

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

NIXA CITY HALL

December 12th, 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 Shawn Lucas, Jarad Giddens, Aron Peterson, Darlene Graham and Matt Ogden. Seth Balogh attended virtually via Zoom.

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.

Visitors:

Karen Bliss, 712 N Delaware St., discussed the use tax and the street/sidewalk needs within the City. Mayor Steele responded to Bliss's comments.

Ron Sanders, 976 Glen Oaks Dr., stated that everyone is imperfect and should take pride in their accomplishments. Sanders also said to be careful of envy, be humble, show grace, forgive, be thankful, and hoped that everyone has a blessed holiday.

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

Peterson made a motion to table Council Bill #2022-121 until the January 9th, 2023 Council Meeting with Giddens seconding and Lucas, Giddens, Peterson, Graham, Ogden, and Balogh voting aye on roll call vote.

Amended 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 Two-Family Attached Residential (R-4) District. Cindy Robbins, Assistant City Administrator, stated that the property owner originally requested to rezone the property to R-3 zoning, which was approved by the Planning and Zoning Commission in November 2022. Robbins said at the first reading of the council bill at the November 14th Council Meeting, neighbors expressed concerns with the R-3 multi-family rezone. Robbins stated that staff relayed those concerns to the applicant and before the second reading at the November 28th Council Meeting, the applicant submitted a new rezoning request for the property to be rezoned to R-4. Robbins said that at the December 5th Planning and Zoning Commission meeting, neighbors of the property raised their concerns about stormwater issues if the property was rezoned. Robbins told Council the Planning and Zoning Commission voted 7-1 to approve the R-4 rezone request. Robbins stated that the stormwater issues would require the applicant and City to work together to lessen the stormwater impact. Robbins said the applicant has stated they have had an engineer on-site to look at the concerns and meet the City's code requirements. Mayor Steele opened the public hearing for comments.

Timmy Reaka, 403 Lynn St., stated he attended the Planning and Zoning Commission meeting on December 5th. Reaka discussed the property's original structure and the area's stormwater issues. Reaka said that neighboring homes would flood if duplexes were built on that property.

Ron Sanders, 976 Glen Oaks Dr., discussed the heavy rain that had occurred recently. Sanders said that a person's rights shouldn't encroach on another person's rights. Sanders asked if Council could table this council bill if they wanted to, with Mayor Steele responding that this item was on its first reading and would have another reading in January.

Mayor Steele responded to the public comments. With no further comments, Mayor Steele closed the public hearing. Council asked questions about stormwater, with Mayor Steele responding. Council held a discussion.

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

Council Bill #2022-117 Adopting the 2023 Operating and Capital Budget for the City. Jennifer Evans, Finance Director, discussed the items that were changed from the first reading of the council bill to now. Evans asked if Council had any final questions. 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. Lucas made a motion to approve Council Bill #2022-117 with Giddens seconding and Giddens, Peterson, Graham, Ogden, Balogh, and Lucas voting aye on roll call vote.

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

Resolution #2022-121 Declaring the Results of the November 8th, 2022, Special Municipal Election. Rebekka Coffey, City Clerk, stated that Charter section 9.3 says that Council must declare municipal election results that have been certified by the election authority, which is the Christian County Clerk. Coffey stated that the City received the certified results of the November 8th election, which were provided to Council for their review. Coffey said that staff is recommending approval as the Charter requires it. 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. Peterson made a motion to approve Resolution #2022-121, with Giddens seconding and all Council Members voting aye.

Resolution #2022-122 Authorizing the City Administrator to Execute a Contract with CBIZ Benefits & Insurance Services, Inc. for Consulting Services Related to the Salary and Compensation of City Employees. Amanda Hunsucker, Human Resources Director, said it has been five (5) years since the last salary survey. Mayor Steele asked why the lowest bid wasn't selected. Hunsucker stated that the lowest bid was Paypoint, and the City didn't have a great experience with Paypoint. Hunsucker said that CBIZ had great reviews. Jimmy Liles, City Administrator, also spoke with several city administrators who had great experiences with CBIZ. Liles also reiterated that the City was unhappy with the previous experience with Paypoint. Hunsucker told Council that CBIZ had done salary surveys for LAGERS, so they are very well versed in the City's retirement plan. 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 #2022-122, with Graham seconding and all Council Members voting aye.

Resolution #2022-123 Adopting the 2023-2027 Capital Improvement Program. Evans discussed an issue on the summary page for the Electric Department. Evans said the Planning and Zoning Commission approved the CIPs for public improvements. Evans said she would answer any questions she could. 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. Peterson made a motion to approve Resolution #2022-123, with Lucas seconding and all Council Members voting aye.

