

AGENDA WORK SESSION

JANUARY 9, 2008 12:00 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Doug Marrs. Attending were Aldermen Charles McCorkle, Steve Tallaksen, Steve Faseler and Tracy Haist.

The City Administrator Brian Bingle explained the TIF and the costs for the developers in involved in the TIF and the taxes.

Mayor Marrs asked for an ordinance expressing intent to designate a redevelopment area TIF and a resolution adopting policies and procedures for implementing a TIF for the Monday Board of Aldermen meeting January 14. Marrs also asked for volunteers to be on a commission or if anyone knows someone that would like to be on the TIF Commission.

Doug Colvin, Public Works Director presented the City's Electric System overview and the status of the electric project and recommends the direction to proceed. The direction is different than originally planned due to funding shortfalls and electric load changes since the 2004 system study. Currently the JRPS lines is energized which is already lowering our demand from SPA.

Bingle presented the Nixa Now News Letter to the Board of Aldermen. The Aldermen approved it and the news letter will be distributed to the citizens of Nixa with their utility bill.

Human Resources Director Sharon Hankison explained the Floating Holiday plan that was recommended by the Senior Staff. President's Day and Columbus Day are holidays that would be designated as floating in the "Floating" Holiday procedure. Floating holidays may "float to another day in the year as designated by Management. This procedure will allow for a four (4) day holiday weekend for July 4th and Christmas. Management will assess the yearly calendar in November of each year and make recommendation to the Board of Aldermen at their December meeting as to coming year's holiday schedule. If a holiday floats, the observed date of holiday is considered a normal work day. When a given year only affords one or even no four (4) day weekend opportunities, the holidays (President's Day and Columbus Day) will be taken on their predetermined dates. McCorkle made a motion to add the floating holidays to the personnel manual. Faseler seconded and all voting aye.

Bingle explained that the city prohibits unauthorized personnel from using public facilities and City equipment in the past. McCorkle make a motion to prohibit unauthorized personnel from using public facilities and City equipment. Tallaksen seconded and all voting aye.

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

Mayor

City Clerk

REGULAR MEETING

JANUARY 14, 2008 7:00 PM

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Doug Marrs. Attending were Charles McCorkle, Steve Tallaksen, Steve Faseler, Tracy Haist, Roger Meadows and Mark Loge.

The Pledge of Allegiance was given.

MINUTES

The minutes of the meeting of December 5 and 10 were approved as presented by unanimous consent.

FINANCIAL REPORT

The financial reports were presented and a brief overview was given by Donna Swatzell, Finance Director. They were approved as presented by unanimous consent.

AGENDA AMENDMENT

The Mayor requested that the agenda be amended to add Ordinance #2008-16 for adopting the final budget for 2007. McCorkle made the motion to amend the agenda to add Ordinance #2008-16 in the Ordinances section of the agenda with Faseler seconding and all voting aye.

VISITORS

Visitors were given an opportunity to address the Board.

Matthew Marshall, 103 W. South Street, was representing the Skate Park Committee and asking for an extension for raising money. The Mayor asked the Skate Park Committee to present a new letter of understanding to the Board of Aldermen.

PUBLIC HEARING

A public hearing was opened for the annexation of People Bank at N. Main and Highway CC No public comments were made and the hearing was closed.

ORDINANCES

Bill #2008-11 an agreement with Missouri Transportation Commission for STP – Urban program was presented for first reading. Doug Colvin explained that the agreement outlines responsibilities for both the City and MoDOT for the design portion of the project. Tallaksen made a motion to approve Bill #2008-11 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-11 was presented for final reading. Loge made a motion to approve Bill #2008-11 on final reading and pass into law with Tallaksen seconding and McCorkle, Tallaksen, Faseler, Haist, Meadows and Loge all voting aye on roll call vote.

Bill #2008-12 authorizing the Mayor to sign a contract with CJW to design School Zone Flashing lights was presented for first reading. Doug Colvin explained that the engineer's agreement includes all necessary work to complete the project per the grant requirements. Tallaksen made a motion to approve Bill #2008-12 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2008-12 was presented for final reading. Loge made a motion to approve Bill #2008-12 on final reading and pass into law with McCorkle seconding and Tallaksen, Faseler, Haist, Meadows, Loge and McCorkle all voting aye on roll call vote.

Bill #2008-13 authorizing the Mayor to sign a contract with CJW to design Highway CC extension was presented for first reading. Doug Colvin explained the agreement with CJW and the services that they will provide. Haist made a motion to approve Bill #2008-13 on first reading and pass to second with Loge seconding and all voting aye. Bill #2008-13 was presented for final reading. Meadows made a motion to approve Bill #2008-13 on final reading and pass into law with Faseler seconding and Haist, Meadows, Loge, McCorkle, Tallaksen and Faseler all voting aye on roll call vote.

Bill #2008-14 authorizing the Mayor to sign a 2008 contract with Nixa E9-11 was presented for first reading. Chief James Bacon explained the contract to the Board. Tallaksen made a motion to approve Bill #2008-14 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2008-14 was presented for final reading. Tallaksen made a motion to approve Bill #2008-14 on final reading and pass into law with Haist seconding and Meadows, Loge, McCorkle, Tallaksen, Faseler and Haist all voting aye on roll call vote.

Bill #2008-15 expressing intent to designate a redevelopment area TIF was presented for first reading. Brian Bingle explained the process of sending notices of the City's intent to all the tax entities involved. Loge made a motion to approve Bill #2008-15 on first reading and pass to second with Tallaksen seconding and all voting aye. Bill #2008-15 was presented for final reading. Meadows made a motion to approve Bill #2008-15 on final reading and pass into law with Faseler seconding and Meadows, Loge, McCorkle, Tallaksen, Faseler and Haist all voting aye on roll call vote.

Mayor Marrs will appoint 6 members to a TIF Commission. Marrs ask for candidate to volunteer to be on the committee.

Bill #2008-16 approving the 2007 final budget was presented for first reading. Haist made a motion to approve Bill #2008-16 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-16 was presented for final reading. Loge made a motion to approve Bill #2008-16 on final reading and pass into law with Tallaksen seconding and Loge, McCorkle, Tallaksen, Faseler, Haist and Meadows all voting aye on roll call vote.

RESOLUTIONS

Resolution #2008-11 adopting policies and procedures for implementing a TIF were presented. Brian Bingle explained that the City must adopt policies and procedures for bidding and proposals for the redevelopment projects involving TIF. Tallaksen made a motion to approve Resolution #2008-11 with Haist seconding and all voting aye.

Resolution #2008-12 approving compliance of annexation for Peoples Bank on N. Main and Highway CC was presented. Planner Travis Cossey made a presentation on the annexation. Haist made a motion to approve Resolution #2008-12 with Tallaksen seconding and all voting aye.

Resolution #2008-13 adopting the City Electric Utility Department's 2008 and 2009 System Project program was presented. Doug Colvin presented the change from the old plan to the new system plan. McCorkle made a motion to approve Resolution #2008-13 with Haist seconding and all voting aye.

Resolution #2008-14 approving a change in the Personnel Handbook for Floating Holidays was presented. Brian Bingle explained that Senior Management suggested we float Presidents Day and Columbus Day to avoid asking for extra days off when Christmas and 4th of July falls in the middle of the week. Tallaksen made a motion to approve Resolution #2008-14 with McCorkle seconding and all voting aye.

DISCUSSION ITEMS

McCorkle believes the City needs a Cyber Bulling Ordinance since the recent suicide. McCorkle believes we should be proactive instead of reactive. Mark Loge was concerned on how this could be enforced. After a short discussion the Board decided to work on this with the school system.

Brian Bingle explained the flow chart to the Aldermen for establishing a process of verify calculations and tracking receipts in finance to confirm that monetary contributions have been received by the City .

Bingle brought back to the Board the Upper White River Bassin Foundation request in asking for a Utility Round-up for Ozark Water Keepers program. The Board decided to opt out. Brian than ask them if they would like to do a Utility Round-up and use the money for the Stormwater project. McCorkle like the idea but wants more information. The Board asked Bingle to send out a questionnaire to the citizens of Nixa asking their opinion of the Round-up.

Doug Colvin informed the Aldermen his report was not finished and he will be sending it out for February work session meeting.

EXECUTIVE SESSION

At 8:05 pm McCorkle made a motion to go into executive session pursuant to RSMo 610-025 to discuss litigation and Attorney consultation. Faseler seconded with McCorkle, Tallaksen, Faseler, Haist, Meadows and Loge all voting aye on roll call vote.

Members returned t regular session at 8:20 pm.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:25 pm.

Mayor

City Clerk

AGENDA WORK SESSION

FEBRUARY 6, 2008 12:00 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Doug Marrs. Attending were Aldermen Charles McCorkle, Steve Tallaksen, Steve Faseler, Roger Meadows and Mark Loge.

Mayor Marrs presented a proclamation to the Ronald McDonald House.

Mayor Marrs appointed six TIF Committee members. They are David Dupree, Chris Thomas, Jerry Bryant, Jim Lightner, Tim Baker and Gary Calhoun. The Mayor stated that these businessmen are financially skilled. If any Aldermen have any objections to anyone of them, they need to notify the mayor.

Coralee Patrick gave the report of the Municipal Complex Expansion and its completion. She informed the Aldermen that the City stayed under budget on the total project and earned approximately \$220,000.00 on interest on the construction fund. Approximately \$840,000.00 will be returned to reserve. The total project cost \$538,343.95.

Attorney Pat Sweeney presented a Cyber Bullying Ordinance that the Aldermen requested. Mrs. Sweeney told the Aldermen that he tried to mold this ordinance with the State Statues ordinance. The ordinance will cover harassment, cyber harassment and stalking.

City Administrator Brian Bingle presented the Aldermen with a citizen survey questionnaire to be distributed in the utility bills. There are various questions from quality of life to the performance of city employees. He asked the Aldermen if they have any changes to contact him.

A memorandum from Doug Colvin, Public Works Director, was given to the Aldermen on the MoDNR inspection report. Bingle ask if the Aldermen had any questions. There were no questions.

Kelly Hasner, Park Director explained that the City has too many baseball participants and not enough ball fields. Kelly is trying to decide how to structure the program to make everyone happy. He asked the Aldermen what they wanted him to do; eliminate the out of town teams or manage the practice times of all the teams. The Aldermen decided the Park should schedule the practice times this year instead of rejecting out of town teams.

A memorandum from Kelly Hasner, Park Director, was given to the Aldermen on 2008 Passion, Purity & Pearls Lock-in. Bingle explained the difficulties we have had in the past with this group and wanted to know what the Aldermen wanted the City to do. They decided to go ahead and allow them to use the Community Center if they come to a Board Meeting and request it.

The Skate Park Committee gave Kelly Hasner a new Letter of Understanding for the Board of Aldermen to look over before Monday night's meeting.

Donna Swatzell, Finance Director, presented the Aldermen a memo on the current utility payment options. The Aldermen were wandering if the City should offer on line payments. Donna informed them that our software provider doesn't have any internet software for paying bills online. Donna recommended that we don't use the internet because of the high risk of fraud and the high costs of making it available.

Bingle explained that Pendergrass Geological Consultants will provide geological consulting to owners of a sink-hole. Pendergrass will also help rewrite the City of Nixa Ordinance on sink-holes to expand our regulations to allow an engineer to design a peace of property to be built on.

Brian Bingle presented to the Board the MS4 Stormwater monitoring consultant information. There will be more information Monday night at the Board meeting.

Brian Bingle presented the Aldermen with information on the residential vacancy rates for single and multi-family units in the city limits.

Brian Bingle explained the Cherry Street Regional Stormwater Master Plan. This will be brought to the Aldermen Monday night.

There being no further business, the meeting was adjourned at 1:10 pm.

Mayor

City Clerk

REGULAR MEETING

FEBRUARY 11, 2008 7:00 PM

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Doug Marrs. Attending were Charles McCorkle, Steve Tallaksen, Steve Faseler, Tracy Haist, Roger Meadows and Mark Loge.

The Pledge of Allegiance was given.

MINUTES

The minutes of the meetings January 9th and 14th were approved as presented by unanimous consent.

FINANCIAL REPORT

Donna Swatzell informed the Aldermen that the sales tax has increased to 7% in February and our electricity purchase costs have declined since energizing the new loop section. The financial report was approved as presented by unanimous consent.

VISITORS

Visitors were given an opportunity to address the Board.

Vick Merriman, 414 S. Main, arrived late due to the weather. Bill 2008-23 that Mr. Merriman was wanting to be present for had already been presented. The Aldermen voted no on the rezoning at 414 S. Main. Mr. Merriman still wanted to speak on how he felt about the decision that was made on his rezoning issue. Mr. Merriman was disappointed in the decision because he felt he was misled by the Building Department last year and he has put his life savings in this business.

ORDINANCES

Bill #2008-21 an ordinance creating offenses of harassment, cyber-harassment and stalking was presented for first reading. City Administrator Brian Bingle explained the ordinance. McCorkle made a motion to approve Bill #2008-21 on first reading and pass to second with Tallaksen seconding and all voting aye. Bill #2008-21 was presented for final reading. Meadows made a motion to approve Bill #2008-21 on final reading and pass into law with McCorkle seconding and Tallaksen, Faseler, Haist, Meadows, Loge and McCorkle all voting aye on roll call vote.

Bill #2008-22 rezoning 5.741 acres of the Wasson Subdivision from R11 to HC was presented for first reading. Planner Cossey explained the rezoning proposal. Haist made a motion to approve Bill #2008-22 on first reading and pass to second with Tallaksen seconding and all voting aye. Bill #2008-22 was presented for final reading. Loge made a motion to approve Bill #2008-22 on final reading and pass into law with Tallaksen seconding and McCorkle, Tallaksen, Faseler, Haist, Meadows and Loge all voting aye on roll call vote.

Bill #2008-23 rezoning 414 S. Main from GC to M1 was presented for first reading. Planner Cossey explained that the business of an auto body shop did not qualify to be in a GC zoning, it must be in the M1 zoning. The Planning and Zoning Commission denied the rezoning request February 4, 2008. McCorkle made a motion to approve Bill #2008-23 on first reading with Meadows seconding and all voting nay. Motion Failed.

Bill #2008-24 Goodwin/Mathews annexation was presented and after discussion the Board did not consider the Bill, due to lack of a signature on the petition. The Board requested this Bill be on the March agenda.

Bill #2008-25 Peoples Bank annexation was presented and after discussion the Board did not consider the Bill,

due to lack of a signature on the petition. The Board requested this Bill be on the March agenda.

Bill #2008-26 authorizing the Mayor to sign a contract with Pendergrass Geological Consultants to assist in sink-hole technical specifications was presented for first reading. Brian Bingle explained the contract on how it would regulate development around sink-holes. Haist made a motion to approve Bill #2008-26 on first reading and pass to second with Tallaksen seconding and all voting aye. Bill #2008-26 was presented for final reading. Haist made a motion to approve Bill #2008-26 on final reading and pass into law with Meadows seconding and Loge, McCorkle, Tallaksen, Faseler, Haist and Meadow all voting aye on roll call vote.

Bill #2008-27 authorizing the Mayor to sign a contract with Shaffer & Hines to prepare a stormwater master plan for the Cherry Street Stormwater Basin was presented for first reading. Brian Bingle explained the contract. McCorkle made a motion to approve Bill #2008-27 on first reading and pass to second with Tallaksen seconding and all voting aye. Bill #2008-27 was presented for final reading. Haist made a motion to approve Bill #2008-27 on final reading and pass into law with Faseler seconding and McCorkle, Tallaksen, Faseler, Haist, Meadows and Loge all voting aye on roll call vote.

Resolution #2008-21 approving the preliminary plat for Magers Subdivision was presented. Cossey explained the proposed plat. Haist made a motion to approve Resolution #2008-21 with Tallaksen seconding and all voting aye.

Resolution #2008-22 approving the Mayor's appointment of six members to the TIF Commission and requesting the appointments of the remaining members by the other taxing jurisdictions. The Mayor explained why he picked these men. Tallaksen made a motion to approve Resolution #2008-21 with Faseler seconding and all voting aye.

Planner Cossey explained that the MS4 Monitoring Plan is part of a regional partnership involving the municipalities of Green County, Christian County, City of Springfield, Ozark, Battlefield and Nixa. The original plan for the City of Nixa would have 8 sample sites, but joining with the other communities this would bring the City down to 3 sample sites. This contract involves samples at 3 sites 5 times a year for 5 years. Ozark, Battlefield and Springfield have already signed on with OEWRI. Faseler made a motion to authorize the Mayor to sign a contract with OEWRI with McCorkle seconding and all voting aye.

Park Director Kelly Hasner requested that the fee waiver with Passion, Purity, Pearls to use the Community Center should include the following items:

- Group must provide standard and normal "also or second insured" liability coverage that indemnifies the City in the event of accident or misfortune.
- Group does not begin any move-in activity before 8:30 AM Friday
- Group entirely vacates the facility before 1:00 PM Sunday
- Staff will constitute at least TWO staff regardless of gender.
- City staff may enter any part of the facility occupied by the group at any time to assure the City's assets are secured and protected and that the group is in reasonable and practical compliance with any and all rules, policies or procedures expected of renters of the facility.
- The group agrees to immediately comply with any relevant and reasonable directive given by assigned staff on any rules, policies and procedures or issue of safety and risk and facility maintenance and care.

Faseler made a motion to accept Kelly Hasner's requirements with McCorkle seconding and all voting aye.

Kelly Hasner presented a Letter of Understanding from the Skate Park Committee concerning funding for the skatepark project. After a short discussion, Kelly Hasner requested there needs to be a word changed in bullet #9. The word *forfeited* changed to *reappropriated* in the letter before it is signed. Tallaksen made a motion to authorize the Mayor to sign the Letter of Understanding with the word change. Loge seconded and all voting aye.

Doug Colvin presented the bids for the well site at High Pointe School. Colvin recommends Flynn Drilling which was the low bid of \$233,278 for the well portion with a deduction of the generator. He also recommends we reject all bids for the well house portion because of the cost and the City complete the remaining project

items in-house with exception of the block and brick work on the well house. Tallaksen made a motion to accept the Flynn bid on the well and the recommendation of Doug Colvin. McCorkle seconded with all voting aye.

Brian Bingle explained the outside city sewer service charges. Bingle recommends the owners currently receiving service who elects not to install a water meter shall be billed 7,920 gallon per month. The owners who install a water meter to determine their usage will be charged one and one-half time the City sewer rate per 1,000 gallons of water use, plus the City's minimum base charge. There will be a sewer deposit of \$100 for residential homes and \$200 for commercial property. An ordinance will be presented in March for approval. McCorkle made a motion to present this ordinance in March with Meadows seconding and all voting aye.

