

**SPECIAL MEETING OF THE COUNCIL MEMBERS OF  
THE CITY OF NIXA, MISSOURI**

**NIXA CITY HALL – ELECTRONIC MAIL    November 1<sup>st</sup>, 2022 12:00 P.M.**

This meeting was held via electronic mail. Members of Council voted on the approval of Council Bill #2022-107 by sending an e-mail to the City Clerk. The City Clerk had to receive the vote between 12:00 p.m. and 1:00 p.m. for the Councilmember’s vote to count.

The City Clerk announced the results of the vote via e-mail to the Mayor and Members of the Council. Members of the public were allowed to observe the submission of emails at City Hall. The meeting was considered adjourned when the City Clerk announced the results of the vote. Public comments had to be submitted to [rcoffey@nixa.com](mailto:rcoffey@nixa.com).

**Council Bill #2022-107** Authorizing the City Administrator to Apply for and Accept a Playground Equipment Grant from Cunningham Recreation for Park Playground Equipment for Rotary Park.

No public comments were received. The Council vote was as follows:

Darlene Graham, yes.  
Jarad Giddens, yes.  
Matt Ogden, yes.  
Aron Peterson, yes.  
Shawn Lucas, yes.  
Seth Balogh, absent.

The meeting was adjourned at 1:04 p.m. when the City Clerk emailed the results to the Mayor and Council.

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Mayor

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City Clerk

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

**NIXA CITY HALL**

**November 14th, 2022 7:00 P.M.**

The regular meeting of the Nixa City Council was called to order by Mayor Brian Steele. Attending were Council Members Seth Balogh, Shawn Lucas, Jarad Giddens, Aron Peterson, Darlene Graham, and Matt Ogden.

The Pledge of Allegiance was given.

## **Proclamations:**

Mayor Steele read a proclamation proclaiming November 26th as Small Business Saturday. Chris Russell, President and CEO Nixa Chamber of Commerce, was in attendance to accept the proclamation. Russell provided a brief holiday update about the Chamber and reminded the Council that the Chamber's motto is to "Shop Local, Be Vocal."

## **Visitors:**

Ron Sanders, 976 Glen Oaks Dr., discussed the role of government, the way the City operates, and the private business sector and government interference. Sanders said the City creating a business environment important, and the Chamber does a great job. Mayor Steele responded to Sanders comments.

## **Presentation:**

Mark Hartsock, Chairman of the Home Rule Charter Commission, and Andrew Carl, Vice-Chairman of the Home Rule Charter Commission, presented information on the proposed amendments to the Home Rule Charter. Hartsock defined Charter and Home Rule and provided the benefits of a Home Rule Charter. Carl discussed what having a Home Rule Charter review commission does and provided a background on the previous Charter reviews. Hartsock provided an overview of the current Charter Review Commission's members and meetings. Hartsock discussed Proposition 1. Hartsock read the background on the proposed change to section 3.7, the potential ballot language, and the explanation of the potential change. Carl discussed Proposition 2. Carl read the background on the proposed changes to Article 6 and section 15.2(d), the potential ballot language, and an explanation of the potential change. Hartsock discussed Proposition 3. Hartsock read the background on the proposed changes to sections 10.3(a)(iii) and 10.3(c), the potential ballot language, and an explanation of the potential change. Council thanked the Commission for their work. Hartsock also thanked the Commission for their work. Council asked questions about Proposition 3 and Article 10 proposed change, with Hartsock responding. Council asked about ballot language, with Hartsock and Nick Woodman, City Attorney, responding. Council asked about the educational material that would be provided on the potential changes with Hartsock responding.

