

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

NIXA CITY HALL

March 8th, 2023 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.

Visitors:

Ron Sanders, 976 Glen Oaks Dr., discussed business dealings, ethics, and business and government relationships.

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

Council Bill #2023-14 Approving the Preliminary Plat of the Willow Brook Subdivision Generally Located Along the 700 block of South Elegant Dr and Authorizing Certain City Officials to Take Certain Actions Upon the Filing of a Final Plat. Scott Godbey, Planning and Development Director, stated the property was recently rezoned to R-4 in January. Godbey said the property is 47 R-1 lots and would have two (2) common areas. Godbey told Council that all of the lots conform to code standards. Godbey discussed the 50ft right-of-way on the property, road, and sidewalk requirements, and the two egress points. Godbey said all utilities are available. Godbey stated that a traffic impact study would be required. Godbey told Council that staff recommends approval, and the Planning and Zoning Commission voted 4-1 to recommend approval. Council asked questions with Godbey responding. Mayor Steele opened the public hearing with no comments made, the public hearing was closed.

Council Bill #2023-15 Annexing Approximately 2.23 Acres of Real Property Generally Located at the Northwest Corner of the Intersection of South Gregg Road and West Glen Oaks Dr; Zoning Said Property to the R-1 Zoning District; and Amending Chapter 2, Article II, Section 2-28 of the Nixa City Code. Godbey stated the lots being proposed for annexation are lots one through four (1-4). Godbey said the property was platted in the county in 1987, and the request for zoning at the time of annexation is R-1. Godbey told Council that the property has Nixa City Limits along the east, south, and west sides. Godbey discussed the sinkhole that is located on the property. Godbey said the 10 additional feet of right-of-way would be required to comply with the local street right-of-way requirements. Godbey discussed utilities and the sewer challenges the property may face. Godbey told Council that the property owner would be coming back with a minor subdivision. Godbey stated at the Planning and Zoning Commission meeting that neighbors voiced their concerns with the annexation. Godbey said the Commission voted unanimously to approve the annexation, and staff also recommends approval. Mayor Steele

opened the public hearing for comments, with no comments made, the public hearing was closed.

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

Council Bill #2023-07 Amending Sections 101-102, 117-101, and 117-99 of the Nixa City Code to Accommodate the State's Approval of Adult Use Marijuana. Nick Woodman, City Attorney, provided background information on the State's Constitutional Amendment 3. Woodman said the ordinance would add language from Amendment 3 to the City's Code. Woodman stated those changes would be definition changes in section 101-102, regulatory changes in section 117-101, and zoning changes in section 117-99. Woodman discussed all of the changes being proposed. Woodman provided information on methods to ban marijuana. Woodman said staff recommends approval as drafted. Council asked questions with Woodman and Joe Campbell, Police Chief, responding. Mayor Steele opened the public hearing for comments.

Blake Swindle, 701 McCroskey Street, Ste.7, stated he has a lease for a commercial space in Village Market Place and is in the process of construction to meet the State's requirements for a dispensary. Swindle asked Council to consider lowering the distancing requirements.

Dana Sullinger, 202 S. West St. Ste. 1, stated she co-owns Nixa's only state-sponsored dispensary. Sullinger said if this ordinance passes, she would be able to help more people. Sullinger discussed distancing requirements.

Mandy Sneed, 607 SW Hills Ct., stated she knows the previous speaker and is a medical marijuana user. Sneed discussed marijuana helping people.

Tristin Barelift, Nixa, MO, discussed his spinal injury and nerve pain and how marijuana has helped him. Barelift asked Council to approve.

Ron Sanders, 976 Glen Oaks Dr., discussed the distancing requirements and business competition.

With no further comments, the public hearing was closed. Council discussed distance requirements. Woodman provided Council three (3) amendment options based on the distance requirement discussion. Giddens made a motion to amend Council Bill #2023-07 by deleting the language on line 176 from 1,000 feet and replacing it with 200 feet, Lucas seconded, and all Council Members voting aye. Mayor Steele called for a motion to approve the council bill as amended. Lucas made a motion to approve Council Bill #2023-07 as amended with Giddens seconding and Lucas, Giddens, Peterson, Ogden, and Balogh voting aye on roll call vote.

