksen was absent.

Mayor Hayes presented a certificate to Jeff Romero and Graham Applegate for 10 years of service with the City.

Mayor Hayes recognized Brent Forgey for receiving the Dare Officer of the Year Award for the State of Missouri.

The Mayor informed the Aldermen that we will move the topic of the Special Event after the VFW Monument topic because they need to leave for a radiation treatment appointment.

Al Michaels presented an update of the VFW Memorial and informed the Board that Jerri Jackson with Great Rivers Engineering has designed the Memorial area. This area will be cut into the park grounds in front of the flags poles at the Community Center. The monument will be granite and will have three memorial stars above it. If there is room, there will be benches for seating. The Mayor suggested that the City should have an ad-hoc committee to assist with the construction plans of the memorial. Michael Durbin volunteered to be on the ad-hoc committee.

Paula Bronn spoke on behalf of the Linda Nobles 5K Run. They are asking the City to waive the reimbursement fee on the City employees' wages for assisting with the special event. They are the first group that will be charged for the City employee's wages in the assistance of their special event and they were not aware of the charges at the time they planned it. Chief Bacon informed the Aldermen that there have been seven events scheduled this year that need the Police Departments assistance. There are normally three events a year that are budgeted for. The new events will affect the City's budget in salaries with all the overtime. Chief Bacon suggests that we ask the people having the special event to reimburse the City for overtime wages that are occurred from the special events. Mayor Hayes suggests that we waive the fee on this event since the charges are just now going into effect. We need to develop a procedure that addresses the charges, because everyone will be asking the Aldermen to waive the fee. After a short discussion the Aldermen agreed to waive the fee for the Linda Nobles 5K Run.

Gary Gibson, Roddy Rogers and Wade Stinson from Springfield City Utilities spoke to the Aldermen about water reservoirs. Mr. Stinson explained to the Aldermen that John Twitty with Springfield City Utilities formed a Tri State Water Reservoir Coalition in 2003 to provide wholesale water. Fellows Lake and McDaniels Lake are water reservoirs for Springfield. City Administrator, Brian Bingle stated that Nixa's Master Plan indicates the City wells can supply water for 25,000 people. We will need another water supply other than city wells when we exceed the population of 25,000. Tri State organization has spent \$100,000 and received a \$100,000 of grant money to study the regional water resources; they need participation from other communities. Roddy Rogers informed the Aldermen the rates to purchase water from them will be \$1.30 to \$1.40 per meter connection. Bingle stated that our water is in good supply, but we are looking at Tri State for the future.

Bingle informed the Aldermen that the new Purchasing Policy and Procedures draft are in their packet, but it is a work in progress. We are conferring with other City's on their process so we can correct the problem we had. This information will update you on where we are on the policy. We are addressing the deficiencies in our old policy. Durbin is concerned about standardizing the titles of the supervisors and department heads. Bingle stated that we are discussing ways to define the titles. Elmer is concerned that the policies are not being followed. Mayor Hayes explained that the City Administrator is responsible of handling that.

Chief Bacon explained to the Aldermen that he needs their authorization to accept a \$1,000 grant for the 2009 Child Passenger Safety Campaign. McCorkle made a motion to authorize the Chief to accept this grant with Stillings seconding and all voting aye.

Bingle informed the Aldermen that Bob Haswell has sent another email about the speed limits and stop sign issue and he suggests that we postpone this for the Monday night board meeting.

Bingle informed the Aldermen that the Wastewater Treatment Plant Building bid awards for the outdoor slug building will be presented at the Monday night board meeting.

Bingle gave a brief explanation of the ranking for the selection of a consulting engineer for the Highway 14 and US 160 intersection project. We will ask for the approval of the engineer at the Monday night board meeting.

Bingle explained the changes in the ordinance on obscene material to explicit sexual materials. He has checked with the convenience stores on the age of their employees. The revised ordinance will be presented Monday night.

Mayor Hayes stated that Tractor Supply will be on the Monday night agenda, the Board will need to decide if they will waive the road improvement costs. Vogel is concerned where we draw the line on the waiving of fees for the developers. Bingle explained that in the annexation agreement you can make any agreement you want with the developer.

Bingle informed the Aldermen that there is a vacancy on the Planning and Zoning Commission. Travis Cossey has three people interested in serving on the board, and if the Aldermen know of anyone else that would be interested, please notify Travis.

Bingle explained to the Aldermen that the Planning and Zoning By-Laws will be on the Monday night agenda and that he added a line, "no person shall be sworn into office who shall at the time be in arrears for any unpaid City taxes or municipal user fees" to the by-laws.

Travis Cossey, City Planner, explained that there will be an ordinance to add the State Plane Coordinate in Chapter 23 Land Development Code. This will help surveyors on final plats and our mapping system. It will be tied to the Geographic Reference System.

Bingle informed the Aldermen that the Wasson Preliminary Plat has been approved by the Planning and Zoning Commission.

Bingle reminded the Aldermen that the bid for a contractor of the Dog Pound went out for bid.

There will be a special meeting July 20th to discuss street prioritizing and the Collector Street Policy at 6:30 p.m. Doug Colvin gave the Aldermen a list of streets to look over.

There being no further business, the meeting was adjourned at 1:45 p.m.

City Clerk

Mayor

REGULAR MEETING

JULY 13, 2009 7:00 PM

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Pro Tem Barb Stillings. Attending were Kevin Elmer, Charles McCorkle, Michael Durbin, Steve Tallaksen and Kyle Vogel.

The Pledge of Allegiance was given.

MINUTES

The minutes of the June 3rd, 8th, and 15th were approved as presented by unanimous consent.

FINANCIAL REPORT

The Financial Report was approved as presented by unanimous consent.

Durbin made a motion to amend the agenda and move the Haswell traffic issues after the visitor section with Vogel seconding and all voting aye.

Elmer explained to the audience that the Mayor is absent because he is on vacation and the vacation was scheduled months in advance.

VISITORS

Robin Walsh, 588 Stoney Path, read a letter that she wrote to the newspaper on changing the speed limits. She explained an incident her family had while riding their bikes with a motorist speeding and talking on their phone. Her son narrowly escaped getting hit by the car. She feels that the speed limits do not need to be increased or stop signs removed for the safety of pedestrians.

Ron Brooks, 404 Lynn Street, wants to know why the Aldermen haven't made Miss Kever unplug the drain pipe on her property. The street floods since she plugged up the pipe that drained the stormwater and the City has not done anything to solve the drainage problem. This causes a dangerous situation, health hazards, and it is lowering his property value. He feels he will have to take litigation against the City because the City is letting her divert the stormwater. Tallaksen asked Attorney Pat Sweeney what the City can do since Miss Kever is diverting stormwater. Sweeney stated that the city can not do anything that will cause a problem down stream and we don't have an easement on her property. Elmer said that the City doesn't have the authority to force her into doing anything. Bingle informed them that these houses on Lynn Street were built before the City had regulations. Miss Kever knew about the water drainage problem before she bought the property. This is a private matter between the citizens. Elmer stated that she is not breaking a City law, but may be breaking a civil law against her neighbors. Tallaksen is worried that the diverted water is causing the street to flood and it will damage the street. Durbin wants the City staff to check on the cost of the damage of the street from the water. Durbin made a motion to pursue what legal action there is against Miss Kever for the damages of the street with Vogel seconding and all voting aye.

DISCUSSION ITEM

Bob Haswell asked the Aldermen to establish an order to make it easier for the citizens to drive in Nixa. He asked if they knew the standard regulations of the speed limit. They told him yes, it is 25 miles and hour unless other wise posted. He doesn't like that the speed limits change many times while driving through Nixa. He stated that the federal standards say that you should not have unnecessary stop signs. Durbin stated that the

federal standards are a guide line, it is not mandatory. Stillings said the stats on Honeysuckle show that out of 613 automobiles, 112 were going 10 mph over, 49 were going 15 mph and over, 314 were going 0 to 25 mph, and 138 were going 5 mph over. Haswell said the solution is to get the cooperation of the citizens to follow the speed limit. He purposed that the City should give the people a reasonable speed limit and get cameras to take pictures of the speeding cars and send them a ticket. Chief Bacon explained that the problem with traffic cameras is that they are very expensive and if the driver that is speeding is the owner of the automobile. Haswell then suggested that the City put officers at these areas to stop the speeders. Stillings asked if Doug Colvin could contact the City of Nevada and see if and how they are using yield signs instead of stop signs. Durbin made a motion not to further consider Mr. Haswell recommendations and to only provide the information Mr. Haswell has requested that is feasibly, timely and financially responsible for the City, absent of the sunshine law request, with Elmer seconding and all voting aye.

VISITORS

Sharon Whitehill-Gray with the Chamber of Commerce said she has had phone calls on the tractor trailer ordinance. She had directed them to where they can park and explained the issue. Sharon also informed the Aldermen that they have made 11x17 posters on B Vocal 4 Shop Local and she will email them to the Aldermen. The posters explains the outcome if people shop in their own community.

RESOLUTIONS

Resolution #2009-71 approving the amendment to the Personnel Handbook was presented. City Clerk, Judy Long explained that there was duplication with the meal allowance and we need to remove it from the Employee Development section and only have it in the Meal Allowance and Travel section. Tallaksen made a motion to approve Resolution #2009-71 with Vogel seconding and all voting ay.

Resolution #2009-72 adopting the Planning and Zoning By-Laws was presented. City Administrator, Brian Bingle explained that the City doesn't have by-laws for the Planning and Zoning Commission and we do need some. The first by-laws that were given to you needs a line added stating that "No person shall be sworn into office who shall at the time be in arrears for any unpaid City taxes or municipal users fee". The corrected version was handed out to the Aldermen. McCorkle made a motion to approve Resolution #2009-72 including the additional line with Tallaksen seconding and all voting aye.

ORDINANCES

Bill #2009-71 amending Chapter 23, Article IV, Part II, Section 23-89, Paragraph g. State Plane coordination system was presented. Travis Cossey, City Planner, requested a change in the ordinance on the guide lines for surveyor's submittal of information to the City as in final plats, development plans and engineer drawings. The City's GIS is based on the State Plane coordinating system. This will establish the criteria which the surveyors are to submit information to the City. The State Plan coordinate is the standard operating procedure. Elmer made a motion to accept Bill #2009-71 on first reading and pass to a second with McCorkle seconding and all voting aye. Bill #2009-71 was presented for final reading. Tallaksen made a motion to accept Bill #2009-71 on final reading and pass into law with Vogel seconding and Elmer, McCorkle, Stillings, Durbin, Vogel and Tallaksen all voting aye on roll call vote.

Elmer stepped out the chambers.

Bill #2009-72 authorizing the Mayor to sign a contract with CJW Transportation Consultants, LLC., to perform the engineering design of State Highway 14 and US 160 intersection, was presented. Doug Colvin reminded the Aldermen that last month they authorized the Federal contract to use the ARRA funds to complete the design of the Hwy 14 and US 160 intersection. CJW won the bid award for the project, now the City needs the Boards authorization for the Mayor to sign the contract. Vogel made a motion to accept Bill #2000-72 on first

reading and pass to second with Tallaksen seconding and all voting aye. Bill #2009-72 was present for final reading. Elmer returned to the chambers. McCorkle made a motion to accept Bill #2009-72 on final reading and pass into law with Tallaksen seconding and McCorkle, Stillings, Durbin, Vogel, Tallaksen and Elmer all voted aye on roll call vote.

Bill #2009-73 repealing and replacing Chapter 14, Article V, Section 14-65 Obscene Material and repealing Section 14-66 removing Obscene Material was presented. Bingle reminded the Board that they directed the staff to prepare an ordinance with this language and Pat Sweeney has reviewed the ordinance. It allows for the continued sale of these products; however it does require these items not be displayed in a conspicuous manor. McCorkle made a motion to accept Bill #2009-73 on first reading and pass to second with Durbin seconding and all voting aye. Bill #2009-73 was present for final reading. Tallaksen made a motion to accept Bill #2009-73 on final reading and pass into law with McCorkle seconding and Stillings, Durbin, Vogel, Tallaksen, Elmer and McCorkle all voting aye on roll call vote.

Bill #2009-74 authorizing the Mayor to sign an indemnification agreement with the Missouri State Highway Patrol, concerning the use of the Nixa firing range. Chief Bacon informed the Aldermen that the Highway Patrol called him and are in need of a firing range and they ask if they could use our facility. He explained to them that we would need a contract, so he is asking the Aldermen's authorization for the Mayor to sign the contract. Durbin inquired if we regulate the hours they use it. Chief explained that they must give us 48 hour notice of needing to use the firing range, then the Police Department notifies the neighbors that in the area that it will be in use. Durbin made a motion to accept Bill #2009-74 on first reading and pass to second with Vogel seconding and all voting aye. Bill #2009-74 was presented for final reading. McCorkle made a motion to accept Bill #2009-74 on final reading and pass into law with Durbin seconding and Durbin, Vogel, Tallaksen, Elmer, McCorkle and Stilling all voting aye on roll call vote.

Bill #2009-75 repealing and replacing in its entirety Chapter 23, Article III, Part I Planning and Zoning Commission was presented. Bingle explained that they passed the resolution to adopt the Planning and Zoning By-Laws so now this change is to modify the Planning and Zoning Commission with by-laws in the ordinance book. Tallaksen made a motion to accept Bill #2009-75 on first reading and pass to second with McCorkle seconding. Bill #2009-75 was presented for final reading. Durbin made a motion to accept Bill #2009-75 on final reading and pass into law with Tallaksen seconding and Vogel, Tallaksen, Elmer, McCorkle, Stillings and Durbin all voting aye on roll call vote.

DISCUSSION ITEMS

Bingle stated that the Board directed staff to add Tractor Supply to tonight's agenda. Durbin informed the Aldermen that he has not heard from Brody with Tractor Supply and ask if anyone has heard anything new from him. Elmer stated that Brody informed him that they were not warned of the Street Collector Policy. Bingle informed him, that the information on the collector streets is part of the upfront notification at their meetings and Elmer stated that he has not heard from him again. Stillings stated that we have worked on this project about a year and thinks we should waive the collector street fee to Tractor Supply. Elmer asked what the amount would be. Bingle said the cost is \$23,295.00. Durbin asked if the City could do an obligation bond and Bingle replied that we have not considered that. Elmer feels that the developers should follow the City's procedure, this is a competing business, this should be a far and level playing ground for all that compete. Nixa Hardware and Wal-Mart will lose business to Tractor Supply. He asked the Board to vote against varying from the policy. McCorkle stated that in a couple of years we will have a school at the end of Northview Street and Harter House is coming. The improvements of the intersection could bring more business to that area and is in favor of the situation. Tallaksen feels the road needs improved because of the new school and Harter House. There may be more commercial businesses coming to the area that will bring in more tax revenue. Vogel feels the process is in place and they need to follow the process and is not in favor of waving the fee. Elmer stated that we have already invested \$6,500.00 on the Tractor Supply by waiving the street study. He feels with the budget situation of the City, we don't have the money to invest. Vogel made a motion to deny the request to waive the collector street fee with Elmer seconding and Durbin, Vogel and Elmer voting aye and McCorkle, Stillings and Tallaksen voting nay, Stillings Mayor Pro Tem voted nay which broke the tie. Stillings made a motion to approve the waiving of the collector street fee with McCorkle seconding and McCorkle, Tallaksen

and Stillings voted aye and Elmer, Durbin, Vogel voting nay. Stillings Mayor Pro Tem voted aye in favor to waive the fee which broke the tie.