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

**Council Bill #2022-111** Calling an Election to be Held on April 4, 2023, to Submit to the Qualified voters of the City Several Proposed Amendments to the City Charter; Authorizing the City Clerk to do All Things Necessary and Convenient to Submit the Proposed Amendments to the Qualified Voters of the City; and Providing for the Enactment of Said Amendments If Approved. Jimmy Liles, City Administrator, said the Home Rule Charter Commission has proposed three (3) propositions for the Home Rule Charter for the April 4th, 2023 election. Liles said staff worked with the Commission and recommends approval of the council bill. Council asked additional questions about Proposition 3 and Article 10.3, with Hartsock responding. Mayor Steele opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., stated that the Commission did a great job. Sanders discussed each proposition. Sanders specifically discussed Proposition 3, what the change would mean, and his thoughts on the potential change.

With no further comments, the public hearing was closed.

**Council Bill #2022-112** Renewing the Base Lease Agreement for Real Estate and Existing Facilities with the Bank of New York Mellon Trust Company, N.A. for Refunding Certificates of Participation Series 2013. Jennifer Evans, Finance Director, told Council this was an annual ordinance for the bond payment and renewal of the bond for the northwest lift station. Evans said the payment in the 2023 budget was \$122,000, and the outstanding balance would be \$290,000. Council asked if this bond could be paid off early, with Evans saying it couldn't be paid off until it was callable. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed.

**Council Bill #2022-113** Renewing the Lease for Facilities Financed Through the Public Building Corporation of Nixa, Missouri. Evans said this council bill is the same as the previous one but for a different financed project. Evans said this lease is for the City Hall and Police Station. Evans said the payment budget in the 2023 budget was \$286,950, and the outstanding balance would be \$1,065,000. Evans stated that just like the above bond, it wouldn't be able to be paid off until it was callable. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed.

**Council Bill #2022-114** Rezoning the Real Property Generally Located at 300 Block of South Market Street From a Single-Family Residential (R-1) District to a High-Density Multi-Family (R-3) Residential District. Scott Godbey, Planning and Development Director, stated that an application had been submitted for a rezone at the 300 block of South Market. Godbey said this property has two (2) lots. Godbey told Council that in 2006 the property was rezoned to R-1 from Agriculture (AG) when the lots were split into two (2) lots. Godbey stated that the lots had a single-family home on the property until 2022, when a demolition permit was received. Godbey said there was AG to the east and south of the property and R-1 to the west and north. Godbey stated that the rezoning to R-3 would be consistent with the zoning requirements and surrounding properties. Godbey said there are utilities available and capable of supporting the

rezoning. Godbey said two (2) local roads surround the property, Market, and Lynn. Godbey told Council that this rezoning would mean three (3) dwelling units per lot. Godbey stated that at the Planning and Zoning Commission meeting surrounding property owners voiced their concerns with Market Street being narrow and building heights with R-3 properties. Godbey said both the Planning and Zoning Commission and staff recommend approval. Council asked what high-density meant, with Godbey stating a tri-plex to an apartment building; however, this property would have to be a tri-plex. Mayor Steele opened the public hearing for comments.

Victor Visciso, 308 S Market St., stated he would like to see the properties stay R-1 due to the increased traffic on the narrow roadways. Visciso said he has proof of the flooding issues in that area. Visciso said it would be better to keep the lots residential.

Rick Brooks, 404 Lynn St., discussed the stormwater issues in the area of the proposed rezone and the issues that could arise with adding a tri-plex to the properties. Brooks said the neighbors don't want a single-family or tri-plex on that property but a single-family home. Brooks discussed flooding and traffic problems at the intersection of Market and Lynn.

Justin Montgomery, 315 S Market, stated he lived right across the street from the property up for rezoning. Montgomery discussed the flooding and traffic issues in that area. Montgomery asked Council to look at the area to decide if a tri-plex would be good.

Timmy Ricka, 403 Lynn, discussed the flooding issues in the area of the rezone. Ricka showed pictures to Council of the flooding at his and his neighbor's properties. Ricka said adding a tri-plex would increase the problem. Ricka provided the pictures he showed earlier to Council.

With no further comments, the public hearing was closed. Council asked questions of Godbey about the flooding issues, with Godbey responding. Council asked questions about spot-zoning, with Godbey responding.