Council Bill #2023-11 Amending the 2023 Annual Budget to Appropriate Funds for Outdoor Lighting. Cindy Robbins, Assistant City Administrator, stated in July of 2022 the City contracted with Lynn's Electric to replace lights outside City Hall for updated security. Robbins said the project started in December, and the project has not been completed due to issues with the control panel. Robbins stated that the funds for the project need to be moved to the 2023 budget

for final payment. Council asked questions, with Robbins 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 council bill. Giddens made a motion to approve Council Bill #2023-11 with Peterson seconding and Giddens, Peterson, Ogden, Balogh, and Lucas voting aye on roll call vote.

Council Bill #2023-12 Amending Chapter 4 of the Nixa City Code to Update the City's Liquor Control Codes. Woodman provided background on the council bill. Woodman said the council bill would update the City's outdated liquor code. Woodman stated staff recommended approval. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed. Council asked questions, with Woodman responding. Mayor Steele called for a motion to approve the council bill. Lucas made a motion to approve Council Bill #2023-12 with Giddens seconding and Peterson, Ogden, Balogh, Lucas, and Giddens voting aye on roll call vote.

Council Bill #2023-13 Amending the 2023 Annual Budget to Appropriate Funds for the City's Portion of the Regional Broadband Initiative Feasibility Study. Robbins provided background on the RBI board and stated that the contract approval was late in 2022, and the funds were not spent. Robbins stated that travel expenses have also been added to the contract. Robbins said the updated contract amount, including the travel expenses, is \$33,650.53. Robbins stated the contract would be paid with ARPA Funds. Robbins said staff recommends 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 council bill. Balogh made a motion to approve Council Bill #2023-13 with Ogden seconding and Ogden, Balogh, Lucas, Giddens, and Peterson voting aye on roll call vote.

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

Resolution #2023-11 Amending the Police Department's Law Enforcement Policy Manual. Campbell told Council that Lexipol maintains the department's policy manual. Campbell said that a one (1) time a year update is done instead of bringing several small changes throughout the year. Campbell discussed how the changes are decided. Campbell stated that the proposed changes were reviewed and approved by Woodman. Campbell said staff recommends 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. Lucas made a motion approving Resolution #2023-11 with Ogden seconding and all Council Members voting aye.

Mayor and Council Member Reports:

Giddens discussed speeding issues in Irish Hills on Kilkenny. Robbins responded to Giddens comments.

Mayor Steele thanked all the female staff for their hard work in appreciation of International Women's Day.

Adjourn:

Mayor Steele called for a motion to adjourn. Giddens made a motion to adjourn at 8:06 p.m. with Balogh seconding and all Council members voting aye.

Mayor

City Clerk

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

NIXA CITY HALL

March 27th, 2023 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 Darlene Graham. Matt Ogden 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 approve the consent agenda as presented, items a through b, with Lucas seconding and Lucas, Giddens, Peterson, Graham, and Balogh voting aye on roll call vote.

Service Awards:

Mayor Steele recognized Bradon Carr for his five (5) years of service to the City. Carr was not in attendance. Travis Cossey, Assistant Public Works Director, stated that Carr had transferred to the Water Department 18 months ago from the Utility Billing Department, where he was a meter reader. Cossey said Carr shows initiative, and the Water Department is happy to have him.

Awards & Recognition:

Jimmy Liles, City Administrator, told Council that the Finance Department had received multiple awards. Liles said the first (1st) award that was received was the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA). Liles stated this award was received for the work that was put into the annual comprehensive financial report. Liles said this is the highest form of recognition for financial reporting. Liles said the second (2nd) award is the Popular Annual Financial Report (PAFR) Award. Liles told Council the City's PAFR was submitted for review and graded on appeal, creativity, distribution methods, and various other elements. Liles thanked the Finance Department for their hard work in reporting and transparency.