Doug Colvin informed the Aldermen that the capital improvement project at the wastewater treatment plant for the small building for the outdoor sludge controls has received two bids. Branco and A&E Solutions were good but both were over the \$45,000.00 budget. Colvin believes we can still build the project under the bid amount. Staff recommended awarding the bid to Branco Enterprises and we utilize the additional funds from other areas in this year's budget, not necessary from reserves. Tallaksen made a motion to accept the bid from Branco Enterprises with McCorkle seconding and all voting aye.

Bingle reminded the Aldermen that they approved donating \$350.00 for the Christian County Fair; know we need your approval for a budget amendment for the \$350.00. Durbin made a motion to approve the budget amendment of \$350.00 donation to the Christian County Fair with Tallaksen seconding and all voting aye.

Bingle introduced the information on the Climate Change Costs that were sent to him from the Missouri Public Utility Alliance. Bingle asked the Aldermen to look over the information in their packets. We are looking at a 14% increase from SWPA for electricity in 2010. The emissions regulations could cause a 40% increase on electricity to the customer. In April 2007 the US Supreme Court ruled in Massachusetts v. EPA that Carbon Dioxide and other green house gases were pollutants that could be regulated under the Clean Air Act. EPA issued a draft finding of endangerment that held the green house gases as a whole did endanger human health and welfare. Once this finding is finalized, EPA has the legal authority to begin issuing its own regulations to restrict green house gas emissions by any method allowed under existing law. This set would also allow outside parties to sue the EPA in Federal Court to force them to begin restricting green house gas emissions. It then might be left to Federal Court to decide the form of those restrictions. The power we purchase is generated from hydropower and coal. Most of the power we use is from coal. Springfield Utilities are discharging their emissions into the earth, but don't know if it is successful, so there may be additional costs passed down to us.

Kelly Hasner, Park Director, informed the Aldermen that the pool closes August 18 because school starts. In the past they operated the pool Monday thru Friday 3:30 to 8:00 p.m. which is an extreme waste of funds. It costs \$100.00 an hour for labor for a few swimmers. They want to open the pool only on Fridays 3:30 to 8:00 p.m., Saturdays and Sundays with the normal hours. This will save the City \$2,000.00 on labor. The pool will still be open for splash time and lap swim in the mornings. After a short discussion the Aldermen agreed to the new pool days and times.

ADJOURNMENT

Tallaksen made a motion to adjourn the meeting with Elmer seconding and all voting aye. Meeting adjourned at 9:00 p.m.

City Clerk

Mayor

SPECIAL MEETING

JULY 20, 2009 6:30 PM

A special meeting of the Nixa Board of Aldermen was called to order by Mayor Hayes. Attending were Kevin Elmer, Charles McCorkle, Barb Stillings, Michael Durbin, Kyle Vogel and Steve Tallaksen.

The Pledge of Allegiance was given.

Durbin informed the Aldermen that he has started a blog site, it is Nixa Missouri. Blogspot.

Public Works Director, Doug Colvin explained that we are going back through and updating the 2005 street prioritization project list. CJW came to present a power point to explain the process of ranking the streets for improvements. CJW will compile the data information and present the results at the August Board of Aldermen meeting.

Jay Wynn informed the Aldermen that he will explain the purpose of prioritization the streets, and what CJW responsibility is, what the staff's responsibility is and what he is asking the Board of Aldermen to provide. We have 7 projects, 8 intersections and 7 new road alignments. The criteria of the Economic Competitiveness are safety, road conditions and traffic congestion. The Aldermen will be scoring the streets for Economic Competitiveness which includes connectivity, supports economic development and flexible points. The second category will be scoring the streets by the safety concerns. The third category will be roadway congestion that will be scored by pavement smoothness, pavement condition, substandard roadway features and flexible points. The fourth category will be roadway congestion that will be scored by level of service, daily use, functional classification and flexible points. CJW will be scoring the streets as well at the City staff and Board of Aldermen. Mayor Hayes explained that if a subdivision or a big company comes in, then that can change the priority list because of the needs of the new development.

City Administrator, Brian Bingle explained that the current Collector Street Policy has been used for the last 10 years. We have used the annexation procedure for the property owner to accept sharing the cost of the street improvements. If a subdivision is developed that is in the City limits, we won't have an annexation agreement to negotiate with them on sharing the cost of improving the collector or and arterial street they are adjacent to. We do not have any subdivision plats active at this time. The collector street policy was adopted in 1999 and was modified in 2007. This policy has deficiencies, the first one is charging by the linear foot of road way and the second is the inability of the City being able to pay their portion. We are collecting monies from developers for their portion. City Planner, Travis Cossey informed the Aldermen that the money is in CD's and the interest goes to the developer. Mayor Hayes stated that the money the developers gave is only 1/3 of the cost of the street improvements at the time of development. In 2002 the City had Freilich, Leitner & Carlisle and Paul Tischler give their opinions of using impact fees for street improvements. Both reports did not recommend impact fees. Staff asked 13 other communities in Southwest Missouri if they have a policy for addressing collector or arterial street improvements. All 13 communities have different procedures of paying for street improvements. Stillings suggested that we ask larger cities, so staff will be asking the same question to some larger cities. Bingle stated that we can't charge more sales tax because we have maxed out what we can charge for a 4th class city. After further discussion no decisions were made.

There being no further business, the meeting was adjourned at 9:05 p.m.

City Clerk

Mayor

AGENDA WORK SESSION

AUGUST 5, 2009 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Kevin Elmer, Charles McCorkle, Barb Stillings, Kyle Vogel and Michael Durbin. Steve Tallaksen was absent.

Mayor Hayes presented a certificate to Linda Bryan and Matt Crouse for 5 years of service. Kristy Lee received a certificate and pin for 10 years of service.

City Administrator, Brian Bingle asked Donna Swatzell, Finance Director to prepared Budget update on how the City is doing and what she foresees for the end of the year for the packets and presented it to the Board. Donna reminded the Board of the budget amendments that have been approved and some of the future budget amendments that will probably be needed. The budget amendments that are coming are the Dog Pound, Kenneth Street improvements, Northview Street improvements, front desk modification at the Utility Billing Office and software for City offices. Capital improvement list shows what was budgeted and prices are coming in for some items, while some items have been postponed. The General Fund revenues percentage for the last six months coming as expected except for the charges for utility service and parks because of the weather being so mild. The interest income is low because of the interest rate being down so low. The Police and other department's expenditures are down because of the lower gas prices this year. The Street is below budget because the maintenance program is just getting started. The Police is the only department that is over budget for the first six months due to the numerous special events and several investigations that cause overtime. We didn't know about all the special events that have come up, so they were not budgeted for. The Utility Department expenditures are as expected. The two water towers have not been cleaned yet and that will bring the six month percentage up. Wastewater expenditures are low in the personnel line because Richard Hill retired in February and we had already budgeted for him. Donna explained the Surplus Funds and the projects that will be coming out of the surplus this year. The Debt Service page listed the bonds that the City is currently paying and the retirement dates.

Chief Bacon explained to the Board that he wants to start a Reserve Police Officer Program. This is a volunteer program and we have two officers that have to leave for different reasons but want to keep their certification as an officer. We will need an ordinance and a policy passed by the Board of Aldermen. We have the uniforms and equipment from the officers that just left that we can use. The only expense will be workers compensation which is about twelve dollars per officer. This program will help with the increased work load and the overtime from the special events. After a discussion the Board agreed have Chief Bacon bring and ordinance and policy to the Board at Monday night meeting.

Mayor Hayes informed the Board that three gentlemen are interested in being on the Planning and Zoning commission, they are Ken Taylor, Chris Cauble and Robert Wilson. He is recommending Chris Cauble to be appointed to the P&Z Commission. Chris Cauble has shown interest in serving on the P&Z commission two times. After a short discussion McCorkle made a motion to appoint Chris Cauble to the Planning and Zoning Commission with Durbin seconding and all voting aye.

Mayor Hayes asked the Board if they would like to have three board meetings a month. We could change the luncheon from being an update for the regular board meeting to a work session and discussion on future plans and what the constituents are wanting. Bingle reminded the Aldermen that the meeting August 25th will be the third meeting of the month, which will have the Tax Levy hearing and an ordinance to set the tax levy. The decision was made to call for another meeting if needed.

Bingle informed the Aldermen that the Veteran's Memorial committee wants to put information about the memorial on the utility bills August, September and October. We need your authorization to add this to the utility bills. Durbin made a motion to allow information about the veteran's memorial to be put on the utility bill with Vogel seconding and all voting aye.

Bingle explained that Walnut Creek Subdivision developer Jim Barnes had his attorney Bryan Wade send the City a letter requesting the City to initiate condemnation on the Hedgpeth property for a right-of-way for

Harrison Street. Mr. Barnes offered Mr. Hedgpeth \$1.13 per square foot that total to \$8,883.00 for the property. Mr. Hedgpeth wants \$30,000.00 and new fencing and 4 gates. Mr. Barnes gave the City permission to talk with Mr. Hedgpeth and offer him an additional \$2,500.00, which is the estimated amount that the City will occur from the condemnation proceedings. The total amount offered to Mr. Hedgpeth was \$12,500.00 for the right-of-way and Mr. Hedgpeth rejected the offer. If the City did start condemnation, we would have to enter into negotiations in good faith of the market value. We have two appraisals, one from Vinson Appraisals and National Valuation Services. The City would have to submit a letter in accordance to the Missouri State Statutes to assure Mr. Hedgpeth understand his right through condemnation procedures. This will be brought to the Board Monday night.

Bingle informed the City is accruing costs of mowing abandoned property. Bingle found that other municipalities make the bank/mortgage companies responsible for foreclosed property that has been abandoned. We checked into adding the mowing costs onto the owner's property tax bill, but there was no guarantee that we would get it added before the owner changes hands. We are having Pat Sweeney research putting a lien on the property. Mayor Hayes asked if the Board would like staff to pursue an ordinance to make the banks/mortgage companies responsible for the charges for mowing their foreclosed property. The Board agreed to have the staff pursue an ordinance.

Chief Bacon updated the Board on the new 911 Board. Chief explained that the original proposal for 2010, was to handle the budget like we do now. By following the original agreement will give the new 911 Board time to get everything in place. This process was agreed on in the beginning, before we started organizing the 911 Board and the proposed tax. The County Commissioner indicated that they may not be able to do this next year as agreed. The new 911 Board needs to hire an administrator immediately. The County Commissioners said that they can give them a loan for two to three months to operate and then the 911 Board would have to reimburse the county. The 911 Board intends to bring the City of Nixa a contract for the new 911 Board, basically the contract will be the same that we have currently with E911. If the County doesn't do what was first agreed, then there will be a problem with benefits and paying the county 911 employees. In the next two months we may have to bring a new contract depending on what the County Commissioner decides. Mayor Hayes said if the County decides to go with the loan to 911 Board, then we should participate in the same way.

The Staff is working on a Special Events form for reimbursement of costs to the City.

Bingle informed the Board that there will be an annexation agreement amendment Monday night.

Bingle informed the Board that staff is working on a couple of contracts that may be ready for Monday night's meeting. There is also an Ethic Ordinance for Monday night.

Brent Forgey will have a presentation on the Primary Seat Belt Law Monday night.

There being no further business, the meeting was adjourned at 1:15 p.m.

City Clerk

Mayor

REGULAR MEETING

AUGUST 10, 2009 7:00 PM

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Hayes. Attending were Kevin Elmer, Charles McCorkle, Barb Stillings, Michael Durbin and Kyle Vogel. Steve Tallaksen was absent.

The Pledge of Allegiance was given.

MINUTES

The minutes of the July 8th, 13th and 20th were presented. Barb Stilling asked for a correction, she voted nay on the motion Durbin made July 13th, not to further consider Mr. Haswell's recommendations and to only provide the information Mr. Haswell has requested that is feasibly, timely and financially responsible for the City. With this correction the minutes were approved unanimously.

FINANCIAL REPORT

The Financial Report was approved as presented by unanimous consent

VISITORS

No visitors present to address the Board.

RESOLUTIONS

Resolution #2009-81 adopting a Reserve Officer Program Policy was presented. Chief Bacon explained in order to adopt an ordinance we need to adopt a policy. He explained that the expenses should be minimal, with the workers compensation insurance. Human Resources Director, Sharon Hankison informed the Board that she has talked with Todd Cal who is the attorney for Missouri Rural, our workers compensation carrier. Mr. Cal said that the Reserve Officers are covered under workers compensation for medical, but they won't cover wages from their full time job. They possibly, can file under the second injury fund. McCorkle made a motion to approve the adoption of the Reserve Officer Program Policy with Stillings seconding and all voting aye.

ORDINANCES

Bill #2009-81 adopting a Reserve Officer Program was presented. Chief Bacon informed the Board that the information on the ordinance is the same as the policy. With no discussion Durbin made a motion to accept Bill #2009-81 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2009-81 was presented for final reading. McCorkle made a motion to accept Bill #2009-81 on final reading and pass into law with Vogel seconding and Elmer, McCorkle, Stillings, Durbin and Vogel all voting aye on roll call vote.

Bill #2009-82 was not presented. Mayor Hayes explained that he spoke with City Attorney, Pat Sweeney and he explained that we did not need an ordinance because we are not changing the annexation agreement. We are changing the conditions of it. The vote last month gives the Mayor the authority to sign an amended agreement for the conditions. The Board did not need to consider Bill #2009-82.

Bill #2009-83 authorizing the Mayor to sign a contract with PAR Electrical Contractors Inc., to construct the Espy and Tracker Transmission Project was presented. Public Works Director, Doug Colvin explained that this is the last piece of the 69 line to be completed, this extension ties to the bond project. We passed a resolution

January 2008 to do some different things to meet the intent of the bond. One of those, is to tie the piece to the Espy Substation, this is the last piece of the 69 line. We have all the materials on site. We received 5 qualifying bids; the lowest was from PAR Electrical for \$70,970.00. Staff and the engineer recommend that we award the bid to PAR. Durbin made a motion to accept Bill #2009-83 on first reading and pass to a second with McCorkle seconding and all voting aye. Bill #2009-83 was presented for final reading. Durbin made a motion to accept Bill #2009-83 on final reading and pass into law with Vogel seconding and Stillings, Durbin, Vogel, Elmer and McCorkle all voting aye on a roll call vote.

Bill #2009-84 to establish a procedure to disclose potential conflicts of interest and substantial interests for certain officials was presented. Bingle informed the Board that this ordinance indicates the proper operations that government requires the public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure. This disclosure of conflict of interest as well as reports protects the City if a conflict of interest occurs. This Conflict of Interest is adopted annually. Durbin made a motion to approve Bill #2009-84 on first reading and pass to second with Stillings seconding and all voting aye. Bill #2009-84 was presented for final reading. McCorkle made a motion to approve Bill #2009-84 on final reading and pass into law with Vogel seconding and Durbin, Vogel, Elmer, McCorkle, Stillings all voting aye on roll call vote.