Bingle presented the Aldermen with a copy of the citizen's survey and asked them to look it over and get back with him if there needs to be any changes.

The Board asked Doug Colvin to prepare them a report on tree trimming in March.

At 8:05 PM McCorkle made a motion to go into executive session pursuant to RSMo 610-025 to discuss a personnel issue. Faseler seconded with McCorkle, Tallaksen, Faseler, Haist, Meadows and Loge all voting aye on roll call vote.

Members returned to regular session at 8:20 pm.

Mayor Marrs called the regular session back to order.

Tallaksen asked how many pieces of equipment is sent out to be worked on instead of in-house repairs. He believes the City needs to save money by working on the equipment ourselves.

Mayor Marrs and the Aldermen directed staff talk to Mr. Merriman and try to find a resolution to Mr. Merriman's issue as in relocation or monetary reimbursement for the mistake that was made involving his business and it zoning. McCorkle made a motion that the City negotiates with Mr. Merriman before a suit is filed. Tallaksen seconded with all voting aye.

There being no further business, the meeting was adjourned.

Mayor

City Clerk

REGULAR MEETING

MARCH 10, 2008 7:00 PM

The regular monthly meeting of the Nixa Board of Aldermen was called to order by Mayor Doug Marrs. Attending were Charles McCorkle, Steve Tallaksen, Steve Faseler, Tracy Haist and Roger Meadows. Mark Loge was absent.

The Pledge of Allegiance was given.

MINUTES

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

FINANCIAL REPORT

Donna Swatzell, Finance Director reported that the Sales Tax is 4% less than last year's amount. The financial reports were approved as presented by unanimous consent.

VISITORS

Loretta Danner 772 E. Roubidoux is opening a bakery at 116 W. Sherman Way and wants to know if she can have a grease trap under her sink. The Aldermen told her to check with Rick Freeman, Building Inspector, if he turns her down, than come back to the next Aldermen meeting.

Lori Smith, 893 S. Firefly, was requesting a reduced charge of the Community Center for the Purity, Passion, Peals conference they hold every year. The Aldermen informed her that they had already made a decision last month and to contact Kelly Hasner, Park Director, and he would inform her of the price and requirements.

Jim Hughes, 920 S Old Riverdale Road, is against the future Animal Shelter adjacent to the waste water facility and it is not wanted by the neighbors that live in a 1 mile area of the site.

Tina Scott, 816 Scott Wayne, has a complaint with the City Utilities because their utilities were shut off. The Mayor informed her that the staff will review the letter she gave the Board and will speak with the employees involved.

Sharon Whitehill-Gray, 105 Sherman Way, informed the Board of Aldermen that the Chamber will be having a Meet the Candidate Forum March 24th at 7:00 pm at the Nigh Junior High.

Gene Freeman, 701 Morning Glory, had sewer backed up in his house April 2002 and than again 6 days later. During the last ice storm in February the sewer backed up in his house again. The Mayor informed him that the Board will ask the staff about the situation and get back with him.

ORDINANCES

Bill #2008-31 amending Chapter 23 Article XVII Signs was presented for first reading. Brian Bingle, City Administrator explained that an Adhoc Committee has worked on the Sign Ordinance and requests the changes listed in the ordinance. McCorkle made a motion to approve Bill #2008-31 on first reading and pass to second with Tallaksen seconding and all voting aye. Bill #2008-31 was presented for final reading. Tallaksen made a motion to approve Bill #2008-31 on final reading and pass into law with Haist seconding and McCorkle, Tallaksen, Faseler, Haist and Meadows all voting aye on roll call vote.

Bill #2008-32 amending Chapter 17 Section 17-34B provisions for outside City sewer service was presented for first reading. Bingle informed the Aldermen that the change in the ordinance is to administer a device to register

the water usage or charge the outside residents an average of 7920 gallons a month if they have no device to measure the water usage. Tallaksen made a motion to approve Bill #2008-32 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2008-32 was presented for final reading. McCorkle made a motion to approve Bill #2008-32 on final reading and pass into law with Faseler seconding and Tallaksen, Faseler, Haist, Meadows and McCorkle all voting aye on roll call vote.

Bill #2008-33 authorizing the Mayor to sign a contract with Flynn Drilling Company Inc., to install the High Pointe School Deep Well was presented for first reading. Bingle remind the Board that they authorized the bid last month and now asking for a contract to be signed. Meadows made a motion to approve Bill #2008-33 on first reading and pass to second with Tallaksen seconding and all voting aye. Bill #2008-33 was presented for final reading. Haist made a motion to approve Bill #2008-33 on final reading and pass into law with McCorkle seconding and Faseler, Haist, Meadows, McCorkle and Tallaksen all voting aye on roll call vote.

Bill #2008-34 annexing 17.87 acres located on North Main Street owned by Goodwin-Mathews was presented for first reading. Travis Cossey, Planner, explained the request for annexation and it to be zoned GC. Tallaksen made a motion to approve Bill #2008-34 on first reading and pass to second with Haist seconding and all voting aye. Bill #2008-34 was presented for final reading. McCorkle made a motion to approve Bill #2008-34 on final reading and pass into law with Haist seconding and Meadows, McCorkle, Tallaksen, Faseler, and Haist all voting aye on roll call vote.

Bill #2008-35 annexing 1.00 acres located on North Main Street owned by Peoples Bank of the Ozarks was presented for first reading. Cossey explained the request for annexation and it to be zoned GC. Cossey informed the Board that the annexation petition was not signed yet, but will be tomorrow. The Board informed Cossey that the annexation petition must be signed within 15 days of acceptance of the annexation if passed. Meadows made a motion to approve Bill #2008-35 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-35 was presented for final reading. Faseler made a motion to approve Bill #2008-35 on final reading and pass into law with Meadows seconding and McCorkle, Tallaksen, Faseler, Haist and Meadows all voting aye on roll call vote.

Resolution #2008-31 expressing the intent of the City of Nixa to close portions of, and or permit access to several streets for the Youth Triathlon July 19, 2008. Bingle informed the Board that the route will be the same one as last year. Steve Tallaksen left the room because of conflict of interest. Faseler made a motion to approve Resolution #2008-31 with McCorkle seconding and all voting aye. Tallaksen returned to the Board room.

DISCUSSION

Chief Bacon presented the Safe Schools Healthy Students Grant which involves the Burrell Behavioral Health and the Nixa School district. The Grant will provide funding for new security equipment and safety officers for the schools, mental health awareness, substance abuse prevention and bullying prevention. They need Chief Bacon's signature as a project Director for Nixa. McCorkle made a motion to approve Chief Bacon to sign the agreement with Tallaksen seconding and all voting aye.

Bingle requested a budget amendment for installation of wall and ceiling acoustic panels for the Chamber. McCorkle made a motion to amend the budget for \$11,968.00 for installing acoustic panel in the Chamber for better sound. Faseler seconded and all voted aye.

Bingle requested a budget amendment for carpet in the Police station to replace the tile that requires daily maintenance from all the wear. Haist made a motion to amend the budget by \$3,500.00 for carpet in the Police Department. McCorkle seconded with all voting aye.

Bingle reported that Barbara Hughes was appointed as representative of the TIF Commission for the Taxing agencies.

INFORMATION

Bingle informed the Board that there is a TIF conference March 19th 7:00 pm at Branson High School and any Aldermen was welcome to attend.

Bingle informed the Board that the Christian County Debris Removal Agreement and Schedule needs to be signed by the Mayor if approved. Faseler made a motion for the Mayor to sign the Christian County Removal Agreement for the clean up of limbs in the city. Tallaksen seconded with all voting aye.

There being no further business the meeting was adjourned at 8:10 pm.

Mayor

City Clerk

AGENDA WORK SESSION

APRIL 9, 2008 12:00 NOON

The monthly agenda work session of the Nixa Board of Aldermen was called to order by Mayor Doug Marrs. Attending were Aldermen Charles McCorkle, Steve Tallaksen, Steve Faseler, Roger Meadows and Tracy Haist. Mark Loge was absent.

VISITORS

Iva Meek, 352 E Old Bittersweet, was opposing the Christian County Animal Shelter because it will devalue the property around the shelter, and the shelter will produce bad odors

Jim Hughes, 920 S Old Riverdale Rd, was opposing the Christian County Animal Shelter. He feels the City should not have a lease with the Animal Shelter.

City Administrator, Brian Bingle informed the concerned citizens that the City has not received an application from the Christian County Animal Shelter and the City has not leased the property to them either.

Brian Bingle welcomed the newly elected Mayor and Aldermen to the meeting.

Bingle explained that we have consulted with Pendergrass Geological Consultants on the mitigation plan for the sinkhole at 814 Julie Court and 812 Jackson. The City sent a letter to the property owners and tell them that the City will do minimal excavation and plug the hole with floatable fill and apply dirt and seed. The property owners will be billed for 1/3 of the cost.

Bingle informed the newly elected Aldermen that Mayor Marrs is the City's representative for the Ozarks Transportation Organization (OTO) and the Aldermen will need to appoint a new representative Monday night at the BOA meeting.

Bingle informed the Aldermen that OTO had 2 motions to be voted on. The first one is that the OTO subcommittee is recommending that the OTO relocate down town Springfield on the Park Central Square. As a voting member, Mayor Marrs voted in favor to move the OTO office. The second one is to assess member jurisdiction dues based upon the decennial census population at 40 cents per capita each year until such time that an adjustment is deemed necessary to commence July 1, 2008. Mayor Marrs did not cast a vote, seeing that he will no longer be the Mayor and is asking the Aldermen to vote on this Monday night at the BOA meeting.

Bingle explained the 2008 OTO Transportation Improvement Program and we are on track with Hwy CC, Main Street and Gregg Road projects. Colvin is dividing the 8 projects listed for 2011 into four projects in 2011 and four projects in 2012.

Public Works Director, Doug Colvin gave a brief overview and handouts informing the Aldermen on where we stand with the major electric projects for 2008. Colvin said that the City is on track with 2008 electric projects.

T.J. Whatley with Shaffer and Hines explained the drainage problem in the Cherry Street Regional Master Plan and what needs to be designed to improve the stormwater drainage in that area.

Charles McCorkle provided an overview of the Economic Strategic Plan that the Economic Council of Nixa has developed. This information was put in the packet for the Aldermen and Mayor.

There being no further business, the meeting was adjourned at 1:00 pm.

Mayor

City Clerk

REGULAR MEETING

APRIL 14, 2008 7:00 PM

The regular monthly meeting of the Nixa Board of Aldermen was called to order by the President of the Board Tracy Haist. Attending were Charles McCorkle, Steve Tallaksen, Steve Faseler and Roger Meadows. Doug Marrs and Mark Loge were absent.

The Pledge of Allegiance was given.

MINUTES

The minutes of the meeting, March 10th was approved as presented by unanimous consent.

FINANCIAL REPORT

The financial report was approved by unanimous consent.

OATH OF OFFICE

City Clerk Judy Long issued the oath of office to the newly elected officials: Michael Durbin Ward I, Barb Stillings Ward II, Kevin Elmer Ward III and Brian Hayes Mayor.

VISITORS

Marilyn Strickett, 945 S. Ozark Rd, was explaining that the Cobblecreek subdivision by her property is causing flooding to her pond and washes out her driveway. She had no problem until the Cobblecreek subdivision was developed. The Mayor told her he would discuss this with staff and get back with her.

Gloria Davis 1527 Buena Vista, Springfield and owner of 856 Gregg Rd. and Leo Snelling 1713 E. Lark, Ozark, want a written response form the Board after their statement about the property at 856 Gregg Rd. It is 80 acres located North of Northview Rd west of Foxwood, but not in the city limits. This property gets a big impact with stormwater run off from the property that is in the city limits. The stormwater run off has damaged the property since 1990's .They want the Mayor and Aldermen to meet with them on her property to see the damage. The Mayor asks for a copy of their statement and they said they would mail the city a copy.

Patricia Hanson, 621 W. Clover Ct. is worried that the plat of land behind Meeks is going to be developed with houses and it would cause move water drainage. She said water runs over and under Ellen Rd when it rains and that is very dangerous. With the last rain the drainage ditch was full. The mayor will ask staff to look at this problem.

Elysia Stopczynski, 101 Prospect, informed the board that her neighborhood floods even after a 1" rain. This time there was sewage in the run off caused by her neighbors broken sewer line across the street at 103 Prospect. She can't leave her house because it is too deep.

Dennis Glenn, 909 Brooke Ct, is building a house as 714 Milton, and he had water come up in his bathtub in the basement. When the building plan was reviewed the City said the elevation was fine, so they built with the City's approval. He's afraid the property value will go down until this problem is solved. The mayor said he will ask the staff about this problem. Mr. Glenn wants a response in 30 days.

Jan Cheffey, 401 Prospect, reported that she has a water drainage problem like the other citizens. Dana Sullinger, 801 Morning Glory, has water drainage problems with the flooding. After the flooding they couldn't use their toilets or shower and they had sewage back up in their house.

Robbie Roberts, 709 Morning Glory, didn't have any flooding until after the rain was over, because he has a

check valve. Then the city employees came out and did something and then sewage started backing up in his house.

It was stated by someone in the audience that 707 thru 801 Morning Glory was flooded and it caused sewer to back up into their homes.

ELECTION OF BOARD PRESIDENT

Meadows made a motion to elect Charles McCorkle as President of the Board of Aldermen. Haist seconded with all voting aye.

AUDIT REPORT

Marshall Decker with Decker & DeGood presented the annual audit for 2007. There were no findings reported and he advised the board that the City is in good financial condition. He did suggest that the City have 2 signatures on the city checks.

PUBLIC HEARING

A public hearing was opened for rezoning 802 Northview Drive from Single Family (R11) to Office (O). Brian Hayes stepped out of room for conflict of interest. Belinda Hayes, 805 Dabney wants to know the set back of 802 Northview. Travis explained the setback and informed everyone that this zoning is more restricted than the General Commercial, which allows professional Office use. Dana Sullinger, 801 Morning Glory is concerned about the drainage from the property. Catherine Brandt, 803 Morning Glory, is concerned about the drainage of water run off going to Aldersgate Church and is opposed to the rezoning. McCorkle informed them that this property will have a water detention designed for the change in zoning. Travis Cossey, City Planner explained the stormwater detention. John Sapp, 3385 North Street, Ozark petitioner, ask the board to approve the rezoning.

No more comments were made and the public hearing was closed

ORDINANCES

Bill #2008-41 rezoning 802 Northview from Single Family (R11) to Office (O) was presented for first reading. Planner Cossey explained the rezoning and conditions. He informed the board that the Planning and Zoning Board and City staff approves of the rezoning. Haist made a motion to approve Bill #2008-41 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2008-41 was presented for final reading. Meadows made a motion to approve Bill #2008-41 on final reading and pass into law with Haist seconding and McCorkle, Stillings, Elmer, Haist, Meadows, and Durbin all voting aye on roll call vote.

Bill #2008-42 authorizing the mayor to sign a contract with Mike Rankin, Economic Development Consultant was presented for first reading. Bingle explained that in 2007 the City allocated funds for an Economic Development Director, but the City didn't fill the position. The 2008 budget does not include this position. Staff recommends the Board to allocate \$26,000 for an Economic Development Consultant position for 8 months, which will be funded by the General Fund Reserve. If Mike Rankin accepts this position, he would have to establish a 501-C-3 to facilitate the collection of tax-deductible donations. McCorkle made a motion to approve Bill #2008-42 on first reading and pass to second with Durbin seconding and all voting aye. Bill #2008-42 was presented for final reading. Durbin made a motion to approve Bill #2008-42 on final reading and pass into law with McCorkle seconding and McCorkle, Stillings, Elmer, Haist, Meadows and Durbin all voting aye on roll call vote.

Bingle introduced Michael Rankin and he gave an overview of his experience as a consultant. Aldermen Elmer

asks what other towns he is consulting and if this town would be a conflict with Nixa. Rankin said he is consulting Branson West and he doesn't feel that Nixa wouldn't be competing with Branson West for the same businesses.

DISCUSSION

The City needs a Director appointed to the OTO since Doug Marrs is no longer Mayor. McCorkle made a motion to appoint Mayor Brian Hayes with Haist seconding the motion and all voted aye.

Bingle explained the membership dues for OTO is \$4,877; this is based on the last decennial census. McCorkle made a motion to pay \$4,877 out of Street Departments 2008 reserves account to pay OTO dues with Elmer seconding and all vote aye.

Public Works Director, Doug Colvin explains 2009-2012 OTO Improvement Program. Colvin informed the Board that we are currently on track with the plan. Colvin recommended splitting the eight projects for 2011 into four projects for 2011 and four projects for 2012. McCorkle made a motion to split the eight projects for 2011 into four projects for 2011 and four projects for 2012 with Durbin seconding and all voting aye.

Donna Swatzell, Finance Director, informed the Board that the changes to the fuel cost adjustment rates will be changed from .0062 per kWh to .0153 per kWh . The rate is reviewed each April and October by Jody Breazeal of Toth & Associates. This rate is charged to the City from our power supplier.

Chief Bacon presented a DUI Enforcement Grant that is through MODOT. Bacon explained this grant is to help pay for overtime the officers work to help remove impaired drivers from the roadways. Stillings made a motion to give Chief Bacon approval to sign a contact with the Missouri Safety Center for the DWI Enforcement Wave with McCorkle seconding all voting aye.

Chief Bacon updated the Board on the 911 legislative status. Bacon informed the Board that the 911 tax is still not collecting enough money to operate 911 program. They are asking the State Legislature to pass E911 Statue amendment.

Bingle ask the Board when a retreat would be convenient, they decided that June 6th and 7th would work for everyone.

At 9:15 McCorkle made a motion to go into executive session pursuant to RSMo 610-025 to discuss litigation and Attorney consultation. Haist seconded with all voting aye.

Members returned to regular session at 10:45 pm.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:55 pm.

Mayor

City Clerk

AGENDA WORK SESSION

MAY 7, 2008 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, Barbara Stillings, Kevin Elmer, Roger Meadows and Michael Durbin. Tracy Haist was absent.

EMPLOYEE RECOGNITION

The Mayor recognized Vaughn Main and Craig Trantham for being with the City for 10 year. He presented them with a pin and a Municipal Service Award certificate.

