

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

NIXA CITY HALL

November 13<sup>th</sup>, 2023 7:00 P.M.

The regular meeting of the Nixa City Council was called to order by Mayor Jarad Giddens. Attending were Council Members Kelly Morris, Matt Ogden, Shawn Lucas, Aron Peterson, Darlene Graham, and Zern Vess.

The Pledge of Allegiance was given.

## **Final Budget Presentation:**

Jennifer Evans, Finance Director, provided a draft budget book to Council. Evans reviewed changes that had been made to the budget since the last budget discussion. Evans said the following were added to the budget for 2024: the City Hall remodel, personnel calculations were finalized, a capital improvement project for Planning and Development, the kiosk installation costs, and an interfund activity column. Evans stated the Rotary Park pavilion and Cherry Street Stormwater projects were rolled over from the 2023 budget. Evans told Council the General Fund operations as a percentage was 96.73%, the Street Department was 55.52%, the Water Department was 81.94%, the Electric Department was 98.97%, and the Wastewater Department was 84.02%. Evans told Council that if they had any additional changes they would like made to the budget, to have them to her before the November 27th Council meeting. Evans stated the budget ordinance would be first read at the November 27th Council meeting and second read at the December 11th Council meeting.

## **Presentations:**

### **Chamber of Commerce:**

Whitney Guison, Chamber of Commerce Director, introduced herself to Council. Guison stated she took over the Director position in July. Guison told Council the Chamber is already planning Nixpo and the Sucker Day Committee. Guison said the Chamber has had weekly ribbon cuttings and that businesses are responding well to the Chamber's redirection.

### **Ellen Street Stormwater:**

Travis Cossey, Assistant Public Works Director, told Council staff has been looking at stormwater issues near 406 & 408 Ellen Street. Cossey provided background information on the two (2) properties. Cossey provided pictures to Council. Cossey discussed the stormwater conveyance system and said drainage easements were not built at the time these homes were developed. Cossey provided information on how water flows between the homes and into the surrounding area. Cossey discussed possible improvements and ways to make those improvements possible. Cossey stated that staff doesn't recommend taking on any of the funding for improvement suggestions due to not having a dedicated stormwater committee or dedicated funding. Cossey said that staff recommends helping the citizens address the problem by providing guidance and having Council look at adopting regulations not to allow fences in the stormwater and drainage easements. Council asked questions, with Cossey responding. Jimmy Liles, City Administrator, provided additional information.

## **Visitors:**

Jayson McKinney, 408 N Ellen, provided a handout to Council. McKinney discussed stormwater issues, drainage easements, and stormwater improvements needed near his home. McKinney told Council the City should take the burden of fixing the issues, not the homeowners.

Courtney McKinney, 408 N Ellen, thanked Council for listening to the issue. McKinney discussed the memo that was provided to Council by staff. McKinney spoke about drainage easements and asked questions about the drainage easement near her home. McKinney asked Council why the homeowners are responsible for fixing the drainage easement and the stormwater budget for 2024.

Robert and Rhonda Mead, 406 N Ellen, provided a handout to Council. The Mead's stated they had previously spoken to Council about stormwater issues near their home. The Mead's discussed the curb cut and stormwater drainage and fences. The Mead's stated they agreed with McKinney's comments.

Council asked Cossey questions about the stormwater issues discussed by the McKinney's and Mead's, with Cossey responding. Mayor Giddens asked Council to think about how they would like to proceed.

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

**Council Bill #2023-48** Rezoning the Real Property Generally Located at 306 South Market Street From a Single-Family Residential (R-1) District to a Two-Family Residential (R-4) District. Scott Godbey, Planning and Development Director, told Council this rezoning request was for 306 S Market Street. Godbey said that R-1 zoning is to the property's north, east, and south, and R-4 zoning is to the west. Godbey stated that a home on the property was demolished earlier this year. Godbey told Council that utilities are near and adequate to accommodate the rezone. Godbey discussed traffic on south Market Street. Godbey said there is a sinkhole directly to the east of the property. Godbey discussed stormwater and stated that this property's rezoning requires stormwater improvements to be made on-site. Godbey said that staff recommends approval. Godbey stated that a concerned neighbor discussed traffic safety and stormwater issues at the Planning and Zoning Commission meeting. Council asked questions, with Godbey responding. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed.