DISCUSSION ITEMS

Mayor Hayes informed the Board that both sides of the condemnation issue were present to speak on the subject. Bryan Wade, Attorney representing Jim Barnes, developer of Walnut Creek Subdivision informed the Board that Jim Barnes submitted a proposed development for approval in the City of Nixa. The plans have been approved with an exception of conditions to improve Harrison Street. To improve Harrison Street they need a right-of-way on Mr. Hedgpeth property. They have spoken with Mr. Hedgpeth on the acquisition of the property for about one year and couldn't agree on a price. They wrote the City asking the City condemn the property. The City advised them to try to negotiate with Mr. Hedgpeth again and they did. They had the 8000 sq ft appraised and gave it to Mr. Hedgpeth, but he is asking for three times the appraisal amount. Since Mr. Hedgpeth rejected the amount they are asking the City again to start the condemnation process and their client will pay for the condemnation process. Mr. Hedgpeth stated that Mr. Barnes sold his house and property and put a water line along the edge of his property and now he wants to condemn Mr. Hedgpeth property. He said Mr. Barnes offered \$5,000.00 the first time and \$10,000.00 this year and you can't buy a junk lot in Nixa for \$10,000.00. Mr. Hedgpeth wants \$30,000.00 and a new fence. Bingle stated that Mr. Hedgpeth came in today to inform the City of a sinkhole and most of the sinkhole is on the Arterberry property which is north of the right-of-way that we require upgraded. The section that needs improved does not appear to be affected by the sinkhole. Bingle explained the process of condemnation. Mr. Hedgpeth stated that the Heritage Law that passed in Jefferson City said any property that has been in a family over 50 years is required to get more money for each year the family owns it. Bingle checked with Attorney, Pat Sweeney on that law and he provided that any condemnation of property that has been taken and prevents the property owner of utilizing the property in the same manner as it was currently being used. Upon taking the property that has been owned by the same family for 50 years or more, should receive of fair market value. The City feels the property can continually be used as it is currently being used. Vogel made a motion to begin condemnation procedures on the property with McCorkle seconding and McCorkle and Vogel voting aye and Durbin and Elmer voting nay. The Board began asking questions and discussing the issue again when Stillings informed them that she had not voted. Stillings then voted aye to begin condemnation. The City Attorney's legal opinion was that Stillings vote did count and the motion failed because of lack of quorum. The following day the City contacted the City Attorney and his legal opinion is that the motion did pass on the discussion item because it was the majority of the Aldermen present.

Chief Bacon informed the Aldermen that the Police Department has received another \$500.00 DWI enforcement grant from MoDot and he needs their authority to accept it. McCorkle made a motion to accept the grant with Stillings seconding and all voting aye.

Brent Forgey with the Nixa Police Department and Pam Holt, an injury prevention coordinator with St Johns

presented the Primary Seat Belt Law to the Board. Forgey stated that MoDot is currently promoting seat belt use in Cities and Counties in Missouri. They feel Nixa needs a seat belt law. Across the state 70% of people die in crashes that don't use seatbelts. In 2007 the seat belt use rate was 77% and that is below the national average. Pam Holt stated that out of 3000 trauma patients a year the statistic showed only 62% of Nixa residents had a set belt on. MoDot is asking the City to pass an ordinance to enforce a seat belt law. Forgey asked if any Aldermen would like to sponsor this program to contact him. McCorkle said that he would sponsor the program.

MAYOR AND ALDERMEN REPORTS

Elmer stated that he received a call from a citizen that put a swimming pool in and that he spoke with Doug Colvin about filling it from the fire hydrant. Doug Colvin informed them that we can't fill from hydrants, but he is writing a policy on using water meters for things like this, but the policy isn't finished.

Bingle informed the Board that the City has written Karen Keever a ticket for obstructing the flow of a stormwater pipe on Lynn Street. We are pursuing this as a nuisance, but she may be violating a grading plan that was created in 1989.

EXECUTIVE SESSION

At 8:20 p.m. Elmer made a motion to go into an executive session pursuant to RSMo 610.021 on Personnel with McCorkle seconding and Elmer, McCorkle, Stillings, Durbin, Vogel and Tallaksen all voting aye on roll call vote.

Members returned to regular session at 8:50 PM.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:55 PM.

Mayor

City Clerk

SPECIAL MEETING

AUGUST 25, 2009 6:00 P.M.

The special meeting of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Kevin Elmer, Charles McCorkle, Barb Stillings, Michael Durbin, and Steve Tallaksen. Kyle Vogel arrived at 7:20 p.m.

At 6:05 Elmer made a motion to go into an executive session pursuant to RSMo 610.021 on Personnel with Tallaksen seconding and Elmer, McCorkle, Stillings, Durbin and Tallaksen all voting aye on roll call vote. At 6:15 p.m. McCorkle made a motion to go back into regular session with Tallaksen seconding and Elmer, McCorkle, Stillings, Durbin and Tallaksen all voted aye on roll call vote.

The Pledge of Allegiance was given

PUBLIC HEARINGS

Mayor Hayes opened the public hearing on setting the 2009 tax levy on real property. City Administrator, Brian Bingle explained that this is what the constitution limits and the amount is set by the State Auditor. We can decrease the amount, but we can not increase the tax amount without a vote from the citizens. No public comment was made and the public hearing was closed.

ORDINANCES

Bill #2009-85 setting the 2009 tax levy on real property was presented. Bingle informed the Aldermen that the tax levy information from the public hearing is the same for this. Tallaksen made a motion to approve Bill #2009-85 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2009-85 was present for final reading. Tallaksen made a motion to approve Bill #2009-85 on final reading and pass into law with Stillings seconding and Elmer, McCorkle, Stillings, Durbin, Tallaksen all voting aye on roll call vote.

Vogel arrived to the meeting at 7:20 p.m.

Bill #2009-86 repealing ordinance #1599 and replacing with a revised contract with CJW Transportation Consultants LLC. to design State Highway 14 & 160 intersection project was presented. Doug Colvin, Public Works Director, explained that the application that was sent to Jefferson City by CJW Transportation Consultants for the ARRA project to be approved had a mathematical error. The application will be corrected and resubmitted. The State may approve the corrected amount. Colvin recommended that the Board adopt a new ordinance authorizing the Mayor to sign the revised contract with CJW Transportation Consultants. After a long discussion McCorkle made a motion to approve Bill #2009-86 on first reading and pass to second with Vogel seconding and all voting aye. Bill #2009-86 was presented for final reading. Tallaksen made a motion to approve Bill #2009-86 on final reading and pass into law with Vogel seconding and McCorkle, Stillings, Durbin, Vogel, Tallaksen and Elmer all voting aye on roll call vote.

Bill #2009-87 authorizing the Mayor to sign a contract with Branco Enterprises, INC. to construct the Wastewater Treatment Plant sludge control area metal building was presented. Colvin reminded the Aldermen that they awarded the bid to Branco in June and explained what the building was for. Elmer made a motion to approve Bill #2009-87 on first reading and pass to second with Stilling seconding and all voting aye. Bill #2009-87 was presented for final reading. McCorkle made a motion to approve Bill #2009-87 on final reading and pass into law with Tallaksen seconding and Stillings, Durbin, Vogel, Tallaksen, Elmer and McCorkle all voting aye on roll call vote.

DISCUSSION ITEMS

Mayor Hayes reminded the Aldermen of their vote in July on the process of condemnation of Gayle Hedgpeith's property for the Walnut Creek Subdivision. The vote was to give direction for Bingle to go ahead and get the

property values for Hedgpeth's property. Then he will bring the information back to the Board and they will have to decide if they want to begin condemnation.

Members took a 5 minute break and returned at 6:55 pm.

Jay Wynn with CJW Transportation Consultants presented the results of the street prioritization after calculating the Aldermen's and staff's scoring sheets. He discussed the Roadway Congestion list of streets and the Economic Competitiveness list of streets and informed the Aldermen that most of the streets that are on these two lists are the primary roadways in Nixa. The top 10 streets that need improved on the Overall results list were;

- Mt. Vernon & SH 14 (Main St. to Old Wilderness Rd)
- Main St. (Aldersgate Dr. to Tracker Rd)
- Mt. Vernon & SH 14 (Main St to Ridgecrest Ave)
- Mt. Vernon & SH 14 (Majestic Oak Dr/ Tiffany Blvd to Cheyenne Rd)
- North St. (Century Elementary to Cheyenne)
- Nicholas Rd (Intersection widening north side of SH 14 and signal upgrades)
- Mt. Vernon & SH 14 (Main St. intersection realignment)
- Main St. (Tracker Rd to SH CC)
- Kenneth St. (Realignment at Northview Rd)
- US 160 (4 lane divided upgrade south of Nixa)

Bingle stated that the City should cost share with the State and the Federal government to upgrade corridors.

Mayor Hayes explained that he thinks the Collector Street Policy works well for the residential area streets but not on the commercial area streets, because the streets in the commercial areas are more expensive to build.

Colvin stated that the first three tables in the prioritization book are the streets that 90% of the people in the community drive the top 10 roads on these tables. Since 2005 we have been working on 15 of these streets that are on the Overall Results table.

Bingle informed the Aldermen that the Capital Improvement Programs for the 2010 budget will begin this month. He will distribute the CIP forms for them to fill out, so staff will know what to budget for.

MAYOR AND ALDERMEN REPORTS

McCorkle informed the board that he has received two phone calls from citizens. There was a traffic accident by the High School the first day of school, so the citizen wants a stop light by the High School. Another citizen called and wants direction signs put over head at the intersection of Gregg Road and Highway 14. The two requests can not be addressed by the City because they are on State Highways.

Bingle informed the Aldermen that he researched the Collector Street Policy in larger municipalities and found Blue Springs has a policy that staff thought would work best. In their policy, the developers have the responsibility of improving the collector streets in the commercial areas. The Collector Street Policy will be put back on the agenda.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:00 PM.

Mayor

City Clerk

REGULAR MEETING OF THE BOARD OF ALDERMEN OF NIXA, MISSOURI

NIXA CITY HALL

SEPTEMBER 14, 2009 7:00 P.M.

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Hayes. Attending were Kevin Elmer, Charles McCorkle, Barb Stillings, Kyle Vogel, Michael Durbin and Steve Tallaksen.

The Pledge of Allegiance was given.

MINUTES

Mayor Hayes asked for the approval of the minutes. Vogel asked for a correction to the August 25th minutes, he arrived at 6:20, not at 7:20. With this correction the minutes were approved unanimously.

FINANCIAL REPORT

The Financial Report was approved as presented by unanimous consent.

VISITORS

Su Estes, 3468 E Sheffield, Springfield, would like to plant an idea of the Alley Cat Allies to reduce the cat population. This plan is catching, neutering and returning the cats to their colonies. The cats receive their shots at this time and then released back to their colony. This is a less expensive way to control the cat population.

ORDINANCES

Bill #2009-91 amending Chapter 12 Motor vehicles and Traffic Section 12-39 Safety Belts and Child Restraint Devices was presented. Officer Brent Forgey reminded the Aldermen that he presented this idea last month and McCorkle offered to sponsor it. Mayor Hayes stated that with this ordinance the officers can stop vehicles for the passengers not wearing a seat belt. He asked why the State of Missouri didn't pass this law. Officer Forgey said the Missouri House didn't think they should tell the people what to do. Seven cities in Missouri have passed this law and the State of Iowa and Arkansas have passed this law. After a long discussion McCorkle made a motion to approve Bill #2009-91 on first reading and pass to second with Vogel seconding and McCorkle, Stillings, Durbin, Vogel and Tallaksen voting aye and Elmer voting nay. Bill #2009-91 was presented for final reading. McCorkle made a motion to approve Bill #2009-91 on final reading and pass into law with Tallaksen seconding and McCorkle, Stilling, Durbin, Vogel, Tallaksen all voting aye and Elmer voting nay on roll call vote.

Bill #2009-92 amending Chapter 9 Solid Waste and Weeds, Article III Recycling, to include section 9-45 Residential composting was presented. Planner, Travis Cossey explained that at direction of the Board, staff has prepared a regulation for composting. This ordinance does allow residential composting by regulating the size, location and the materials that can be placed in the compost. Durbin made a motion to approve Bill #2009-92 on first reading and pass to second with Stillings seconding and all voting aye. Bill #2009-92 was presented for final reading. Vogel made a motion to approve Bill #2009-92 on final reading and pass into law with McCorkle seconding and McCorkle, Stillings, Durbin, Vogel, Tallaksen and Elmer all voting aye on roll call vote.

Bill #2009-93 authoring the Mayor to sign an Indemnification agreement with the Missouri Sherriff's Association Training Academy concerning the use of the Nixa Firing Range. Chief Bacon explained that this agreement is the same that we have done with other organizations in the past. Durbin made a motion to approve Bill #2009-93 on first reading and pass to second with Tallaksen seconding. Bill #2009-93 was presented for final reading. Durbin made a motion to approve Bill #2009-93 on final reading and pass into law with Vogel seconding and Stilling, Durbin, Vogel, Tallaksen, Elmer and McCorkle and voting aye on roll call vote.

RESOLUTIONS

Resolution #2009-91 and Resolution #2009-92 Collection Street Policy was not presented. Tallaksen made a motion to postpone this resolution until October 19th meeting with Stillings seconding and all voting aye.

Resolution #2009-93 authorizing the appointment of a director and alternate director to the Missouri Joint Municipal Electric Utility Commission was presented. City Administrator, Brian Bingle explained that this ordinance is needed by the Missouri Public Utility Alliance. The MJMEUC Commission recommends we appoint the Public Works Director as Director and Electric Department Supervisor as Alternate Director to represent Nixa on the MJMEUC Board of Directors, because they attend the meetings.

At 7:50 p.m. Mayor Hayes suggested they take a 5 minute break. They returned at 7:55 p.m. Mayor Hayes called the meeting back to order.

DISCUSSION ITEMS

Shilo Smith with Allied Waste Management presented the automated waste collection to the Aldermen. The automated waste collection streamlines the trash collection process. The top reason for automaton is that it controls the increasing costs, improves city aesthetics and it is environmentally friendly. The trash carts that are bought at stores are not heavy duty and lasts only one to two years. Allied repairs their trash carts if needed and their capacity is 95 gallons. The carts will help keep the streets cleaner, because they keep litter from blowing around and animals from getting into the trash bags. It is safer to use the carts because of the dangerous items that are set out in trash bags. If the City decides to go with this automation, Allied will notify the citizens on the regulations. The Aldermen were concerned about extra trash that won't fit in the cart that the customers might have occasionally. Ms. Smith explained that Allied will notify the customers what to do in that situation. Mayor Hayes suggested having a community meeting so citizens can ask Allied representative questions.

Mayor Hayes moved the MHDC Discussion up next on the agenda.

Marie Carmichael with Affordable Homes Construction, Inc., explained that they are proposing a 32 single family homes in Highland Ridge. In this subdivision there will be 29 homes that will be rented to people that earn 60% of the non metro median income, which will pay \$535 a month for rent. There will be 3 homes that will be rented to people that make 80% of the non metro median income, which will pay \$595 a month for rent. The homes will be 1450 square feet, with a 2 car garage, a brick exterior and they will be Energy Star certified. The financing for this project comes from two agencies. They will file an application with the Missouri Housing Commission and they need a resolution from the City to show support of this project. The second source of funding is with the Community Development Block Grant that will go through the City. They will be notified in January if they are approved and then start the project in the spring. The Block Grant will be \$500,000 and be used for land and city fees. The resolution will be presented at the September 17th meeting for approval.

Public Works Director, Doug Colvin asked the Aldermen to re-authorize funds that were not used. The first item was the funds for the Salt Dome. The budget for the Salt Dome was \$40,000 and they will complete it for \$21,000. Colvin requested that they authorize them to use \$12,000 of the remaining funds to purchase a plow and spreader that is needed. The second authorized budget item was \$65,000 for a new brush grinder/chipper; however they made some repairs and changes in operations which will allow the chipper to last a couple more years. Colvin requests that we use \$28,000 of the \$68,000 budgeted that wasn't used to purchase new skid steer loader. McCorkle made a motion to use \$12,000 for a plow and spreader from the remaining fund of the Salt Dome budget and \$28,000 for a skid steer loader from the \$65,000 that was allowed for the grinder/chipper. Vogel second the motion, with all voting aye.