DISCUSSION ITEMS

Brian Bingle, City Administrator informed the Board that the problem on Morning Glory St. and Milton St. is stormwater leaking into the sanitary system which fills the sewer lines and the sewer from these homes then back up. He will have the Building Inspectors look at the foundation levels and the plumbing. Some owners put sump pumps in after the home was inspected by the City, and they are pumping their stormwater into the sewer lines. The City wants to do a smoke test on the lines to check them. If the owners will put a back flow valve in, this will stop sewer from backing up into the homes.

The City has contacted and is working on the problem of stormwater drainage from the Cobble Creek Subdivision running onto the neighbors.

Clayton Hines with Shaffer and Hines reported that the Prospect and Cherry Street Stormwater project has 3 phases. The first phase will cost the City \$30,700 - \$52,000 to open channels and replace culverts.

Chief Bacon reported on the 911 consolidation. The landline funds are diminishing and can not support the 911 needs and we are waiting for the Legislative update to pass. The County 911 Committee is asking a ¼ cent sales tax for Christian County be put on August 5, 2008 ballot. This tax will eliminate the 911 tax on landline phone bills. The committee believes the County 911 will need 1.4 million to operate the 911 service. Chief Bacon is asking the City to commit to the ¼ cent sales tax. McCorkle made a motion for the City to approve of the ¼ cent County tax for 911. Meadows seconded with all voting aye.

Chief Bacon explained that last month the Board approved of the DUI Enforcement Grant and now he needs them to sign the authorization. McCorkle made a motion for the Aldermen to sign the authorization with Stillings seconding and all voting aye.

Donna Swatzell, Finance Director gave a power point presentation to the Board on government accounting so they understand the process and how to read the charts she provides to them.

Doug Colvin, Public Works Director, had a car count done on Ellen Street. Within 24 hours 613 cars traveled down Ellen Street with 40% of the vehicles speeding. From this information staff recommended a 4 way stop should be placed at Ellen Street and Honeysuckle. There will be an ordinance presented Monday night at the Board of Aldermen meeting.

Doug Colvin informed the Board that the City of Republic has asked to rent our crack seal machine, to save their city money. The rental company they use, charges \$300 a day with a weekly minimum of \$1,500 and they only needed it for 2 days. The board approved the city write up an agreement to rent the crack seal machine to the City of Republic for \$300 a day.

Doug Colvin explained the extension of the existing MS4 contract purposing to the state, that Greene County, Christian County, City of Springfield, City of Ozark and the City of Battlefield as well as the City of Nixa provide a common hub for coordination the community partnership to make compliance monitoring more cost-effective. This will standardize reporting requirements, and will reduce our testing sites to 3 sites 5 times a year.

This ordinance will presented Monday night at the Board meeting.

The Sucker Day Committee asks for a resolution to close portions of South Main Street and East Elm Street for Sucker Day May 16th and 17th like last years.

ADJOURNMENT

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

Mayor

City Clerk

REGULAR MEETING

MAY 12, 2008 7:00 PM

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

The Pledge of Allegiance was given.

MINUTES

The minutes of the meeting, April 9th and 14th were approved as presented by unanimous consent.

FINANCIAL REPORT

The financial report was approved by unanimous consent.

VISITOR

Dennis Glen, 909 Brooke Ct, informed that he is still having water problems and sewer is backing up in his new home at 714 Milton. There was no rain today and it backed up. He talked with Richard Hill about today's problem and Richard told him that there was a power outage which caused the pump station to be out of service. He said his property value is dropping and he wants the City to fix the issue.

John Brandt, 803 Morning Glory, spoke about his sewer backing up when it rains.

ORDINANCES

Bill #2008-51 an ordinance amending Chapter 12 stop signs was presented for first reading. The Mayor informed the Board that this is the ordinance that they discussed at the Work Session Agenda last Wednesday. McCorkle made a motion to accept Bill #2008-51 on first reading and pass to second with Haist seconding and all voting aye. Bill #2008-51 was presented for final reading. Durbin made a motion to accept Bill #2008-51 on final reading and pass into law with Meadows seconding and Elmer, Stillings, McCorkle, Haist, Durbin and Meadows all voting aye on roll call vote.

Bill #2008-52 an ordinance authorizing the Mayor to sign a Memorandum of Understanding and Cooperative Agreement with Ozarks Environmental and Water Resources institute was presented for first reading. Bingle explained this agreement and how OEWRI will monitor this plan to meet the approval by MDNR. McCorkle made a motion to accept Bill #2008-52 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2008-52 was presented for final reading. Durbin made a motion to accept Bill #2008-52 on final reading and pass into law with Elmer seconding and Stillings, McCorkle, Haist, Durbin, Meadows, Elmer all voting aye on roll call vote.

Resolutions

Resolution #2008-51 authorizing street closure for Sucker Day was presented. Bingle explained that this is the same street closures as last year. Haist made a motion to close portions of South Main and East Elm for Sucker Day Celebration with Stillings seconding and all voting aye.

Discussion

Brian Bingle explained the stormwater problem with the Horn property and asked staff to research the drainage issue. Travis Cossey provided an overview of the watershed that drains to this property on Northview Drive. Cossey informed the Board that the City had no subdivision regulation before 1987. The City adopted a 25 year stormwater regulations in 1987 then updated the regulations to 100 years in 1993 and is currently in effect. Several hundred acres in the watershed spreadsheet include developments for all the areas of stormwater regulations. After a lengthy discussion the Mayor ask the Aldermen to go and look at the Horn Property, so they can see the situation and discuss it.

McCorkle stated that he would like to review the elevation regulations for the new homes being built in town.

John Brandt, 803 Morning Glory spoke again, asking the City to give them warning when not to use water in their homes, so the sewer won't backup in their houses.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:45 PM.

Mayor

City Clerk

Horn Property

May 22, 2008

6:00 pm

Present: Brian Hayes, Charles McCorkle, Michael Durbin, Barb Stillings, Kevin Elmer, Travis Cossey, Leo Snelling, Gloria Davis.

Mayor Hayes called the special meeting of the Board of Aldermen to conduct a visit at the Horn property to discuss a flooding concern Mrs. Davis has regarding her property.

During the site visit Mrs. Davis and Mr. Snelling pointed out an area on the 80 acres Horn property site that has received flooding and erosion from stormwater flows. The concerns brought to the boards attention regarded erosion concerns as a result of stormwater, a loss of property use and the construction of a fence by the City that Mrs. Davis and Mr. Snelling felt hinders full use of there property. They indicated that they have visited with an environmental attorney concerning the impact they have from stormwater.

After hearing Mrs. Davis's and Mr. Snelling's concerns and looking at the property mayor Hayes thanked them for there time and indicated that the board would continue to discuss the situation.

There being no further discussion the meeting was adjourned at 6:45 pm

Travis Cossey

RETREAT

JUNE 6, 7, 2008

The Nixa Board of Aldermen met for a retreat in Branson at the Grand Country Inn June 6th and 7th. Hal Wood spoke on Advisory Management Friday afternoon from 2:00 pm to 5:00 pm. Saturday the City Directors explained to the Aldermen and Mayor how their departments work and what they plan for the near future for the City.

Presentations and discussions presented:

City Clerk	Newly Elected Officials Information Packets
Finance Director	Budget
City Administrator	City's Strategic Plan
Public Works Director	Public Works Issues
Park Director	Parks & Recreation Issues
Chief of Police	Police Issues

No action was taken during the meeting.

Meeting adjourned June 7th @ 3:00 pm

City Clerk

AGENDA WORK SESSION

JUNE 4, 2008 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, Barbara Stillings, Kevin Elmer, Roger Meadows, Michael Durbin and Tracy Haist.

EMPLOYEE RECOGNITION

Mayor Hayes recognized Joe Ripple for being with the City for 10 years. They Mayor presented him with a pin and a Municipal Service Award certificate.

DISCUSSION ITEMS

Mayor Hayes explained that P & Z passed the Animal Shelter annexation and how the process for Monday night's meeting will be conducted. The visitors wanting to speak on the Animal Shelter can only speak on the Annexation and Zoning issue, not the usage of the property, because the Board will only be voting on the Compliance of Annexation. The visitors will be able to speak on the usage at the July Board meeting.

Richard Sheets with MML spoke to the Aldermen on a Home Rule Charter. He explained that the Charter determines how you govern your City. If the City becomes a Home Rule Charter we will no longer follow chapter 71 & 79 in the State Statutes. The City will need a Charter Commission to draft a document charter. The Commission has 8 months to prepare the document to be put on the ballot. The Commission is made up of 13 citizens. After the Charter is voted in, any changes of the Charter will need to be taken to the citizens for a vote at an election.

City Administrator Bingle informed the Aldermen that Kevin Cheffey, P&Z Commissioner is moving out of town and they will need to appoint a new P&Z member.

Bingle informed the Aldermen, that in 2007 the Board ask him to appoint a Safety Task Force. The Task Force is made up of 12 employees, they are; Rick Freeman, Larry Covington, James Bacon, Sharon Hankison, Lisa Brown, Cindy Robbins, Doug Colvin, Collin Carter, Brian Denney, Richard Hill, Kelly Hasner, and Otis Hall. This committee created an Employee Safety Manual. The Employee Safety Manual will be presented Monday night to be adopted by resolution.

Bingle informed the Aldermen that 714 Milton and 803 Morning Glory's problems with the sewer backup when it rains is the home owners' responsibility. They will need to repair their sanitary discharge systems. Bingle will send a letter to these 2 homes owners, stating that they are responsible for the repairs to their sanitary discharge system. McCorkle made a motion to approve Bingle to send letters to the home owners, regarding their sanitary with Meadows seconding and all voting aye.

Bingle explained that the City needs to make amendments to Chapter 5 for finished floor elevation verification policy and a police for sanitary drainage. McCorkle wanted to know if these two ordinances will take care of the sewage backup problems. Bingle said he believes these two changes will help with the problem.

Bingle informed the Aldermen that the agreement with the City of Republic to rent our crack sealer will be presented Monday night.

Bingle explained that Shaffer and Hines will present an agreement Monday night for Phase I engineering services for \$5,200.00

Bingle told the Aldermen that there will receive a contract extension on the Inman water tower Monday night. They are asking for an extension to June 18.

Barb Stillings is asking the Board if they would like to donate money to the Christian County Fair this year. Pat

Shillings is a Fair Board member, she explained the fair is agriculture and youth fair and they would appreciate the City's support. She remarked that other cities make donations for the fairs various premiums. McCorkle made a motion that the city donates \$350.00 to the Christian County Fair, with Durbin seconding and all voting aye.

Bingle explained that there will be a resolution presented Monday night to close a portion of Cheyenne Road for the Sky High 4th of July celebration from 4:00 pm to 10:00 pm

ADJOURNMENT

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

Mayor

City Clerk

REGULAR MEETING

JUNE 9, 2008 7:00 PM

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

The Pledge of Allegiance was given.

MINUTES

The minutes of the meeting, May 7th and 12th were approved as presented by unanimous consent.

FINANCIAL REPORT

The financial report was approved by unanimous consent.

VISITORS

Larry Race, 102 Prospect, said he moved to the neighborhood in September 2007 and didn't know about the flooding problem. He has observed the flooding, the water is coming from the west and causes sewer backup. This flooding causes health problems and mosquitoes. Mr. Race said he had some expenses from the flooding and wanted reimbursed. He gave the receipts to the City Clerk. The Mayor told him that the City would get back with him on this issue.

Elysia Stopzynski, 101 Prospect, feels that the neighborhood has been forgotten because there are only 5 houses effected in the neighborhood, and would like something done before Phase III of the Cherry Street drainage improvements.

PUBLIC HEARINGS

A public hearing was opened for a Special Use Permit for Commercial Day Care at 201 Water Street. No public comment was made and the hearing was closed.

A public hearing was opened for the compliance for annexation of Oakland Lubrication LLC at 311 West Tracker Road. No public comment was made and the hearing was closed.

A public hearing was opened for the compliance for annexation of Kathleen Copeland property on Old Riverdale Road.

Clayton Hines, 729 W Center Circle, is representing the Christian County Animal Shelter. The reasons the Animal Shelter decided on this property was because it is adjacent to the City property, and they want city utilities. They believe this is the most logical location for the shelter and the zoning does conform to the City's zoning. There are no existing homes connecting to the property. Copeland had two surveys of the property, because the Shaffer and Hines didn't approve of the first, the surveyor didn't use the correct pins to measure off of.

Attorney Todd Johnson, 901 St. Louis, is representing Ray Wilcox that lives at 247 E. Longview. Mr. Wilcox owns 40 acres south of the property. He informed the Aldermen they have to have a reasonable and necessary reason to bring this property into the City. He said there are numerous reasons not bring this property into the City; it will decrease the value of the surrounding homes, this is will have detrimental effect on the surrounding property; this shelter is a dramatic difference from the City's dog pound.

Jim Hughes, 920 S Old Riverdale Road, read the City's 2003 Comprehensive Plan and pointed out the noise factor and the property values.

Susan Stadig, 835 Cobble Creek, said that there are 107 homes in the Cobble Creek Subdivision and 113 children. If the City annexes the property they will lose a lot of property tax, because people won't want to live there.

Jared Willyerd, 842 Cobble Creek, asks what advantage would the City gain from annexing this property. This will cause the property values to go down.

Chris Kester, 112 Daleview, said he is the closest property owner to this site. He has to listen to the processing of the composting and smells the treatment plant, so he doesn't want anything else to cause noise and odor.

Patty Robinson, 718 Silver Streak, drove down to the site when it was raining and the drainage is bad and she feels this site is in a flood plain.

Mike Crawford, 1090 S Main, owns the land west of the site and has purchased more land down Riverdale Road. He is worried about the road easements when the road is widened.

Renee Curro, 2468 Azalea Road, thinks this is a good location for the Animal Shelter, and there are guide lines that will control the noise and odor.

Wayne Wilcox, 247 E Longview Drive, lives south of the site and said the pin the surveyors used wasn't there when he was younger and when they built fence on their property. He believes the surveys are wrong. He said Bill Barnett, County Road Commissioner, told him that he doesn't know about the road widening and this is a county road.

Les Wilson, 1054 S Ozark Road, lives east of the site. He said allowing the shelter will cause more water run off because of less land to absorb the water; will lower property values; the City will lose income from property taxes. In the evenings he smells the treatment plant and the shooting range sounds like the war in Iraq.

Kelly Hurst, 854 Cobble Creek, says he lives the closest to the site and is worried about the noise if zoned and annexed.

Paul Wasson, 487 Minnehaha, owns land next to the site and his farm is a Century Farm. He doesn't want it because this will cause more M-1 zoning.

Debbie Rice, 717 E. Mining Camp, doesn't want it annexed or zoned M-1 because it might cause other businesses they don't want there. She wants family oriented businesses.

No more comments were made so the Mayor closed the public hearing.

Another citizen came forward to speak, so the Mayor reopens the public hearing for the compliance for annexation of Kathleen Copeland property on Old Riverdale Road.

Bryan Ackerman, 850 Cobble Creek, doesn't think the City can vote on this annexation with the pin discrepancies. Mayor Hayes explained that the City can, because the survey is signed and sealed by a certified surveyor. No more comments were made so the Mayor closed the public hearing.

ORDINANCES

Bill #2008-61 authorizing the renewal of the lease for the Composting and Recycling Facilities financed by the Public Building Corporation for the coming year was presented for first reading. McCorkle made a motion to accept Bill #2008-61 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2008-61 was presented for final reading. Elmer made a motion to accept Bill #2008-61 on final reading and pass into law with Durbin seconding and Elmer, Stillings, McCorkle, Haist, Durbin and Meadows all voting aye on roll call vote.

Bill #2008-62 amending chapter 5 to include Finished Floor Elevation Verification Policy was presented for first reading. McCorkle ask if this was for every building being built, commercial as well as residential. Bingle informed them it is for all buildings and it is to protect the homes from stormwater. After a short discussion McCorkle made a motion to accept Bill #2008-62 on first reading and pass to second with Stillings seconding and Stilling, McCorkle, Haist, Durbin, Meadows voting aye and Elmer voting nay. Bill #2008-62 was presented for final reading. Stillings made a motion to accept Bill #2008-62 on final reading and pass into law with Haist seconding and Stillings, McCorkle, Haist, Meadows voting aye and Elmer and Durbin voting nay on roll call vote. Motion passed.

Bill #2008-63 amending chapter 5 to include Sanitary Drainage Policy was presented for first reading. Stilling ask if the backflow valve is a costly item for the home owner to purchase. The Mayor informed her it is not costly. McCorkle made a motion to accept Bill #2008-63 on first reading and pass to second with Durbin seconding and all voting aye. Bill #2008-63 was presented for final reading. Durbin made a motion to accept Bill #2008-63 on final reading and pass into law the Meadows seconding and McCorkle, Haist, Durbin, Meadows, Elmer and Stillings all voting aye on roll call vote.

Bill #2008-64 authorizing the Mayor to sign a contract with Shaffer and Hines Inc., to complete the design of Main Street improvements from the Tracker Road to Highway CC was presented for first reading. Mayor Hayes inquired if this is part of the STP project, Bingle informed him that it is. Haist made a motion to accept Bill #2008-64 on first reading and pass to second with Stillings seconding and all voting aye. Bill #2008-64 was presented for final reading. McCorkle made a motion to accept Bill #2008-64 on final reading and pass into law with Meadow seconding and Haist, Durbin, Meadows, Elmer, Stillings and McCorkle voting aye on roll call vote.

Bill #2008-65 authorizing the Mayor to sign a contract with CJW Transportation Consultants LLC. to complete the design of Intersection improvements for Gregg Road and Highway 14 was presented for first reading. Bingle informed the Board that this is a STP funds project. Elmer asked why we have to different engineers on these two projects. Colvin the public works director informed him that the City received nine applicants for this project and CJW specializes in traffic engineering. Meadows made a motion to accept Bill #2008-65 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-65 was presented for final reading. Elmer made a motion to accept Bill #2008-65 on final reading and pass into law with Meadows seconding and Durbin, Meadows, Elmer, Stillings, McCorkle, Haist all voting aye on roll call vote.

RESOLUTIONS

Resolution #2008-61 authorizing street closure of Cheyenne Road was presented. Bingle informed the Board that this is for public safety at the Sky High 4th of July celebration and if it is cancelled the resolution will move to the new date. Meadows made a motion to approve Resolution #2008-61 with Durbin seconding and all voting aye.

Resolution #2008-62 approving the Special Use Permit for a commercial day care at 201 Water Street was presented. City Planner Harlan explained they will have adequate parking for clients and they will build a fence around the property. Staff recommends approval of the Special Use Permit. Durbin made a motion to approve Resolution #2008-62 with McCorkle seconding and all voting aye.

