

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

NIXA CITY HALL

January 8th, 2024 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.

Awards & Recognition:

Jimmy Liles, City Administrator, discussed the employee rewards program. Liles told Council the first employee award being presented was the Team Player award to Tyler Duvall from the Police Department. Liles read Duvall's nomination and discussed what a team player means. Liles told Council the next award being presented was the Innovation Award to Damian Smith from the Street Department. Liles read Smith's nomination and discussed what innovation means. Liles told Council the next award being presented was the Customer Service award to Elizabeth Gibson from Administration. Liles read Gibson's nomination and said Gibson had been nominated multiple times for this award. Liles told Council that the final award being presented was the Employee of the Year award. Liles discussed how the employee of the year was selected from the nominations from each of the previous award nominees. Liles stated that the Employee of the Year was Craig Donaldson from Public Works. Liles read Donaldson's nomination. Mayor Giddens congratulated all the awards winners.

Visitors:

Ron Sanders, 976 Glen Oaks Dr., discussed voting, ballots, and primary election votes.

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

Council Bill #2024-01 Amending the 2024 Annual Budget for the Purpose of Funding the Installation of New Sidewalk and Street Lighting Improvements Along Old Wilderness Road. Doug Colvin, Assistant City Administrator and Public Works Director, stated that this budget amendment would affect the Electric and Street Departments. Colvin said that in 2020, a proposed sidewalk was presented to build a sidewalk in conjunction with the Wasson Development. Colvin said the sidewalk would be from the Cox Clinic to Highway 14. Colvin told Council the design of the sidewalk was completed, but there were issues getting the right-of-way and construction easements. Colvin stated that there were neighbors opposed to the sidewalk, and due to that opposition, the project was not pursued. Colvin stated that a Council member asked for this item to be brought back. Colvin said that updated design plans would be needed, along with a title search and new appraisals. Colvin stated that easements would also need to be obtained. Colvin told Council the budget amendment would be \$316,500 for the sidewalks for the Street Department and \$34,650 for lighting for the Electric Department. Council asked questions, with Colvin responding. Council held a discussion. Mayor Giddens

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

Council Bill #2024-02 Amending Chapter 2, Article II, Division 5, Sections 2-40 and 2-43 for the Purpose of Establishing an Appointments Committee of the Council and Adopting Procedures Related Thereto. Nick Woodman, City Attorney, stated at the January 8th meeting that Mayor Giddens asked for an Appointments Committee to be created. Woodman stated that this Appointments Committee would be tasked with making recommendations for the Planning and Zoning Commission. Woodman said the committee would have 30 days from the date of the Mayor's referral to provide a recommendation to the full Council. Woodman told Council that this ordinance would also modify the City Code. Woodman said the changes to section 2-43 are to make the Mayor an ex officio non-voting committee member, providing for how many members of Council are appointed to the committee, and that the Mayor is authorized to appoint the chairs of the committee with Council's approval. Woodman stated that the change to section 2-40 is to provide a way in which the Council can remove members of committees. Woodman said staff recommends approval. Council asked questions, with Woodman responding. Mayor Giddens opened the public hearing, with no comments made, the public hearing was closed.

Council Bill #2024-03 Calling for an Election to be Held on April 2, 2024 to Submit to the Qualified Voters the Question of Imposing an Additional Three Percent Sales Tax on All Tangible Personal Property Retail Sales of Non-Medical Adult Use Marijuana; Authorizing the City Clerk to do All Things Necessary and Convenient to Submit Said Question to the Qualified Voters of the City; and Providing for the Enactment of Said Tax If Approved. Woodman told Council that on November 8, 2022, voters approved Constitutional Amendment #3, which legalized recreational marijuana in the State of Missouri. Woodman stated that Constitutional Amendment #3 also allows voters to approve an additional three percent (3%) sales tax on marijuana. Woodman told Council this ordinance would allow for the approval of the sales tax to be placed on the April 2nd election ballot. 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 #2023-54 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, stated this ordinance was first (1st) read at the December 11th, 2023 Council Meeting. Cossey discussed the West Regional Collection System that will be built southwest of the City. Cossey stated that staff began acquiring easements for this system in February 2023 and are unable to secure three (3). Cossey said staff is asking for condemnation on these properties so the project can stay on schedule. Mayor Giddens opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., stated he would like to hear from the property owners about why they wouldn't give the easement and discussed condemnation. Mayor Giddens responded to Sanders comments.