**Council Bill #2022-115** Amending Chapter 117, Article IV, Section 117-99 by Removing Self Storage Land Uses as Permitted From Commercial Districts. Godbey told Council staff had implemented an administrative delay for self-storage units through December 31st. Godbey said staff had recommended three (3) different options for Council and, per their direction, have proposed this council bill to remove self-storage land uses from commercial districts to help preserve commercial districts for retail. Godbey stated that this might change as the comprehensive plan is completed in 2023. Godbey told Council at the Planning and Zoning Commission meeting that Steve Eoff discussed the land he has for sale and the potential sale of that property for self-storage units in from of Tiffany Highlands. Godbey said the Planning and Zoning Commission tried to create a legal non-conforming status from Mr. Eoff, but with no application being submitted for that property, this couldn't be done. Godbey told Council the Planning and Zoning expressed concern with overregulating. Godbey said the Planning and Zoning Commission unanimously opposed the code change and did not recommend approval; however, staff does recommend approval. Council asked how the Planning and Zoning Commission based their decision, with Godbey responding. Mayor Steele opened the public hearing for comments.

Chris Russell, President and CEO Nixa Chamber of Commerce, discussed the need to keep the restrictions on self-storage units out of the commercial-zoned areas to keep them from being the first thing you see when you come into the City. Russell said the high traffic count roads to commercial.

Steve Eoff, 901 E Timber Springs, provided a background on his development experience and his development of Tiffany Highlands and the plan behind it. Eoff discussed the current contract and proposed self-storage units on the commercial lots on Highway 14 and Tiffany Highlands subdivision. Liles asked questions of Eoff and the proposed development, with Eoff responding.

Jay Wynn, CJW Consultants, stated he was in attendance on behalf of his client, that is in the process of purchasing Eoff's property. Wynn asked the Council to exempt this property from this code change and provided renderings of the proposed storage units. Council asked if any homeowners in Tiffany Highlands about this proposal with Wynn responding, they didn't mind.

Ron Sanders, 976 Glen Oaks Dr., discussed the vision of the future of Nixa. Sanders stated that the Council needed to consider the impact of what we do now and how it will affect the future.

With no further comments, with public hearing was closed. Council held a discussion and asked questions of Eoff, with Eoff responding. Council asked questions of Godbey and Woodman, with both responding. Council asked questions about the Planning and Zoning comprehensive plan, with Liles responding.

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

**Resolution #2022-111** Authorizing the City Administrator to Execute a Contract with Ewing Signal Construction, LLC, for Signal Pole Replacement at the Intersection of Main Street and Aldersgate. Travis Cossey, Assistant Public Works Director, said this contract is for the repair/replacement of a signal pole at Main and Aldersgate. Cossey said there was a vehicle accident on August 29th where a semi-truck hit a utility pole. Cossey stated that the City was able to file an insurance claim on the semi-truck driver, and the insurance company and the City came to an installation estimate agreement of \$12,600. Cossey said Ewing Signal has agreed to honor the quoted amount. Mayor Steele opened the public hearing with no comments made the public hearing was closed. Council asked Cossey to clarify whether this was a repair or a replacement, and Cossey responded that it was a repair. Mayor Steele called for a motion to approve the resolution. Lucas made a motion to approve Resolution #2022-111, with Giddens seconding and all Council Members voting aye.

**Resolution #2022-112** Authorizing the City Administrator to Execute a Sponsorship Agreement with CC Links for the Funding of Playground Equipment at McCauley Park. Matt Crouse, Parks Director, stated that CC Links would be sponsoring an element at the new McCauley Park playground, the GT Wave, which is the new covered element. Crouse said the sponsorship was in the amount of \$100,000. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Steele called for a motion to approve the

resolution. Graham made a motion to approve Resolution #2022-112, with Balogh seconding and all Council Members voting aye.