Resolution #2008-63 approving the compliance for annexation of Oakland Lubrication was presented. Planner

Cossey informed the Aldermen that there is 4 acres are boarded by the City and it does meet the compliance. McCorkle made a motion to approve Resolution #2008-63 with Meadows seconding and all voting aye.

Resolution #2008-64 approving the compliance for annexation of Kathleen Copeland property on Old Riverdale Road was presented. Planner Cossey informed the Aldermen that the property is 1.37 acres and will be zoned M-1 and it does meet the compliance. McCorkle made a motion to approve Resolution #2008-64 with corrections of the spellings in the legal description. Meadows seconded with Haist, Durbin, McCorkle and Meadows voting aye and Elmer and Stilling voting nay. Motion passes.

Resolution #2008-65 adopting the Employee Safety Manual was presented. Bingle explained the safety manual and the responsibilities of the employee to be safe. Durbin made a motion to approve Resolution #2008-65 with Stillings seconding and all voting aye.

DISCUSSION

The Board discussed the equipment rental agreement with Republic. Haist made a motion to approve of the equipment rental agreement with Republic with Meadows seconding and all voting aye.

Bingle informed the Board about the stormwater professional fee with Shaffer and Hines Inc., and that this is for Phase I and the cost will be \$5,200.00. McCorkle made a motion to approve the agreement with Shaffer and Hines Inc. for stormwater professional fee with Stillings seconding and all voting aye.

Bingle informed the Board of the bids on the Northeast Substation Transformer that is scheduled for 2009, but we need to order the transformer now because it takes 32 to 38 weeks to receive it. Elmer made a motion to accept the bid from Kuhlman Electric in the amount of \$754,269.74 with Meadows seconding and all voting aye.

Bingle explained that K-Power is purchasing the telecommunication assets from Ozark Electric Cooperative and they will adhere to the original contract we have with Ozark Electric Cooperative. Durbin was concerned about the service interruptions and the representative informed him that there would be no interruptions. After a lengthy discussion the board asks for 30 days to clarify the understanding of the contract with K-Power. No action was taken.

Bingle explained that the Nixa Fire District would like Utility Office to insert informational sheets about open burning regulations, weather alert radios, address visibility etc. in the August utility bills. McCorkle made a motion to approve the Utility Office to insert the information from the Nixa Fire District in the August utility bills with Stillings seconding and all voting aye.

Bingle informed the Aldermen that Caldwell Tanks Inc. has requested an extension on the Inman Water Tower contract final completion date to June 18, 2008 due to weather. This does not change the contract price. Durbin made a motion to extend the contract completion date to June 18, 2008 with Caldwell Tanks Inc. on the Inman Water Tower with Meadows seconding and all voting aye.

EXECUTIVE SESSION

At 9:00 PM McCorkle made a motion to go into executive session pursuant to RSMo 610.021 to discuss litigation. Meadows seconded with Elmer, Stillings, McCorkle, Haist, Durbin and Meadows all voting aye on roll call vote.

Members returned to regular session at 9:40 PM with no action taken in executive session.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:45 PM.

Mayor

City Clerk

AGENDA WORK SESSION

JULY 9, 2008, 12:00 NOON

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

Mayor Hayes presented Brian Denny, Electric Superintendent, with his 10 year employment service award.

Chief Bacon recognized Detective Jon Huff for his outstanding work during the month of June by uncovering a scam being run on local citizens, apprehension of an "America's Most Wanted" person, and solving a problem with unlawful entry at the Community Center.

Mayor Hayes spoke with the members regarding the appointment of a committee to investigate a Capital Improvements Tax and prepare a report to the Board of Aldermen on the feasibility of the tax, the proposed uses, and a way to garner support from the citizens for institution of the tax. He asked for 10 members with two members being from the Board of Aldermen. The others he asked to serve with him and the Board members were Tom Maher, Bob Ingram, Donna Swatzell, Brian Bingle, Doug Colvin and Coralee Patrick. One more member needs to be named. Mayor Hayes stated that he is in no hurry to place this item on the ballot but would like to get started gathering information and recommendations. Bingle asked that the news media give as much coverage as possible on the benefits of the tax.

The next topic of discussion was on the proposal for Home Rule as the basis for the Nixa form of government. City Administrator Brian Bingle advised that he would be including the results of the recent community survey in the packets for the Monday night meeting and that there are questions and comments regarding this in the survey. Bingle stated that most of the framework of the Home Rule form of government is the same as the City now currently has. He said that one advantage among many is the election of at-large members to the Board. Another benefit is letting the City find its own solutions for local problems and not be totally governed by the State i.e. a stormwater utility. He said that there will need to be a commission formed of 13 members who will each circulate petitions garnering at least 218 signatures of city voters to start the process. There will then be an election for 13 persons to serve as the Charter Commission. After this the Commission will begin work on forming the Charter that will then be presented to the citizens for adoption. If started now, the earliest date that this can be on the ballot for final approval would be April 2010. Mayor Hayes asked for names for the commission as soon as possible.

Chief Bacon updated the members on the progress of the proposed changes to 911 countywide. He advised that the Christian County Commission could not order this to be on the ballot until after the legislation is signed into law by the Governor in August. A draft handout was presented to the members giving information that will be distributed regarding the new plan.

Bingle advised that there have been enough signatures certified on the petition against the annexation of the property proposed for the Christian County Animal Shelter. He advised that this will be up for discussion or action on the August regular agenda.

Bingle spoke with the members regarding the stormwater problem on the Horn property at Northview and Gregg Road. He stated that staff feels that the City has done all that they can do as developments discharging through this property have met all City requirements for stormwater handling. Members agreed that they feel the City has done all possible. Mayor Hayes asked that Bingle write a letter to the owner advising them of the decision of the Board.

Members discussed a request from Mr. Race for reimbursement for costs he incurred for stormwater damage. Staff recommended that this flooding was nothing that the City had control over and that the City should not be responsible. The Mayor agreed that nothing could be done by the City for Mr. Race. Members discussed an appointment for the Planning & Zoning Commission. Mayor Hayes recommended Chris Souliere be appointed with McCorkle making the motion to make this appointment with Haist seconding and all voting aye. The name of Brian Sheppard was placed in line to be considered for the next opening on the

Commission.

Bingle explained an agreement with Ozark Electric Technology for asset assignment. He stated that the City Attorney has reviewed the agreement and says it is ready to sign. McCorkle made a motion to approve the agreement with Elmer seconding and all voting aye.

Members discussed the ordinance adopting base elevation requirements that was adopted in June. Mayor Hayes stated that the intent is fine but the regulations set forth are not doing what the City wanted to do. Bingle requested that the Board authorize stopping the enforcing of the ordinance until it can either be redone or repealed. Elmer and Durbin were in favor of repealing. Stillings made a motion to cease enforcement of the ordinance until the August meeting and take further action at that time. Elmer seconded with all voting aye.

Bingle presented a list of several items that will be coming up on the Monday night meeting.

McCorkle advised that he has received calls about averaging the utility bills and problems with fireworks.

Hayes advised that he attended his first Ozark Transportation Organization (OTO) meeting and that it will be difficult for Nixa to get any attention since the majority of the members of the group are from the City of Springfield and Greene County. He will continue to explore avenues of getting more funding for the City.

There being no further business, the meeting was adjourned at 1:00 PM.

City Clerk
From notes taken by Coralee Patrick

Mayor

REGULAR MEETING

JULY 14, 2008 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 meeting, June 4th, 6th and 9th were approved as presented by unanimous consent.

FINANCIAL REPORT

The financial report was approved by unanimous consent.

VISITORS

Scott Bilyeu, 297 W. Jackson, Ozark, MO, said he has towed vehicles for 8 years for the City of Nixa. He was told that Henrys Towing and Out of Sight are being called to tow vehicles for the City most of the time. He doesn't understand why they are not calling him, because there use to be a rotation list for towing. The Mayor informed him that he would check the policy and check into his complaint and get back with him.

Larry Stineburg, 748 N Allison, moved to Nixa last May and really likes the city, but on the 4th of July his neighborhood invites other people and they shoot fireworks after the Chambers firework display. They shoot the fireworks off in the street next to his house so the fireworks explode in his yard and on his house. The next day he has all the trash on top of his house and in his yard that has to be picked up. He would like the fireworks the neighbors are shooting stopped.

ORDINANCES

Bill #2008-71 approving an agreement with the Missouri Transportation Commission for the use of STP Urban Funds on the design of Main Street and Gregg Road and Highway 14 intersection projects was presented for first reading. City Administrator Brian Bingle informed the Aldermen that this ordinance is required by MoDOT. Elmer made a motion to accept Bill #2008-71 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2008-71 was presented for final reading. McCorkle made a motion to accept Bill #2008-71 on final reading and pass into law with Durbin seconding and Elmer, Stillings, McCorkle, Haist, Durbin and Meadows all voting aye on roll call vote.

Bill #2008-72 amending Chapter 12 Section 2-82 to include no parking in front of mail boxes was presented for first reading. Chief James Bacon explained the problem of vehicles parking in front of mail boxes and that the mail man will not deliver the mail if a car is parked in front of the box. There is not ordinance to enforce this, so the officers can't write tickets to deter the citizens from parking in front of the mail boxes. Stillings made a motion to accept Bill #2008-72 on first reading and pass to second with changes, to add no parking between 6:00 AM through 6:00 PM Monday through Saturday excluding Sundays and Holidays with Haist seconding and all voting aye. Bill #2008-72 was presented for final reading. McCorkle made a motion to accept Bill #2008-72 with the changes on final reading and pass into

law with Meadows seconding and Stillings, McCorkle, Haist, Durbin, Meadows and Elmer all voting aye on roll call vote

Bill #2008-73 approving a contract with Shaffer and Hines Inc., to assist the City in the preparation of a water rate study and proposed improvement plan. Bingle said it will cost \$25,000 to hire Shaffer & Hines to do the

study, but it has been 5 years since the last study and the City should have study every 5 years. Elmer requested that he would like to see a preservation study done also. Stillings made a motion to accept Bill #2008-73 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-73 was presented for final reading. McCorkle made a motion to accept Bill #2008-73 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 #2008-74 repealing Ordinance #1536 and replacing it with this Ordinance to amend Chapter 5 Section 4 to include Finished Floor Elevation Verification Policy. Planner Cossey explained the reason for the changes. Durbin made a motion to accept Bill #2008-74 on first reading and pass to second with Elmer seconding and all voting aye. Bill #2008-74 was presented for final reading. Stilling made a motion to accept Bill #2008-74 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 #2008-75 on the annexation of Oakland Lubrication property was removed from the agenda.

RESOLUTIONS

Resolution #2008-71 authorizing the City of Nixa to join the Ozarks Transportation Organization and accept the bylaws and to authorize the Mayor to do all things necessary to accomplish membership in this organization. Bingle explained that OTO has reformed and is moving to a new location and the Mayor will be the representative from Nixa. McCorkle made a motion to join OTO and authorized the Mayor to be the City's representative with Durbin seconding and all voting aye.

DISCUSSION

Park Director Kelly Hasner investigated the practice of charging non-residents a surcharge for park programs in other cities. The staff recommends a surcharge because the non-residents use the programs while the park is largely funded by the citizens of Nixa. Hasner asked the Board if they want the Park to charge more to the non-residents, if so they would determine the non-residents by using the Nixa school boundaries. Durbin ask if he has had any complaints about the current cost. Hasner replied that he has had a few, but if they are unable to afford the charge then he give them a grant to participate. McCorkle believes the City should charge more to the non-residents with Elmer agreeing. Hasner said he will increase the park programs by 20% and the Community Centers yearly charge will be increased from \$1 for residents and \$5 for non-residents to \$5 for residents and \$10 for non-residents starting January 1, 2009 with the consent from the Board.

Public Works Director Doug Colvin informed the Board that he advertised for bids on the school zone flashers and only received one bid from Traffic Control Corporation. Traffic Control Corporation bid meets all requirements and he recommends that we accept the bid. McCorkle made a motion to accept the school zone flasher bid from Traffic Control Corporation with Haist seconding and all voting aye

Bingle informed the Board that Michael Rankin with Rankin Consulting is out of town, but his update of the current work he is in the process of is in their packet.

Chief Bacon informed the Board that he is applying for a grant with the Community Foundation for an online investigative system for \$1,428 a year. This was not budgeted for 2008, so they are applying for a grant. This system helps the officers solve crimes from burglary, homicide, identity theft and narcotics. Bacon said they used this system on a thirty day trial basis and within two days we solved two burglaries in two days. There are four different systems, but we feel the "Select Search" package will suit the Police Dept. needs. McCorkle ask if we should get the "TotalTrack" package for \$240 more since it does more. The Chief didn't think that they needed the more expensive one, because the "Select Search" will do everything they need. Haist made a motion to approve Chief Bacon to apply for a grant from the Community Foundation for \$1,428.00 for the "Select Search" package with Elmer seconding and all voting aye.

Bingle informed the Board that Shaffer & Hines presented an agreement for developing storm water drainage improvements for the corner of Missouri Street and South Prospect Street which will cost \$14,460.00. In the

mean time he discussed the project with Larry Covington, Street Department Supervisor, and Covington is going to inspect the project and evaluate if the city can solve the storm water problem in house. Haist made a motion to have Covington investigate the problem and evaluate if the City can solve the storm water problem in house with Stillings seconding and all voting aye.

Chief Bacon explained the Greene County Crime Lab Funding request. He said the City's contribution amount would be \$2,949 a year, this is for the construction cost of the Lab, but Bacon believes that the Christian County Enforcement Tax should pay for the City's part. He will talk with Grubaugh and ask if they will pay for this out of the Enforcement Tax monies. He feels that the Crime Lab will be beneficial to the City, and believes the City should give serious consideration to contributing, but there is no hurry on the decision so the Board can be thinking on their decision. Durbin ask if we could invite Tim Smith, Greene County Administrator to the August work session so the Board can ask him questions.

Chief Bacon informed the Board that the Blue Knights would like to use the City parking lot to stage a "Poker Run" for a fundraiser to benefit the Lakes Area Child Advocacy Center September 13, 2008. They would be using the parking lot for approximately 4 hours and would clean up the area afterwards. McCorkle made a motion to allow the Blue Knights to use the City parking lot September 13, 2008 for their "Poker Run" with Meadows seconding and all voting aye.

Bingle informed the Board that we received 1,814 responses back on the Community Survey and the results are in their packet. We received 1,379 comments back on the surveys that have not be processed yet.

Bingle informed the Board that the 2008-2010 Capital Improvement Program is in their packet for them to look over and if they have any issues, they should to contact him.

There being no further business, the meeting was adjourned at 8:35 pm

Mayor

City Clerk

AGENDA WORK SESSION

AUGUST 6, 2008, 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, Michael Durbin and Roger Meadows. Aldermen Tracy Haist was absent.

Shilo Smith with Allied Waste Services presented the neighborhood watch program they developed. They have two programs. Garbage Gus is one program that goes to the schools to educate the kids about all large trucks on the streets and how to play safe. On The Watch is another program that trains their drivers to watch for different signs to eliminate accidents on the streets and the safety of children and senior citizens.

Finance Director Donna Swatzell presented the budget for the first half of the year and informed the Aldermen that the sales tax is still down. She informed them that all revenues are down from last year at this time. She said that the City has received letters from vendors informing us that of their price increases and that the City is trying to be proactive by cutting back on purchases every where we can.

Public Works Director Doug Colvin presented the bids for a steel structure at the Espy Substation. All the bids that were received were qualified bids and he recommends we award the bid to Valcmont/Newmark Industries for \$46,306.00. McCorkle suggested we go ahead and decide today who gets the bid so they can get it ordered. McCorkle made a motion to accept the bid from Valmont/Newmark Industries for \$46,306.00 with Durbin seconding and all voting aye.

Mayor Hayes explained Resolution #2008-81 to the Aldermen and that the City needs to appoint a Director and Alternate Director to the Missouri Joint Municipal Utility Electric Commission per our joint contract agreement. Bingle recommended the Mayor be the Director and the City Administrator be the Alternate Director. McCorkle made a motion to approve Resolution #2008-81 authorizing the appointment of a Director and Alternate Director to the Missouri Joint Municipal Electric Utility Commission with the Mayor being the Director and the City Administrator being the Alternate Director for the MJMEUC with Stillings seconding and all voting aye.

Chief Bacon responded to the complaint from Bilyeu's Wrecker Service at the July 14, 2008 Board of Aldermen Meeting. Bacon explained how the wrecker rotating list works and why the wrecked vehicles need to be towed away as quickly as possible. If a wrecker service is unable to respond in a reasonable time when it is there turn on the rotating list, the police will call another wrecker. He feels he is treating all the wrecker service the same.

Bingle informed the Aldermen he would like to propose having Public Forums for the general public to ask questions about the Home Rule Charter. We have 7 individuals with petitions to be commissioners at City Hall, Chamber of Commerce and the Park Community Center. Each petitioner needs 218 signatures to qualify. Robert Wilson told the Aldermen that he is one of the petitioners and he is concerned that the citizens do not know a lot about Home Rule. He feels the City needs to get more information out to the citizens, like going to other organizations meetings and also using the media to inform them. He thinks putting information about Home Rule in with the utility bills is a good idea. Bingle inquired about putting the petitions out at the November election polls. They told him that is alright if the petitions are 25' from the polls. The deadline to place the Home Rule on the April Election is in January.

Bingle informed the Aldermen about the E-mail procedure. If the Aldermen E-mail two or more Aldermen about City business, they have to copy it to the City Clerk Judy Long or to the City Administrator Brian Bingle. These E-mails are public record that the City must keep.

Bingle informed the Aldermen about the Development Activity for August 11th meeting. There will be an annexation for the Montgomery property that is next to the Bluebird Development. The annexation of 986 S. Old Riverdale Road for the Animal Shelter has had a notice sent to all the property owners adjoining the property informing them about the Public Hearing August 11, 2008. He informed them that the Aldermen have lost the authority to annex this property. The ordinance for the August 4, 2008 includes direction for the Circuit

Court declaring a judgment authorizing the City to call for an election. If the judge finds it to our benefit, then the judge can place it on the ballot. Mayor Hayes told the Aldermen to think about the cost of an election. It could cost from \$5,000 to \$7,000. Mayor Hayes asked, should we do this for a private development, we haven't in the past. Mayor Hayes stated the City dog pound will need to be updated anyway. Bingle and Hayes have been discussing sharing a dog pound with Ozark. Oakland Lubrication annexation was on the agenda, but we haven't heard from them. There is a PUD for the Woodfield Subdivision and a rezoning of 804 Northview Drive.

