

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

NIXA CITY HALL

March 11th, 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, Aron Peterson, Darlene Graham, and Zern Vess. Matt Ogden and Shawn Lucas were absent.

The Pledge of Allegiance was given.

Visitors:

Ron Sanders, 976 Glen Oaks Dr., discussed current events happening in the United States and Missouri and voting.

Bob Howard, 2198 W. Misty River Dr., discussed the Ozarks Transportation Organization. Howard said that Nixa currently has no representative on the board of Directors and told Council he would like to be considered as the representative. Howard provided a letter of interest to Council. Mayor Giddens responded to Howard's comments.

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

Council Bill #2024-09 Amending the 2024 Annual Budget for the Purpose of Funding Brush Grinding Services at the City's Wastewater Treatment Plant. Travis Cossey, Assistant Public Works Director, stated that this council bill would authorize a budget amendment for \$30,000 out of the Wastewater Fund for brush grinding at the Wastewater Treatment Plant. Cossey discussed the reasons the City uses brush grinding. Cossey said that due to the July 23rd, 2023 storm, an excess of brush needed to be ground for compost. Cossey told Council that FEMA provided a storm declaration for Christian County, making this a reimbursable cost through FEMA. Cossey said staff recommends approval. Council asked questions, with Doug Colvin, Assistant City Administrator and Public Works Director, responding. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed.

Council Bill #2024-10 Amending Chapter 12 – Article V, Chapter 117 – Article VIII, and Section 117-99 of the Nixa City Code for the Purpose of Modifying the City's Regulations Related to Mobile Retail Uses. Scott Godbey, Planning and Development Director, told Council this council bill will overhaul the mobile vending code currently in Chapter 12 of the City Code. Godbey said the mobile vending code will be renamed to mobile retail and moved to the land development section of the code. Godbey stated that the current code is very restrictive. Godbey told Council that the regulations on temporary mobile retailers would remain mostly the same. Godbey said that long-term mobile retail would require connection to City electric and language updates, allowing drive-thru service. Godbey told Council that another major portion of the code amendment would be to define and allow food truck parks in commercially zoned districts. Godbey discussed the requirements for food truck parks. Godbey stated that the Planning and

Zoning Commission voted unanimously to recommend approval. 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 #2024-11 Amending Section 117-99 of the Nixa City Code to Modify Provisions Relating to Day Care Uses. Godbey stated that this amendment is to clean up the current code section. Godbey told Council there is a daycare requesting to be located in a General Commercial (GC) district, and the current code doesn't allow that use. Godbey said that surrounding communities allow daycares to be located in GC districts. Godbey stated that the amendment would remove childcare homes from the table of approved uses and replace them with child daycare centers in commercially zoned areas. Godbey told Council that daycare uses are also being removed from residential districts due to Missouri HB-1662, which restricts the ability to regulate home occupations. Godbey said the Planning and Zoning Commission voted unanimously to recommend approval. Mayor Giddens opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., discussed Godbey's comments.

With no further comments, the public hearing was closed.

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

Resolution #2024-14 Authorizing the Electric Energy Cost Adjustment Pursuant to Section 22-310 of the Nixa City Code. Colvin stated that this resolution is to allow the City Administrator to adopt a new energy cost adjustment to electric rates. Colvin stated that City Code section 22-310(h) has the formula to calculate the electric rate. Colvin said the current rate is 6/10ths of one cent per kilowatt hour, and the proposed rate is 4.5/10ths of one cent per kilowatt hour. Colvin told Council that if approved, this energy cost adjustment would be applied as a monthly credit for each kilowatt hour sold from April 2024 through March 2025. 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 resolution. Peterson made a motion to approve Resolution #2024-14, with Graham seconding and all Council members voting aye.

Resolution #2024-15 Authorizing the City Administrator to Execute a Contract with Idemia Identity and Security USA LLC ("Idemia") Regarding the Livescan Project. Chad Tennis, Deputy Police Chief, discussed the livescan project. Tennis said livescan is the most efficient way and preferred way to take digital fingerprints by the Highway Patrol. Tennis said the Highway Patrol makes funds available to participate in the project, and Nixa is eligible to receive those funds and participate in the project. Tennis said the Police Department would receive \$23,712.00 from the Highway Patrol to pay for the equipment, software, and support. Tennis stated that the Police Department is required to enter into a service agreement with Idemia to receive the funding. Tennis told Council the term of the agreement would be for five (5) years and begin in 2024. 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 #2024-12, with Vess seconding and all Council Members voting aye.

Mayor and Council Member Reports:

Mayor Giddens assigned Liaison Reports. Mayor Giddens stated that at the March 25th Council Meeting, Vess would be presenting his report on Administration and Communications, at the April 8th meeting, Morris would be presenting on Finance and Human Resources, at the April 22nd meeting, Lucas would be presenting on Planning and Development, at the May 13th meeting Peterson would be presenting on the Parks Department, at the May 28th meeting Ogden would be presenting on Public Works, and at the June 10th meeting Graham would be presenting on the Police Department.