**Resolution #2022-113** Amending the City's Personnel Code by Modifying Policy 6.1 to Update the City's Dress Code Policies. Amanda Hunsucker, Human Resources Director, stated the City's dress code policy had not been updated in over five (5) years. Hunsucker said this update would be condensing the policy. Hunsucker stated that the new code would have every department under one (1) code, and the departments would modify that code based on their specific needs. Hunsucker also noted a few of the specific overall changes to the policy. Liles told Council the changes are based on the benefits survey that employees completed. Hunsucker said that the changes are trying to make the policy more flexible. Council asked follow-up questions, with Hunsucker responding. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Steele called for a motion to approve the resolution. Giddens made a motion to approve Resolution #2022-113, with Peterson seconding and all Council Members voting aye.

**Resolution #2022-114** Consenting to the Mayor's Appointment of Brian Popejoy and Matt Lander to the Planning and Zoning Commission. Godbey told Council that when Ogden was appointed to Council, he left a vacancy on the Planning and Zoning Commission. Godbey said Brian Popejoy is being appointed to fill that term which will end in November of 2026. Godey stated that Lander's term has expired, and he is being reappointed to a term that will end in November of 2026. Godbey said staff recommends these appointments. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Steele called for a motion to approve the resolution. Lucas made a motion to approve Resolution #2022-114, with Balogh seconding and all Council Members voting aye. Popejoy was sworn in by the City Clerk.

Mayor Steele called for a 5-minute recess at 8:46 p.m. Mayor Steele called the meeting to order at 8:54 p.m.

## **Discussion Items:**

### **Unfinished Business – 2023 Budget Draft and Discussion:**

Evans provided an update to the 2023 Budget Draft.

#### **Evans provided a recap of Personnel:**

Evans said the personnel budget included an eight-point seven percent (8.7%) COLA increase and a one-point-five percent (1.5%) merit increase. Evans stated that the insurance benefits rates would remain unchanged from 2022. Evans told Council the LAGERS rates would be increasing point eight percent (0.8%) for Police and point two percent (0.2%) for General. Evans said there were two (2) personnel requests, one (1) for Public Works and one (1) for the Water Department. Evans told Council that two (2) items had changed since the October 24th meeting; she reduced the judge's salary to three (3) months and reduced the Planning & Development Director from a mid-range starting salary to an entry-level starting salary. Evans reminded Council that six (6) personnel requests were made that could not be funded in the 2023 budget.



Evans provided a recap of **Operations:**

Evans said that since the October 24th meeting, two (2) changes had been made to the operations budget. Evans told Council the insurance premium increased to eight percent (8%), and an additional \$15,000 was added to the Economic Development budget for the Façade Grant. Council asked what time of insurance was included in this premium, with Evans responding that this insurance included things like property and liability.

Evans provided a recap of **Capital:**

Evans stated that since the October 24th meeting no changes had been made to the capital budget. Evans provided a list of capital projects from the General Fund. Evans reminded the Council that some of the listed projects were funded from specific savings accounts. Council asked questions about the comprehensive plan, with Liles responding. Evans told Council that there were five (5) projects requested and not funded in the 2023 budget. Council asked where salt is currently stored, with Jeff Roussell, Street Superintendent, responding that 400 tons of salt was being stored at the Public Works 1010 Eaglecrest building. Roussell said the request for a salt dome at the dog park was to cut down on response and drive time to the south side of the City.

Evans provided a recap of **Debt:**

Evans stated no changes had been made since the October 24th meeting. Evans provided a list of the Police Department's leased vehicles, and Cossey provided a list of Public Work's leased vehicles. Council asked questions about the lease program, with Evans and Cossey responding.

Evans provided a recap of **Transfers Out:**

Evans said there were no changes to Transfers Out since the October 24th meeting.

Evans provided a recap of **Restricted Reserve Balances:**

Evans stated that the beginning cash balances didn't reflect the current year's transfer from ARPA funds to the General Fund for the ERP and website project. Evans said that with this transfer, the General Fund beginning balances would be adjusted up, and the ARPA Fund beginning balances would be adjusted down.