Bingle announced that the City will be hosting an APA Webcast; anyone who would like to attend is welcome. It will be at City Hall in the Aldermen Conference Room. The dates, time and the topics were passed out to everyone.

There being no further business, the meeting was adjourned at 1:00 pm

Mayor

City Clerk

REGULAR MEETING

AUGUST 11, 2008 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 meetings July 9th and 14th were approved as presented by unanimous consent.

FINANCIAL REPORT

The financial report was approved by unanimous consent.

AGENDA AMENDMENT

The Mayor has a conflict of interest with 804 Northview Drive items of business, since he lives directly behind the property. He has requested that the agenda be amended by moving 804 Northview to the last topic of the Public Hearings and the ordinance to rezone 804 Northview to the top to the ordinance list. That way they could take care of both items while he was out of the room. McCorkle made a motion to amend the agenda and move these items so they can discuss the property and vote on this ordinance while Mayor Hayes is out of the room. Stilling seconded with all voting aye.

The Copeland Property at 986 S Old Riverdale Road was removed from the agenda due to the wastewater treatment property not being annexed inside the City. That makes the property at 986 S Old Riverdale Road unable to be petitioned for annexation because it now fails to meet the state's requirement to be annexed.

VISITORS

Kathleen Copeland was very upset that she was not notified about the problem with the wastewater treatment plant property not being annexed which causes a problem with her property not being able to be annexed. She wants a refund of expenses paid to the City for the annexation procedures. She stated that the people with the petitions against the Animal Shelter were lying to the citizens about the animal shelter, so they would sign the petition.

Laura Umphenour, 4224 Greenbriar Dr. Fremont Hills, is for the animal shelter. She wouldn't have moved here from Kansas City if she knew the City was like this. She has checked out other kennels in the area and their neighbors have no problems with the kennels and the homes and subdivisions are close by these kennels. She gave the Aldermen the information she has collected.

Kathy Coons, 102 N 38th St., Nixa, emailed the aldermen and gave the Aldermen a copy of the email she sent incase they didn't receive it. She has spent a lot of time researching animal shelters and can't find any person against any animal shelter. Kevin Elmer thanked Ms. Coons for her research that she gave them.

Christine Maras, 1872 State Hwy P, Billings, is very impressed on how progressive the City of Nixa is. But she feels the City of Nixa needs to protect the farmland by allowing the animal shelter to be in Nixa. People dump animals out in the country, so we need an animal shelter for these animals that are being dumped.

Frank "Cisco" Wilson, 601 N Hawthorn, feels the communities must allow all businesses and he is for having the animal shelter in Nixa.

Darla Crocker, 881 Pecan, moved here from Texas. She lived 3 blocks from an animal shelter in Texas and

there was no smell. The animal shelter will care for the stray dogs and cats.

Rick Ponland, has 5 acres close to the animal shelter property. He has had a business go in next to him without a Public Hearing. He hopes we can do something about the animal shelter.

Sue Estes, 865-4284 Springfield, is with the Animal Abuse Counsel. She gets calls from all over the area. Christian County has more distress phone calls to her than any where else. She is for the animal shelter because to many people dump animals.

Lori Chism, 112 Church Hill, said the petitioner told her lies about the animal shelter and what they do with the animals to get her to sign the petition. She believes we need to do something about all the stray animals.

Vicki lives north east of the animal shelter site property and they have a lot of stray animals dumped on them. They have seen wild life killed from the stray animals and seen many diseased animals.

The Mayor closed the visitors section.

PUBLIC HEARING

The Mayor opened the public hearing for the Montgomery Property at 1675 N Carnegie Road. No public comment was made and the hearing was close.

The Mayor opened the public hearing for Woodfield Subdivision PUD. Terry Dean owner of Woodfield Subdivision came forward to answer question anyone might have. McCorkle asked if the buildings floor elevation is the same in the front and back entrances. Terry Dean informed him that they are. No other public comment was made and the hearing was closed.

Mayor Hayes stepped out of the room for the 804 Northview hearing due to conflict of interest.

President of the Board of Aldermen McCorkle opened the public hearing on the rezoning of 804 Northview from R11 to O. No public comment was made and the hearing was closed.

ORDINANCES

Bill #2008-82 rezoning the property at 804 Northview Drive was presented for first reading. Planner Harlan explained the zoning surrounding this property and that the City rezoned the property connect on the south side was rezoned to O April 14, 2008. The parking lot shown on the site plan will be modified to a 45 degree angle to meet the requirements and the access to the parking lot will be provided by a one-way entrance on the south side and an exit on the north side. Haist made a motion to accept Bill #2008-82 on first reading and pass to second with Durbin seconding and all voting aye. Bill #2008-82 was presented for final reading. Meadows made a motion to accept Bill #2008-82 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 returned to the meeting.

Bill #2008-81 approving the conflict of interest ordinance was presented for first reading. City Administrator Bingle explained that this ordinance is to be passed every other year per the State Statues. McCorkle made a motion to accept Bill #2008-81 on first reading and pass to the second with Elmer seconding and all voting aye. Bill #2008-81 was presented for final reading. Elmer made a motion to accept Bill #2008-81 on final reading and pass into law with Meadow seconding and Elmer, Stillings, McCorkle, Haist, Durbin and Meadows all voting aye on roll call vote.

Bill #2008-83 approving a court fee increase of two dollars for the Domestic Violence Shelter in Christian County was presented for first reading. Bingle explained that Stillings brought this to the City's attention and

that other cities were charging for it, and asked if we could charge as well. Stillings informed the Aldermen that this is a good program that the citizens of Christian County need; it helps families that need a place to go in these situations. Haist made a motion to accept Bill #2008-83 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-83 was presented for final reading. McCorkle made a motion to accept Bill #2008-83 on final reading with Durbin seconding and McCorkle, Haist, Durbin, Meadows, Elmer and Stilling all voting aye on roll call vote.

RESOLUTIONS

Resolution #2008-82 approving the compliance of annexation of Montgomery property at 1675 N Carnegie Road was presented. Planner Cossey explained that this is 5 acres and it is adjacent to property inside the city on two sides. The property is in compliance with the state laws and city ordinances. Stillings made a motion to approve Resolution #2008-82 with Durbin seconding and all voting aye.

Resolution #2008-83 approving Woodfield Subdivision PUD was presented. Planner Cossey explained the request for the PUD. This lot is zoned R3 – multifamily and was annexed in 1996. This development will be a senior living complex. Staff recommends approval of the PUD as well as the P&Z commissioner. McCorkle ask Cossey if he was ok with the location of the sink hole to this property. Cossey replied that the property is 35' from the sinkhole rim which is fine. Haist made a motion to approve Resolution #2008-83 with McCorkle seconding and all voting aye.

Resolution #2008-84 approving the Espy Substation quit claim deed was presented. Public Works Director Colvin explained that in 2006 we received this property from the School District and it was deeded wrong. So we need to do a quit claim deed and then the school will in return give the City a new warranty deed. Meadows made a motion to approve Resolution #2008-84 with Haist seconding and all voting aye.

Bingle apologized to the board for the problem on the annexation of the property on S Old Riverdale Road and the animal shelter group being so upset. He explained that the City understood that when we purchase property it was automatically became annexed. Bingle explained the process of the City's annexations of City property and the animal shelters procedures to annex.

There being no further business, the meeting was adjourned at 9:00 pm.

Mayor

City Clerk

SPECIAL MEETING

AUGUST 28, 2008 6:30 PM

A Special Meeting of the Nixa Board of Aldermen was called to order by Mayor Brian Hayes. Attending were Kevin Elmer, Barb Stillings, Charles McCorkle and Michael Durbin. Tracy Haist arrived at 7:00 pm. Roger Meadows was absent.

The Pledge of Allegiance was given.

Mayor Hayes opened the public hearing on the proposed property tax levy for 2008 real estate tax. No public comment was made and the hearing was close.

Bill #2008-84 setting the 2008 Tax Levy was presented for first reading. McCorkle made a motion to approve Bill #2008-84 on first reading and pass to second with Durbin seconding and all voting aye. Bill #2008-84 was presented for final reading. Elmer made a motion to approve Bill #2008-84 on final reading and pass into law with Elmer, Stillings, McCorkle and Durbin all voting aye on a roll call vote.

Mayor Hayes informed the Aldermen that Oakland Lubrication applied to Christian County for a development application for expansion. The county informed Oakland Lubrication that they need to annex their property into the City of Nixa, because Christian County adopted the Urban Service Area agreement. City Administrator Bingle informed the Aldermen that Oakland Lubrication petitioned for annexation, but was having difficulties with the development costs of the structure because of the city's codes. They will need fire walls, sprinklers, hard surface parking lot, landscaping and berms for hazardous material confinement. Oakland asked for waivers or variances to help with the costs. Bingle said that the City can grant waivers or variances, but if we do, other people will want these also. Oakland Lubrication will need to hookup to the Northwest Lift Station and pay \$5,979 in capacity charge and connect to the City's water system which will cost approximately \$19,500. The collector street policy requires the developer to contribute 1/3 of the cost of street improvements; this will cost them \$31,882. Oakland Lubrication is asking the Board to waive the \$31,882 collector's fee. If Oakland was inside the City they would have generated \$92,978 in taxes over the last 4 years for the City. The incentives they are asking for will cost the City approximately \$25,000 out of pocket in return they will generate taxes for the City. McCorkle is concerned that this will set a precedent with other businesses that want to come into the City that need to make improvements to qualify for annexation. After a long discussion McCorkle made a motion to have staff start the negotiations with Oakland Lubrication on waving the City's Policy fee with Elmer seconding and all voting aye.

EXECUTIVE SESSION

At 7:10 PM Elmer made a motion to go into executive session pursuant to RSMo 610.025 to discuss personnel. McCorkle seconded with Elmer, Stillings, McCorkle, Durbin and Haist all voting aye on roll call vote.

Members returned to regular session at 7:30 PM.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:30 PM.

Mayor

City Clerk

AGENDA WORK SESSION

SEPTEMBER 3, 2008 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, Michael Durbin, Tracy Haist and Roger Meadows.

Mayor Hayes presented Scott Parson, Assistant Director of Parks and Recreation, with his 10 year employment service award.

Holly Neil, Executive Director of James River Basin Partnership made a presentation to the Aldermen. The James River Basin Partnership is a nonprofit organization since 1997 and they rely on grants and donations. They work to protect and improve the water quality in our rivers and lakes. JRBP has removed 2 tons of trash from water ways with 180 volunteers. They provide many project for the area; Urban Soil Testing, Septic Tank Pump-Out, Water Quality Monitoring, Rain Gardens. JRBP has installed rain gardens in the Park Hill Subdivision in Nixa. A rain garden is a low spot that catches rain water and lets the water soak into the ground slowly. Holly is hoping to expand this project, by putting more rain gardens in Park Hill next year.

Chris Coulter, Director of Operations of Resource Management, in Greene County, came to seek assistance from the Aldermen for the new Missouri State Highway Patrol Crime Laboratory in Springfield. The State Crime Lab will cost \$6.1 million dollars, the State is investing \$1.9 million, the City of Springfield is investing \$2.8 million and Greene County is investing \$810,000. They are asking all counties in the southwest area of Missouri to contribute. They are suggesting that each county and municipality participate on the basis of population. Nixa's amount would be \$2,784 a year. If there is a short fall of funds they will try to pick up the shortage from other communities. Mayor Hayes spoke with Christian County Commissioner John Grubaugh and they will discuss contributing the City's part from the County Law Enforcement Tax. Chief Bacon recommends that the City contributes, but feels that the money should come from the County Law Enforcement Tax. Michael Durbin feels that every city and county in the state should contribute since the facility will be used by everyone in Missouri. C.A. Bingle informed them that the City can not commit to a 10 year contribution, because there could be a new Board of Aldermen every year, and the new Board may not agree to contribute every year. Mr. Coulter stated that he wanted to come and update the Board on the new amount since it changed from the last presentation.

Planner Cossey explained the analysis of sinkholes that was completed by Gary Pendergrass. The new report has many changes in set backs, boring soil analysis, identification of sinkholes, construction of roads around sinkholes, stormwater design to divert water from sinkholes. C.A. Bingle informed the Board that the city will need a geologist and an engineer to substantiate the findings. Mayor Hayes feels the changes will make more land available to be used. Bingle told the Aldermen there will be an ordinance with the changes in October.

Bingle informed the Aldermen of the six City properties that are not annexed into the City limits. They are two electrical substations; one in Bluebird Subdivision and one just north of Wal-Mart. The other four are McCauley Park and Nixa Rotary Park, the Public Works Facility and the Wastewater Treatment Plant. The City Attorney recommends not annexing the two electrical substations. Attorney Sweeney informed Bingle of section 91.750 of the State Statues states; Cities are authorized to acquire all necessary lands and easements. Sweeney recommended the City annex the other four sites. Shaffer and Hines prepared a proposal for surveying the un-annexed properties: WWTP \$2,890, Public Works Facility \$2,460 and Nixa Rotary Park \$2,460. If we receive a petition of opposition on the Wastewater Treatment Plant annexation we would have to stop the annexation process. If there is public objection to the annexation of the WWTP we would have to comply with the State Statues section 71.015. Elmer asked why we need to annex at this time. Bingle responded that we need to annex the property, so other properties in the county can be annexed that are contiguous with the WWTP since the recent adoption of the Christian County Urban Service Boundary agreement. After a lengthy discussion Bingle informed the Aldermen that this topic will be on the September 8th agenda.

Doug Colvin, Public Works Director, informed the Aldermen that the City needs to increase the charges for the 1" and 2" water meter hookups and the 400 AMP and Three phase electric meter hookups due to the AMR meter conversion. He also recommended the City increase the cost of street lights for new developments to

\$1,100 due to material prices. There will be an ordinance for the increase at the September 8th meeting.

Judy Long, City Clerk, explained the ordinance on averaging water usage to compute the sewer bills was approved November 8, 2006 but was accidentally left off Ordinance #1459 when it was written. The Board needs to pass another ordinance to get this procedure on the books. The ordinance will be on the September 8th agenda.

Judy Long, City Clerk, introduced an ordinance establishing a closing time for the City owned properties used for parks and recreation purposes. This ordinance will be on the September 8th agenda.

Chief Bacon informed the Aldermen of the three grant awards the Police Department received. They received a DWI Enforcement grant for \$6,195.00, Speed Enforcement grant for \$5,760.00, Sobriety Check Point grant for \$8,182.50. He also asked for appropriations for a reimbursement grant for \$3,800 to purchase a generator and portable lights for the DWI check points. Bacon will need the Boards authorization to sign the grant at the Monday night board meeting.

Staff will ask for a Budget Amendment for the Aldermen's meetings and training expense line Monday night.

EXECUTIVE SESSION

At 1:25 PM Durbin made a motion to go into executive session pursuant to RSMo 610.025 to discuss personnel. McCorkle seconded with McCorkle, Meadows, Durbin, Haist, Elmer and Stillings 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 2:15 PM.

Mayor

City Clerk

REGULAR MEETING

SEPTEMBER 8, 2008 7:00 PM

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

The Pledge of Allegiance was given.

The Mayor asked for an amendment to the agenda by adding a Public Hearing on 809 Dyann Street. McCorkle made a motion to amend the agenda by adding a Public Hearing for 809 Dyann Street with Meadows seconding and all voting aye.

Alderman Kevin Elmer arrived for the meeting.

MINUTES

Haist made a motion to accept the minutes of the meetings of August 6th, 11th and 28th with Stillings seconding and all voting aye.

FINANCIAL REPORT

Finance Director, Donna Swatzell reported that the sales tax this month is the same as last years. The fuel cost for the equipment is more than budgeted, because of fuel costs. The Mayor and Aldermen's expenditure line is \$2000.00 over budget because of training. She is not requesting any budget amendment at this time. Durbin made a motion to accept the financial report as presented with McCorkle seconding and all voting aye.

VISITORS

Curtis Creach, 718 N Milton, stated that the lift station on the corner of Northview and Milton malfunctioned in May during all the rain. Mr. Creach informed the Board that his home doesn't have a backflow valve and all 3 stools backed up. He feels the City should pay for a backflow valve for his home. He stated that DNR suggested that the retention pond needs an aerator since all the fish died. The algae growth comes down the spill way and clogs the drains.

PUBLIC HEARING

Mayor Hayes opened the public hearing on the Special Use Permit at 809 Dyann Street. No public comment was made and the hearing was close.

ORDINANCES

Bill #2008-91 approving an electric and water hookup fee increase and a street light fee increase was presented for first reading. Public Works Director, Doug Colvin explained to the Aldermen that the City needs to increase the hookup fees for the 1" and 2" water meters and the 400 AMP and 3-Phase meters to compensate for the new AMR meter conversion. Colvin informed the Aldermen that the street light fees should be increased because the cost of the street lights has risen and we need to pass the cost on to the developers. Meadow made a motion to accept Bill #2008-91 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-91 was presented for final reading. Stillings made a motion to accept Bill #2008-91 on final reading and pass into law with Durbin seconding and Elmer, Stillings, McCorkle, Haist, Durbin and Meadow all voting aye on roll call vote.

Bill #2008-92 the process of averaging the water usage for sewer charges was presented for first reading. City Administrator, Brian Bingle explained that this was procedure was approved by the Aldermen November 2006, but failed be entered on ordinance #1459. McCorkle made a motion to accept Bill #2008-92 on first reading and pass to second with Stillings seconding and all voting aye. Bill #2008-92 was presented for final reading. Meadows made a motion to accept Bill #2008-92 on final reading and pass into law with McCorkle seconding

and Stillings, McCorkle, Haist, Durbin, Meadows and Elmer all voting aye on roll call vote.

Bill #2008-93 approving and establishing Parks closure hours was presented for first reading. Attorney Pat Sweeney explained that this ordinance is the same as the one the Board had in their Work Session Agenda packet with an exception of adding "It shall be unlawful for any person to be present upon any City owned property used for parks and recreation purposes when such property is not open for use. Any Person violating this ordinance, upon plea of guilty or conviction shall be punished in accordance with Section 1-12. Haist made a motion to accept Bill #2008-93 on the first reading and pass to second with the changes Pat Sweeney added with Elmer seconding and all voting aye. Bill #2008-93 was presented for final reading. McCorkle made a motion to accept Bill #2008-93 on final reading with the changes Pat Sweeney add with Stillings seconding and McCorkle, Haist, Durbin, Meadows, Elmer and Stillings all voting aye on roll call vote.