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 #2023-54 with Lucas seconding and Ogden, Lucas, Peterson, Graham, Vess, and Morris voting aye on roll call vote.

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

Resolution #2024-01 Authorizing the City Administrator to Execute a Contract with Axon Enterprises, Inc., for Services Related to the Police Department's Digital Evidence Library and In-Car Camera Video and Distribution Systems. Joe Campbell, Police Chief, told Council that in July of 2023, staff was made aware that the current software that is used for the digital evidence library and in-car camera video and distribution systems was being discontinued. Campbell said that staff began looking at other options besides the current manufacturer's suggestions. Campbell stated that Axon became the best option. Campbell told Council that a CIP project for a Digital Evidence Library and In-Car Video and Distribution System was approved in the 2024 budget. Campbell said the five (5) year total payment is \$352,512.20, with the first (1st) year payment being \$66,083.30. Campbell said this contract is being brought forth via a co-op bid, bypassing the formal bidding process that is part of the city's purchasing policy. Council held a discussion. Council asked questions, with Campbell responding. 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. Graham made a motion to approve Resolution #2024-01, with Lucas seconding and all Council Members voting aye.

Mayor and Council Member Reports:

Mayor Giddens stated there were six (6) or seven (7) applicants for the open Planning and Zoning Commission seat. Mayor Giddens stated he would like one (1) member from each district to serve on the Appointments Committee. Mayor Giddens appointed Lucas, Ogden, and Morris to serve on that Committee.

Vess stated that City Offices would be closed on January 15th. Vess reminded Council that the February meeting dates had been moved. Rebekka Coffey, City Clerk, stated that the first meeting in February would be February 6th, and the second meeting in February would be February 19th.

Crouse provided an update on the pool and discussed the pool's engineered plans. Crouse told Council there would be a resolution to bid on the pool project at the January 22nd Council meeting. Liles provided additional information.

Adjournment:

With no further comments, Mayor Giddens adjourned the meeting at 7:54 p.m.

Mayor

City Clerk

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

NIXA CITY HALL

January 22nd, 2024 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, Shawn Lucas, Aron Peterson, Darlene Graham, and Zern Vess. Matt Ogden was absent.

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 Award:

Mayor Giddens recognized Cindy Robbins for her 35 years of service to the City. Mayor Giddens stated Robbins was unbelievably helpful and a wealth of knowledge. Jimmy Liles, City Administrator, jokingly said Robbins was halfway to retirement. Liles stated Robbins had the second (2nd) longest tenure with the city. Liles said Robbins is the City's business liaison, L.E.A.D coordinator and serves on multiple boards and commissions. Liles told Council Robbins is all about serving the city.

Mayor Giddens discussed Resolution #2024-03, stating there would not be a quorum to vote on this resolution due to members of the Council having to recuse due to conflicts of interest. Mayor Giddens called for a motion to postpone the resolution until the Council Meeting on February 6th, 2024. Lucas made a motion to postpone Resolution #2024-03 to the February 6th, 2024, Council Meeting with Morris seconding and Vess, Morris, Lucas, Peterson, and Graham voting aye on roll call vote.

Presentation – Southwest Missouri Water:

Travis Cossey, Assistant Public Works Director, introduced Rodney Rogers, Director of Southwest Missouri Water (SWMO Water), providing background on Rogers professional career. Cossey discussed Resolution #2024-06, which would be presented later in the meeting. Rogers told Council that SWMO Water is about securing water for the future. Rogers discussed Water 10, the hydrologic cycle, and drought. Rogers told Council about SWMO Water and their commission members. Rogers said the objective of SWMO Water is to develop a quality water resource to meet the region's needs. Rogers discussed why water resources are needed and how much water it takes to do everyday things. Rogers told Council that aquifers are shrinking. Rogers discussed increases in water demands and the value of water. Rogers provided a background on SWMO Water. Rogers stated there is a 53-million-gallon gap in water needs between what we have and need. Rogers discussed the 2020 water relocation study cost versus the 2024 costs. Rogers provided information on water's regional economic development impact

on the area. Rogers discussed what would need to be done to get the water from Stockton Lake and the challenges of this project. Rogers stated that the City is a great participant in SWMO Water. Rogers said SWMO Water asked for 94,750 acres of feet for water storage, which is half of the region's water needs. Rogers told Council this storage area would cost \$2.7 million and would cost the City two (2) or three (3) percent of the \$2.7 million. Rogers discussed the next steps of securing the water storage through SWMO Water.