Colvin explained to the Aldermen that Shaffer and Hines completed phase A preliminary design of Kenneth Street for \$4,550 which was approved in March of this year. We are asking the Aldermen to authorize a contract with Shaffer and Hines, to prepare Phase B which will finalize the improvements to Kenneth Street. We need the Aldermen to amend the budget for \$25,190.00 for the project. Durbin made a motion to authorize a contract with Shaffer and Hines and to amend the budget for \$25,190.00 for the Kenneth Street project, with McCorkle seconding and all voting aye.

Chief Bacon asked the Aldermen's permission to apply for the 2010 Local Law Enforcement Block Grant Program; this is a grant we annually apply for. This is a match grant, which means we would have to pay for 10% of the total. The maximum amount of this grant is \$10,000, which means the City would have to pay \$1,000. This grant is to purchase safety equipment for the officers. Tallaksen made a motion to give permission to the Chief to apply for the 2010 Local Law Enforcement Block Grant Program with Stilling seconding and all voting aye.

Chief Bacon asked the Aldermen's permission to apply for the Community Foundation Grant, which is a non matching grant. Durbin made a motion to allow Chief Bacon to apply for the Community Foundation Grant with Stillings seconding and all voting aye.

Chief Bacon informed the Aldermen that the Police Department has received four grants for the period of October 1, 2009 through September 30, 2010. He needs their permission to sign the following grants.

1. \$3,000 in federal funds for Occupant Protection project
2. \$7,170 in federal funds for DWI Enforcement project.
3. \$7,980 in federal funds for Hazardous Moving Violations project
4. \$9,780 in federal funds for Sobriety Checkpoint project

Stillings made a motion to give Chief Bacon authorization to sign the four grants with Tallaksen seconding and all voting aye.

Colvin explained to the Aldermen that the city sells bulk water, but we only have one location to sell bulk water from. He has proposed a solution by getting backflow meters for the customers to use. We would require a \$100 deposit to use the meter. They would pay the deposit then pickup the meter at the Public Works Building. When they are finished they would return it to the Public Works Building and a city employee would check the meter and give the usage amount to the Finance Office to generate a bill. If needed a City employee will go out and hook up the meter for the customer. Colvin is asking the Aldermen to approve a Fire Hydrant Meter Policy for the purchasing of bulk water. McCorkle made a motion for Colvin to write a Fire Hydrant Meter Policy with Tallaksen seconding and all voting aye.

Bingle reminded the Aldermen of the September 17th meeting with Spring Net at City Hall at 6:30 p.m. and the School/City meeting September 22nd at City Hall at 6:30 p.m.

MAYOR AND ALDERMEN REPORTS

Tallaksen informed the Aldermen of the Chamber meeting September 15th.

Mayor Hayes informed them that the executive session was cancelled.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:07 PM.

Mayor

City Clerk

SPECIAL MEETING OF THE BOARD OF ALDERMEN OF NIXA, MISSOURI

NIXA CITY HALL

SEPTEMBER 17, 2009 7:00 P.M.

The special meeting of the Nixa Board of Aldermen was called to order by Mayor Hayes. Attending were Charles McCorkle, Barb Stillings, Michael Durbin and Steve Tallaksen. Kevin Elmer arrived at 7:40.

The Pledge of Allegiance was given.

City Administrator, Brian Bingle, showed a video of the technology being used today and informed the Aldermen that there is stimulus money with ARRA for internet services. Brian called Showme, Suddenlink, and AT&T to bring to their attention of the monies from ARRA. He also wanted to inform them of the information from our surveys. The City has 94 entities in the Industrial Park and asked them if they were interested in an internet connection and who already has internet connection. On the survey 43 were very interested in internet and 4 were not interested. There was 34 that has internet and 3 that does not. We have 38 dark fibers and 32 are unused that we could start extending if we could afford it. Our recommendation is to have the Aldermen look at the Capital Improvement program this year and come up with a way to cost share with a fiber optic company or look at getting into fiber optic business ourselves. We asked Spring Net to give a presentation on fiber optics.

Chris Cauble with Spring Net introduced fellow employees, Todd Murray, Brent McKenny and Chris Yates; they are all from Spring Net. Chris Cauble prepared a presentation for Broadband in the Industrial Park. He explained there would have to be a backbone of cable and then they would take services to each business. The infrastructure would include a cabinet in the Public Works building, 4 fibers from City Utilities to Public Works on the Nixa 69KV line, 72 strands of fiber along the streets in the Industrial Park and underground pull boxes to allow for service drops.

The estimated total amounts are:

| | |
|--------------------|---------------|
| Construction labor | \$191,026 |
| Technology labor | 52,504 |
| Materials | 85,196 |
| Contract service | <u>13,601</u> |
| Backbone Total | \$342,327 |

They will need access to the box in the Public Works building 24 hours a day, 7 days a week.

The service drops to each customer are:

- Underground connection to each customer
- 12 count fiber to customer buildings
- Conduit from underground pull boxes
- Customer router

Material and labor will cost approximately \$7,217 per customer for the service drop. Spring Net will provide the same service to Nixa that Springfield has.

Spring Net's Contributions are:

- Cable route engineering and network design
- Construction over sight and inspections
- Business development assistance
- Internet service
- Customer support
- Phase support
- After hours support

Nixa's Contributions' are:

- Business contact information
- Public right of way and utility pole access
- Construction forces for conduit installation
- 4 fibers to James River Power Station
- Space at Public Works building
- Construction funding source
- Customer billing

They have interconnect agreements, so businesses in Springfield can get service to there businesses in other towns. It will take 10-15 years to get a return on the investment with Spring Net services.

At 7:40 p.m. Mayor Hayes suggested they take a break. They returned at 8:00 p.m. Mayor Hayes call the meeting back to order.

Mayor Hayes presented Resolution #2009-94 supporting the proposed 32 unit single-family affordable housing development known as Highland Ridge. They will be applying for CDBG grant for the Highland Ridge subdivision. The Mayor will have to sign the grant documents, because the City is the applicant. Tallaksen made a motion to approve Resolution #2009-94 with McCorkle seconding and all voting aye.

There being no further business, the meeting was adjourned at 8:07 pm.

Mayor

City Clerk

**SPECIAL MEETING OF THE BOARD OF ALDERMEN OF
NIXA, MISSOURI**

NIXA CITY HALL

SEPTEMBER 22, 2009 6:15 P.M.

The special meeting of the Nixa Board of Aldermen was called to order by Mayor Hayes. Attending were Charles McCorkle, Barb Stillings, Michael Durbin, Kyle Vogel and Steve Tallaksen.

Chief Bacon informed the Board that the MoDot Highway Safety Division has a grant from the National Highway Traffic safety Administration to address poor seat belt usage in rural areas. The grant is for \$3,000 to be used in October 2009 to enforce seat belt use. Vogel made a motion to authorize Chief Bacon to apply for the seat belt grant with Stillings seconding and all voting aye.

There being no further business, the meeting was adjourned at 6:30 pm.

Mayor

City Clerk

AGENDA WORK SESSION MEETING OF THE BOARD OF ALDERMEN OF NIXA, MISSOURI

NIXA CITY HALL

OCTOBER 7, 2009 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Charles McCorkle, Barb Stillings, Kyle Vogel, Michael Durbin and Steve Tallaksen. Kevin Elmer was absent.

Mayor Hayes presented Police Officer John Patochek with a pin and certificate for 20 years of service.

Allied Trash representatives were scheduled for the visitor section, but they were not present.

City Administrator Brian Bingle announced that on October 27th there will be a dinner to celebrate the Home Rule Commissioner finishing the project.

Bingle explained that an ordinance for the Bulk Water Sales is needed. The City will need to charge a deposit for the use of the bulk water meter.

Bingle informed the Aldermen the Right of Appeal ordinance is a change in the language for the Municipal Courts that have a Judge that is also a lawyer.

Bingle explained that the Lease for Facilities ordinance is done annually for the Bank holding the bond on the City Hall, Police and Public Works buildings.

Bingle explained the Before/After School contract with the Nixa School System is for the school year 2009 thru 2010. This is an annual contract that is the same as last year. August 1, 2010 the Nixa School System will take over this program.

Chief Bacon informed the Aldermen that in 2010 there will be a transition period while they find an administrator for 911. The Christian County Commissioners don't want their 911 employees to be county employees as of January 1, 2009. That means that they need to have both entities brought in to the new 911 system at the same time. The new 911 Board negotiated with Christian County Commissioner, they want the contract on a month to month basis. The contract with the City will mirror the contract that they have with the County Commissioners. It will be for 12 months, but it will be billed every month, plus 5% for administration fees. The goal is, by mid-year, to take the personal and put them under an umbrella for the new 911 board. Donna Swatzell, Finance Director and Chief Bacon decided to budget for 1 year and the City will send them the bill and they will pay it. In the contract under section three, they are asking the City to allow them to use the City's dispatch offices. The new 911 Board is hoping that the City will not have to subsidize the 911 program in 2010. In 2011 they may have to come back to the City with a contract to rent space for 911 while they are still in transition.

Bingle informed the Aldermen that Doug Colvin; Public Works Director will present the Bulk Water Sales/Fire Hydrant Meter Use Policy that is in the packet at the October 19th meeting.

Donna Swatzell gave an overview of the new Purchasing Policy. The Policy requires all vendors to provide a vendor information form and a W-9 form. We are holding the Directors and Department Heads more responsible of the expenditures. The inventory is being worked on and they are creating a database to check the inventory. In the process of rewriting this policy we have reviewed other Cities Purchasing Policies. The Department Directors, Auditor Marshall Decker, Attorney Pat Sweeney reviewed the new policy. The City Attorney will review the City's contracts and the Mayor will sign all contracts. Section two has the purchasing procedures, section three covers exceptions to the normal purchasing procedures, section four is on receipting of goods and services, and section five contains the legal and contractual remedies. Durbin suggested that he would like to see the conflict of interest more in-depth. Chief Bacon feels we need to be more stringent on the gratuities that employees receive. Donna will work on the conflict of interest and the gratuities in the policy.

Bingle presented two Collector Street Policies to the Aldermen. He stated that the City's current Collector Street policy doesn't work. One is a copy of Blue Springs Collector Street Policy in the packet, which, the developer will pay for improvements to the collector street or he can pay into an escrow. Our current policy requires the City to pay one-third of the improvements. Stillings suggested that we change the 10 years to 5 years to give the developer a chance to pay it off. We will use this policy at the time of annexation of property. The policy will be presented at the Board of Aldermen Meeting.

Bingle informed the Aldermen that we will have a public hearing on the ARRA wastewater facilities plan; it will be with Elizabeth at City Hall if you would like to see it. This process at the meeting is for objections and appeals to the resolution. The resolution is to allow the Mayor to be the executor and signer of all the documents and contracts for this project. Bingle will have Donna prepare a Local Fund Assurance Affidavit showing the budget amendment for \$387,000.00 on the project. We have all easements for the project.

Bingle explained Eastwood Hills wants to create a NID to connect to the City sewer. The State Statutes have given citizens the opportunity to create a Neighbor Improvement District (NID) so residents in a geographic boundary can petition the Board of Aldermen to create a tax district. The residents of the area create an additional tax upon themselves so they can retire the debt the City would have from issuing an obligation bond. They must have two-thirds of the property owners in that area to sign a petition to create the District. They have eight property owners that have signed the petition; they need two more property owners to establish a District. It will take 20 years to pay off the debt; it will be billed on their property tax. Our current ordinance prohibits septic tanks. They have contracted with Shaffer and Hines and Carson Elliff to prepare the neighborhood district. If they get enough signatures there will be an ordinance at the October 19th Board meeting.

Bingle informed the Aldermen that Staff recommends Scott Consulting Engineering to prepare the water tower design at the High Point site. We will submit a contract for the preliminary designs on an elevated water tower or ground storage tank. Scott Consulting will inform us on the pros and cons of each. This contract will be approximately \$7,400.00. When this is finished we will bring back another contract for the design work of the water storage system.

Bingle presented the 2010 Capital Improvement Program. The priority items are:

- Codification of the Ordinances if the Home Rule is approved in April 2010.
- New front counters at the Utility Billing Office and Municipality Court Office for security.
- GIS/GPS system for Public Works & Development Department for mapping.
- Restricted entry to the Finance Department.
- Salary survey that is done every 5 years
- Park land
- Extension of fiber optic strands
- Up grade 69Kv loop
- Expanding Public Works, office, shop and equipment storage
- Dog pound
- Northview Street west of Hwy 160
- Wastewater ARRA trunk lines
- Software for Utility Billing system
- Becoming a member of Tri State Water Coalition

Bingle informed the Aldermen that we have found that the cost of living is actually in the negative and our revenues have not changed since 2006. Management recommends that no COLA or Merit raises be given to employee in 2010.

Bingle informed the Aldermen of the item that will be on the October 19th agenda:

- Application for ARRA grant for Drinking water
- Off-site for storing computer data
- DNR Stimulus
- Fuel adjustment from Springfield Utilities to the City changes from .0128 to .0041
- Police receiving a unsolicited grant on additional equipment at DWI check points

Allied Waste Services brought more information on the proposed solid waste automation. The current rate for residents in the City is \$8.50 for trash service without a supplied cart and \$9.20 for trash service with a supplied cart. The contracted rates effective January 1, 2010 are \$8.76 for trash service without a car and \$9.48 for trash service with a cart. Allied Waste proposed to amend the current contract to allow for automation at a rate of \$9.20 for all residents, foregoing the contracted rate increase on two-thirds of Nixa residents. Allied Waste proposes to educate the residents on the automation process and enforce the regulations. Automating the trash service will standardize the community; improve safety and aesthetics of the City. It will control increasing costs for residents and the City by the standardization of services. Allied Waste will distribute/exchange trash carts, tag residents on offenses and educate them of what is allowed for the first 60 days. After 60 days they will tag offenses and leave instruction for customers to contact Allied Waste Customer Service. They will allow 2 weeks of leniency to accommodate extra holiday trash. They will allow one bulky item per month, when resident schedules the pick up with Allied Waste Office. Residents moving in and out will be scheduled by calling Allied Waste Office.

There being no further business, the meeting was adjourned at 2:34 pm.

Mayor

City Clerk

REGULAR MEETING OF THE BOARD OF ALDERMEN OF NIXA, MISSOURI

NIXA CITY HALL

OCTOBER 19, 2009 7:00 P.M.

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Kevin Elmer, Charles McCorkle, Barb Stillings, Kyle Vogel, Michael Durbin and Steve Tallaksen.

The Pledge of Allegiance was given.

Mayor Hayes informed the Aldermen that some agenda items needed to be moved up on the agenda and the wording in one ordinance needs changing. Vogel made a motion to change Ordinance #2009-109 from Jennifer Wilson Architect, designing a front counter to Bales Construction Company, constructing a front counter with Stillings seconding and all voting aye.

Stillings made a motion to move Ordinance #2009-107, Eastwood Hills NID up to the first ordinance on the agenda with Durbin seconding and all voting aye.

Vogel made a motion to move Ordinance #2009-108, Condemnation of Gayl Hedgpeth property to the second ordinance on the agenda with Stillings seconding and McCorkle, Stillings, Durbin, Vogel and Tallaksen voting aye and Elmer voting nay.

Durbin made a motion to move Resolution #2009-91, Amending the Collector Street Policy up to the first resolution on the agenda with Stillings seconding and all voting aye.

Vogel made a motion to move the discussion on Allied Trash after the Public Hearing with Elmer seconding and all voting aye.

MINUTES

The minutes of the September 9th, 14th, 17th, and 22nd were approved as presented by unanimous consent.

FINANCIAL REPORT

The Financial Report was approved as presented by unanimous consent.

VISITORS

Charisse Cameron, 435 E. Halsey St, Republic, Missouri, is the Community Representative for the Pancreatic Cancer network and has been working across the state of Missouri to get November declared Pancreatic Cancer Awareness Month. Pancreatic Cancer doesn't get the funding it needs and she would like the City to help make everyone aware, with this proclamation.