Bill #2008-94 authorizing the Mayor to sign an agreement with Shaffer & Hines on the South US160 Gravity Sewer Line was presented for first reading. Bingle informed the Board that they approved this in the 2008 budget. There will be 2,300 feet of new 18" sanitary sewer trunk line that runs southeast between south Main Street and Ozark Street to the City's Wastewater Treatment Plant. Durbin made a motion to accept Bill #2008-94 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2008-94 was presented for final reading. McCorkle made a motion to accept Bill #2008-94 on final reading and pass into law with Elmer seconding and Haist, Durbin, Meadows, Elmer, Stillings and Meadows all voting aye on roll call vote.

Bill #2008-95 approving annexation of 5 acres on Carnegie Road owned by Ted Montgomery was presented for first reading. Planner, Travis Cossey presented the request for annexation for Ted Montgomery. Cossey informed the Board that the property is north of Windham Manor Subdivision and east of Bluebird Hills Subdivision which are inside the City. The property will be zoned R7 (single family) and will accommodate 4 living units. The property owner will be required to escrow \$42,463.61 for street improvements to meet City standards. The Planning and Zoning Board and the City Staff recommend annexation of this property. Durbin made a motion to accept Bill #2008-95 on first reading and pass to second with Haist seconding all voting aye. Bill #2008-95 was presented for final reading. Meadow made a motion to accept Bill #2008-95 on final reading and pass into law with McCorkle seconding and Durbin, Meadows, Elmer, Stillings, McCorkle and Haist all voting aye on roll call vote.

Resolution #2008-91 approving a Special Use Permit for a Day Care at 809 Dyann Street was presented. Planner Derek Harlan presented the request for Lorrie Stratton owner of 809 Dyann Street. He informed the Board that this property is zoned R7 (single family) and there is a fence around the rear yard. The drop-off traffic can use the driveway, with the street capable of providing overflow. The hours of operation are Monday through Friday, 6:00 am to 6:00 pm. The Planning and Zoning Board and City Staff approved consent of the Special Use. Haist made motion to approve Resolution #2008-91 with McCorkle seconding and all voting aye.

Chief Bacon informed the Board that he has three grants from MoDOT and is asking the Boards approval to sign them. The three grants are; Sobriety Checkpoint Grant for \$8,182.50, Speed Enforcement Grant for \$5,760.00 and a DWI Enforcement Grant for \$6,195.00. Haist made a motion approving Chief Bacon to sign the three grants from MoDOT with McCorkle seconding and all voting aye.

Chief Bacon explained to the Board that the Police Department has an opportunity to receive free equipment from the State for DWI enforcement. The Police Department is asking for permission to purchase an 8000 watt generator and a 2400 watt ballon light to be used at the DWI check points. The cost of the generator and light is \$3,800.00 which will be reimbursed to the City by MoDOT. Elmer made a motion for the Police Department to purchase the generator and light which will be reimbursed by MoDOT. Stilling seconded with all voting aye.

City Administrator Bingle informed the Board about the six municipal properties that need to be annexed into the City. He said that Shaffer and Hines made a proposal for the cost to prepare legal descriptions for the Electrical Substation on Monett road, which will cost \$1,660 and the Electrical Substation in C&C Corners will cost \$987.00. The Mayor allowed visitor to speak on this subject at this time. Wayne Wilcox, 247 E Longview Road, owns property adjacent to the treatment plant and is worried about the storm water that runs through the property. He stated that this property was once a city dump and there might be toxic waste buried on the property. Mr. Wilcox wanted the Board to know that they did not lie to the citizens to get them to sign the

petition. No one else spoke so the Mayor closed the visitor section. Durbin ask about the cost to survey the properties and Bingle informed him it would be approximately \$10,450.00. Mayor Hayes stated that the Wastewater Treatment Plant will be more costly to annex because the City will need to bring the road up to standards. Mayor Hayes suggested that the City annex all the properties except the Wastewater Treatment Plan. Elmer feels we should annex all at budget time next year. Bingle will have staff research the cost of annexing each piece of property.

Bingle explained the humidity problem in the dispatch and waiting areas at the Police Station. The cost to repair the problem will be \$700.00. After a short discussion McCorkle made a motion to approve the cost of \$700.00 for repairs with Durbin seconding and all voting aye.

EXECUTIVE SESSION

At 7:45 PM Elmer made a motion to go into executive session pursuant to RSMo 610.025 to discuss personnel. Stillings seconded with Elmer, Stillings, McCorkle, Haist, Durbin, and Meadows all voting aye on roll call vote.

Members returned to regular session at 8:10 PM.

In closed session the Aldermen made a motion and voted unanimously to hire Glenn Pace as a consultant.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:15 PM.

Mayor

City Clerk

SPECIAL MEETING

SEPTEMBER 23, 2008

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

The Pledge of Allegiance was given.

VISITORS

Visitors were given an opportunity to address the Board. None spoke.

ORDINANCES

Bill #2008-96 annexing 311 W. Tracker Road, Oakland Lubrication was presented for first reading. City Administrator Brian Bingle explained that Oakland Lubrication property is a four acre site in the northwest corner of the Rook Knight property. They will be expanding the facility. The City has water and sewer available and the electric is provided by Ozark Electric. James McDonald, President of Oakland Lubrication signed and accepted the annexation agreement. Meadows made a motion to accept Bill #2008-96 on first reading and pass to second with Durbin seconding and all voting aye. Bill #2008-96 was presented for final reading. McCorkle made a motion to accept Bill #2008-96 on final reading and pass into law with Elmer seconding and Elmer, Stillings, McCorkle, Durbin and Meadows all voting aye on roll call vote.

Bingle discussed with the Board the process of the budget that will it start Oct 8th at the Work Session meeting.

PUBLIC FORUM

Following this meeting the Board of Aldermen meeting a public forum was held to provide information to the public on the proposed Home Rule form of government.

ADJOURNMENT

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

AGENDA WORK SESSION

OCTOBER 8, 2008 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, Michael Durbin, Tracy Haist and Roger Meadows.

Mayor Hayes presented the Master Gardeners a Certificate of Appreciation for their 1000 hours over the last 4 years of work in the parks xeriscape.

Mayor Hayes presented Don Hunziker a Certificate of Appreciation for his hard work in clearing brush and debris on the east side of McCauley Park.

Mayor Hayes Presented Officer Jeffrey Gilbert a Certificate of Appreciation for saving a child's life August 31, 2008.

Park Director Kelly Hasner informed the Aldermen that Lori Smith will be requesting a waiver or a reduced cost to use the Community Center in April 2009. Lori Smith handed out an information packet to the Aldermen on the activities they provide at this event. City Administrator Brian Bingle asked Lori if they have insurance coverage and she said that was no problem. Bingle requested they supply the City with a copy of there insurance coverage. The Aldermen will decide the fee October 13th at the board meeting.

Bingle informed the Aldermen that the City is experiencing a lack of revenues and the Consumer Price Index of the Urban Wage Earner & Clerical Workers for Midwest-Size Class-D cities is 9.56%. If the City uses 9.56% for the cost of living increase it would cost a half of million to compensate the employees. In the packet there are 3 proposals for pay increases for 2009. Bingle wants staff to gather the information to prepare the operational budget expenses and then decide on the COLA adjustment. Ninety percent of the CIP's will probably not be budgeted for 2009. Mayor Hayes informed the Aldermen that they will need more meetings to work on the budget this year, because of the low revenue income. Hayes said he wants the Aldermen to discuss what the City can do to stimulate our economy.

Bingle went over the 2009 CIP's for the Administrative Department with the Aldermen. Each department supervisor also described the CIP's they were asking for in 2009.

Bingle gave an overview of the October 13th BOA meeting agenda.

The Aldermen were given copy of a business license application from Brown Derby. They want to open a package liquor store at 830 W. Mt. Vernon. Bingle informed the Aldermen that the ordinance does not require them to approve or disapprove the application. He said Aldermen in the past wanted to view the applicants for this business license. This application will be presented at the next BOA meeting.

There being no further business, the meeting was adjourned at 2:15 pm

Mayor

City Clerk

REGULAR MEETING

OCTOBER 13, 2008 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 September 3rd, 8th and 23rd were approved as presented by unanimous consent.

FINANCIAL REPORT

The financial report was approved by unanimous consent.

VISITORS

H. William Kanne, 509 Yosemite Dr. ,has had a problem with the street in front of his house for 1 year. He called the Street Dept. 7 months ago and they came and looked at it and said they would fix it, but they haven't. The street and curbing is cracking and sinking. The Street Dept. now says they have no money in the budget to repair it. Mayor Hayes told him that someone will come and look at it and they will get back with him.

C. B. Creach, 718 Milton, stated he was here last month with a complaint on the lift station and no one has gotten back with him. The sewer lift station keeps backing up and he wants to know when someone will come to look at his problem. Mayor Hayes said he will come and look at it tomorrow.

Dawn Grizzell, 213 Lorene, says that people are pushing the limits on the animal ordinances. She asked when the City updates the ordinances. She wants stricter guide lines on the animal ordinances. Chief Bacon informed her and the Aldermen that B. J. Sartin is looking over the ordinances for needed changes and he will bring them to the Aldermen next month.

ORDINANCES

Bill # 2008-101 amending Chapter 12 Section 12-49 to include part of Kyle Street with a no parking zone was presented for first reading. Chief Bacon informed the Aldermen that this request is from Chad McConnell, the SRO officer with the Nixa School District. McConnell told Bacon that people are parking on the north side the Kyle Street to pick up the kids from school. This is causing traffic jams and hazardous situations for the kids crossing Kyle Street. The Police Department has evaluated the problem. McConnell told Bacon that he will draft a plan on how the parents should pickup their kids. Haist made a motion to approve Bill #2008-101 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2008-101 was presented for final reading. McCorkle made a motion to approve Bill #2008-101 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 #2008-102 authorizing the Mayor to sign an annual contract for the Before/After School Program with the Nixa R-II School District was presented for first reading. Ron Duncan, Parks Department Safebase Coordinator, explained that this is the basic contract that the City has had with the School for the last 5 years and there are no changes. Haist made a motion to approve Bill #2008-102 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-102 was presented for final reading. Durbin made a motion to approve Bill #2008-102 on final reading and pass into law with Meadows seconding and Stillings, McCorkle, Haist, Durbin, Meadows and Elmer all voting aye on roll call vote.

Bill #2008-103 amending Chapter 12 Section 12-34A for speed limits for school zones was presented for first reading. Chief Bacon informed the Aldermen that the school zone flashers are installed in front of the schools and the ordinance needs to be changed to include the flasher zones. McCorkle made a motion to approve Bill

#2008-103 on first reading and pass to second with Haist seconding and all voting aye. Bill #2008-103 was presented for final reading. Durbin made a motion to approve Bill #2008-103 on final reading and pass into law with Meadows seconding and McCorkle, Haist, Durbin, Meadows, Elmer and Stilling all voting aye on roll call vote.

Bill #2008-104 amending Chapter 13 to include the disposal of unclaimed property held by the Police Department was presented for first reading. Chief Bacon said the Police Department has collected abandoned and stolen items that no one claims or comes back for. This ordinance will provide a procedure on how the Police Department can dispose of all the items legally. Durbin made a motion to approve Bill #2008-104 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-104 was presented for final reading. Meadows made a motion to approve Bill #2008-104 on final reading and pass into law with Stillings seconding and Haist, Durbin, Meadows, Elmer, Stillings and McCorkle all voting aye on roll call vote.

Bill #2008-105 amending Chapter 25, Article VII, Part II the Technical Specifications and Stormwater Management Plan was presented for first reading. Planner Travis Cossey explained the changes of the sinkhole regulations new procedures. They are still advising the developers to avoid sinkhole areas. Cossey had Gary Pendergrass, a geological consultant review the regulations and he agrees with the changes in the new regulations. The Planning and Zoning commissioners approved the changes in Section 25-90. Elmer asked why we are doing these changes now. Mayor Hayes explained that with the new technology information has changed. Elmer feels this will kill off green space. Elmer asked if Cossey has seen other sinkhole ordinances from other cities. Cossey said no, he doesn't know of any cities with sinkhole ordinances. Cossey stated that the sinkholes will still be noted on the plats Elmer stated that he is concerned that we haven't had any other geologist look over the ordinance. McCorkle made a motion to approve Bill #2008-105 on first reading and pass to second with Haist seconding and all voting aye. Bill #2008-105 was presented for final reading. Durbin made a motion to approve Bill #2008-105 on final reading and pass into law with McCorkle seconding and Durbin, Meadows, Elmer, Stillings, McCorkle and Haist all voting aye on roll call vote.

Bill #2008-106 the annual renewal of a lease for facilities financed through the Public Building Corporation was presented for first reading. Bingle explained that this ordinance must be passed every year to keep the funding for these facilities. Haist made a motion to approve Bill #2008-106 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2008-106 was presented for final reading. Meadows made a motion to approve Bill #2008-106 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 #2008-101 adopting an Identity Theft Prevention Program policy was presented. Finance Director Donna Swatzell explained to the Aldermen that the Federal Trade Commission has implemented the "Red Flag Rule" as a pattern, practice, or specific activity that indicates a warning sign of identity theft. We are required to have a "Red Flag Rule" in effect by November 1, 2008. Haist made a motion to approve Resolution #2008-101 with Meadows seconding and all voting aye.

Resolution #2008-102 adopting a wrecker service policy for the Police Department was presented. Chief Bacon feels the City needs a new wrecker service policy to cover some problems we have had. Bacon explained the policy and said that in section IV, number 1, line 1.2, of this policy it states the wrecker company must have a storage facility located within the Nixa city limits and utilize the storage facility for the storage of vehicles towed on behalf of owners/operators that requested their service, or any tow generated through the "Exception Tow List". Bacon informed them that other wrecker services will not like this and it is up to the Aldermen if they want to change this section. Kenny Dean, 1305 Hawthorn, Highlandville came forward to speak. Mr. Dean has an impound lot 4 miles outside the City limits and said he knows that there is a towing company in Ozark that tows for the City and his company is as close as the company in Ozark. After a long discussion the Aldermen postponed this resolution for changes, until next months meeting.

DISCUSSION

Bingle informed the Aldermen that Charlene Gabbard and Mitch Callicott commissioners on the Planning and Zoning Board expires November 1, 2008 and are willing to be reappointed to the P&Z Board. Haist made a motion to reappoint Charlene Gabbard and Mitch Callicott to the Planning and Zoning Board with McCorkle seconding and all voting aye. Mayor Hayes reappointed Charlene Gabbard and Mitch Callicott to the Planning and Zoning Board.

Lori Smith came to the podium to answer any questions the Board might have concerning the Purity, Passion & Pearls event at the Community Center. Haist suggested that the PPP pay for the employees and electricity while they are using the facility. Park Director Hasner said they are working for a very good cause, but there are other good causes that are just as good, and we don't allow them to use the Center free of charge. Hasner believes the cost of using the Center Friday through Sunday would cost approximately \$3,800.00. Haist ask Ms. Smith what they budget their money for, and she said food, speakers and many more items. After a long discussion McCorkle made a motion that we charge up to \$500.00 dollars, if need be after Kelly Hasner figures the costs of employees and electricity and if costs are less then \$500.00 we will charge less with Meadows seconding the motion and all voting aye.

John Grubaugh, Spencer Jones and Bob Ashley with Christian County came to present an idea for the Board's consideration. They said the County needs to spend down their STP funds and are trying to identify roadways that will benefit from these funds. They are asking Fremont Hills, Ozark and Nixa for \$10,000 to help with the projects like Hwy CC so they don't lose the STP funds. Grubaugh ask the Board to look at this idea and if they approve it, they should put the money in the 2009 budget.

Bingle informed the Aldermen that when duplexes are built they install a Y sewer line to the main. We have had a request that if the owner of the duplex changes the duplex to a condominium or patio home we leave the sewer as is and have an agreement with the property owners that they are responsible for their repairs on the sewer. Bingle feels that if the duplex changes to a condominium or patio homes they need to change the Y sewer line to two separate sewer lines and that each owner would be responsible for their own sewer line. McCorkle said we should deny the request on keeping the Y sewer lines. Meadows made a motion to change the ordinance to any duplex that changes to a condominium or patio home must install a separate sewer lines with McCorkle seconding all voting aye.

Bingle explained the solid waste bids and why he feels the city should go with Allied Waste. If the Aldermen approve this bid the contract will not expire until December 3, 2013. After a short discussion Durbin made a motion to accept Allied Waste's bid with Elmer seconding and all voting aye.

Kelly Hasner came before the Board for Ron Duncan, Safebase Coordinator. He informed the Aldermen that Springfield will host the MOSAC Conference in November. Hasner said Duncan is asking for the Boards support by donating \$250.00 to go toward expenses for the conference that will help children though out Missouri. Haist made a motion to donate \$250.00 to MOSAC with Stillings seconding and all voting aye.

Hasner has received bid for painting the swimming pool. Bussey Painting Company painted the pool last time and is the low bid this time, but feels the paint didn't last long enough. Tracy asked if we could get a warranty from the company that painted the pool, Hasner will find out. Hasner is recommending that the City accept Melvin Painting Company bid. Haist made a motion to accept the bid from Melvin Painting with McCorkle seconding and all voting aye. McCorkle ask if staff could look at the old bill from Bussey Painting to see if there was a warranty.

Brad Feuerbecker came forward to answer any questions the Board might have on the Brown Derby Stores liquor license. Bingle explained that a liquor license for a package liquor store is not required to be brought before the Board, because it is not in the ordinance to do so. Durbin made a motion that in the future the liquor license for a package liquor stores does not need to be brought to the Board for approval with McCorkle seconding and all voting aye.

Bingle informed the Aldermen that the electric utility fuel adjustment will change from .0153 to .0147 based on C.U.'s fuel charges.

Bingle informed the Aldermen that Planning and Zoning is meeting with area builders October 23rd to discuss the entry-level housing market and would like the Board to discuss this also. We are looking at ways to stimulate the building market. Mayor Hayes asks that this discussion to be postponed to next month.

EXECUTIVE SESSION

At 8:55 PM Haist made a motion to go into executive session pursuant to RSMo 610.021 to discuss personnel. Durbin seconded with Elmer, Stillings, McCorkle, Haist, Durbin, and Meadows all voting aye on roll call vote.

Members returned to regular session at 9:20 PM.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:20 PM.

Mayor

City Clerk

AGENDA WORK SESSION

OCTOBER 8, 2008 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, Michael Durbin, Tracy Haist and Roger Meadows.