Visitors:

Whitney Guison, Chamber of Commerce Director, provided Council with a Chamber update. Guison stated the first (1st) Chamber Chat would happen on January 26th, beginning at 10:30 a.m. Guison said the Nixies Gala would be on February 10th. Guison told Council the Chamber is looking to create training for the public and business.

Ron Sanders, 976 Glen Oaks Dr., discussed character and thanked Robbins for her service.

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

Council Bill #2024-04 Declaring the Necessity of Acquiring by Condemnation Certain Property Rights Over, Under, and Through Real Estate for the Purpose of Construction and Maintaining Stormwater and Erosion Control Improvements; and Authorizing Certain City Officials to do all Things Necessary or Convenient to Carry Out the Terms and Intent of this Ordinance. Nick Woodman, City Attorney, stated that this ordinance and easement are related to a subdivision that Council approved on January 19th, 2022. Woodman told Council there is current litigation over a drainage easement and discussed that drainage easement. Woodman said the property owner is trying to get the easement voided. Woodman stated that the City had tried to acquire the easement with an offer that was not accepted. Woodman told Council that staff is now looking to acquire the easement by eminent domain. Woodman said staff recommends approval. Council asked questions, with Woodman 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 #2024-01 Amending the 2024 Annual Budget for the Purpose of Funding the Installation of New Sidewalk and Street Lighting Improvements Along Old Wilderness Road. Doug Colvin, Assistant City Administrator and Public Works Director, stated that this council bill is to amend the 2024 budget. Colvin said that if approved, the budget amendment would be used to install 2,200 sqft of sidewalk and lighting. Colvin stated that the sidewalk installation would connect Wasson Development with Highway 14. Colvin provided an overview of the project's cost. Colvin told Council the total budget amendment for the Street Department would be \$316,500, and the total budget amendment for the Electric Department would be \$34,650 for a total of \$351,150. Colvin said that staff 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. Peterson made a motion to approve

Council Bill #2024-01 with Lucas seconding and Lucas, Peterson, Graham, Vess, and Morris voting aye on roll call vote.

Council Bill #2024-02 Amending Chapter 2, Article II, Division 5, Sections 2-40 and 2-43 for the Purpose of Establishing an Appointments Committee of the Council and Adopting Procedures Related Thereto. Woodman told Council this council bill was first (1st) read at the January 8th, 2024 meeting. Woodman said this bill, if approved, would establish a standing Council committee for Planning and Zoning Commission appointments. Mayor Giddens provided details on the committee. 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. Lucas made a motion to approve Council Bill #2024-02 with Morris seconding and Peterson, Graham, Vess, Morris, and Lucas voting aye on roll call vote.

Council Bill #2024-03 Calling an Election to be Held on April 2, 2024 to Submit to the Qualified Voters the Question of Imposing an Additional Three Percent Sales Tax on All Tangible Personal Property Retail Sales of Non-Medical Adult Use Marijuana; Authorizing the City Clerk to do All Things Necessary and Convenient to Submit Said Question to the Qualified Voters of the City; and Providing for the Enactment of Said Tax If Approved. Woodman stated that this council bill, if approved, would put on the ballot the question of whether the City should levy an additional three percent (3%) sales tax on recreational marijuana. Woodman said this tax is the result of the State voters' approval of Amendment 3. Council asked questions, with Woodman responding. 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 #2024-03 with Vess seconding and Graham, Vess, Morris, Lucas, and Peterson voting aye on roll call vote.

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

Resolution #2024-02 Authorizing the City Administrator to Solicit Qualifications for Services Related to the Repair of the Nixa Aquatics Center. Matt Crouse, Parks Director, discussed the special meeting for this resolution that had been scheduled for January 17th. Crouse told Council the special meeting had to be canceled due to engineered plans not being submitted on time for the meeting. Crouse said the recirculation system is the issue with the current pool. Crouse discussed the demolition of the current pool and the repairs and upgrades that would be done during the repair. Crouse showed Council drawings and discussed the shallow water play area within the pool and the new spray pad located just outside the pool area. Crouse told Council that this project would also repair/upgrade the pool pumphouse. Crouse stated that the timeline in the bid will give the contractor until April 1st to complete the repairs for the pool and until May to complete the splash pad. Crouse said the engineer has voiced concerns about getting the play structure for the pool on time and has recommended the City order the structure now to keep the project moving forward. Crouse stated that the bid would be open for two (2) weeks. Liles provided additional information on the pumphouse and stated that impact fees would be used to pay for the splash pad. Council asked questions, with Crouse responding. 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. Graham made a motion to approve Resolution #2024-02, with Peterson seconding and all Council Members voting aye.

