

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

**NIXA CITY HALL**

**December 11<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 Shawn Lucas, Aron Peterson, Darlene Graham, and Zern Vess. Kelly Morris and Matt Ogden were absent.

Morris arrived at 7:04 p.m.

The Pledge of Allegiance was given.

## **Consent Agenda:**

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

## **Service Awards:**

Mayor Giddens recognized James Deaver for his five (5) years of service to the City. Joe Campbell, Police Chief, told Council Deaver has served many critical roles during his time with the City. Campbell said Deaver is currently in the Operations Division and has earned his bachelor's in criminal justice. Campbell stated that Deaver has won the merit and life savings award. Campbell thanked Deaver for his years of service.

Mayor Giddens recognized Matt Huddle for his five (5) years of service to the City. Huddle was not in attendance. Jeff Roussell, Street Superintendent, stated that Huddle was always eager to learn and wants to be involved. Roussell said Huddle has a bright future and looks forward to working with him in the future.

## **Visitors:**

Mark Anderson, 301 West St., spoke about parking problems downtown and asked what the City has planned for parking in the future. Anderson provided an update on the development downtown. Anderson asked about the Downtown Master Plan. Mayor Giddens responded to Anderson's comments, and Jimmy Liles, City Administrator, provided additional information.

Ron Sanders, 976 Glen Oaks Dr., discussed gratitude and current world events. Sanders thanked Council for their service.

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

**Council Bill #2023-54** Declaring the Necessity of Acquiring by Condemnation Certain Property Rights Over, Under, and Through Certain Real Estate for the Purpose of Construction and Maintaining the West Regional Collection System; and Authorizing Certain City Officials to do All Things Necessary or Convenient to Carry Out the Terms and Intent of this Ordinance. Travis Cossey, Assistant Public Works Director, told Council that 18 months ago, engineering services were sought to help design a new regional lift station. Cossey said the existing Oakmont Lift station is at capacity. Cossey stated that in 2022, a CIP project was approved for a new regional lift-station design project to accommodate growth in the west and southwest portion of town. Cossey told Council that the preliminary designs for the new lift station are complete. Cossey said that in February of 2023, discussions with property owners began to acquire the property and easements needed for the lift station. Cossey stated that three (3) property owners were unwilling to agree to easement rights. Cossey told Council that to move forward with the project, condemnation would be needed for those three (3) properties. Cossey stated that staff would continue to work with the property owners while this ordinance is under consideration or if approved. Cossey said this ordinance is a tool to keep the lift-station project moving forward. 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 #2023-39** Approving the Preliminary Plat of the Subdivision Known as the Spence Amended Addition to Glen Oaks Estates Replat of Lots 1, 2, 3, and 4, Spence Addition to Glen Oaks Estates Generally Located at the Northwest Corner of the Intersection of South Gregg Road and East Glen Oaks Drive and Authorizing Certain City Officials to Take Certain Actions Upon the Filing of a Final Plat. Scott Godbey, Planning and Development Director, stated that this preliminary plat was to make four (4) lots into six (6) lots in Glen Oaks Estates. Godbey said there is a sinkhole on the West side of the property, and the sinkhole evaluation that was submitted with the preliminary plat application was up to City sinkhole standards. Godbey provided a background on Council Bill #2023-39. Godbey said staff does not recommend approval because the property owner's business LLC has been administratively dissolved or revoked by the State of Missouri. Mayor Giddens opened the public hearing.

Ron Sanders, 976 Glen Oaks Dr., stated he thought it was odd that a business with no license was trying to conduct business.

With no further comments, the public hearing was closed. Council asked questions with Nick Woodman, City Attorney, providing information on a pending lawsuit and preliminary injunction against the City and property owner. Mayor Giddens called for a motion to approve the council bill. Lucas made a motion to approve Council Bill #2023-39 with Vess seconding and Lucas, Peterson, Graham, Vess, and Morris voting nay on roll call vote. Council Bill #2023-39 failed.