Resolution #2022-124 Authorizing the City Administrator to Execute a Contract with Decker & Degood, P.C. for Auditing Services. Evans said the City has had the same auditor for the last 30 years, and it was in the best interest of the City to go out for a bid for this service. Evans stated that bid invitations were sent to 42 vendors; two (2) of those invitations were sent directly to vendors. Evans said Decker & Degood P.C. was the only response that was received. Evans stated that this service would be rebid next year. 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 #2022-124, with Lucas seconding and all Council Members voting aye.

Resolution #2022-125 Authorizing the City Administrator to Enter into a Treasury Management Agreement with Arvest Bank for Lockbox Services. Evans described what lockbox services are in relation to utility billing services. Evans stated that these services would help with check processing time and human error. Council asked for more clarification on lockbox services, with Evans responding. Council asked about professional services and processes that will be used with Evans 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 #2022-125, with Peterson seconding and all Council Members voting aye.

Resolution #2022-126 Authorizing the City Administrator to Execute a Contract with TK Elevator Corporation for Elevator Services, Maintenance, and Inspection Services. Matt Crouse, Parks Director, stated that City Hall and the XCenter have elevators. Crouse said that the City had used TK Elevator for many years, and it became time to review and renew the contract. Crouse stated that in all the companies that were approached about this contract, all companies stated that TK Elevators should be used as the elevators in both buildings are TK Elevator brand. Crouse said the contract had gone up \$20 over the previous year. Crouse told Council staff was recommending approval. 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 #2022-126, with Balogh seconding and all Council Members voting aye.

Resolution #2022-127 Authorizing the Destruction of Certain Records Which Have Met Retention. Coffey stated that this is an annual resolution that is done. Coffey said the Local Records Board Retention Schedule the City has records that have met retention and can be

destroyed. Coffey stated that the Police Department also had records that had met retention. 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. Ogden made a motion to approve Resolution #2022-127, with Graham seconding and all Council Members voting aye.

Resolution #2022-128 Authorizing the City Administrator to Execute a Contract with Ozarks Clean Water Company, for the City to Provide Certain Services to Said Company. Doug Colvin, Assistant City Administrator and Public Works Director, provided information on the Ozarks Clean Water Company. Colvin said the Ozarks Clean Water Company had a contract with RDE for billing and collections and approached the City for the same agreement. Colvin said that staff determined that the City should not take on the liability of billing and collection but would provide the necessary customer information and water usage so the Ozarks Clean Water Company can properly bill their own customers. Colvin said the City would be compensated \$1,000 per month for this service. Colvin discussed the terms of the contract. Council asked questions about sewer collection, with Colvin responding. Council asked about the \$1,000 reimbursement, with Colvin responding. Mayor Steele opened the public hearing, with no comments made, the public hearing was closed. Mayor Steele called for a motion to approve the Resolution. Ogden made a motion to approve Resolution #2022-128, with Peterson seconding and all Council Members voting aye.

Discussion Items – New Business:

Future Ballot Initiatives:

Liles stated that the recent tax initiative failed on the November 8th ballot, but the City's needs have stayed the same. Liles said that the City still needs 11 police officers and is not able to afford any additional officers in 2023. Liles stated that the Police Department still needs additional space. Liles told Council that the Parks Department still needs additional space. Liles said that Crouse had capped all current programs. Liles discussed revenues versus expenditures. Evans discussed the 7-year projections, one of which accounted for additional officers and one that did not account for additional officers. Evans said these projections are the best estimates based on previous year's actual numbers. Liles reminded the Council of the City's strategic plan and how it corresponds to the need for additional revenue. Liles stated that the City's current sales tax rate is 7.465%, and Nixa receives point five percent (0.5%) for transportation, one percent (1%) for the general fund, and one point five percent (1.5%) for use tax. Liles also reminded Council that the City has not collected personal property taxes since 1897 and only receives approximately five percent (5%) of the real property tax. Liles discussed what a quarter-cent (1/4¢), half-cent (1/2¢), three-quarter-cent (3/4¢), and one-cent (1¢) sales tax would generate for the general fund. Liles provided information on the costs of the needs for the Police Department and Parks Department. Liles also discussed the other Park's CIP needs and costs. Liles said the recommendation from staff is to propose a three-quarter cent (3/4¢) sales tax dedicated to law enforcement on the April ballot. Liles also discussed future parks tax or a parks/stormwater tax, telling Council that more research on statutes would be needed. Liles said a parks tax would have to pass before any of the Parks CIPs could be started or proposed. Council asked questions of Liles, with Liles responding. Council held a discussion. Council asked about the parks/stormwater tax, with staff responding. Council held an additional

discussion. Council told staff to proceed with the three-quarter cent (3/4¢) sales tax proposal that is dedicated to law enforcement.

Mayor and Council Member Reports:

Mayor Steele said that the Mayor's Tree Lighting and Parade were great.

Giddens wished everyone a Merry Christmas.

Adjournment:

Mayor Steele called for a motion to adjourn. Giddens made a motion to adjourn at 8:35 p.m. with Lucas seconding and all Council Members voting aye.

Mayor

City Clerk