Pat Pierce, 1784 Deer Ridge Dr, came to speak on behalf of her daughter that was stopped by the City police. She feels this incident should be investigated by someone other than the Chief of Police. She only made a wide turn out of Taco Bell and her speech was not slurred. Ms. Pierce didn't like the officer's conversation in the police car. She felt her daughter's treatment, the search and the field sobriety test were a breach of the Police code of Ethics. She feels Officer Gilbert should be terminated and all the officers should make a sincere apology to her daughter. Mayor Hayes informed her that an internal investigation is still going on She gave her letter that she read to the City Clerk.

PROCLAMATION

Mayor Hayes read a Proclamation to make November the Pancreatic Cancer Awareness Month and presented it to Charisse Cameron.

PUBLIC HEARINGS

Gary Shaffer, 729 West Center Circle, Nixa, Missouri, stated that basically tonight, what we need to do is, since we are a recipient of a Federal Grant. When federal monies are involved we have to have a public meeting on how the monies are going to be spent. We are going to have a public meeting to discuss a few items and then we will go into the public hearing. He passed a sign up sheet for the attendees to sign in on, because this is a requirement of the grant. Aldermen Elmer asked Mr. Shaffer where the grant was coming from. Mr. Shaffer said, the grant is coming through the Department of Natural Resources; they are the local agency that is taking care of this. The grant money is a stimulus project and actually it is with the American Recovery and Reinvestment Act of 2009. Durbin asked, if this is the grant that is in the resolutions on the agenda. Shaffer answered, yes, it is. Aldermen Durbin asked, can we hold off on the data collection until we pass the grant. City Administrator, Bingle said, no, we have projects 1, 2 and 3, which is the Southeast Sanitary sewer line, the Northern portion of the sewer line and the Old River Dale sewer line. Those grants have already been authorized by the Board of Aldermen and therefore, what Gary is speaking about this evening is related to those 3 projects where the City received \$800,000.00, 50% from our reserve account and 50% as in-kind match, so no this application is unrelated to these resolutions on the agenda. Durbin stated, so these name and addresses will be reported back to the Federal Government correct, for the public hearing. This is the strings that I warned about when accepting Stimulus Funds, just for the record. Elmer stated, there is no one policing this tonight. Gary Shaffer said, basically on the public meeting part of this, you have in front of you, four contracts that we have split the contract into three of these projects. Contract 1, 2 and 3 are simply going to be constructed at locations where we have existing collector lines and we are going to basically move over 10 feet and put another line in there. The existing lines are becoming over loaded, they were constructed many years ago, and the main line was constructed when we first did our collection system. That was in the late 1960's or early 1970's. You can tell Nixa has grown quite a bit since then. These lines are showing signs of distress and we need to expand them to add additional development. Basically all we are going to do is expand those collection systems, there is no treatment involved. The alternatives that we looked at, and this is going to sound funny but, the State allows this, because it was so clear cut and we talked to staff and we worked through all this, but one of the alternatives was to do nothing, and the State allows that as an alternative. That wasn't really a viable alternative, because we've got problems. We seen distress of the lines so what we wanted to do is go in and enlarge the lines, put in relief sewers. I have checked the hydraulics on our improvements, this will last us 20 years with anticipated growth rate. Mayor Hayes asked, if these were the old concrete lines. Shaffer said, yes, he thinks these are some of the old concrete lines that were originally put in 40 years ago. Mayor Hayes stated, some of this is in relation to the seepage of ground water we've been getting in our system. Shaffer answered, absolutely, what we've got is that we have had a lot of rain here lately. What happens is that these old lines deteriorate and they allow more and more ground water into them and then the ground water goes down to the treatment plant and then you are treating rain water versus waste water and that just uses up the capacity of the plant. Vogel asked, if this money is only available for wastewater or is this money available for stormwater or wastewater? Shaffer said, no this money we are talking about here is only available for wastewater. Now later on Brian is going to be discussing some stimulus money that is available for water/portable drinking water. Vogel stated, I was just wondering because we have had much bigger issues brought to us on the stormwater issues. Is there some place else on the stormwater side we could use these for? Mayor Hayes made a comment, one of the big problems that your people don't understand, is it cost us for every gallon of water that we treat at the treatment plant. The figures are astronomical on how much ground water we are treating because it is getting in the sewer system although it is related to stormwater. Aldermen Tallaksen asked, if the new lines were going to go into the existing right-of-ways. Shaffer answered, no, we had to get additional easements for the lines. The existing lines for the most part are in 10 foot easements, so we are close to them, but we have to get additional easements. Aldermen McCorkle asked, Shaffer if this is the same grant the City of Houston got. Shaffer said, it could well be. McCorkle stated, they are spending their money on a very similar situation there. Shaffer stated, it probably is, this is a nation wide competition. You had to apply and you had to be selected as worthy to receive the grant funds and we did. Shaffer stated, I understand about what you are saying about the strings attached and all that stuff. The last thing is, we needed to discuss is what we are going to do and that is in these four contracts. Shaffer explained the map, that every where there are dotted lines there is existing lines through there and all we are doing is just increasing the capacity of our collection system.

Mayor Hayes opened the Public Hearing on the City's Wastewater Facilities Plan to anyone that wants to speak on that issue. Shaffer explained, this is primarily to discuss the environmental impact, the proposed

improvements are going to have neither positive or negative, from my stand point they are all positive, if we don't do anything we are going to have some real problems in the future. I think they are all positive and what we had to do when we suggested that we were going to make these improvements, we had to submit to different State agencies and they looked at the environmental impact as well. Who we submitted to was the Department of Natural Resources State Historic Preservation Program, Department of Natural Resources State Park, Department of Natural Resources division of Geology and Land Survey, US Fish and Wildlife Services, Office of Administration that is a State office for intergovernmental relations, Department of Conservation, US Army Corp of Engineers. We had to submit all of the State and Federal Engineers Agencies and they all wrote back letters saying, go ahead we think it is a good thing. Mayor Hayes asked, if any of the agencies reported anything negative. Shaffer answered, no, I got clearance letters from all of them and those letters have to be forwarded to the Department of Natural Resources along with the minutes of this meeting. Vogel asked, if you have an existing 18" diameter pipe and it is in the easement that we own, why can't you dig it up and put in a 36" diameter pipe if you need additional and not have to spend money or steal anyone else's property in order to get/what is the rational of behind doing another whole pipe instead of just digging up what is bad and putting in new. Shaffer replied, there are a couple of reasons why that can't be done. Number one these lines already have waste water already going through them and they are almost full. If you would take them out of service for any length of time you would have a terrible mess. The second thing is to try to dig one of those pipes up even if it was empty, to dig it up and take it out to replace it would be more cost prohibited. Vogel stated, when you have to purchase additional easements, it seems like your adding more money on. Shaffer stated, it is tough, but it's the best approach that we've got. Elmer said, thanks for your use of the word steal, your services is on an hourly rate right? Shaffer said, I think we did a lump sum on this one. Elmer asked if all the agencies were in the lump sum and Shaffer answered yes. Elmer said, the money has to come from somewhere; we have this additional tax on our budget that we didn't account for last year. Mayor Hayes stated, that he thinks this is being reimbursed to us through the grant. Bingle stated, this has been authorized, the expenditure of about \$387,000.00 to match the grant that we were awarded. All of those monies are not only affording the engineers services, but all acquisition of easements and appraisal of properties. Elmer wanted it to be clear that the monies coming through are coming from the Federal Government as far as the expenditure here. Shaffer stated, basically I want to touch on these items, because we sort of went through it when I said this is the environment impact. We want to discuss how it is going to impact wetlands, we are not in any wetlands; flood plains, no not really; endangered species, no; cultural resources, no; prime farm land , no; public lands, parks, no. We are just paralleling and the existing lines that goes down through there. Discuss how the project may impact the development pattern of the area, it's really not going to, there is an existing sewer there anyway we're not doing anything to cause any problems. Environmental clearances from the numerous agencies, I mention those. Impact on personal property such as driveways, tree, easements etc. These are valid questions if you are just going out in the middle of some place that you haven't done anything before. The sewer line is already there, all we are doing is just putting another line there. Impact on water quality, air quality etc., its really not going to affect that other than it will improve water quality because if we have any overflow of the man holes, that wouldn't be good and these improvements will minimize that possibility. The discussion of the user charges, it's not going to impact the City's user charges because the City had funds on hand that they could commit to the project, so we don't have to change are user charge rate. That's about all I've got, if there is any questions. Mayor Hayes opened up the Public Hearing if anyone here wants to speak on the issue. No public comment was made. Mayor Hayes asked, if the Board had any other questions. Mayor Hayes thanked Gary Shaffer and announced that the public hearing is now closed. The Public Hearing closed at 8:45 p.m.

Mayor Hayes stated that Allied Waste has spoke to the Aldermen on their new automated trash service and asked if any citizen would like to speak on that subject. Bob Ingram, 970 Park said that at the last board meeting he understood that Allied Trash only had 95 gallon trash carts and they were too big, but they brought him a 60 gallon and it will work at his house. He stated that he would like the automated trash service City wide. Ron Shawgo, 317 S. Market, asked what the additional charge would be for the cart. Mayor Hayes explained that in the contract with Allied, the prices on trash service will go up in 2010. They will go from \$8.50 to \$8.76, but if we go automated the cost will be \$9.20, a .44 increase. Mr. Shawgo stated that 15 years ago he bought a cart and it still works. This will make money for Allied Trash. He is not in favor of the automated trash service.

Shilo Smith with Allied Waste thanked the Board for the consideration of the automated trash project. Mayor Hayes wants the Board to discuss the automated trash in November at a public hearing meeting.

ORDINANCES

Bill #2009-107 Eastwood Hills Neighborhood Improvement District was presented. Bingle explained that Neighborhood Improvement District (NID) is a stimulus opportunity provided to us by the State Statutes. This allows the residents in a neighborhood to petition for a creation of a NID. This project will increase their taxes that will pay for the connection to the City sewer. This neighborhood's septic systems are failing and the City ordinance doesn't allow for replacement of septic systems, but requires them to connect to the City sewer system. The neighborhood is asking us to allow a NID and issue bonds in their behalf for their sewer system. Carson Elliff was asked to help draft the petition for the project. Mr. Elliff said the project will cost approximately \$243,000.00. The NID process provides the City to work with neighborhoods to provide public improvements. The petition requires signatures of two-thirds of the neighborhood to receive a NID. We have 10 of the 14 residents of the neighborhood that have signed the petition; this meets the minimum requirement to receive a NID. If the Board approves the ordinance, you will be approving the NID. The next step will be a public hearing. Kurt Clement, 103 Eastwood Hills, stated that this is the last development in Nixa with septic tanks and it is an environmental issue. If they try to sell their houses the septic system might fail the inspection, so they would appreciate the Board's consideration of this project. Mr. Elliff informed the Board that they will have to decide how to finance the NID. The costs of the NID will be divided equally among the neighbors in Eastwood Hills. There is a reserve fund for citizens that can't make their payments. The residents have given easements to the City at no charge. If a resident won't give an easement, then the City will have to do eminent domain. McCorkle made a motion to accept Bill #2009-107 on first reading and pass to second with Tallaksen seconding and all voting aye. Bill #2009-107 was presented for final reading. Vogel made a motion to accept Bill #2009-107 on final reading and pass into law with Tallaksen seconding and Elmer, McCorkle, Stillings, Durbin, Vogel, Tallaksen all voting aye on roll call vote.

Vogel left the meeting at 8:25 p.m.

Bill #2009-108 Condemnation of Gayl Hedgpeth property was presented. Bingle said that Mr. Barnes authorized the City to spend \$12,500 to acquire the easement. Mr. Hedgpeth wants \$29,500; this is more than the appraisal indicates. Mr. Barnes feels we have reached an impasse on getting a fair market value, which is supported by an appraisal, and he requests condemnation. The condemnation allows the City to identify an impartial party as well as Mr. Barnes and Mr. Hedgpeth to act as commissioners on behalf of the Court. They will make an assessment of the property to the Court and the Court will decide if it did or did not make fair market value. Mr. Hedgpeth can appeal the decision to a jury trial. Mr. Barnes needs the property to make improvements to Harrison Street for his Walnut Creek subdivision. Mr. Barnes had an appraisal from National Valuation with four comparable valuations. Mr. Sweeney, City Attorney determined that his land does not qualify for the Heritage Law. Mr. Sweeney informed the Board that the City will choose one commissioner, the landowner will choose one commissioner and the Judge will choose one commissioner that is a resident of the County and three commissioners will determine a price. The City can appeal on the price or the landowner can appeal. There would be a jury trial, and then the City can decide if they want to proceed with the condemnation. Bingle informed that all the costs are being paid by Mr. Barnes. McCorkle made a motion to accept Bill #2009-108 on first reading and pass to second with Stillings seconding. McCorkle and Stillings voted aye and Tallaksen, Durbin and Elmer voting nay. The ordinance failed.

Bill #2009-101 amending Chapter 18, Water Section 18-5, Water Deposit was presented. Bingle explained that this is a deposit from the citizens that want to use the meter to purchase bulk water from the City. Tallaksen made a motion to accept Bill #2009-101 on first reading and pass to second with Durbin seconding and all voting aye. Bill #2009-101 was present for final reading. Tallaksen made a motion to accept Bill #2009-101 on final reading and pass into law, with McCorkle seconding and Elmer, McCorkle, Stillings, Durbin and Tallaksen all voting aye on roll call vote.

Bill #2009-102 amending Chapter 2, Administration, Section 2-178, Right of Appeal was presented. Bingle informed the Board that the ordinance needed updating since the Municipal Judge is a Lawyer. Tallaksen made a motion to accept Bill #2009-102 on first reading and pass to second with Durbin seconding. Bill #2009-102 was presented for final reading. McCorkle made a motion to accept Bill #2009-102 on final reading and pass into law, with Tallaksen seconding and McCorkle, Stillings, Durbin, Tallaksen and Elmer all voting aye on roll call vote.

Bill #2009-103 approving the renewal of a Lease for the Facilities financed through the Public Building

Corporation was presented. Bingle explained that this is an annual request by the Bank that has the lease/purchase loan on the City Hall, Police Station and Public Works Facility. Durbin made a motion to accept Bill #2009-103 on first reading and pass to second with Tallaksen seconding and all voting aye. Bill #2009-103 was presented for final reading. Tallaksen made a motion to accept Bill #2009-103 on final reading and pass into law with Durbin seconding and Stillings, Durbin, Tallaksen, Elmer and McCorkle all voting aye on roll call vote.

Bill #2009-104 authorizing the Mayor to sign an annual contract for the Before/After School Program with Nixa R-II School District was presented. Bingle explained this is the same as last year's contract and it will expire July 31, 2010 when the school takes the program. Durbin made a motion to accept Bill #2009-104 on first reading and pass to second with Tallaksen seconding and all voted aye. Bill #2009-104 was presented for final reading. McCorkle made a motion to accept Bill #2009-104 on final reading and pass into law, with Tallaksen seconding and Durbin, Tallaksen, Elmer, McCorkle and Stillings all voting aye on roll call vote.

Bill #2009-105 authorizing the Mayor to sign a contract with the Christian County Emergency Services Board (911) for emergency telephone and dispatch service was presented. Chief Bacon, Chairman of the Christian County Emergency Services Board, explained that this contract is like the other contracts E-911 has had with the City in the past. This contract is for 2010 and for the new 911 Board. They will reimburse the City on a monthly basis because sometime during the year they would like to resume all responsibilities. The new 911 Board will bring back a new contract in 2011. Stillings made a motion to accept Bill #2009-105 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2009-105 was presented for final reading. McCorkle made a motion to accept Bill #2009-105 on final reading and pass into law, with Tallaksen seconding and Tallaksen, Elmer, McCorkle, Stillings, Durbin all voting aye on roll call vote.