Resolution #2024-04 Consenting to the Mayor's Appointment of Shawn Lucas, Matt Ogden, and Kelly Morris to the City Council Appointments Committee. Woodman stated that Council Bill #2024-02 approved the Appointments Committee and that this resolution would appoint Lucas, Ogden, and Morris to that Committee. Woodman said that Lucas would be the Chair of the Committee. 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 #2024-04, with Vess seconding and all Council Members voting aye.

Resolution #2024-05 Authorizing the City Administrator to Solicit Qualifications for Professional Design Services for the New Police Department Facility. Joe Campbell, Police Chief, stated the RFQ for this project was drafted with the help of Navigate. Campbell discussed the scope of work for this project and the conceptual drawings. Campbell said that after the bids are received, a short list will be made and reviewed with Navigate's help. Campbell said the timeline for this bid is to begin in late January and finish in late March. 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 #2024-05, with Morris seconding and all Council Members voting aye.

Resolution #2024-06 Authorizing the City Administrator to Execute a Memorandum of Understanding with Southwest Missouri Joint Municipal Water Commission ("JMUC") Regarding Reallocated Water Storage Space in Stockton Lake. Cossey stated that the City has been working on water allocation for future growth for 20 years. Cossey said that because of JMUC, the city is close to receiving two-point six percent (2.6%) of a 38-million-gallon water allocation, yielding approximately 1 million gallons of water per day. Cossey told council that if the purchase of water is approved by the Corps of Engineers (COE), then the City will have to sign a 30-year contract through JMUC to pay for the water allocation. Cossey said the 30-year contract will have a yearly payment of \$72,368 to JMUC. Cossey stated that this resolution would allow for a non-binding MOU to be signed, providing SWMO Water with our level of commitment to the two-point six percent (2.6%) water allocation. Cossey told Council the MOU is needed to secure the water allocation, and the JMUC contract for the water allocation will follow. Council asked questions, with Cossey responding. Rogers provided additional information. Mayor Giddens opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., stated that having a middleman for a water supply means the City is giving up control. Sanders discussed the United Nations. Mayor Giddens responded to Sanders comments.

With no further comments, the public hearing was closed. Cossey provided additional information on SWMO Water securing the water allocation on behalf of the City. Cossey stated that although SWMO will secure the water allocation, the City will own the water. Council asked questions, with Cossey responding. Council held a discussion. Mayor Giddens called for a motion to approve the resolution. Lucas made a motion to approve Resolution #2024-06, with Morris seconding and all Council Members voting aye.

Resolution #2024-07 Authorizing the City Administrator to Execute a Contract with Empire District Electric Company D/B/A Liberty for Services Related to Engineering Services and Other Preparatory Work for Utility Relocations on Main Street. Jeff Roussell, Street Superintendent, stated the City needs to have Liberty Electric relocate their lines West of Main Street from Tracker to Highway CC. Roussell stated that since Liberty Electric has its own easement, the City has to pay for the line relocation. Roussell told Council that Liberty Electric is requesting the City pay for 30% of the relocation, or \$260,139.66, upfront for engineering design costs and the remaining 70%, or \$867,132.19, at the time of the relocation. Roussell said this relocation is needed for the Main Street Expansion project. 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 #2024-07, with Lucas seconding and all Council Members voting aye.

Mayor and Council Member Reports:

Liles discussed the Nixies Gala and told Council to get with Rebekka Coffey, City Clerk, for tickets. Liles told Council that every department came in under budget for 2023 and thanked staff for their work.

Mayor Giddens stated that the February meetings have been moved to February 6th and February 19th. Mayor Giddens said that since these meetings were moved, they are considered special meetings, not regularly scheduled meetings.

Campbell stated that the monthly data provided for this meeting in the Informational Items of the agenda has a 2023 recap.

Adjournment:

With no further business, Mayor Giddens adjourned the meeting at 8:37 p.m.

Mayor

City Clerk