Liles also told Council the third (3rd) award that was received is the Missouri Qualifications Based Selection Award which was awarded to the Public Works Department. Liles said this award is a result of a group effort between Public Works and the Purchasing Clerk, Stephanie Ewing. Liles stated that this award is given to cities with policies and procedures that are fair and consistent for selecting bids. Liles thanked Ewing for all her hard work.

Proclamation:

Mayor Steele read a proclamation proclaiming April 2nd as Autism Awareness Day. Executive Director of CC Links, Andrea Swope, accepted the proclamation. Swope stated that CC Links currently serves 600 citizens in Christian County, half of whom have autism. Swope said CC Links does advocacy and case management and is also a community resource for the individuals

they serve. Swope said they serve individuals starting at age three (3) through life. Swope thanked Council for the proclamation.

Ogden arrived at 7:15 p.m.

Visitors:

Ron Sanders, 976 Glen Oaks Dr., discussed the upcoming elections, sales tax proposal, and Home Rule Charter proposed changes. Sanders also discussed secure voting practices. Sanders provided information on Lincoln Days, which are in April. Council asked questions about Lincoln Days, with Sanders responding.

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

Council Bill #2023-16 Authorizing the City Administrator to Execute a Contract with Missouri Public Utility Alliance Resource Services Commission for Certain Materials and Services that May be Requested in the Future. Doug Colvin, Assistant City Administrator, and Public Works Director, told Council this bill is for an agreement with MPUA Resource Services Commission (RSC). Colvin said there might be an opportunity in the future to purchase products from the RSC. Colvin said this is for a Master Service Agreement with general terms and conditions and does not bind the City to anything. Colvin discussed the contract steps and processes. Colvin also provided information on bulk purchasing and the City's purchasing policy. Colvin said staff recommended approval. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed.

Council Bill #2023-17 Amending the 2023 Annual Budget to Appropriate Funds for the Wastewater Collection Inflow and Infiltration Reduction Program. Cossey told Council this was for a budget amendment due to when the invoice was received. Cossey said the work was performed in 2022, but the invoice was not received until 2023. Cossey provided background on inflow and infiltration. Cossey said the budget amendment would be for \$250,000. Cossey stated that another 175 manholes would have work done in 2023. Council asked Jennifer Evans, Finance Director, about budget amendments, with Evans responding. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed.

Council Bill #2023-18 Authorizing the City Administrator to Execute an Agreement with Enterprise Developments LLC to Warrant the Completion of Certain Public Improvements. Cossey stated this was a warranty agreement being offered by the developer of Copperleaf Phase 6. Cossey said that a subcontractor for the developer paved 500 linear feet of roadway after failing sub-grade inspections and in defiance of city inspections staff's instructions not to pave. Cossey stated that instead of tearing out the roadway, the contractor is offering to provide a letter of credit on the roadway for five (5) years. Cossey said the letter of credit would be \$110,147.21 with a four percent (4%) inflation rate increase yearly. Cossey told Council the escrowed monies could be used to fix the roadway if it were to fail. Cossey stated that staff and Nick Woodman, City Attorney, have reviewed the warranty agreement. Council asked questions, with Cossey responding. Council held a discussion. Council asked Woodman questions, with Woodman

responding. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed.

Council Bill #2023-19 Rezoning the Real Property Generally Located at the 1400 Block of West Mount Vernon Street From a General Commercial (GC) District to a High-Density Multi-Family Residential (R-3) District. Scott Godbey, Planning and Development Director, stated that this rezone is for Lot 12 of the Auburn Heights Subdivision, which is 1.87 acres. Godbey said this bill was before Council in February, where it received a 3-1 vote; however, an ordinance needs four (4) votes to be approved. Godbey stated that Council asked for this bill to be brought back so it could be heard before the full Council. Godbey said the property is vacant but does contain a large detention basin that serves the Auburn Heights Subdivision. Godbey told Council there is an R-1 structure to the south and west, Highway 14 to the north, and Nixa Public School's S.C.O.R.E. building to the east. Godbey said the proposed land use is consistent with the future land use map. Godbey stated there would be shared access to Highway 14, which will require MoDOT approval. Godbey discussed the Oakmont Lift Station, transformer lead times, and the stormwater detention basin. Godbey provided information on density standards for the site. Godbey said that neighbors voiced concerns at the Planning and Zoning Commission meeting. Godbey said the Planning and Zoning Commission voted 4-1 to approve the rezone, and staff also recommends approval. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed. Council discussed why this item was brought back to be heard by the full Council.