Evans said the **General Fund** ending unrestricted cash balance would be \$1,105,271, with operations as a percentage of revenue of 98.59%.

Evans stated the **Street Fund** ending unrestricted cash balance would be \$847,944, with operations as a percentage of revenue of 33.95%.

Evans said the **Electric Fund** ending unrestricted cash balance would be \$10,363,548, with operations as a percentage of revenue of 87.30%.

Evans stated that the **Water Fund** ending unrestricted cash balance would be \$1,582,339, with operations as a percentage of revenue of 90.02%.

Evans said the **Wastewater Fund** ending unrestricted cash balance would be \$1,994,651, with operations as a percentage of revenue of 61.94%.

Evans said the budget would be first (1st) read at the next Council meeting and stated that if any changes needed to be made, they needed to be done as soon as possible.

### **New Business – Sales Tax Proposal Recap:**

Mayor Steele provided the unofficial results of the November 8th election. Mayor Steele stated that the 2023 budget was established based on the premise of the tax initiative not passing. Mayor Steele provided a background of the Use Tax. Mayor Steele said he had asked staff to bring a Use Tax Ordinance to the next Council meeting requiring Use Tax funds to be assigned to the fund where the underlying sales tax is established. Mayor Steele stated that this Use Tax assignment would move approximately \$200,000 out of the General Fund to the Street Fund. Mayor Steele said he had asked staff to create an online survey focusing on what elements of the City services the community would like the City to continue to provide. Mayor Steele provided information on the 2023 budget and recommended focusing specifically on funding the Police Department, maintenance of the existing park's facilities, and the maintenance and expansion of streets and utility infrastructure. Mayor Steele discussed future ballot initiatives. Mayor Steele said potential ballot initiatives could include a Parks tax, stormwater tax, general sales tax for police, economic development tax, and a capital improvement tax. Mayor Steele stated he wanted to provide a wide range of choices for the community. Mayor Steele said the Finance Department is working on a seven (7) year budget projection. Mayor Steele stated there should be a comprehensive communications plan related to changes and future tax measures. Mayor Steele discussed a Parks reduction plan. Mayor Steele provided information on the Parks revenue and discussed the possible actions to help reduce Parks spending. Mayor Steele gave an overview of Police Services. Mayor Steele said the City needed to maximize officers on the streets. Mayor Steele discussed ways to help with Police funding in the current Police budget. Mayor Steele stated that Liles and staff would be working on a timeline for these proposals. Council asked about the budget for the utility billing move, with Liles responding.

### **Mayor and Council Member Reports:**

Liles said there would be a Thanksgiving Lunch for employees the day before Thanksgiving at City Hall. Liles told Council that Godbey had been promoted to the Planning and Development Director.

### **Adjournment to Closed Executive Session:**

Peterson made a motion to adjourn to Closed Executive Session pursuant to section 610.021(3) & (13) RSMo in which the Council will discuss the hiring, firing, disciplining, or promoting or particular employees and personal information about the employees is to be discussed; and individually identifiable personnel records, performance rating or records pertaining to the employee are to be discussed, Giddens seconded, and Lucas, Giddens, Peterson, Graham, Ogden, and Balogh all voted aye on roll call vote.

The Council Meeting shall stand adjourned at the end of the Closed Executive Session.

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Mayor

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City Clerk



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

**NIXA CITY HALL**

**November 28<sup>th</sup>, 2022 7:00 P.M.**

The regular meeting of the Nixa City Council was called to order by Mayor Brian Steele. Attending were Council Members Seth Balogh, Shawn Lucas, Jarad Giddens, Aron Peterson, and Matt Ogden. Darlene Graham was absent.

The Pledge of Allegiance was given.

## **Consent Agenda:**

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

Darlene Graham joined the meeting at 7:05 p.m.

## **Service Awards:**

Mayor Steele recognized Autumn Manning for her 15 years of service to the City. Jennifer Evans, Finance Director, stated that Manning has served many roles within the City during her tenure. Currently, she is responsible for cash management, bank deposits, credit card reconciliation, accounts receivables, and cell phone administration. Evans said Manning is a diligent and attention-to-detail-oriented employee and is proud to have her in the Finance Department.