Mayor Hayes presented the Master Gardeners a Certificate of Appreciation for their 1000 hours over the last 4 years of work in the parks xeriscape.

Mayor Hayes presented Don Hunziker a Certificate of Appreciation for his hard work in clearing brush and debris on the east side of McCauley Park.

Mayor Hayes Presented Officer Jeffrey Gilbert a Certificate of Appreciation for saving a child's life August 31, 2008.

Park Director Kelly Hasner informed the Aldermen that Lori Smith will be requesting a waiver or a reduced cost to use the Community Center in April 2009. Lori Smith handed out an information packet to the Aldermen on the activities they provide at this event. City Administrator Brian Bingle asked Lori if they have insurance coverage and she said that was no problem. Bingle requested they supply the City with a copy of there insurance coverage. The Aldermen will decide the fee October 13th at the board meeting.

Bingle informed the Aldermen that the City is experiencing a lack of revenues and the Consumer Price Index of the Urban Wage Earner & Clerical Workers for Midwest-Size Class-D cities is 9.56%. If the City uses 9.56% for the cost of living increase it would cost a half of million to compensate the employees. In the packet there are 3 proposals for pay increases for 2009. Bingle wants staff to gather the information to prepare the operational budget expenses and then decide on the COLA adjustment. Ninety percent of the CIP's will probably not be budgeted for 2009. Mayor Hayes informed the Aldermen that they will need more meetings to work on the budget this year, because of the low revenue income. Hayes said he wants the Aldermen to discuss what the City can do to stimulate our economy.

Bingle went over the 2009 CIP's for the Administrative Department with the Aldermen. Each department supervisor also described the CIP's they were asking for in 2009.

Bingle gave an overview of the October 13th BOA meeting agenda.

The Aldermen were given copy of a business license application from Brown Derby. They want to open a package liquor store at 830 W. Mt. Vernon. Bingle informed the Aldermen that the ordinance does not require them to approve or disapprove the application. He said Aldermen in the past wanted to view the applicants for this business license. This application will be presented at the next BOA meeting.

There being no further business, the meeting was adjourned at 2:15 pm

Mayor

City Clerk

REGULAR MEETING

OCTOBER 13, 2008 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 September 3rd, 8th and 23rd were approved as presented by unanimous consent.

FINANCIAL REPORT

The financial report was approved by unanimous consent.

VISITORS

H. William Kanne, 509 Yosemite Dr. ,has had a problem with the street in front of his house for 1 year. He called the Street Dept. 7 months ago and they came and looked at it and said they would fix it, but they haven't. The street and curbing is cracking and sinking. The Street Dept. now says they have no money in the budget to repair it. Mayor Hayes told him that someone will come and look at it and they will get back with him.

C. B. Creach, 718 Milton, stated he was here last month with a complaint on the lift station and no one has gotten back with him. The sewer lift station keeps backing up and he wants to know when someone will come to look at his problem. Mayor Hayes said he will come and look at it tomorrow.

Dawn Grizzell, 213 Lorene, says that people are pushing the limits on the animal ordinances. She asked when the City updates the ordinances. She wants stricter guide lines on the animal ordinances. Chief Bacon informed her and the Aldermen that B. J. Sartin is looking over the ordinances for needed changes and he will bring them to the Aldermen next month.

ORDINANCES

Bill # 2008-101 amending Chapter 12 Section 12-49 to include part of Kyle Street with a no parking zone was presented for first reading. Chief Bacon informed the Aldermen that this request is from Chad McConnell, the SRO officer with the Nixa School District. McConnell told Bacon that people are parking on the north side the Kyle Street to pick up the kids from school. This is causing traffic jams and hazardous situations for the kids crossing Kyle Street. The Police Department has evaluated the problem. McConnell told Bacon that he will draft a plan on how the parents should pickup their kids. Haist made a motion to approve Bill #2008-101 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2008-101 was presented for final reading. McCorkle made a motion to approve Bill #2008-101 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 #2008-102 authorizing the Mayor to sign an annual contract for the Before/After School Program with the Nixa R-II School District was presented for first reading. Ron Duncan, Parks Department Safebase Coordinator, explained that this is the basic contract that the City has had with the School for the last 5 years and there are no changes. Haist made a motion to approve Bill #2008-102 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-102 was presented for final reading. Durbin made a motion to approve Bill #2008-102 on final reading and pass into law with Meadows seconding and Stillings, McCorkle, Haist, Durbin, Meadows and Elmer all voting aye on roll call vote.

Bill #2008-103 amending Chapter 12 Section 12-34A for speed limits for school zones was presented for first reading. Chief Bacon informed the Aldermen that the school zone flashers are installed in front of the schools and the ordinance needs to be changed to include the flasher zones. McCorkle made a motion to approve Bill

#2008-103 on first reading and pass to second with Haist seconding and all voting aye. Bill #2008-103 was presented for final reading. Durbin made a motion to approve Bill #2008-103 on final reading and pass into law with Meadows seconding and McCorkle, Haist, Durbin, Meadows, Elmer and Stilling all voting aye on roll call vote.

Bill #2008-104 amending Chapter 13 to include the disposal of unclaimed property held by the Police Department was presented for first reading. Chief Bacon said the Police Department has collected abandoned and stolen items that no one claims or comes back for. This ordinance will provide a procedure on how the Police Department can dispose of all the items legally. Durbin made a motion to approve Bill #2008-104 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-104 was presented for final reading. Meadows made a motion to approve Bill #2008-104 on final reading and pass into law with Stillings seconding and Haist, Durbin, Meadows, Elmer, Stillings and McCorkle all voting aye on roll call vote.

Bill #2008-105 amending Chapter 25, Article VII, Part II the Technical Specifications and Stormwater Management Plan was presented for first reading. Planner Travis Cossey explained the changes of the sinkhole regulations new procedures. They are still advising the developers to avoid sinkhole areas. Cossey had Gary Pendergrass, a geological consultant review the regulations and he agrees with the changes in the new regulations. The Planning and Zoning commissioners approved the changes in Section 25-90. Elmer asked why we are doing these changes now. Mayor Hayes explained that with the new technology information has changed. Elmer feels this will kill off green space. Elmer asked if Cossey has seen other sinkhole ordinances from other cities. Cossey said no, he doesn't know of any cities with sinkhole ordinances. Cossey stated that the sinkholes will still be noted on the plats Elmer stated that he is concerned that we haven't had any other geologist look over the ordinance. McCorkle made a motion to approve Bill #2008-105 on first reading and pass to second with Haist seconding and all voting aye. Bill #2008-105 was presented for final reading. Durbin made a motion to approve Bill #2008-105 on final reading and pass into law with McCorkle seconding and Durbin, Meadows, Elmer, Stillings, McCorkle and Haist all voting aye on roll call vote.

Bill #2008-106 the annual renewal of a lease for facilities financed through the Public Building Corporation was presented for first reading. Bingle explained that this ordinance must be passed every year to keep the funding for these facilities. Haist made a motion to approve Bill #2008-106 on first reading and pass to second with Meadows seconding and all voting aye. Bill #2008-106 was presented for final reading. Meadows made a motion to approve Bill #2008-106 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 #2008-101 adopting an Identity Theft Prevention Program policy was presented. Finance Director Donna Swatzell explained to the Aldermen that the Federal Trade Commission has implemented the "Red Flag Rule" as a pattern, practice, or specific activity that indicates a warning sign of identity theft. We are required to have a "Red Flag Rule" in effect by November 1, 2008. Haist made a motion to approve Resolution #2008-101 with Meadows seconding and all voting aye.

Resolution #2008-102 adopting a wrecker service policy for the Police Department was presented. Chief Bacon feels the City needs a new wrecker service policy to cover some problems we have had. Bacon explained the policy and said that in section IV, number 1, line 1.2, of this policy it states the wrecker company must have a storage facility located within the Nixa city limits and utilize the storage facility for the storage of vehicles towed on behalf of owners/operators that requested their service, or any tow generated through the "Exception Tow List". Bacon informed them that other wrecker services will not like this and it is up to the Aldermen if they want to change this section. Kenny Dean, 1305 Hawthorn, Highlandville came forward to speak. Mr. Dean has an impound lot 4 miles outside the City limits and said he knows that there is a towing company in Ozark that tows for the City and his company is as close as the company in Ozark. After a long discussion the Aldermen postponed this resolution for changes, until next months meeting.

DISCUSSION

Bingle informed the Aldermen that Charlene Gabbard and Mitch Callicott commissioners on the Planning and Zoning Board expires November 1, 2008 and are willing to be reappointed to the P&Z Board. Haist made a motion to reappoint Charlene Gabbard and Mitch Callicott to the Planning and Zoning Board with McCorkle seconding and all voting aye. Mayor Hayes reappointed Charlene Gabbard and Mitch Callicott to the Planning and Zoning Board.

Lori Smith came to the podium to answer any questions the Board might have concerning the Purity, Passion & Pearls event at the Community Center. Haist suggested that the PPP pay for the employees and electricity while they are using the facility. Park Director Hasner said they are working for a very good cause, but there are other good causes that are just as good, and we don't allow them to use the Center free of charge. Hasner believes the cost of using the Center Friday through Sunday would cost approximately \$3,800.00. Haist ask Ms. Smith what they budget their money for, and she said food, speakers and many more items. After a long discussion McCorkle made a motion that we charge up to \$500.00 dollars, if need be after Kelly Hasner figures the costs of employees and electricity and if costs are less then \$500.00 we will charge less with Meadows seconding the motion and all voting aye.

John Grubaugh, Spencer Jones and Bob Ashley with Christian County came to present an idea for the Board's consideration. They said the County needs to spend down their STP funds and are trying to identify roadways that will benefit from these funds. They are asking Fremont Hills, Ozark and Nixa for \$10,000 to help with the projects like Hwy CC so they don't lose the STP funds. Grubaugh ask the Board to look at this idea and if they approve it, they should put the money in the 2009 budget.

Bingle informed the Aldermen that when duplexes are built they install a Y sewer line to the main. We have had a request that if the owner of the duplex changes the duplex to a condominium or patio home we leave the sewer as is and have an agreement with the property owners that they are responsible for their repairs on the sewer. Bingle feels that if the duplex changes to a condominium or patio homes they need to change the Y sewer line to two separate sewer lines and that each owner would be responsible for their own sewer line. McCorkle said we should deny the request on keeping the Y sewer lines. Meadows made a motion to change the ordinance to any duplex that changes to a condominium or patio home must install a separate sewer lines with McCorkle seconding all voting aye.

Bingle explained the solid waste bids and why he feels the city should go with Allied Waste. If the Aldermen approve this bid the contract will not expire until December 3, 2013. After a short discussion Durbin made a motion to accept Allied Waste's bid with Elmer seconding and all voting aye.

Kelly Hasner came before the Board for Ron Duncan, Safebase Coordinator. He informed the Aldermen that Springfield will host the MOSAC Conference in November. Hasner said Duncan is asking for the Boards support by donating \$250.00 to go toward expenses for the conference that will help children though out Missouri. Haist made a motion to donate \$250.00 to MOSAC with Stillings seconding and all voting aye.

Hasner has received bid for painting the swimming pool. Bussey Painting Company painted the pool last time and is the low bed this time, but feels the paint didn't last long enough. Tracy asked if we could get a warranty from the company that painted the pool, Hasner will find out. Hasner is recommending that the City accept Melvin Painting Company bid. Haist made a motion to accept the bid from Melvin Painting with McCorkle seconding and all voting aye. McCorkle ask if staff could look at the old bill from Bussey Painting to see if there was a warranty.

Brad Feuerbecker came forward to answer any questions the Board might have on the Brown Derby Stores liquor license. Bingle explained that a liquor license for a package liquor store is not required to be brought before the Board, because it is not in the ordinance to do so. Durbin made a motion that in the future the liquor license for a package liquor stores does not need to be brought to the Board for approval with McCorkle seconding and all voting aye.

Bingle informed the Aldermen that the electric utility fuel adjustment will change from .0153 to .0147 based on C.U.'s fuel charges.

Bingle informed the Aldermen that Planning and Zoning is meeting with area builders October 23rd to discuss the entry-level housing market and would like the Board to discuss this also. We are looking at ways to stimulate the building market. Mayor Hayes asks that this discussion to be postponed to next month.

EXECUTIVE SESSION

At 8:55 PM Haist made a motion to go into executive session pursuant to RSMo 610.021 to discuss personnel. Durbin seconded with Elmer, Stillings, McCorkle, Haist, Durbin, and Meadows all voting aye on roll call vote.

Members returned to regular session at 9:20 PM.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:20 PM.

Mayor

City Clerk

AGENDA WORK SESSION

November 5, 2008 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, Barb Stillings, Kevin Elmer, Michael Durbin and Roger Meadows. Tracy Haist was absent.

City Administrator, Brian Bingle updated the Board on the revisions to the City's Wrecker Policy. This policy will be presented Monday night at the Board Meeting.

The Animal Control Officer, B.J. Sartin presented the changes to Chapter 4 on Animal to the Board. Bingle presented a list of changes Dawn Grizzel thought that was needed to be addressed. McCorkle and Hayes believe 4 pets are enough per household and 2 pets per multifamily buildings. Bingle informed the Board of the pros and cons of a joint dog pound with Ozark. Having a shared dog pound in Ozark would not be accessible to the citizens of Nixa and the number of trip to and from for the Animal Control Officer would be expensive. After researching the idea, McCorkle believes we would be better off with are own dog pound.

Bingle invited Cindy Robbins, Utility Billing Lead, to explain the collections and disconnect procedures she uses for nonpayment of utilities. Cindy explained the billing and collection procedure and how much time she allows the citizens to pay their bill. The Utility Department would like a written policy on the procedures of collecting late bills and the disconnection of the resident's utility service.

Bingle informed the Aldermen that the Tractor Supply Store that wants to locate in Nixa is asking the City to waive the Collector Street Fee and the Traffic Study Fee. Mayor Hayes feels we can discuss the Collector Street Fee, but not the Traffic Study Fee. Tractor Supply told Bingle that they generate 3 million dollars a year. Stillings asked how much the Traffic Study would cost. Doug Colvin, Public Works Director said \$3,500. Elmer asked the Traffic Study is for. Bingle explained that it is a study that supplies information on the amount of traffic and the type of traffic that will be using the street that accesses the business. This will determine if the streets need to be upgraded for the use to their business.

Bingle presented a revised Nuisance ordinance that will help citizens have a clearer understanding of nuisances and the procedures. This ordinance will be presented the Board Monday night.

Bingle presented a denial, revocation or nonrenewal of business licenses ordinance to the Board. He explained that the City doesn't have an ordinance at this time that allows us to revoke their business license if they are breaking the law. This ordinance will be presented Monday night.

Bingle reminded the Board that Christian County asked the City if we would like to join in a multi-jurisdictional project to complete scoping on Highway CC from Main to NN. Bingle informed the Board that the City has already spent over \$100,000 on a study and scoping for Highway CC and is currently spending STP funds to finish the design of Hwy CC from Main Street to Hwy 160. Bingle and Mayor Hayes do not recommend that we join the multi-jurisdictional project.

Bingle gave the Board a list of items discussed at the meeting with the Mayor and area builder October 23rd and 30th. This meeting was to try to come up with ideas to help get the building industry growing again. Mayor Hayes was please with the turn out of builder for meeting and their input.

Donna Swatzell, Finance Director gave the Board the 2009 budget information. Donna informed the Board that the City has 133 employees and we have eliminated 2 positions in the Building Inspection Department. We are looking at a 2.75% COLA and freezing the merit raise. Health insurance has increased 11% for 2009. She informed the Board some of ways the City is cutting costs, The City will be eliminating some services like window cleaning and have city employees clean them. The mosquito spraying will be cut 50%, meeting and training will be cut back, and we will be asking employees to use office supplies conservatively. As of now the sales tax is on target for 2008 budget. Monday night we ask the Board for approval to purchase a sewer camera for \$55,000. We will be adding \$25,000 to CIP's for security for the Municipal Court area.

There will be a special meeting called in November to discuss budget.

Colvin explained that Chuck Floyd the owner of lot 11 in C & K Corners Subdivision has asked for \$2,000 for an easement. During a survey to sale this lot, they noticed LCA installed guy-wires for the 69kV line on this property in which damaged their septic lateral and now it is inoperable. Colvin recommends that the City pay \$2,000 for the easement, because of damages. McCorkle made a motion to pay \$2,000 to Chuck Floyd for an easement on lot 11 in the C&K Corners Subdivision. Meadows seconded with all voting aye.

Bingle will be asking for authorization to amend the 2009 Transportation Improvements Projects by adding Cheyenne Road. The STP amount will be \$103,920, the City amount will be 25,980 with a total cost of the

project being \$129,900.

Bingle informed the Board that we have not received a letter from the State Board of Mediations on the vote of the Electric Department employees. Glen Pace has charged the City \$1,950 for consulting services during the election process for the Electric Department. Glen Pace gave a proposal to provide consulting services to the City on the meet and confer process with the IBEW for a fee not to exceed \$5,000.

Mayor Hayes reminded the Board of the Joint School/City meeting Nov 18th.

Mayor Hayes informed the Board that he gave Leona Towe permission to use the Community Center for the Project Graduation party.

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

Mayor

City Clerk

AGENDA WORK SESSION

November 5, 2008 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, Barb Stillings, Kevin Elmer, Michael Durbin and Roger Meadows. Tracy Haist was absent.

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Bingle will be asking for authorization to amend the 2009 Transportation Improvements Projects by adding Cheyenne Road. The STP amount will be \$103,920, the City amount will be 25,980 with a total cost of the project being \$129,900.

Bingle informed the Board that we have not received a letter from the State Board of Mediations on the vote of the Electric Department employees. Glen Pace has charged the City \$1,950 for consulting services during the election process for the Electric Department. Glen Pace gave a proposal to provide consulting services to the City on the meet and confer process with the IBEW for a fee not to exceed \$5,000.

Mayor Hayes reminded the Board of the Joint School/City meeting Nov 18th.

Mayor Hayes informed the Board that he gave Leona Towe permission to use the Community Center for the Project Graduation party.

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

Mayor

City Clerk

REGULAR MEETING

NOVEMBER 10, 2008 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 October 8th and 13th were approved as presented by unanimous consent.

FINANCIAL REPORT

The financial report was approved by unanimous consent.