**Council Bill #2023-49** Amending the Woodfield Villas Planned Unit Development Overlay Zoning District, Generally Located in the 400 Block of South Truman Boulevard, by Incorporating Approximately 32.59 Acres of Additional Real Property into said Planned Unit Development. Godbey stated this planned unit development (PUD) was brought to Council in June and voted down by a vote of 3 to 2. Godbey told Council that R-4 zoning is to the north of the property and R-1 to the east, south, and west. Godbey said the original PUD was approved in 2008 and only encompassed lot 50. Godbey stated that the amendment would incorporate the adjacent property into the PUD. Godbey told Council that the adjacent property was rezoned in April 2019 from an R-1 district to an R-3 district. Godbey discussed the proposed density for the

PUD, the requested setback changes, and the height of the buildings. Godbey said that to help with neighbor's concerns with the PUD, the applicant has provided updated visuals as a part of the PUD documents. Godbey stated that this development will require a new sinkhole evaluation. Godbey told Council at the Planning and Zoning Commission meeting that one (1) neighbor spoke in favor of the PUD amendment. Godbey said the Planning and Zoning Commission voted unanimously to approve and staff also recommends approval. Council asked questions, with Godbey responding. Mayor Giddens opened the public hearing for comments.

Nathan Adams, 3213 SW Bypass, stated he was the engineer on this project. Adams stated they had a meeting with the neighbors, which went well. Adams said the renderings of the building that were shown to Council are based on architectural plans that have already been developed.

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

**Council Bill #2023-50** Rezoning the Real Property Generally Located at the Southwest Corner of South Gregg Road and West Care Avenue from a High-Density Multi-Family (R-3) Residential District to a Planned Unit Development. Godbey stated that this PUD is for mixed use with commercial and high-density multi-family. Godbey said the property is currently zoned R-3 high-density. Godbey stated that to the north and west of the property is high-density zoning, to the east is south Gregg and R-1 zoning, and to the south is R-1 zoning. Godbey said the applicant is requesting an increase in the maximum density to allow for 15 dwelling units and increase the maximum building height to 40 feet. Godbey showed Council renderings of what the buildings would look like. Godbey told Council that this project would have to conform to City stormwater standards. Godbey said that a traffic impact study for Gregg Road will be required. Godbey told Council that at the Planning and Zoning Commission meeting, one (1) property owner discussed privacy concerns. Godbey stated that the Planning and Zoning Commission voted unanimously to approve, and staff recommends approval. Council asked questions, with Godbey responding. Mayor Giddens opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., discussed travel time into Springfield and the addition of multi-family homes to the south side of Nixa.

Courtney Mckinney, 408 N Ellen, discussed the schools near this property and the increased traffic on Gregg Road due to adding businesses.

With no further comments, the public hearing was closed.

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

**Resolution #2023-53** Authorizing the City Administrator to Execute a Contract with Navigate Building Solutions, LLC, for Certain Professional Services Related to the Construction of a New Police Department Facility. Joe Campbell, Police Chief, said that due to the complexity of the Police Department building project, it will require the assistance of a project management company. Campbell stated that Navigate has the skills and knowledge to serve in this role. Campbell told Council the total project cost to build the new Police Department is \$15 million,

and Navigate's fee will be \$165,000, along with a monthly fee of \$16,300. Campbell said the agreement with Navigate also states that the total services can't exceed \$400,000. Campbell stated that the project's timeline is 14 months. Campbell told Council Navigate participates in a National Cooperative Purchasing Agreement, staff can bring this recommendation to enter into a contract by resolution without a formal bid procedure that would usually be required per the City's purchasing policy. Campbell said that staff recommends approval. Council held a discussion. Council asked questions, with Campbell responding. Liles provided additional information. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the resolution. Ogden made a motion to approve Resolution #2023-53, with Vess seconding and all Council Members voting aye.

**Resolution #2023-54** Authorizing the City Administrator to Execute a Contract with Allied Services, LLC, D/B/A Republic Services of the Ozarks, for the Purpose of Authorizing Same as the City's Approved Solid Waste Contractor Pursuant to Chapter 22, Article V of the Nixa City Code. Liles stated that the current trash contract expires at the end of 2023. Liles said the RFP for trash services closed on July 28th. Liles stated three (3) proposals were received, and a committee was used to evaluate the proposals. Liles discussed the evaluation process. Liles told Council the top two (2) candidates were interviewed. Liles said Republic Services was selected after the interview process, and a new contract was negotiated. Liles discussed provisions within the contract and the challenges Republic Services has faced in the last nine (9) months. Liles said that Republic Services completed a reroute of the City, and complaints have decreased since that reroute. Liles stated that staff recommends approval. Council asked questions, with Liles responding. Mayor Giddens opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., discussed performance breaches in the contract.