Bill #2009-105 authoring the Mayor to sign a contract with Scott Consulting Engineers P.C. to design a water storage system at the High Pointe site was presented. Doug Colvin, Public Works Director, explained the design services are for the water storage facility at High Pointe site. This contract is to decide which is best to use a tower or ground storage. Later we will have a second contract that will be to design the facility that was decided on. Stillings made a motion to accept Bill #2009-106 on first reading and pass to second with Elmer seconding and all voting aye. Bill #2009-106 was presented for final reading. Elmer made motion to accept Bill #2009-106 on final reading and pass into law, with Stillings seconding and Tallaksen, Elmer, McCorkle, Stillings and Durbin all voting aye on roll call vote.

Bill #2009-109 authoring the Mayor to sign a contract with Bales Construction Company Inc., to construct a front counter at the Utility Billing Office was presented. Bingle informed the Board that this is a Capital Improvement Program; the City budgeted around \$23,000.00 for this project. Jennifer Wilson designed the counter. We went out for bid and Bales won the bid for the installation of the front counter at the Utility Billing Office for \$12,255.00. Durbin made a motion to accept Bill #2009-109 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2009-109 was presented for final reading. Durbin made a motion to accept Bill #2009-109 on final reading and pass into law with Tallaksen seconding and Stillings, Durbin, Tallaksen, Elmer and McCorkle all voting aye on roll call vote.

RESOLUTIONS

Resolution #2009-91 amending the Street Department standard operating procedures for the Collector Street Public Improvement Policy Procedure was presented. Planner, Travis Cossey explained this is to replace the Collector Street Policy that was adopted in 1999. This will change the calculation that determines how much responsibility the developers assume when they develop adjacent to a collector street. This Policy will require all developments adjacent to a collector street will have the responsibility for construction of half of the collector street with an option of a cash escrow if the improvements are not needed immediately for that development. The amount of escrow will be decided by the evaluation of the project. There will be a developer's agreement with an assessment every five years. The escrow will be held by the City and the interest will be applied toward the five year reassessment. If the project is completed under budget the additional money will be refunded to the developer. Stillings made a motion to approve Resolution #2009-91 with McCorkle second and all voting aye.

Resolution #2009-101 approving the Preliminary Plat of Highland Ridge Subdivision was presented. Planner, Derek Harlan informed the Board that this is a request for the approval of the Preliminary Plat for

the Highland Ridge Subdivision. The developer is PGH Investments, LLC, are developing 41 single family lots north of the Columns at Century Park, first addition. It was originally part of the Maplewood Hills Subdivision. They will need two means of access to the development. Wastewater service is available in the area. Water is located in the area and can be extended to the subdivision. Staff and Planning and Zoning Commission support the preliminary plat. McCorkle made a motion to approve Resolution #2009-101 with Tallaksen seconding and all voting aye.

Resolution #2009-102 amending the standard operating procedures, adding bulk water sales/fire hydrant meter use policy was presented. Bingle explained that at last months meeting Doug Colvin presented this policy on the procedures for purchasing bulk water and we need the Boards approval. Durbin made a motion to approve Resolution #2009-102 with Elmer seconding and all voting aye.

Resolution #2009-103 amending the Administration standard operating procedures by amending the Purchasing Policy was presented. Donna Swatzell, Finance Director, explained that this policy was discussed at the luncheon meeting and we have added changes that were suggested by the Board. On page eight, section 9.12 vendor verification and page 19, section 8.1 gratuities. Tallaksen made a motion to approve Resolution #2009-103 with McCorkle seconding and all voting aye.

Resolution #2009-104 authorizing the Mayor to sign documents of the filing of an application with the Environmental Protection Agency, United States of America for a loan under the Federal Water Pollution Control Act, and the Missouri Department of Natural Resources, State Revolving Fund Program for loans under the Missouri Clean Water Law was presented. Bingle explained that the ARRA monies are administered by DNR and they are utilizing the State Revolving Fund loan program to administer the grant. This is a grant and not a loan that needs to be paid back. Tallaksen made a motion to approve Resolution #2009-104 with McCorkle seconding. Tallaksen, McCorkle, Elmer and Stillings voted aye and Durbin voted nay.

Resolution #2009-105 adopting the Protest Provisions was presented. Bingle explained that this is a requirement of DNR that the City have in place, a policy that provides to contractors, subcontractors participating in bids, to have a means of protesting or appealing the process of the bidding of the project. We have never had these provisions in place before; although our Purchasing Policy has an appeal process. This is a requirement that the Federal Government has passed through DNR. Tallaksen made a motion to approve Resolution #2009-105 with McCorkle seconding. Stillings, Tallaksen, McCorkle and Elmer voted aye and Durbin voted nay.

Resolution #2009-106 supporting the proposed 36 unit of single-family Affordable Housing Development known as Highland Ridge Subdivision was presented. Debra Shantz Hart with Sustainable Housing Solutions, LLC informed the Board that this housing is like phase one and two they did in Fulbright Springs in Springfield, Missouri. They have a quality product and they use energy star appliances. They are asking the Board to support the 36 single-family homes that have three and four bedrooms and senior housing. They are partnering with Community Partnership of the Ozarks to provide support services to the residents. There will be social workers on site, budgeting classes and parenting classes at their community building. Elmer said, he would like to do some more research on this. Elmer made a motion to postpone this resolution to the October 27th meeting with Durbin seconding. Elmer, Durbin and McCorkle voted aye and Stillings and Tallaksen voted nay.

Resolution #2009-107 supporting the proposed 50 unit senior-housing Affordable Housing Development known as Highland Ridge Subdivision was presented. The same information covers both Resolution 2009-106 and 107. Elmer made a motion to postpone this resolution to the October 27th meeting with Durbin seconding. Elmer, Durbin and McCorkle all voted aye and Stillings and Tallaksen voting nay.

DISCUSSION ITEMS

Bingle informed the Board that Fahrlander Custom Homes is building a St. Jude Dream Home in Kelby Creek. They are asking the City to waive the total building permit fee which includes utility hookups and other items, that total \$2,545.78. Staff suggests that we waive the \$821.78 building permit fee only. Elmer made a motion to waive the building permit fee of \$821.78 with Tallaksen seconding and all voting aye.

Chief Bacon informed the Board that they have received another grant award from MoDot. They have

offered to buy additional equipment like heaters and flares for DWI stops. We will need to purchase these items and then we will be reimbursed by MoDot. Tallaksen made a motion to accept the grant with McCorkle seconding and all voting aye.

Bingle explained that we would like to submit an application to DNR for engineering services on the drinking water side of the State Revolving fund administered by DNR. This is a 90/10 grant that DNR will use ARRA monies and share 90% with no cost to the City, if the City will pay the remaining 10%. The application is for an engineering report of the entire water system. We believe it is in the best interest of the community to take advantage of this money and we need your approval to apply. The application deadline is October 30th and we should hear a response in 45 days if we received the award. The engineering report creates a computerized system model for our water system and was on our capital improvement program with an estimated cost of \$80,000.00. Tallaksen made a motion to approve submitting an application for DWSRF Contract for Engineering Services with McCorkle seconding. Tallaksen, McCorkle, Elmer and Stillings voting aye and Durbin voted nay.

Swatzell distributed information about the fuel costs to the Board. She then explained to the Board that the fuel cost has gone down to .0050 for the City of Nixa's utility customers for the next six months.

Chief Bacon prepared a Traffic Stop Report that was requested by Elmer. He stated that the report is for the months of August and September, to determine the age of drivers that were issued citations. He had staff calculate the tickets that were given to different age groups. On page five there is an overview of the last five years of racial profiling reports that we are required by law to send to the Attorney Generals Office. In the total of five years we made 19,618 stops, there were 1,509 that were under 18 years of age, which is 7.6 % of the traffic stops. Stops resulting in searches were 1,286 out of 19,618 stops, which is 6.5% of the traffic stops. One out of five vehicles that are searched at a traffic stop takes 16-30 minutes to complete. Bacon asked the Board to review the report and if there are any concerns they can contact him.

Lisa Tessier, 2053 E. Shelvin Rock Road, spoke on behalf of Pat Pierce situation and stated that this community is all about kids. She feels the recent traffic stop was appalling and concerning. She asked the Board to pursue this matter and feels an in-house investigation is not enough. The Board has to hold the police accountable. There are a lot of parents upset about this traffic stop.

Chief Bacon informed the Board that he has scheduled an appointment with Christian County Prosecutor, who will review this and make recommendations. He deals with issues appropriately and asked the Board to give him the opportunity to make the report. He has to follow Federal Labor laws as it relates to the police employees.

EXECUTIVE SESSION

At 10:10 p.m. Elmer made a motion to go into executive session pursuant to RSMo. 610.021 for personnel and litigation. Stillings second with Elmer, McCorkle, Stillings, Durbin and Tallaksen all voting aye on roll call vote.

Members returned from executive session at 10:55 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:00 p.m.

Mayor

City Clerk

**SPECIAL MEETING OF THE BOARD OF ALDERMEN OF
NIXA, MISSOURI**

NIXA CITY HALL

OCTOBER 27, 2009 6:00 P.M.

The special meeting of the Nixa Board of Aldermen was called to order by Mayor Hayes. Attending were Aldermen Elmer, McCorkle, Stillings, Vogel and Tallaksen.

The Pledge of Allegiance was given.

Mayor Hayes presented Resolution #2009-106 supporting the proposed 36 unit single-family Affordable Housing Development known as Highland Ridge. Bingle reminded the Aldermen that this was carried over from the October 19th Board meeting. Elmer reported that he visited with Community Partnership of the Ozarks and they answered his question. He is now in support of Sustainable Housing Solutions LLC development. McCorkle made a motion to approve Resolution 2009-106 with Tallaksen seconding and all voting aye.

Mayor Hayes presented Resolution #2009-107 supporting the proposed 50 unit senior-housing Affordable Housing Development known as Highland Ridge. This has the same information as Resolution #2009-106. Tallaksen made a motion to approve Resolution 2009-107 with Vogel seconding and all voting aye.

There being no further business the meeting was adjourned at 6:20

Mayor

City Clerk

AGENDA WORK SESSION MEETING OF THE BOARD OF ALDERMEN OF NIXA, MISSOURI

NIXA CITY HALL

NOVEMBER 4, 2009 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Kevin Elmer, Charles McCorkle, Barb Stillings, Michael Durbin, Kyle Vogel and Steve Tallaksen.

Mayor Hayes presented Sharon Hankison and Jimmy Liles a certificate and a pin for 10 years of service. He presented Paul Jones a certificate for 15 years of service.

VISITORS

Jeff White, 311 Cherry Street, has been unemployed since December 31 and would like to see the late fees on the utility bills waived temporarily during the economic slump. He understands that the trash rates will be raised for the residents that don't have trash bins. He feels that this will be a hardship at this time and asked if the City could leave the fees as they are now, then raise the costs in six to eight months. He feels the City could make money on recycling appliances and other items.

DISCUSSION ITEMS

City Administrator, Brian Bingle, informed the Aldermen that Chapter 4 of the animal ordinance needs changed to include other animal noises and animals that are prohibited in certain areas of the City. This amendment to the ordinance will be brought to the Board at the Monday night meeting.

Bingle explained that there is a contract for the renovation to the Utility Billing Office front counter. This is in the 2009 Capital Improvement Program and is in the budget. We will need your approval Monday night.

Bingle explained the park lighting project. Money has been ear marked for the past 3 years for the lights that are deteriorating at the ball fields. The lights will be installed by March 1, 2010, these are in the Capital Improvement Program and we will need your authorization Monday night.

Bingle informed the Aldermen that the Ozarks Transportation Organization Memorandum of Understanding, which includes OTO, Highway Department, Springfield Utilities and local jurisdictions as members of the Metropolitan Planning Organization. Springfield Utilities oversees the transit system. The original Memorandum of Understanding was approved in early 2000. It is based on the census and it spells out the responsibilities of the member of the Metropolitan Planning Organization.

Bingle informed the Aldermen that there is a work authorization agreement for Shaffer and Hines to proceed with the construction plan for the preparation of the sewer collection system for Eastwood Hills that was approved last month. The Board has not approved the issuance of a bond. Their contract is for the preparation of the system absent receipts of any money unless the Board authorizes the issuance of a bond for Eastwood Hills. Caron Elliff and Shaffer and Hines will be paid from the bond. If the Board doesn't issue a bond the City is not responsible paying for their services.

Bingle pulled the contract on the walking trail at the Espy School, because it is already under construction as we speak. This was in accordance with an easement agreement on the electric substation.

Chief James Bacon explained that House Bill 62, requires that we have a policy on Recording Custodial Interrogations. He said this policy doesn't change what we have been doing, they record all interrogations.

Bingle stated, that the last few months the Board has been discussing automating the trash service. If the Aldermen decide to do change to the automated system then we will need to amend Chapter 9 in the ordinance and amend the contract with Allied Waste. Attorney, Pat Sweeney has looked over the changes to the ordinance and the amendment to the contract. The Board discussed the senior bags and the holiday guide lines of the overage of trash and the increased costs of the trash. Mayor Hayes informed the Aldermen that the automated trash issue will need to be voted on Monday night.

Bingle informed the Aldermen that we received a letter from the Christian County Optimist Club notifying us that they have removed themselves from the association of the Skate Park. The memorandum of understanding expires January 1, 2010 and stated that May 2010 they should begin construction. The agreement states that if the Skate Park Committee doesn't meet its goal then the monies would go to the City Parks youth programs. The Skate Park has five to six thousand dollars.

Bingle informed the Aldermen that there will be an ordinance for a vacation of easement on Shaffer and Hines property at 729 W. Center Circle for the development of condominiums.

The Preliminary Plat for Highland Ridge will be presented Monday night.

The suggestion of a consent agenda by the Board is being studied by the staff.

The City received a letter from Mr. Barnes's attorney requesting the removal of Harrison Street improvements for the Walnut Creek Subdivision agreement. This would be a substantial change to the original application and it would have to go back to the Planning and Zoning Board for a public hearing and then comes back to the Aldermen.

At 12:55 p.m. McCorkle made a motion to go into executive session pursuant to 610.021.3 personnel with Stillings seconding and Elmer, Durbin Stillings, McCorkle, Vogel and Tallaksen all voting aye on roll call vote.

Member returned to regular session at 1:20 p.m.

Tallaksen informed the Board that he attended the Halloween Party at the Park and paid \$20.00 to set up a booth to participate. He feels that it is not fair that the nonprofit groups be charged the same a profitable organizations to participate in the function. Bingle said he will check into the amount being charged.

There being no further business, the meeting was adjourned at 1:30 p.m.

Mayor

City Clerk

REGULAR MEETING OF THE BOARD OF ALDERMEN OF NIXA, MISSOURI

NIXA CITY HALL

NOVEMBER 9, 2009 7:00 P.M.

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Kevin Elmer, Charles McCorkle, Barb Stillings, Michael Durbin, Kyle Vogel and Steve Tallaksen.

The pledge of allegiance was given.

MINUTES

The minutes of the meetings, October 7th, 19th and 27th were approved as presented by unanimous consent.

FINANCIAL REPORT

The financial report was approved by unanimous consent.

VISITORS

Dan Johnson, 625 Galileo Dr, has lived in Nixa since 1992 and feels the automated trash system is a great opportunity for the residents to move forward. It is good for the overall appearance and cleanliness of the City.