Mayor Steele recognized Ari Juhala for his 10 years of service to the City. Evans read a statement from the Utility Billing Supervisor, Bryan Hawk. Hawk said Juhala had been a meter reader with Utility Billing for six (6) months and was the 2021 employee of the year. Hawk stated Juhala had an incredible work ethic and was well respected within the department. Matt Crouse, Parks Director, also commended Juhala for his hard work with the Parks Department.

## **Visitors:**

Ron Sanders, 976 Glen Oaks Dr., stated it was an honor to address Council. Sanders discussed moral courage, freedom of speech, freedom of expression, the fourth (4th) amendment, and the right to bear arms. Sanders also stated that it took courage to be a Council Member.

## **Ordinances (First Reading and Public Haring; Comments Limited to 5 Minutes; No Council Vote Anticipated):**

**Council Bill #2022-116** Amending Chapter 2, Article IV, of the Nixa City Code by Adding Thereto a New Section to Provide for How City Use Tax Funds Shall be Utilized. Jimmy Liles, City Administrator, stated that the Mayor had directed that staff bring this ordinance forward to move a part of the use tax funds to fund transportation. Liles said that staff is concerned with

moving part of the use tax and the ability to fund the general fund in the future. Liles said moving the use tax from the general fund would move about \$200,000-\$250,000. Council questioned why this move should occur, with the Mayor responding. Council asked what would happen to the percentage of revenue in the 2023 budget, with Evans responding that it would make the percentage of revenue 101%. Mayor Steele discussed the need for more streets and sidewalks. Council asked if the sales tax was designated to be split the way this ordinance would make it, with the Mayor responding no. Council asked if this money was left in the general fund, could it be used to help pay for streets in the future, with Nick Woodman, City Attorney, responding yes. Council held a discussion. Council asked if there was a way to track how the use tax was spent, with Evans responding possibly, but it would be better to budget the funds for a specific project. Council held an additional discussion. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed. Council discussed putting the use tax in its own budget line to be able to track how it was spent. Giddens made a motion to postpone Council Bill #2022-116 indefinitely, with Lucas seconding and all Council Members voting aye.

### **Council Bill #2022-117**

Adopting the 2023 Operating and Capital Budget for the City. Evans stated the budget would have some changes made to it due to the postponement of the previous council bill. Evans asked for direction on how to put the use tax money back into the budget. Evans provided a recap of the **Personnel Budget**. Evans said there would be an eight-point seven percent (8.7%) COLA increase and a one-point-five percent (1.5%) merit increase. Evans stated that the health insurance rates would stay the same, and there would be an increase in the LAGERS rates. Evans told Council there were two (2) personnel requests, one (1) in Public Works and one (1) in the Water Department. Evans provided a recap of **Operations** since the November 14th meeting. Evans stated a correction of some deletions in the Administration budget totaling approximately \$8,000 was fixed. Evans told Council there was an addition of \$130,000 in the Water Fund budget for a carryover expense from the 2022 budget for the water master plan and hydraulic study. Evans provided a recap of **Capital** since the November 14th meeting. Evans said an additional \$120,000 was added to the Water Fund budget for an additional truck due to the RDE expansion. Evans provided a list of capital projects in Administration. Council discussed the capital projects. Liles provided information on the projects and impact fees. Evans provided a recap of **Debt**, saying no changes had been made since the November 14th meeting. Evans said the **General Fund** ending unrestricted cash balance would be \$823,336 plus the addition of the use tax funds of around \$250,000 and operations as a percentage of revenue near 98%. Evans discussed cash balances versus operations as a percentage of the general fund over the last five (5) years. Evans said the **Street Fund** ending unrestricted cash balance would be \$1,120,879 minus the use tax funds of around \$250,000 and operations as a percentage of revenue near 36.9%. Evans stated that the biggest expense in the street fund is capital projects. Evans said the **Electric Fund** ending unrestricted cash balance would be \$10,636,548, with operations as a percentage of revenue near 87.3%. Evans stated that the **Water Fund** ending unrestricted cash balance would be \$1,332,339, with operations as a percentage of revenue near 93.01%. Evans said the **Wastewater Fund** ending unrestricted cash balance would be \$1,994,651, with operations as a percentage of revenue near 61.94%. Mayor Steele asked that the use tax be added as a line item on its own, with Evans responding and providing information on transfers in and transfers out. Council asked about using the use tax to fund portions of the capital projects. Liles