Liles provided additional information on large item pick-ups.

Jennifer Fagan, Republic Services Municipal Manager, provided information on trash carts and how drivers report no trash being placed on the curb. Council asked questions, with Fagan responding. Fagan said the reroute that trash and recycling pick-ups are on the same day has helped with complaints.

With no further comments, the public hearing was closed. Mayor Giddens called for a motion to approve the resolution. Peterson made a motion to approve Resolution #2023-54, with Graham seconding and all Council Members voting aye.

**Resolution #2023-55** Amending the City's Personnel Code by Modifying Policy 7.1.3, Policy 7.1.6, and Policy 7.1.7 for the Purpose of Adding Christmas Eve as a recognized City Holiday and Modifying Provisions Related to Vacation and Sick Leave Accrual for City Employees. Amanda Hunsucker, Human Resources Director, told Council during the CBIZ compensation and benefits survey that more time off for staff was recommended. Hunsucker stated the request in this resolution was to increase sick leave to 16 hours per year for a total of 96 accrued hours per year, effective January 1, 2024. Hunsucker said the resolution also recommends increasing vacation time for employees with 20 years or more of service by 40 hours for a total of 200

vacation hours, effective January 1, 2024. Hunsucker stated that the resolution also asks to add Christmas Eve as a recognized holiday, effective immediately. Council asked questions, with Hunsucker responding. Liles provided additional information. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the resolution. Ogden made a motion to approve Resolution #2023-55, with Lucas seconding and all Council Members voting aye.

**Mayor and Council Member Reports:**

Mayor Giddens asked for a Utility Billing update. Liles provided information on recent news coverage and staffing issues. Mayor Giddens stated the Mayor's Tree Lighting would be December 1st at 6:00 p.m. at McCauley Park, the Christmas Parade would be December 3rd at 2:00 p.m., and the Chamber of Commerce Ribbon Cutting and Open House would be Thursday, November 16th at 4:30 p.m.

Rebekka Coffey, City Clerk, reminded Council that City Hall would be closed November 23rd and 24th for Thanksgiving.

**Adjournment:**

With no further business, Mayor Giddens adjourned the meeting at 8:54 p.m.

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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 27<sup>th</sup>, 2023 7:00 P.M.**

The regular meeting of the Nixa City Council was called to order by Mayor Jarad Giddens. Attending were Council Members Kelly Morris, Matt Ogden, Shawn Lucas, Aron Peterson, Darlene Graham, and Zern Vess.

The Pledge of Allegiance was given.

Mayor Giddens presented Ayden Keating with a newly adopted City flag.

Mayor Giddens discussed Council Bill #2023-39. Mayor Giddens stated there was a restraining order on the Council and the property owner, and due to that restraining order, he would be asking Council to vote to postpone Council Bill #2023-39 until the December 11th Council meeting. Lucas made a motion to postpone Council Bill #2023-39 until the December 11th Council meeting, with Peterson seconding and Lucas, Peterson, Vess, Morris, and Ogden voting aye on roll call vote. Graham abstained from the vote.

## **Consent Agenda:**

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

## **Service Awards:**

Mayor Giddens recognized Josh Barton for his 10 years of service to the City. Joe Campbell, Police Chief, told Council Barton was in the Operations Bureau as a Squad 2 Sargent. Campbell said Barton had served many roles within the organization in his time with the City. Campbell stated Barton was well respected and looked forward to many more years.

## **Visitors:**

Ron Sanders, 976 Glen Oaks Dr., discussed drafts of the Constitution and Declaration of Independence. Sanders stated that the local government should help citizens with taxes. Sanders thanked Council for their work protecting citizens.

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

**Council Bill #2023-51** Authorizing the City Administrator to Execute an Engineering Services Contract with Olsson Engineering for the Multi-Use Path Along Cheyenne Road. Jeff Roussell, Street Superintendent, stated this council bill was needed to begin the next steps of the Cheyenne Road multi-use path that Council approved a grant application for earlier this year. Roussell said this grant is an 80/20 split for the project. Roussell told Council Olsson was the most qualified

engineering firm based on bid documents. Roussell said staff recommends approval. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed.

**Council Bill #2023-52** 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 is an annual ordinance for debt service authorization. Evans said the outstanding balance for the Northwest Sewer Lift Station is \$175,000, and next year's payment with interest is \$123,913. Evans stated that this bond will mature in June 2025. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed.