**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. Rousell told Council this contract would provide construction, construction design engineering, and

construction inspections for the Cheyenne Road multi-use path. Roussell said five (5) bids were received during the RFQ process, and Olsson was the most suitable for the project. Roussell stated that the City has worked with Olsson in the past. Roussell said that staff recommends approval. Council asked questions, with Roussell responding. Council held a discussion. 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. Peterson made a motion to approve Council Bill #2023-51, with Morris seconding and Peterson, Graham, Vess, Morris, and Lucas voting aye on roll call vote.

**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, stated that this is an annual ordinance for the Northwest Sewer Lift Station payment. Evans said the outstanding balance is \$175,000, and the 2024 payment is \$123,913. Evans told Council that the debt matures on June 21, 2025. 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. Graham made a motion to approve Council Bill #2023-52, with Vess seconding and Graham, Vess, Morris, Lucas, and Peterson voting aye on roll call vote.

**Council Bill #2023-53** Adopting the 2024 Operating and Capital Budget for the City. Evans stated that this council bill would adopt the City's 2024 operating and capital budgets. Evans told Council that no changes had been made to the bill since it was first read at the November 27th meeting. Mayor Giddens thanked staff for their work on the budget. 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. Morris made a motion to approve Council Bill #2023-53 with Lucas seconding and Vess, Morris, Lucas, Peterson, and Graham voting aye on roll call vote.

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

**Resolution #2023-56** Authorizing the Destruction of Certain Records Which Have Met Retention. Rebekka Coffey, City Clerk, told Council this is an annual ordinance to destroy records that have met retention. Coffey said the Local Records Office maintains a retention schedule that is followed, and all records requesting to be destroyed have met the retention schedule. Coffey stated that due to the remodel needed to accommodate Utility Billing moving into City Hall, a more detailed review of the records was performed this year. Coffey told Council that there was a little more than double the number of records being destroyed this year than in the past due to the more detailed review of the records. 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. Peterson made a motion to approve Resolution #2023-56, with Graham seconding and all Council Members voting aye.

**Resolution #2023-57** Amending the City's Personnel Code by Modifying Policy 7.1.3 for the Purpose of Modifying the Holiday Leave Accrual Rate for Commissioned Police Officers. Amanda Hunsucker, Human Resources Director, told Council at the November 13th meeting

Council approved the 13th holiday for city staff. Hunsucker said this resolution is to adjust the accrual rate for police officers so they get the same number of holiday hours as the rest of the staff. 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. Lucas made a motion to approve Resolution #2023-57, with Morris seconding and all Council Members voting aye.

**Resolution #2023-58** Adopting the 2024-2028 Capital Improvement Program. Evans told Council this resolution is to approve the five (5) year Capital Improvement Plan. Evans said there is an explanation sheet for each project that is requested. 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. Lucas made a motion to approve Resolution #2023-58, with Peterson seconding and all Council Members voting aye.

### **Discussion Items – New Business:**

#### **Planning and Zoning Commission Appointment Process**

Mayor Giddens discussed the Planning and Zoning Commission appointment process and the changes he would like to make to that process. Mayor Giddens stated that the changes would make the process more visible to the public and give citizens more opportunities to apply to serve. Mayor Giddens stated he would like to create a committee of the Council to review applications. Woodman provided additional information and asked for direction from Council on how to proceed, as this change would have to be reflected in the City's code. Liles provided additional information. Council held a discussion and asked additional questions, with Woodman responding. Coffey and Liles provided additional information. Council held another discussion. Council directed code changes were to be brought back by the next regular meeting.

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

Peterson asked that the sidewalk on Old Wilderness from Highway 14 to the Cox Clinic be revisited. Colvin provided information on the original project. Council held a discussion. Liles provided additional information.

Mayor Giddens discussed the Tour of Lights and thanked everyone for their work in 2023.