asked about the operations as a percentage of revenue and designating the use tax for specific projects, with Evans responding. Mayor Steele opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., asked questions about the Parks Department's capital projects with Council responding that the Parks Department's capital projects are being funded through parks reserves savings account, which has to be spent on the Parks Department. Sanders discussed the police firing range capital project, and Mayor Steele stated that the firing range was near completion.

With no further comments, the public hearing was closed. Council held a discussion.

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

**Council Bill #2022-111** Calling an Election to be Held on April 4, 2023, to Submit to the Qualified Voters of the City Several Proposed Amendments to the City Charter; Authorizing the City Clerk to do All Things Necessary and Convenient to Submit the Proposed Amendments to the Qualified Voters of the City; and Providing for the Enactment of Said Amendments if Approved. Liles stated that the Home Rule Charter Commission is bringing three (3) propositions to Council for consideration on the April ballot. Liles said members of the Commission were in attendance to answer any questions. Mayor Steele opened the public hearing for comments.

Karen Keever, 857 S. Red Maple, provided a handout to the Council. Keever stated she served on the current and original Commission from 2009. Keever told Council she was the single no vote on Proposition 3. Keever discussed recalls, section 10.3 of the Charter, voter turnout, recalls, and proposition 3. Keever provided her thoughts on Chapter 8 of the City code and mayoral orders. Keever discussed the City's media influence. Keever asked Council to bring the ordinance back to the Commission for further discussion.

Ron Sanders, 976 Glen Oaks Dr., discussed the difference between 10% of votes cast and 10% of total qualified voters regarding section 10.3 of the Charter, the possibility of corrupt council members, and Nixa's citizens.

Mark Hartsock, 969 S Ballard, stated he was the Chairman of the current Home Rule Charter Review Commission. Hartsock said he wanted to address a few of the comments that had been made previously. Hartsock discussed Proposition 1 and section 3.7 and the proposed amendment contained within Proposition 1. Hartsock discussed Proposition 3, and the two (2) proposed amendments contained within Proposition 3.

With no further comments, the public hearing was closed. Liles thanked the Commission for all their work and dedication. Mayor Steele discussed Keever's comments, recalls, and voter turnout. Mayor Steele asked questions about Proposition 3, with Woodman and Hartsock responding. Mayor Steele called for a motion to approve the council bill. Lucas made a motion to approve Council Bill #2022-111, with Graham seconding and Giddens, Peterson, Graham, Ogden, Balogh, and Lucas voting aye on roll call vote.

**Council Bill #2022-112** Renewing the Base Lease Agreement for Real Estate and Existing Facilities with the Bank of New York Mellon Trust Company, N.A. for Refunding Certificates of participation Series 2013. Evans stated this is an annual ordinance to renew the lease for the northwest sewer lift station. Evans said this bond would mature in 2025 with the outstanding balance being \$290,000. Evans told Council that the principal payment of \$122,000 is included in the 2023 budget. Mayor Steele opened the public hearing for comments, with no comments made the public hearing was closed. Mayor Steele called for a motion to approve the council bill. Giddens made a motion to approve Council Bill #2022-112, with Ogden seconding and Peterson, Graham, Ogden, Balogh, Lucas, and Giddens voting aye on roll call.