VISITORS

Jan Cheffey, 401 N Prospect, was here to ask why the flooding problem is not being addressed as she was told early this year. Mayor Hayes informed her that the engineering is finished and we don't know the cost of the project yet. Ms. Cheffey wants the ditch cleaned out because of health hazards. C.A. Bingle informed her that the City has set aside \$52,000 for this project. Mayor Hayes will meet with Ms. Cheffey tomorrow to look over the plan the engineers have drawn up. Ms. Cheffey also asked that the stray cat problem be solved.

Melissa Davis, 813 Red Maple Ct., has lived in Nixa for a year and she has a problem paying her utility bill. She works but her husband is in school. She said the Utility Billing Department isn't working with her and they are not very empathetic to her situation. The Aldermen told Melissa that they understand her problem, but she might want to check with churches or Ocacc for assistance.

ORDINANCE

Bill #2008-111 repealing Chapter 4 Animals and replacing in its entirety Chapter 4 Animals was presented for first reading. Chief Bacon explained that B.J. Sartin has been working on the changes of this ordinance for about a year. Laura Umphenour, 4224 Greenbriar, Nixa, is with the Christian County Shelter and she is worried that limiting the animal might cause people to dump the extra animals on the streets. Ms. Umphenour also wanted to know how much the City charges for the dog license. Sartin informed her it was \$3.00. Ms. Umphenour thinks it should be more. She believes the City should have a section in the ordinance on allowing people giving away and charging for animals. Dawn Grizzell, 213 W. Lorene, Nixa feels grandfathering in the limit of dog will cause people to go get more dogs before the deadline is up. McCorkle made a motion to approve Bill #2008-111 on first reading and pass to second with Stillings seconding and all voting aye. Bill #2008-111 was presented for final reading. Durbin made a motion to approve Bill #2008-111 on final reading and pass into law with Meadows seconding and Elmer, Stillings, McCorkle, Haist, Durbin and Meadow all voting aye on roll call vote.

Bill #2008-112 repealing Chapter 13 Article I and replacing in its entirety Chapter 13 Article I Prohibiting Nuisance was presented for first reading. Attorney Pat Sweeney explained the changes. Elmer asked if Pods were included in this ordinance. Mr. Sweeney said they were not, but he would work on adding Pods to the ordinance, and then they could amend the ordinance. Durbin made a motion to approve Bill #2008-112 on first reading and pass to second with Stillings seconding and all voting aye. Bill #2008-112 was presented for final reading. McCorkle made a motion to approve #2008-112 on final reading and pass into law with Elmer seconding and Stilling, McCorkle, Haist, Durbin, Meadows and Elmer all voting aye on roll call vote.

Bill #2008-113 amending Chapter 11 by adding denial, revocation or nonrenewal of business license was presented for first reading. Pat Sweeney explained that this would allow the City to revoke the business license

of a business if they are in violation of the law. Durbin asked if the Attorney General asked the City to revoke a license and we didn't, what would happen. Elmer is concerned with the decision being made by the City Clerk on whose license would be revoked. Elmer made a motion to postpone consideration of this Bill with Stilling seconding and all voting aye.

Mayor Hayes informed the Board that Bob Massengale needed to speak to the Board about Tractor Supply. McCorkle made a motion to open the visitor section with Elmer seconding and all voting aye.

VISITOR

Bob Massengale, PO Box 727, Nixa, is the realtor for Tractor Supply. He said Tractor Supply knows they have to pay \$24,000 for the collector street fee and would like the City to waive the traffic study fee. They feel all the fees and improvements will cost them too much money to put in the business. They would like to know the maximum amount they would need to spend on the improvements. Elmer stated that the traffic study is needed to see what improvements have to be done. McCorkle hates to lose Tractor Supply because of the traffic study fee. Stillings thought the City could split the fee with them. Mayor Hayes asked the Board if the City should waive the traffic study fee. After a long discussion McCorkle made a motion to waive the traffic study fee and the City pay for the traffic study fee with Durbin seconding and Meadows, Durbin, McCorkle voting aye, Haist, Stillings and Elmer voting nay. Mayor Hayes broke the tie by voting aye. The motion passed.

RESOLUTIONS

Resolution #2008-111 approving a wrecker services policy. Chief Bacon presented the wrecker policy changes for the Board. Meadows asked about the business license for the wrecker company's outside the City. Bingle informed them that the wrecker company's would need a business license, but the City could not charge for it. Haist made a motion to approve Resolution #2008-111 with Stillings seconding and all voting aye.

DISCUSSION ITEMS

Bingle reminded the Board the Christian County asked them for a cost share of \$10,000 to scope the Hwy CC project. Mayor Hayes believes that this is a good idea because of the traffic on Hwy CC. Bingle explained all the money that the City has already spent on Hwy CC. Stillings said a lot of Nixa citizens drive Cheyenne and Hwy CC, so we might consider giving \$5,000. Meadows wanted to know if Ozark is giving \$10,000. Mayor Hayes believes Ozark is, but Ozark will get more out of this completed project. McCorkle feels the City should give \$10,000 to the project. Haist made a motion that the City authorizes Brian Bingle to give \$10,000 to Christian County to participate in the scoping of Hwy CC with Meadows seconding and all voting aye.

Doug Colvin, Public Works Director, presented the Board with three bids on the Espy Relay Panel. Colvin said all the bids were good, but he recommended the bid from Electrical Power Products at \$55,570.00. McCorkle made a motion to accept Electrical Power Products bid for \$55,570.00 with Stillings seconding and all voting aye.

Doug Colvin presented an update of the Electric Projects and Department Activities. He informed the Board that the NE Substation and the Espy Substation is on track for energizing in 2009. The 60kV tie line loop to Espy back to NE has been designed and will have construction bidding for the expansion as planned. The System Model is 85% complete and will be used to finalize the distribution tie projects to equalize loads. The Arch Flash Study is complete and we will need to purchase protective clothing for the Electric Department. The Espy main breaker upgrades are complete and the transformer has had a complete maintenance system check. The Electric Department has also been trimming trees and conducting maintenance on the electric system. They have completed Bluebird, Richmond, Cooper Leaf, Spring Valley and Shangri La subdivision phases. Upgrading the wire to Espy School and running new primary feed for High Pointe Well and Tower is complete. They reconfigured the main distribution feeder to accommodate the large sinkhole at Cooper Leaf. The Street Light work is caught up in subdivisions and maintenance work from the ice storms is completed.

Doug Colvin informed the Board that in the 2008 CIP's he needed to replace the sewer camera, but he put it out to 2009, because of purchasing the Vactor truck which was needed to clean the lines before the camera could be used to look at the sewer pipe condition. The Vactor truck is working so we need to start the process to purchase the camera. McCorkle made a motion to purchase a sewer camera for \$55,000 with Durbin seconding and all voting aye.

Bingle informed the Board that they will needs to schedule a special board meeting to discuss the 2009 budget. They decided the meeting will be Thursday November 20, 2008 at 6:30 pm.

There will be a joint City/School Meeting at the High Pointe School November 18th at 6:30 pm.

INFORMATION

Chief Bacon informed the Board that he received a \$3,905.00 grant for a Laser Radar System which will not require any funds from the City. Bacon needs the Boards authorization to accept the grant. McCorkle made a motion to authorize the Mayor to sign the grant for the Laser Radar System with Meadows seconding and all voting aye.

Chief Bacon informed the Board that he received an unsolicited grant for \$2,100 for a DWI Enforcement Wave Grant and he needs the Boards authorization to accept the grant. This grant will reimburse overtime the Police Officer work on DWI December 8-14, March 13-15, May 1-3, July 3-5 and August 21- September 7, 2009. Stillings made a motion to authorize the Mayor to sign the grant for the DWI Enforcement Wave with McCorkle seconding and all voting aye.

Kelly Hasner, Park Director, asked the Board to Authorize the Mayor to sign an agreement with Land O' Frost. This agreement is for the 2009 Land O' Frost Youth Sponsorship Program for the Nixa Parks and Recreation and they will donate \$7.800 to the park. The Board gave approval.

EXECUTIVE SESSION

At 9:10 PM Meadows made a motion to go into executive session pursuant to RSMo 610.021 to discuss personnel. McCorkle seconded with Elmer, Stillings, McCorkle, Haist, Durbin, and Meadows all voting aye on roll call vote.

Members returned to regular session at 9:20 PM.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:20 PM.

Mayor

City Clerk

AGENDA WORK SESSION

December 3, 2008 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 Kevin Elmer, Barb Stillings, Tracy Haist, Michael Durbin and Roger Meadows. Charles McCorkle was absent.

Mayor Hayes presented Chelsie Wilburn a Certificate of Recognition for receiving the Outstanding SAC Youth Worker Award from the Missouri School Age Community Coalition professional Development Institute. This award is presented to a person who has worked diligently as a school age children youth worker, they must be positive, innovative and enthusiastic.

Gary Shaffer with Shaffer and Hines presented the 2008 Water Rate Study to the Aldermen. Shaffer informed the Aldermen that he examined the city's proposed revenue before he could suggest what improvements should be made to the water system. He said that some projects had to be eliminated so the City would be able to afford the most important projects. Eliminating some of the projects will keep the City from having to raise water rates. Shaffer recommends that the City look at the Water Study again in 5 years. Doug Colvin explained that we must have good circulation of water to keep good water quality. To keep good water circulation we need to install water mains to complete the water lines looped. Shaffer included a schedule of water rate increases for 2010 to 2015 that is needed to build up the revenues, which will allow the City to make future improvements.

Donna Swatzell, Finance Director requested a budget amendment for a natural gas line to the Police Department. Chief Bacon explained that the current generator runs on propane and the generator can only run 10 hours on the size of tank we have. He said if we get an ice storm and we are out of electricity for more than 10 hours we will have no telephone service for emergency system. Bacon feels that we would better off running natural gas to the generator, so they will not run out of propane. This project will cost \$4,900 to change the generator to natural gas and to run the natural gas line. Elmer made a motion to amend the budget for this project with Haist seconding and all voting aye.

Donna Swatzell informed the Aldermen that the proposed budget is the same, except there will be a change for \$6,300 that will be taken out of Administration professional fees for Great River Engineering for mapping.

Derek Harlan, City Planner, gave a presentation on the GIS system that he uses for mapping. He showed the Board different maps that are used by all departments. Harlan updates all the maps with the GIS system from the information the City departments give him and from other entities.

Bingle informed the Aldermen that CJW has completed the Traffic Study for the Tractor Supply Company. Cossey, City Planner, explained the amended information on the roadway width from 41' to 36' on page 7 of the study and that the OTO must approve this change. The costs of street improvements will cost Tractor Supply approximately \$115,000.00. The City received a letter from Eric Lytle informing the City that Tractor Supply will provide another 10' of property to make a total of 40". This information will be presented Monday night at the Board Meeting.

Bingle informed the Aldermen that the Kelby Creek Subdivision wants to purchase different street lights than what are required. Their Preliminary Plat with changes will be presented Monday night at the Board Meeting.

Bingle explained that Kelby Creek wants to use the Public Building Corporation Lease Purchase to pay for the substation. Bingle is proposing a NIB or CID for their development.

Bingle explained the contract with the Nixa Fire District. It will be presented Monday night at the Board meeting for their authorization.

Bingle informed the Aldermen that Danny Waite sent the City a letter stating that he would donate 4 acres of wet land on Tracker Road just west of the bowling alley. The City would have to accept ownership of the sewer treatment facility with the donation of land. Bingle informed the Aldermen that staff does not recommend that we take the offer. Bingle said that the homes on that sewer treatment facility could annex their property into the

City and hook up to the City's sewer. The Aldermen agreed that this is not an offer they would want to accept.

Bingle informed the Aldermen that Brian Hayes and he met with Dickinson Theatre and they are still interested in bringing a theater to Nixa and they are exploring ways they can pay for the development.

ADJOURNMENT

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

Mayor

City Clerk

REGULAR MEETING

DECEMBER 8, 2008 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 November 5th, 10th & 20th were approved as presented by unanimous consent.

FINANCIAL REPORT

The financial report was approved by unanimous consent.

PRESENTATION

Mayor Hayes presented Judy Long a Municipal Service Award for working for the City for 25 years.

Chief Bacon presented Brent Forgey an award for 15 years of service as a Dare Officer and working with over 10,000 kids in the Dare Program.

VISITORS

Visitors were given an opportunity to address the Board. No one spoke.

PUBLIC HEARING

A public hearing was opened on the 2009 Annual Budget.

Donna Swatzell, Finance Director, presented the 2009 budget. The 2009 budget is the same as last Wednesday except for the OTO dues; we were notified that they have increased \$2,500. The law suit with LCA has not been added to the budget, so we will have a budget amendment in 2009 to cover the cost. The Board is still concerned about the revenues for 2009 being enough to cover the expenditures. Mayor Hayes suggested that we will have to watch the budget monthly. After a long discussion on the 2009 budget there were no public comments and the hearing was closed.

ORDINANCES

Bill #2008-121 approving the 2009 Annual Budget was presented for first reading. Donna Swatzell presented the budget and the discussion was held in the Public Hearing section. Meadows made a motion to approve Bill #2008-121 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-121 was presented for final reading. McCorkle made a motion to approve Bill #2008-121 on final reading and pass into law with Stillings seconding and Elmer, Stilling, McCorkle, Haist, Durbin and Meadows all voting aye on roll call vote.

Bill #2008-122 authorizing the Mayor to sign a contract with Allied Service LLC was presented for first reading. Brian Bingle, City Administrator, explained that the City accepted Allied Service bid in August 2008 and now the City needs to sign the contract. The contract is for 5 years, starting January 1, 2009 and ending December 31, 2013. The contract includes curbside recycling service for the citizens that are interested in the service. Bingle informed the Aldermen that this contract is virtually the same as the contract with Allied for the

last 10 year. Durbin made a motion to approve Bill #2008-122 on first reading and pass to second with Meadows seconding and all voting aye. Brian then mention that Allied Services would like the contract amended to add that; “ In the event that any Recycled Material commodity collected by the Contractor becomes no longer marketable and must therefore be disposed of at a Disposal Site the contractor reserves the right to eliminate that commodity from the Recyclables Material Program”. Bingle informed the Aldermen that they can go ahead and accept this contract and amend the contract next month. Bill #2008-122 was presented for final reading. McCorkle made a motion to approve Bill #2008-122 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.

Bill #2008-113 to amend Chapter 11 to include denial, revocation or nonrenewal of Business License within the City of Nixa, was presented for first reading. Pat Sweeney, City Attorney, explained the changes that were made to the ordinance. Sweeney said he added the State Statute Section 285.525-285.550 to Section 11-12 paragraph A-2 and removed the wording “or found in a civil proceeding to be guilty of, at fault for, or the liable” in Section 11-12 B. Meadows made a motion to approve Bill #2008-113 on first reading and pass to second with Stillings seconding and all voting aye. Bill #2008-113 was presented for final reading. McCorkle made a motion to approve Bill #2008-113 on final reading and pass into law with Meadows seconding and McCorkle, Haist, Durbin, Meadows, Elmer and Stillings all voting aye on roll call vote.

Bill #2008-123 authorizing the Mayor to sign an agreement with the Nixa Fire Protection District to provide a central dispatching center for dispatching emergency services was presented for first reading. Bingle explained that the contract is very similar to last year’s contract. The City and Fire Department will supplement the Nixa 911 budget in the amount of \$72,504.00 each. The City supplies complete dispatching on behalf of the Fire & Emergency services. All the communication equipment used in the central dispatch is the property of the City. Jim Sebree has obtained authorization from the Fire District for the appropriation of monies out of their 2009 budget. Meadows made a motion to approve Bill #2008-123 on first reading and pass to second with McCorkle seconding and all voting aye. Bill #2008-123 was presented for final reading. Haist made a motion to approve Bill #2008-123 on final reading and pass into law with McCorkle seconding and Haist, Durbin, Meadows, Elmer, Stillings and McCorkle all voting aye on roll call vote.

RESOLUTIONS

Resolution #2008-121 approving the Preliminary Plat of Kelby Creek Subdivision was presented. Travis Cossey, City Planner, is requesting an amendment to the existing resolution #2007-73 which was originally know as the Sundance Subdivision. This request is to allow them to purchase alternative street lights, instead of the standard street lights that the City requires. They will absorb the difference in the cost of these specific street lights and the City will maintain them as we do the existing street lights. Staff recommends approval of this resolution. McCorkle made a motion to approve Resolution #2008-121 with Haist seconding and all voting aye.

Resolution #2008-122 approving the destruction of city records was presented. Judy Long, City Clerk, explained that the City is regulated by the State on what records to retain and when we can destroy them. We destroy record yearly by the States retention policy. We are asking your approval to destroy the records on the list that we have given you. Durbin made a motion to approve Resolution #2008-122 with Stillings seconding and all voting aye.

DISCUSSION

Travis Cossey informed the Aldermen that the City has received the Traffic Study from CJW. The report indicated there needs to be a right of way dedication of 40 feet from the center line of Northview Street which provides an 80’ right of way corridor. The Traffic Study report also recommended a 36’ street with 3 lanes to accommodate the traffic. CJW anticipates the cost of the improvements at approximately \$115,000.00. Mr. Lytle with Strategic Consulting representing Tractor Supply sent a letter to the City indicating that they will provide the 10’ of property needed for the road right of way. The right of way is needed to free up the STP funds that are necessary for the road construction. The Aldermen approves the staff to go ahead with the annexation procedure.

Bingle reminded the Aldermen about the Cheyenne Road improvements that were discussed in Wednesdays Agenda Work Session. Bingle told the Board with their approval the Nixa School Districts portion of the road improvements will be \$106,640.00. The Board agreed that is what the School should pay.

Mayor Hayes explained to the Aldermen that we needed budget amendments for following items:

\$7,000 for Mike Rankin/Economic Development consultant which was approved April 14, 2008.

\$4,877.00 for the OTO dues that was approved April 14, 2008.

\$55,000.00 for a sewer camera that was approved November 10, 2008.

\$4,900.00 for the natural gas line to the Police Department approved December 3, 2008.

These were items that were approved but were not done as budget amendments. McCorkle made a motion to amend the budget to include these 4 items with Durbin seconding and all voting aye.

Bingle asked the Aldermen if it would be possible to float President Day to January 2, 2009 to make a 4 day holiday. After a short discussion the Board agreed.

Kevin Elmer would like the Nuisance ordinance #2008-112 to be amended to include PODs. Bingle said that Pat Sweeney, City Attorney, would work on that ordinance and bring it back to the Board.

EXECUTIVE SESSION

At 8:30 PM Haist made a motion to go into executive session pursuant to RSMo 610.021 to discuss litigation. Elmer seconded with Elmer, Stillings, McCorkle, Haist, Durbin, and Meadows 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