Liles stated that the Chamber Lunch was Tuesday, December 12th. Liles reminded Council that there was a Comprehensive Plan Workshop with the Planning and Zoning Commission on Tuesday, the 12th. Liles stated that this was the last meeting of the year and that the next meeting would be January 8th, 2024.

Vess said City Offices would be closed on December 22nd and 25th for Christmas. Vess reminded Council that the employee Christmas lunch would be December 21st. Matt Crouse, Parks Director, stated the XCenter would be open on December 22nd and closed on December 24th and 25th.

**Adjournment:**

Peterson made a motion to adjourn to closed session pursuant to 610.021 (1), (3), & (13) RSMo in which the Council will discuss legal actions, causes of action, and confidential and privileged communications with their attorney 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, Lucas, Peterson, Graham, and Vess voting aye on roll call vote.

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Mayor

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City Clerk

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

**NIXA CITY HALL**

**December 12<sup>th</sup>, 2023 5:30 P.M.**

The special meeting of the Nixa City Council was a comprehensive plan workshop alongside the Planning and Zoning Commission. The meeting was called to order by Mayor Jarad Giddens. Attending were Council Members, Shawn Lucas, Aron Peterson, Darlene Graham, and Zern Vess. Kelly Morris and Matt Ogden were absent. Also attending were Planning and Zoning Commissioners Loren Winter, Brian Popejoy, Derris Butler, and Matt Lander.

Mayor Giddens welcomed the group to the first comprehensive plan workshop meeting. Scott Godbey, Planning and Development Director, introduced the Olsson Studios team that would be facilitating the meeting. Shelby Ferguson, Adam Rankin, and Eric Lander introduced themselves and discussed their role with Olsson Studios.

Ferguson discussed what a comprehensive plan was to the group. Ferguson provided a background on the City's current comprehensive plan and the purpose of the comprehensive plan workshops and project. Ferguson said the comprehensive plan topics included land use, transportation, utilities, economic development, and quality of life. Ferguson discussed what would be included in the comprehensive plan and what would not be included in the plan. Ferguson provided information on the project timeline. The group asked questions, with Ferguson responding. Ferguson discussed a recap of the marketing, outreach, and public participation. Commissioner Winter asked questions, with Ferguson responding. Ferguson discussed the Planning Partnerships, including City leadership, the Stakeholder Committee, and the Technical Committee. Ferguson provided details on the stakeholder events with Jimmy Liles, City Administrator, asking questions and Ferguson responding. Ferguson provided details on the public participation events with Popejoy asking questions and Ferguson responding.

Rankin told the group that Olsson Studios was nearing the end of the discovery and collecting data phase. Rankin discussed the planning area, existing zoning, transportation network, and natural features. Rankin said data from Nixa's Planning and Development, FEMA, and other data sources were gathered and verified by Godbey. Rankin stated the data gathered will be provided to the Stakeholder Committee.

Lander said he had been working with Olsson Studios for 20 years and would be providing the Economic and Market Analysis Summary. Lander discussed housing, economic development, the demographics of Nixa, and the economic condition of Nixa. Lander stated the economic and market analysis would be comprised of three (3) major sections: the economic and demographic conditions, real estate market trends, and real estate demand projections. Lander discussed employment by sector, population growth trends, age distribution, household compositions, education attainment, household income, retail market trends, office market trends, industrial market trends, housing market trends, apartment market trends, real estate demand projections, and downtown development. The group asked questions, with Lander responding.

Mayor Giddens called for a five (5) minute break at 6:42 p.m. The meeting was called to order at 6:51 p.m.

Ferguson facilitated a group visioning exercise. Ferguson discussed the visioning workshop with the stakeholders. Mayor Giddens discussed the group activity.

With no further discussion, Mayor Giddens adjourned the meeting at 8:11 p.m.

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Mayor

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City Clerk