**Council Bill #2022-113** Renewing the Lease for Facilities Financed Through the Public Building Corporation of Nixa, Missouri. Evans stated this lease was for the Police Department and City Hall upgrades. Evans told Council this bond could be paid off early on or after August of 2023 with the maturity date of August 2026. Evans stated that the outstanding balance is \$1,065,000, and the principal payment of \$286,950 is included in the 2023 budget. Mayor Steele opened the public hearing with no comments made the public hearing was closed. Mayor Steele called for a motion to approve the council bill. Peterson made a motion to approve Council Bill #2022-113 with Graham, Ogden, Balogh, Lucas, Giddens, and Peterson voting aye on roll call.

**Council Bill #2022-114** Rezoning the Real Property Generally Located at 300 Block of South Market Street From a Single-Family Residential (R-1) District to a High-Density Multi-Family (R-3) Residential District. Scott Godbey, Planning and Development Director, stated that after the last Council meeting, staff reached out to the applicant about the concerns presented to Council about the proposed zoning change. Godbey said the applicant has decided to resubmit for an R-4 duplex-patio home rezone. Godbey told Council that staff recommends that the council bill be remanded back to the Planning and Zoning Commission. Mayor Steele called for a motion to remand the council bill back to the Planning and Zoning Commission. Lucas made a motion to remand Council Bill #2022-114 to the Planning and Zoning Commission, with Balogh seconding and all Council members voting aye.

**Council Bill #2022-115** Amending Chapter 117, Article IV, Section 117-99 by Removing Self Storage Land Uses as Permitted From Commercial Districts. Godbey told Council the current administrative delay on self-storage units would expire on December 31, 2022. Godbey stated that staff is proposing to remove self-storage from commercial districts but allow self-storage in manufacturing districts. Godbey said Steve Eoff had attended both the Planning and Zoning Commission meetings and Council meetings about the potential land sale he has for self-storage units. Godbey stated that the Planning and Zoning Commission unanimously opposed the change and discussed their thoughts. Godbey said that staff does recommend the approval of the council bill. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed. Council held a discussion on the residents near Eoff's property and their thoughts on storage units being so close to their homes. Mayor Steele provided information on what a no vote and a yes vote would mean, with Woodman providing information on the Planning and Zoning comprehensive plan and spot zoning. Council asked if any permits had been submitted on Eoff's property, with staff responding that the only request had been for a utility locate. Council held an additional discussion. Mayor Steele called for a motion to approve

the council bill. Graham made a motion to approve Council Bill #2022-115 with Balogh seconding and Balogh, Lucas, Giddens, Peterson, Graham, and Ogden voting aye on roll call.

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

**Resolution #2022-115** Amending the City’s Personnel Codey by Repealing Policy 7.1.8 Which Relates to Pandemic Sick Leave. Amanda Hunsucker, Human Resources Director, stated this policy has been in place for three (3) years, and staff feels like the policy can be retired. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Steele called for a motion to approve the resolution. Giddens made a motion to approve Resolution #2022-115, with Peterson seconding and all Council members voting aye.

**Mayor and Council Member Reports:**

Crouse reminded Council that the Mayor’s Tree Lighting would be Friday, December 2nd starting at 6:00 p.m. and provided details on the activities that would happen during the tree lighting. Crouse also stated that the annual Christmas parade would be Sunday the 4th, starting at 2:00 p.m.

Liles stated the Chamber would have the Top 10 Under 40 awards luncheon on December 13th at 11:00 a.m., with Officers Barton and Brooks being honored.

Giddens thanked leadership for the Thanksgiving lunch that was provided to the employees.

Lucas discussed zoning for the downtown area with Godbey providing information BetterBlock and the RFQ for the downtown masterplan.

Mayor Steele discussed liaison assignments and described what Council liaisons do for the newer Council members. Ogden was assigned to be the liaison for the Parks Department, and Balogh was assigned to be the liaison for Administration.

**Adjournment:**

Mayor Steele called for a motion to adjourn. Giddens made a motion to adjourn at 8:23 p.m., with Lucas seconding and all Council members voting aye.

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Mayor

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City Clerk