Lori Smith, 893 S Firefly, with Heart for Women has presented the Purity, Passion and Pearls program for 5 years. She is requesting a reduced fee for the use of the Community Center. They have an over night conference that is Christian based. They minister and mentor high school girls. They would like to use the Community Center in April 2010 and can only afford \$1,000 to \$1,500 for rent. Mayor Hayes requested that they put a packet together for the Aldermen with their information and the amount they can pay, for by the December meeting.

Pat Pierce, 1784 Deer Ridge Dr, came to speak to the Board about her daughters traffic stop. She stated that Chief Bacon has completed the report but they have not seen it. She would like a timely resolution of this process. She described the procedure of the traffic stop to the Aldermen. She asked the Aldermen for a timely response to the problem and they have found that it goes deeper and further then their complaint. Ms. Pierce asked for a sincere apology to their daughter. They would like an assembly held at the High School and a committee formed as a liaison to the Police Department. Mayor Hayes informed her that the report is complete and she should get a response in a day or two.

Jeff White, 311 Cherry, has lived in Nixa for 13 years. He feels the additional fee for a trash bin for the citizens out of work will be difficult to come up with. A lot of people are having trouble paying their bills and would like the board to waive the late fee on the utility bills for 6-8 months or until the economy picks up. He feels the Recycling Center makes very little money from the items recycled. The City should revamp the system at the Recycling Center to make money on the recycled items.

Ron Brooks, 404 Lynn Street, appreciates Pat Sweeney, Doug Colvin, and Travis Cossey for trying to get the problem solved with Karen Keever. Ms. Keever calls the Police when the street floods and they have the barricades put up to prevent cars from driving through the water. People are disregarding the barricades and driving through his yard and making ruts. He wants to know if the City can do something other than putting up barricades. Chief Bacon told him he could put up no trespassing signs in his yard and if they do drive through his yard he can file a charge against that person. Christine Brook, 404 Lynn Street, asked if they could put the barricades at the end of the street that says street closed instead of at the waters edge. Mayor advised them to talk to Chief Bacon on what they can do.

ORDINANCES

Bill #2009-111 amending the Allied Waste contract to change to automated trash service was presented. The Aldermen are concerned about the senior citizen bag service. Kurt Bodendorfer with Allied Waste explained the senior citizen bags. Chris Snyder with Allied Waste informed the Aldermen that they offer a service of bringing the seniors and disabled citizens' trash to the curb for them. McCorkle made a motion to approve Bill #2009-111 on first reading with two amendments; High-density defined and state where the senior bags are to be picked up, and pass to a second with Vogel seconding and McCorkle, Stilling and Vogel voting aye and Elmer, Durbin and Tallaksen voting nay. Mayor Hayes broke the tie by voting aye. Bill #2009-111 was presented for final reading. McCorkle made a motion to approve Bill #2009-111 on final reading and pass into law with Stillings seconding. McCorkle, Stillings, Vogel and Tallaksen voted aye and Elmer and Durbin voted nay on roll all vote.

Bill #2009-112 repealing and replacing Chapter 9 Solid Waste and Weeds was presented. City Administrator Brian Bingle informed the Aldermen that since they passed the ordinance for automated trash service, Chapter 9 needs amended in accordance with the changes to the contract and other items that need addressed. Vogel made a motion to approve Bill #2009-112 on first reading and pass to a second with McCorkle seconding and Stillings, McCorkle, Vogel, Tallaksen, Elmer voting aye and Durbin voting nay. Bill #2009-112 was presented for final reading. Vogel made a motion to approve Bill #2009-112 on final reading and pass into law with McCorkle seconding and McCorkle, Stillings, Vogel, Tallaksen voting aye and Durbin and Elmer voting nay on roll call vote.

Bill #2009-113 amending Chapter 4 Animals, Section 4-13, Barking Dog, Section 4-22, Fines and add Section 4-21-A, prohibited animals was presented. Chief Bacon reminded the Aldermen that Chapter 4 was amended last year, but we failed to include all nuisance animals and farm animals. This amendment will cover and grandfather the farm animals. This regulates farm animal in designated or zoned areas. Durbin made a motion to approve Bill #2009-113 on first reading and pass to a second with Vogel seconding and all voting aye. Bill #2009-113 was presented for final reading. McCorkle made a motion to approve Bill #2009-113 on final reading and pass into law with Stillings seconding and Stilling, Durbin, Vogel, Tallaksen, Elmer and McCorkle all voting aye on roll call vote.

Bill #2009-114 repealing and replacing ordinance #1619 with a revised contract with Bales Construction Company on construction of a front counter in the Utility Building was presented. Bingle explained that they will be moving the existing counter and replacing it with a longer counter for more room. Vogel made a motion to approve Bill #2009-114 on first reading and pass to a second with Tallaksen seconding and all voting aye. Bill #2009-114 was presented for final reading. Stillings made a motion to approve Bill #2009-114 on final reading and pass into law with Tallaksen seconding and Durbin, Vogel, Tallaksen, Elmer, McCorkle, and Stillings all voting aye on roll call vote.

Bill #2009-115 authorizing the Mayor to sign a contract with Barton Electric to install lighting at the Ball Field in the City Park was presented. Bingle informed the Aldermen that we have been trying to budget the installation of new lights at the ball fields for the last three years. We have finally accrued funds to accommodate the lights. The contract to install them is for \$114,463.00 with Barton Electric. Durbin made a motion to approve Bill #2009-115 on first reading and pass to a second with Stillings seconding and all voting aye. Bill #2009-115 was presented for final reading. Tallaksen made a motion to approve Bill #2009-115 on final reading and pass into law with Durbin seconding and Vogel, Tallaksen, Elmer, McCorkle, Stillings, Durbin all voting aye on roll call vote.

Bill #2009-116 authorizing the Mayor to sign a contract with Shaffer and Hines, Inc, to perform civil engineering for Eastwood Hills Neighborhood Improvement District gravity sewer improvements was presented. Bingle reminded the Aldermen that they passed an ordinance last month to create a NID for Eastwood Hills Subdivision because their sewer systems are failing. The contract is for Shaffer and Hines to design the system. This agreement is at no cost to the City unless the Aldermen approve the issuance of the Bonds. Tallaksen made a motion to approve Bill #2009-116 on first reading and pass to a second with Stillings seconding and all voting aye. Bill #2009-116 was presented for final reading. McCorkle made a motion to approve Bill #2009-116 in final reading and pass into law with Tallaksen seconding and Tallaksen, Elmer, McCorkle, Stillings, Durbin and Vogel all voting aye on roll call vote.

Bill #2009-117 for the vacation of an access easement at 729 W. Center Circle Drive was presented. City Planner, Travis Cossey explained that Shaffer and Hine submitted a request for an ingress/egress easement

vacation. This is to give access to the five lots plated in the Nixa Center Circle Subdivision. There are no public utilities located within the easement area. The original plat had five lots and has been consolidated into one lot for condominium development. With this development the buildings can be purchased. Staff and Planning and Zoning Board approved the easement vacation. Tallaksen made a motion to approve Bill #2009-117 on first reading and pass to a second with Stillings seconding and all voting aye. Bill #2009-117 was presented for final reading. Vogel made a motion to approve Bill #2009-117 on final reading and pass into law with Tallaksen seconding and Elmer, McCorkle, Stillings, Durbin, Vogel and Tallaksen all voting aye on roll call vote.

Bill #2009-118 repealing and replacing ordinance #1615 for a revised contract for the Before/After School Program with the Nixa R-II School District was presented. Bingle explained that the school has asked for 1,000,000.00 (one million) on workers compensation instead of \$500,000. Tallaksen made a motion to approve Bill #2009-118 on first reading and pass to a second with Elmer seconding and all voting aye. Bill #2009-118 was presented for final reading. McCorkle made a motion to approve Bill #2009-118 on final reading and pass into law with Stillings seconding and McCorkle, Stillings, Durbin, Vogel, Tallaksen and Elmer all voting aye on roll call vote.

RESOLUTIONS

Resolution #2009-111 authorizing the Mayor to sign the new Memorandum of Understanding with The Ozarks Transportation Organization and member jurisdictions to serve as an update to the original 2001 MOU was presented. Bingle explained that the OTO is asking all of the members to amend the original Memorandum of Understanding which was executed in 2001. This memorandum explains all the responsibilities associated with the OTO and its members. We have satisfied all their requirements as a member of the adoption of the thoroughfare plan. We also design all of our streets in conformance with the OTO design requirements. Durbin made a motion to approve Resolution #2009-111 with Vogel seconding and all voting aye.

Resolution #2009-112 approving the amendment to the Police Department Standard Operating Procedures by adding a Recording Custodial Interrogation Policy was presented. Chief Bacon informed the Aldermen that the Governor signed House Bill 62, the omnibus crime bill, which requires the City to adopt the Recording Custodial Interrogation Policy. We have been doing this since we built the new building. We put the video equipment in the room anyway; we have to comply with regulations of House Bill 62 with a written policy. McCorkle made a motion to approve Resolution #2009-112 with Stillings seconding and all voting aye.

Resolution #2009-113 approving the Preliminary Plat of Highland Ridge 1st Addition was presented. Cossey explained that PGH Investments has submitted a plat request for Highland Ridge 1st Addition. This is the plat for the Highland Ridge Development that was passed by the Board last month. This is different from last months plat; this is the first addition of Highland Ridge. It is a 10.2 acre parcel and are requesting 43 single-family lots and it is zoned R-1. They are using the minimum 65' street width. They are tying into Weldon Avenue with the extension of Montego Street and connecting to Santa Monica Drive. This is a continuation of the residential construction in the area. Staff and Planning and Zoning Board recommend approval of the Preliminary Plat. Tallaksen made a motion to approve Resolution #2009-113 with Vogel seconding and all voting aye.

DISCUSSION ITEMS

Bingle informed the Aldermen that the City received a letter from Mr. Barnes's attorney Bryan Wade, asking the Board to waive the condition of improvement to Harrison Street in conjunction with the Walnut Creek Subdivision. In October 2005, Planning and Zoning Commission and the Board of Aldermen approved Walnut Creek Subdivision with the condition that off-site improvements to Harrison Street occur. Since the Developer and the City failed to negotiate for a right-of-way from the adjacent land owner for the improvements of Harrison Street and the denial of condemnation from the Board, the attorney is requesting the removal of that condition of approval. At your direction Staff will initiate a change through our development review process with the Planning and Zoning Commission. They will need to bring back Planning and Zoning recommendation to the Board of Aldermen at a future meeting where the condition can be removed. A Public Hearing will be needed at the meeting. If Planning and Zoning and the Board of Aldermen decide to remove the condition of the improvement to Harrison Street for Walnut Creek Subdivision there will be no improvements to Harrison Street other than resurfacing. After a short

discussion Elmer made a motion to give the administration the direction to proceed with removing the condition pursuant to the developer's request with Vogel seconding. Elmer, Stillings, Vogel and Durbin all voted aye and Tallaksen and McCorkle voted nay.

MAYOR AND ALDERMEN REPORTS

Mayor Hayes reminded the Board that the Veterans Memorial Dedication will be November 11th at 11:00 a.m.

Bingle informed the Board that staff is in process of going through the budget with all the departments. Donna Swatzell, Finance Director will have the budget available the last week of November.

EXECUTIVE SESSION

At 8:47 p.m. Tallaksen made a motion to go into executive session pursuant to RSMo 610.021 for Litigation and Personal with Elmer seconding and Elmer, McCorkle, Stillings, Durbin, Vogel and Tallaksen all voting aye on roll call vote.

Members returned from executive session at 10:10 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:15 p.m.

Mayor

City Clerk

AGENDA WORK SESSION MEETING OF THE BOARD OF ALDERMEN OF NIXA, MISSOURI

NIXA CITY HALL

DECEMBER 9, 2009 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Kevin Elmer, Charles McCorkle, Barb Stillings, Kyle Vogel, Michael Durbin and Steve Tallaksen.

Mayor Hayes presented Frank Donohue a certificate for 5 years of service and Danny Newell a certificate for 15 years of service.

Finance Director, Donna Swatzell gave an overview of the 2010 Budget that will be presented Monday night for adoption.

Debit Service

As of 12/31/09 the Principal Debt is \$29,085,050 and in 2010 payments of \$3,363,177 is due which will leave a principal balance of \$26,996,428 12/31/10. The following debts will retire; 2011 Street bond for North Street and Gregg Road, 2012 Public Building Corp. leasehold on Park land, 2013 Public Building Corp. leasehold on the City Hall, Police Facility and Public Works, 2013 Wastewater lease for the Northeast Collection System.

Revenue

In 2009 sales tax was 4.72% below 2008 revenues, the estimated 2009 sales tax was 6.75% below budget and the 2010 budget was decreased 3.6%. Certificate of Deposit Interest rates have dropped from 3% - 3.5% in 2008 to 2.75% - .25% in 2009. Some of the City's money has been put in the Money Market because the interest rate is 1.25%.

The City's growth is down from 261 Single Family Units in 2006 to 37 units in 2009.

Expenditures

Payroll and employee benefits are a big expense with 135 full time employees. We have not allowed for a Cost of Living or Merit raise in the 2010 budget. The health insurance has increased 7%, which is less than other companies in the area. The LAGERS retirement benefit has increased by 7.5% for the Police Department and 10.8% for all other departments.

Capital Improvements

In 2010, \$5,678,924 has been budgeted with \$952,743 in contingent. Some of the projects for 2010 are the electric line upgrade, MS4 Basin/Wash System, the design of Highway 14 and US 160, and the sewer stimulus projects. Projects funded from reserves are the Ball field lighting, replacement and repair of aquatic items and one new police vehicle and dog pound. The Street Department projects are the design of US 160 & Hwy 14 and the realignment of Kenneth Street.

Utility Fund Expenditures

New software for the utility billing will cost \$161,567.

Electric Department - Surplus reserves have \$2.4 million and 2010 budget will reduce reserves by \$632,000 for daily operation. A rate study is needed to compare to the electricity purchased. The Fiber Optic extension costs are still to be determined.

Water Department- Surplus reserves have \$3.1 million and 2010 budget will reduce reserves by \$1.9 million for daily operations. We will be constructing the Northeast water storage and fill the superintendent job vacancy.

Wastewater Department- Surplus reserves have \$1.4 million and 2010 budget will reduce reserves by \$296,000 for daily operations. There are two new positions budgeted.

General Fund- Surplus reserves have \$2. million and 2010 budget will reduce reserves by \$660,000 for daily operations of Police, Park, Building Inspection and Stormwater.

General Fund Transfers:

Police- \$1,954,000

Park- \$671,350

Building Inspector- \$185,000

Storm Water- \$36,000

Street Department- Surplus reserves have \$1.8 million and 2010 budget will reduce reserves by \$550,000 for daily operations. The Nixa Special Road District revenue has been reduced from over \$200,000 to \$7,800 because the NSRD district is smaller than before.

These budget items are subject to the Board of Aldermen's approval Monday night.

City Administrator, Brian Bingle explained to the Aldermen why the City will be receiving less money from the NSRD real estate taxes. The County expanded the NSRD when the City annexed property into the City limits. Attorney, Pat Sweeney discovered that they can not expand the road district without the citizens voting to bring the annexed area into the NSRD. Bingle had Sweeney send a letter to the Christian County Assessor, to remove the tax charges from any resident that is not in the legally described area of the NSRD. The NSRD contracted with the City to maintain the streets in the NSRD, since they didn't have the equipment and man power to maintain them; therefore they give the taxes that are collected for the NSRD to the City for maintenance of City streets. The other reason is that in the State Statutes states you can not use more than 25% of the collected taxes of a road district inside any city limits. Jay Wasson our State Representative is working on changing the legislation, so you can use all the tax money inside Nixa's city limits, since all of the NSRD is inside the City. The County Commissioners are appointing new commissioners for the NSRD, because the current commissioners do not live in the NSRD area. The new commissioner will need to decide if they want to wait for new legislation so 100% of the revenue can be used inside the City or dissolve the NSRD.