Council Bill #2023-20 Amending Chapter 22, Article IV, Section 22-310 of the Nixa City Code to Amend the Implementation Date for the Energy Cost Adjustments Applied to City Electric Rates. Colvin told Council this is a modification to the current electric rate ordinance passed in early 2022. Colvin provided background on the current ordinance. Colvin said the change would take place with customer billing in April 2023. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed.

Council Bill #2023-21 Authorizing the Execution of Several Agreements Related to a Certain Solar Power Electric Generating Facility. Colvin told Council three (3) agreements were being proposed that would allow for power purchase from the solar farm. Colvin said the MEC is in the process of purchasing the solar farm, and the three (3) attached agreements would be required to enter into the new agreement. Colvin discussed the termination agreement, interconnection agreement, power purchase agreement, monthly billing for power, and revenues/savings. Colvin said the City could take on 100% of the fixed and variable costs of the solar project. Colvin stated that the solar farm would stay on leased property. Colvin said the term of the agreement is anticipated to be 25 years but could go longer. Colvin stated that the cost of the agreements is initially higher but will lessen over time. Colvin provided information to Council on what would happen if Council chose not to enter into the agreements and the costs associated with the City purchasing the solar farm. Council held a discussion and asked Colvin to bring additional information to the second reading of this council bill. Council asked questions about insurance coverage with Penny Speak, Healy Law Offices, providing information on MEC bonds and insurance. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed.

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

Council Bill #2023-14 Approving the Preliminary Plat of the Willow Brook Subdivision Generally Located Along the 700 Block of South Elegant Drive and Authorizing Certain City Officials to Take Certain Actions Upon the Filing of a Final Plat. Godbey told Council the preliminary plat is for 17.73 acres in the Willow Brook Subdivision. Godbey said the property was rezoned in January 2023 to R-4. Godbey stated that the property would have 47 structures with 94 dwelling units and two (2) common areas. Godbey told Council that a traffic study would be needed for this property. Godbey said that neighbors made no comments at the Planning and Zoning Commission meeting; however, the Commission had comments about the egress onto the property. Godbey stated that the Planning and Zoning Commission voted 4-1 to approve, and staff also recommends 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 council bill. Giddens made a motion to approve Council Bill #2023-14 with Ogden seconding and Giddens, Peterson, Graham, Ogden, Balogh, and Lucas voting aye on roll call vote.

Council Bill #2023-15 Annexing Approximately 2.23 Acres of Real Property Generally Located at the Northwest Corner of the Intersection of South Gregg Road and West Glen Oaks Drive; Zoning Said Property to the R-1 Zoning District; and Amending Chapter 2, Article II, Section 2-28 of the Nixa City Code. Godbey stated that the property is two (2) acres and four (4) lots. Godbey told Council the property was originally platted in 1987. Godbey said the property is compact and contiguous to the Nixa City Limits. Godbey stated that the City would require another 10ft of right-of-way to comply with local street right-of-way requirements. Godbey said all of City utilities could serve the property. Godbey told Council that a large sinkhole on the property would require development and stormwater management. Godbey said that neighbors voiced their concerns at the Planning and Zoning Commission meeting, and the Commission had concerns with the sinkhole. Godbey stated that the Commission voted 5-0 to approve, and staff also recommended approval. Council asked questions, with Godbey 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 council bill. Lucas made a motion to approve Council Bill #2023-15 with Balogh seconding and Peterson, Graham, Ogden, Balogh, Lucas, and Giddens voting aye on roll call vote.

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

Resolution #2023-12 Amending the City's Personnel Code by Modifying Policy 7.1.17. Amanda Hunsucker, Human Resources Director, stated that the City's inclement weather policy had not been updated in the last 10 years. Hunsucker said a late start option was also being added to the policy. Council asked questions about the late start, 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. Lucas made a motion to approve Resolution #2023-12, with Graham seconding and all Council Members voting aye.