**Council Bill #2023-53** Adopting the 2024 Operating and Capital Budget for the City. Evans told Council that the budget book was provided to Council and citizens in the Council packet. Evans said that Jimmy Liles, City Administrator, had included his budget memo with the budget book. Evans discussed each department's revenues, expenses, and unrestricted cash balances. Evans said the City's overall total revenue is budgeted at \$53,229,421, the total for expenses is \$70,225,714, and the total ending cash balance is \$21,328,342. Council asked questions, with Liles responding. Mayor Giddens 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 #2023-48** Rezoning the Real Property Generally Located at 306 South Market Street From a Single-Family Residential (R-1) District to a Two-Family Residential (R-4) District. Scott Godbey, Planning and Development Director, told Council the current zoning for this property is R-1 single-family, and the applicant is asking the zoning be changed to R-4 multi-family, which is used for duplex or patio homes. Godbey said R-4 zoning is across the street, and R-1 zoning is also surrounding the property. Godbey stated that the structure on the property was demolished earlier this year. Godbey said there is a sinkhole on the property, and stormwater improvements will be required. Godbey stated that the local roads are adequate. Godbey told Council at the Planning and Zoning Commission meeting that neighbors voiced concerns about stormwater and traffic. Godbey said the Planning and Zoning Commission voted 5-0 to recommend approval, and staff also recommends approval. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the council bill. Ogden made a motion to approve Council Bill #2023-48 with Vess seconding and Peterson, Graham, Vess, Morris, Ogden, and Lucas voting aye on roll call vote.

**Council Bill #2023-49** Amending the Woodfield Villas Planned Unit Development Overlay Zoning District, Generally Located in the 400 Block of South Truman Boulevard by Incorporating Approximately 3.59 Acres of Additional Real Property into said Planned Unit Development. Godbey stated that this property is located on south Truman. Godbey told Council Lot 50 already has an approved PUD overlay that allows for apartment building. Godbey stated that the applicant is requesting to amend the existing PUD and add the 3.59 acres to the east to

the PUD. Godbey discussed the first round of reading and the subsequent failure of the request by Council earlier this year. Godbey provided information on the changes that the applicant is requesting for the PUD. Godbey said at the Planning and Zoning Commission meeting that one (1) neighbor approached the Commission and voiced approval of the PUD. Godbey showed Council proposed building site renders submitted by the applicant. Godbey said that staff recommends approval. Mayor Giddens opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., asked questions about building standards, with Godbey responding.

With no further comments, the public hearing was closed. Mayor Giddens called for a motion to approve the council bill. Ogden made a motion to approve Council Bill #2023-49 with Peterson seconding and Graham, Vess, Morris, Ogden, Lucas, and Peterson voting aye on roll call vote.

**Council Bill #2023-50** Rezoning the Real Property Generally Located at the Southwest Corner of South Gregg Road and West Care Avenue from a High-Density Multi-Family (R-3) Residential District to a Planned Unit Development. Godbey told Council this PUD would be mixed-use, allowing for commercial space on the bottom of the building and multi-family space on top. Godbey said that to the north and west of the property is multi-family zoning, and to the south and east is single-family zoning. Godbey stated that the applicant is asking for increased max density and building height. Godbey said the project will have to conform to current stormwater management standards and will have to provide a traffic study. Godbey told Council staff recommends approval. Godbey showed a site rendering to Council that the applicant provided. Council asked questions, with Godbey responding. Mayor Giddens opened the public hearing for comments.

Al Kenngott, 490 S Gregg, told Council he lives near the development. Kenngott discussed the proposed building height and traffic issues.

With no further comments, the public hearing was closed. Council held a discussion. Mayor Giddens called for a motion to approve the council bill. Ogden made a motion to approve Council Bill #2023-50 with Morris seconding and Vess, Morris, Ogden, Lucas, and Peterson voting aye on roll call vote. Graham voted nay on roll call vote.

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

Mayor Giddens reminded everyone that the Mayor's Tree Lighting is December 1st at 6:00 p.m. at McCauley Park, and the Christmas Parade is December 3rd at 2:00 p.m. Morris said the Junior High Craft Fair was December 1st and 2nd.

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

Peterson made a motion to adjourn to closed session pursuant to RSMo 610.021 (1), (2), (3), & (13) in which the Council will discuss legal actions, causes of action and confidential and privileged communications with their attorney, the leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore and discuss the hiring, firing, disciplining, or promoting of 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 with Lucas seconding and Morris, Ogden, Lucas, Peterson, Graham, and Vess voting aye on roll call vote.

The meeting will be considered closed at the end of the closed session.

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Mayor

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City Clerk