Bingle explained that the Salary Survey of \$19,000 has been removed from the budget. The Human Resources Department will collect and provide that information for the Board.

Chief Bacon informed the Aldermen that the in-car cameras are malfunctioning. Digital-Ally has been working on the cameras and has decided that they are not repairable. They said that they can replace them with the same grade of cameras, or move up a grade for a better system with a two year warranty and install them for \$31,815.00 less a trade in value of \$17,815.00 for a grand total of \$14,000.00. This budget amendment will be presented at the Monday night meeting.

The Aldermen received a 2010 city calendar in their packets. Bingle asked them to look it over and if they needed anything added to notify him.

Bingle informed them that Pat Sweeney prepared an ordinance calling for an election of the Home Rule Charter to be put on the ballot for April 6, 2010 that will be presented Monday night.

Bingle explained the need to amend Chapter 23, Development Fees. The current development fees were voted in by the citizens in 1993 and have not been increased. There is no charge for annexation, which is the most complex of the application. In the packet there is information on the amount of time staff needs to process all applications and a comparison of applications fees in other local towns and counties. These services that the City provides are rendered by the Public Works Department as well as the Planning and Development Department. The fees we are proposing are in compliance with our City codes and are inline with the local area.

Bingle informed the Aldermen that Scott Consulting Engineers has completed their first phase on the ground storage tank compared to an aerial water tower. They feel the aerial water tower is warranted, which is explained by the cost analysis chart in your packet. This analysis includes the offset of the revenue from the rent income.

Bingle informed the Aldermen that we have received nine of the fourteen easements on the Southeast and Old Riverdale sanitary sewer projects. Two are being discussed in the executive session today. This will

leave us with three that may need condemnation procedures. We must submit an affidavit to Department of Natural Resources indicating that we have available to us all means of requiring the property easements. Therefore, we would like your consideration to proceed with condemnation if necessary.

Bingle explained the Judy Long, City Clerk will provide the Aldermen with a list of City records that can be destroyed. This will require the Boards approval with the Resolution at the Monday night board meeting.

Bingle reminded the Aldermen that the Nixa Special Road District was explained early in the meeting and we are waiting for three new commissioners to be appointed. The commissioners will need to recommend extension of the boundaries or dissolving the road district.

Bingle explained that the Planning and Zoning Commissioners denied Mr. Barnes's request to remove Harrison Street improvements as a condition of improvement for the Walnut Creek Subdivision. Since Mr. Barnes asked for a waiver of condition this will now be considered as a new application. The Aldermen can reconsider condemnation, remove the condition of improvements entirely, or modify the improvements that they can accommodate the existing right of way.

Bingle informed the Aldermen of single family homes on South Main Street are zoned Highway Commercial and General Commercial. Homes in this area have been abandoned and are for sale. Because of the nonconforming and the regulations we have in place, we can not allow the property to go back to single family homes. Since they are abandoned the property must continue to be zoned commercial and then the single homes will be nonconforming. We have several of these vacant homes. We introduced this to the Planning and Zoning Commission for their feed back and we would like to know how you would like to transition these properties.

Bingle informed the Aldermen that Verizon is asking for a contract replacement for radio frequency on the Water Tower on east Hwy 14. This will be presented Monday night.

Chief Bacon informed the Aldermen that he received a \$2,100 grant packet for five different DWI programs over the next year. He needs the Aldermen's approval to accept the grant. McCorkle made a motion to approve the grant, with Stillings seconding and all voting aye.

EXECUTIVE SESSION

At 1:20 p.m. Tallaksen made a motion to go into executive session pursuant to RSMo 610.021 for Real Estate with Stillings seconding and Tallaksen, Vogel, McCorkle, Stillings, Elmer and Durbin all voting aye on roll call vote.

Members returned from executive session at 1:50 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:50 p.m.

Mayor

City Clerk

REGULAR MEETING OF THE BOARD OF ALDERMEN OF NIXA, MISSOURI

NIXA CITY HALL

DECEMBER 14, 2009 7:00 P.M.

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Aldermen Kevin Elmer, Charles McCorkle, Barb Stillings, Michael Durbin, Kyle Vogel and Steve Tallaksen.

MINUTES

The minutes of the meetings, November 4th and 9th were approved as presented by unanimous consent.

FINANCIAL REPORT

The financial report was approved by unanimous consent.

VISITORS

Chris Patterson, 1245 Verna Lane, informed the aldermen that he sent a letter to Aldermen Elmer about having compassion with residents that don't receive their Social Security and Disability checks to pay their utility bill on time. He is charged a late fee on his utility bill, because they don't receive their checks before the due date. He would like the Board to change the policy, so they don't have a late fee.

Donna Kern, 106 Prospect, is concerned about the flooding issue in their neighborhood. It has flooded for years and the City doesn't do anything about it. It gets worse every year and it comes close to damaging their house and vehicles. When it floods they have sewer waste in the street.

Elysia Stopezynski, 101 Prospect, wants an answer; she has talked to EPA on the sewage in the streets after floods. She understood that the City is getting stimulus money to fix the problem. There are only six houses on Prospect and the EPA said the city will have to fix the problem or pay the fine.

Annie Cooper, 205 Bluebird Lane, stated that the trash company delivered a new blue dumpster in her driveway and she now has a \$9.20 per month charge for the trash service. They have never had a dumpster before; they only have one bag of trash a week. They were never notified that they had to have a dumpster and they didn't have a choice in having a dumpster or not.

PUBLIC HEARINGS

Mayor Hayes opened the public hearing on the 2010 annual budget. The Aldermen discussed that Donna Swatzell needed a larger computer screen and to purchase an aerial work platform. No public comment was made and the hearing was closed.

Mayor Hayes opened the public hearing on the Verizon's Special Use Permit. Belinda Bodee, 1811 Auburn Ave, Monroe LA, is representing Verizon. Belinda explained that Verizon wants to place antennas on the water tower on east highway 14. They would like to have antennas on this water tower, because their customers on the east side have complained of reception problems. Mayor Hayes explained the leases that we have with other companies. No public comment was made and the hearing was closed.

Mayor Hayes asked if anyone would like to speak on the Walnut Creek Manor Preliminary Plat issue. Max Christman, 500 S Harrison, stated that he is not opposed to the development, but is concerned about changing the agreement. The road needs repairs already and there will be more traffic on Harrison Street with Walnut Creek Subdivision traffic. He feels the developer should pay for the land he needs to make the improvements to Harrison Street and the P&Z Commissioners denied the request to do away with the original agreement. Gayl Hedgpeth said the Mr. Barnes sold his house on the other side of the street and now wants his property. It is dangerous when you try to get out on South Street. No one else spoke on the Walnut Creek Manor preliminary plat, so Mayor Hayes closed the session.

RESOLUTIONS

Resolution #2009-121 amending Walnut Creek Manor's Preliminary Plat was presented. Travis Cossey informed the Aldermen that in March 2005 the Walnut Creek Manor Preliminary Plat was brought in as an annexation request. The project was approved by the Aldermen with the condition that Harrison Street would be improved. October 2005, the preliminary plat was reviewed by the Planning and Zoning Commission and the Board of Aldermen, at that time the conditions were placed on the annexation request that Harrison Street needed 8,000 square foot of right of way for improvements of 30 foot back of curb to back of curb with under ground storm sewer. These improvements were made part of the preliminary plat approval for Walnut Creek Manor. Construction plans were submitted and approved by the City with the conditions of approval that were placed on the project at the time of preliminary plat approval. Construction began, but in October 2007 there was some concern that the right of way was not obtained yet for the completion of Harrison Street as was approved by the Board of Aldermen. At that time staff did issue a stop order of work on the Walnut Creek Subdivision until they obtained the necessary right of way. Mr. Barnes asked the City to look at alternative access to the subdivision. The City determined that the request was not acceptable due to inadequate alternative streets to accommodate the traffic from Walnut Creek Manor. There being no other alternatives for other streets to access the subdivision, Mr. Barnes needs to acquire an 8,000 square foot of right of way for the improvements to Harrison Street. When the developer and landowner of the 8,000 square foot could not agree on a fair price, Mr. Barnes came to the City wanting the 8,000 square foot to be condemned and the Aldermen voted no on the condemnation. Mr. Barnes asked the City to remove the condition of improving Harrison Street. Planning and Zoning Commission denied the request to remove the condition. Staff does not recommend the removal of the condition of approval. After the Aldermen's discussion McCorkle made a motion to deny the developers request for removal of the condition with Vogel seconding. McCorkle, Stillings, Durbin, Vogel and Tallaksen voted aye and Elmer voted nay.

ORDINANCE

Ordinance #2009-121 authorizing the use of eminent domain for obtaining land, easements and rights in land necessary for improving, altering and widening Harrison Street was presented. The Aldermen discussed the meaning of eminent domain, fair market value and the rights of property owners. After a long discussion Vogel made a motion to accept Bill #2009-121 on first reading and pass to second with McCorkle seconding and Stillings, Vogel and McCorkle voting aye and Tallaksen, Elmer and Durbin voting nay. Mayor Hayes broke the tie by voting aye. Bill #2009-121 was presented for final reading. McCorkle made a motion to accept Bill #2009-121 on final reading and pass into law with Vogel seconding and McCorkle, Stillings and Vogel voting aye and Elmer, Durbin and Tallaksen voting nay on roll call vote. Mayor Hayes broke the tie by voting aye.

RESOLUTIONS

Resolution #2009-122 approving a special use permit for Verizon Wireless cellular antenna on water tower #4 was presented. Travis Cossey, Planner explained that Verizon has applied for a special permit to lease a space for the construction of 12' X 20' equipment shed at the base of the tower and a platform on the top of the tower. This special use permit will not go into effect until a contract with Verizon is approved by the Board of Aldermen, which specifies the terms and the conditions of approval are met. Staff and the Planning and Zoning Commission recommend approval. Durbin made a motion to approve Resolution #2009-122 with Stillings seconding and all voting aye.

Resolution #2009-123 authorizing the destruction of City records was presented. Judy Long, City Clerk explained that the City's record retention is regulated by the State and these records are on the schedule to be destroyed. Tallaksen made motion to approve Resolution #2009-123 with Stillings seconding and all voting aye.

ORDINANCES

Ordinance #2009-122 adopting the 2010 annual budget for the City of Nixa was presented. Mayor Hayes said this was discussed earlier tonight in the public hearing and we will pick up from there. They discussed the work platform, line item for the 4th of July donation and the declining sales tax. McCorkle made a motion to approve Bill #2009-122 on first reading and pass to second with Vogel seconding and McCorkle, Stillings, Durbin, Vogel and Elmer voting aye and Tallaksen voting nay. Bill #2009-122 was presented for final reading. Durbin made a motion to approve Bill #2009-122 on final reading and pass into law with

McCorkle, Stillings, Durbin, Vogel and Elmer voting aye and Tallaksen voting nay on roll call vote.

Mayor Hayes announced that the special budget meeting set for December 17th will no longer be needed since the budget just passed.

Ordinance #2009-123 authorizing and directing the submitting of the Home Rule Charter to the voters of the City of Nixa on the April 6, 2010 election was presented. Mayor Hayes thanked all that served on the Home Rule Committee and for all the work to structure a constitution for the City. Sharon Whitehill-Gray explained that 13 citizens were elected to be on the committee and all the hard work they put in to the Charter. She said, this will be a better form of government for the City and when this ordinance is passed the commission will proceed to promote the Charter to the citizens. Stillings made a motion to approve Bill #2009-123 on first reading and pass to second with Tallaksen seconding and all voting aye. Bill #2009-123 was presented for final reading. Durbin made a motion to approve Bill #2009-123 on final reading and pass into law with McCorkle seconding and Stillings, Durbin, Vogel, Tallaksen, Elmer and McCorkle all voting aye on roll call vote.

Ordinance #2009-124 amending Chapter 23, Section 23-11, Fees was presented. Cossey explained the increase and addition of fees. The development application fees were adopted in August 1993 by the voters. With the amount of time that the Development Department spends on the applications they are proposing an amendment to the existing fees, because of the time involved in reviewing and preparing the applications. Staff is also proposing adopting fees on annexation and vacation applications. The annexation application is an in depth review of the property. Cossey gave the Aldermen a comparison chart of application fees from other neighboring communities. Mayor Hayes asked if the annexation fee would be refunded if it wasn't approved. Bingle said it could if the Aldermen amended the ordinance. Vogel made a motion to accept Bill #2009-124 on first reading and pass to second with an amendment that 50% of the annexation fee be reimbursed to the developer in the failure to achieve the statutory compliance. McCorkle seconded and all voting aye. Bill #2009-124 was presented for final reading. McCorkle made a motion to accept Bill #2009-124 on final reading and pass into law with the amendment and Stillings seconded with Durbin, Vogel, Tallaksen, Elmer, McCorkle and Stillings all voting aye on roll call vote.

Ordinance #2009-125 authorizing the Mayor to sign a contract with Scott Consulting engineers to perform all civil engineering design for phase II of the High Pointe Water Tower was presented. Doug Colvin, Public Works Director, explained that this is the second phase of the water tower contract that you previously passed, using Scott Consulting Engineers. This contract with Scott Consulting is to design the elevated water storage systems construction that has been decided on. This project will not exceed \$59,000 and not exceed \$1,500.00 for engineer services. Tallaksen made a motion to approve Bill #2009-125 on first reading and pass to second with Stillings seconding and all voting aye. Bill #2009-125 was presented for final reading. Elmer made a motion to approve Bill #2009-125 on final reading and pass into law with Vogel seconding and all voting aye on roll call vote.

Mayor Hayes announced a five minute recess.

Ordinance #2009-126 authorizing the use of eminent domain for the purpose of obtaining land, easements and rights in land necessary for the installation of the Southeast and Old Riverdale sanitary sewer line in the City of Nixa was presented. Brian Bingle, City Administrator, explained that when we accepted the stimulus money for the sewer line we needed 21 easements. We have obtained 16 of the 21 and there is a deadline when the easements must be completed. If we don't get the other 5 easements the Department of Natural Resources will require us to condemn the property, therefore we need the Aldermen to pass an ordinance to use eminent domain. McCorkle made a motion to approve Bill #2009-126 on first reading and pass to second with Tallaksen seconding and all voting aye. Bill #2009-126 was presented for final reading. Vogel made a motion to approve Bill #2009-126 on final reading and pass into law with McCorkle seconding and Tallaksen, Elmer, McCorkle, Stillings, Durbin and Vogel all voting aye on roll call vote.

DISCUSSION ITEMS

Chief Bacon is asking for a budget amendment on in-car cameras. He presented a quote on the in-car cameras that he explained at the December 9th luncheon meeting. There are three cameras that are not functioning and the company will come this week and install the new cameras if the Aldermen approve the budget amendment. Durbin made a motion to approve the budget amendment for \$14,000.00 to purchase the in-car cameras with Tallaksen seconding and all voting aye.

Chief Bacon informed the Aldermen that he had been asked to evaluate the intersection of Taylor Way and Walleye to determine if additional stop sign was needed. This is a residential area with a T intersection. Corporal Bybee inspected the intersection and reviewed the RMS for accidents, his observations found no traffic problems. Chief Bacon stated we do not see a need for any additional stop signs.

Mayor Hayes announced that the executive session that was scheduled for tonight is canceled.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:25 p.m.

Mayor

City Clerk