Resolution #2023-13 Designating Signers for Investment in Certificates of Deposit. Evans told Council she had been looking into CD rates from eight (8) banks across Nixa because CD rates generate more income than what is being made in the money market accounts. Evans said she invested ARPA funds and miscellaneous funds. Evans stated that \$3 million in ARPA Funds were invested with BluCurrent, who had an 11-month term at 4.76% interest rate. Evans said this left \$1,382,149.05 in the ARPA money market account. Evans stated that \$16,045,642.83 from the Electric, Water, Wastewater, and Street funds were invested in Simmons Bank, who had a 9-month term at 4.65% interest rate. Evans told Council the two (2) signers on the account would be herself and City Clerk Rebekka Coffey. 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 Resolution #2023-13, with Lucas seconding and all Council Members voting aye.

Resolution #2023-14 Accepting the Bid of Evoqua Water Technologies, LLC for the Purchase and Installation of Bioxide Tanks for the Lift Station Located at Bentwater and Bluebird Subdivisions Project and Authorizing the City Administrator to Execute a Contract for Same. Cossey provided information on Bioxide. Cossey said bioxide tank replacements were identified as a 2023 CIP project and is within budget with a bid of \$113,433.00. Cossey stated Evoqua was the City's vendor for bioxide. Cossey told Council staff is 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. Peterson made a motion to approve Resolution #2023-14, with Ogden seconding and all Council Members voting aye.

Resolution #2023-15 Authorizing the City Administrator to Execute a Settlement Participation Form to Enable the City to Participate in a National Opioid Settlement Agreement. Woodman stated that this resolution results from ongoing national opioid litigation. Woodman told Council the City has participated in two (2) previous agreements and has received funds from those. Woodman said the Attorney General for the States involved has to get a certain amount of participation to qualify for the settlement. Woodman stated staff recommends 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. Graham made a motion to approve Resolution #2023-15, with Lucas seconding and all Council Members voting aye.

Resolution #2023-16 Authorizing an Electric Energy Cost Adjustment Pursuant to Section 22-310 of the Nixa City Code. Colvin told Council this resolution would implement the 2023 energy cost adjustment. Colvin said all adjustments have to be approved by resolution. Colvin stated the adjustment would lessen the KW rate by \$0.006 (six tenths of a cent), and the credit would be valid from April 2023 through March 2024. Council asked questions of Colvin and Evans with, both 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 #2023-16, with Ogden seconding and all Council Members voting aye.

Liaison Report:

Lucas provided a liaison report for Human Resources (HR) and the Finance Department. Lucas stated the Human Resources Director is Amanda Hunsucker and said she has one (1) employee Christiana. Lucas provided information on what HR does for the City. Lucas said the City has 143 full-time employees and 35-40 part-time. Lucas stated HR's biggest challenge is hiring and retaining employees. Lucas congratulated the Finance Department on their awards and discussed the finance team. Lucas provided information on what Finance and Purchasing departments do for the City. Lucas explained what the new Enterprise Resource Planning system would bring to the City. Lucas provided information on the budget process. Lucas stated that Accounts Payable processes 180 invoices a week and has 1,143 active vendors. Council asked questions about the ERP system, with Evans responding.

Mayor and Council Member Reports:

Liles reminded Council to Vote on April 4th.

Evans stated that the Communications Department helped with the PAFR and thanked them for that help.

Matt Crouse, Parks Director, told Council the Easter Egg hunt would be on April 8th at McCauley Park.

Peterson said the Spring Drug Take Back Day would be April 22nd at Alps Pharmacy from 10 a.m. – 2 p.m.

Giddens asked for an update on the McCauley Park Playground, and Crouse provided an update. Council asked additional questions, with Crouse responding.

Adjourn:

Mayor Steele called for a motion to adjourn. Giddens made a motion to adjourn at 8:55 p.m., with Lucas seconding and all Council Members voting aye.

Mayor

City Clerk