Mayor Giddens stated the Chamber Luncheon would be on March 12th, and NIXPO would be on March 16th at the High School. Jimmy Liles, City Administrator, provided additional information on NIXPO.

Colvin discussed the net metering rate.

Matt Crouse, Parks Director, provided an update on the pool repair. Council asked questions, with Crouse responding. Crouse stated the Easter Egg Hunt would be March 23rd at McCauley Park.

Adjournment to Closed Session:

Mayor Giddens called for a motion to adjourn to closed session. Peterson made a motion to adjourn to closed session pursuant to section 610.021 (1) in which the Council will discuss legal actions, causes of action, and confidential and privileged communications with their attorney, Graham seconded and Peterson, Graham, Vess, and Morris voted aye on roll call.

The meeting will stand adjourned at the close of the closed session.

Mayor

City Clerk

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

NIXA CITY HALL

March 25th, 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, and Zern Vess. Darlene Graham was absent.

The Pledge of Allegiance was given.

Consent Agenda:

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

Service Awards:

Mayor Giddens recognized Nate Miller for his 15 years of service to the City. Doug Colvin, Assistant City Administrator and Public Works Director, stated that Miller is the Public Works Inspector and was promoted when the previous inspector retired. Colvin said that Miller had been a meter reader and code enforcement officer during his time with the City. Colvin told Council that Miller ensures all public infrastructure is installed correctly and is the City's MS4 coordinator. Colvin stated Miller was the 2021 Employee of the Year and was proud to have him in Public Works.

Mayor Giddens recognized Ryan Campbell for his five (5) years of service to the City. Matt Crouse, Parks Director, stated that Campbell's job duties included running all the kids' camps, soccer, martial arts, archery instruction, and special events. Crouse told Council that Campbell was highly energetic and appreciated his service to the Parks Department.

Awards and Recognition:

Crouse told Council that Katie Buford, Assistant Parks Director, has been awarded Associate Fellow by the Missouri Parks and Recreation Association. Crouse said that this award is given to anyone who has served as a leader for three (3) or more years, provided innovative ideas to their community, and has served at the State level for the association. Crouse stated that Buford brings value to the Parks Department and appreciates Buford for her hard work.

Mayor Giddens awarded Nicholas Gerdes the 2023 Citizen of the Year Award. Mayor Giddens stated this award recipient was decided on in December 2023. Mayor Giddens said that Gerdes embodies the word service, has a commitment to veterans, and is the Commander for American Legion Post 434. Mayor Giddens stated that Gerdes has gone above and beyond as Legion Commander and his dedication to veterans exemplifies generosity and spirit. Mayor Giddens said Gerdes is a pillar of strength, compassion, and true hero.

Presentation – Micro Paving Benefits:

Jeff Roussell, Street Superintendent, introduced Bryant Donelson with Donelson Construction. Donelson provided a background on his experience in road construction. Donelson discussed pressure paving and the benefits associated with this new technology. Donelson provided an overview of the pressure paving process. Council asked questions, with Donelson responding.

Visitors:

Ron Sanders, 976 Glen Oaks Dr., discussed growing up in a small town and how he got involved with the town.

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

Council Bill #2024-09 Amending the 2024 Annual Budget for the Purpose of Funding Brush Grinding Services at the City's Wastewater Treatment Plant. Travis Cossey, Assistant Public Works Director, stated this council bill was read at the March 11th Council meeting and would authorize a \$30,000 budget amendment for brush grinding at the Wastewater Treatment Plant. Cossey said that the treatment plant has exceeded the capacity for brush. Cossey told Council that due to the disaster declaration for Christian County, the cost associated with the brush grinding is a reimbursable cost. 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 #2024-09 with Vess seconding and Vess, Peterson, Morris, Ogden, and Lucas voting aye on roll call vote.

Council Bill #2024-10 Amending Chapter 12 – Article V, Chapter 117- Article VIII, and Section 117-99 of the Nixa City Code for the Purpose of Modifying the City's Regulations Related to Mobile Retail Uses. Scott Godbey, Planning and Development Director, told Council this council bill would overhaul the mobile vending code. Godbey discussed the changes being made to the temporary mobile vending and long-term mobile vending requirements. Godbey said that the update to the code would also add a provision for a food truck park. Godbey stated that mobile vending would no longer require special event permits. Godbey told Council that the mobile vending code would get a name change to mobile retail and be moved to the land development code chapter. Godbey said that staff worked closely with the Planning and Zoning Commission to work on this code update. Godbey stated that the Planning and Zoning Commission voted unanimously to recommend approval and staff also recommends approval. Mayor Giddens opened the public hearing, with no comments made, the public hearing was closed. Mayor Giddens called for a motion to approve the council bill. Vess made a motion to approve Council Bill #2024-10 with Peterson seconding and Peterson, Ogden, Vess, Lucas, and Morris voting aye on roll call vote.

Council Bill #2024-11 Amending Section 117-99 of the Nixa City Code to Modify Provisions Relating to Day Care Uses. Godbey stated that this council bill would remove childcare from residential areas and replace them with child daycare centers in commercial zoning districts. Godbey said that the Planning and Zoning Commission voted unanimously to recommend approval. Godbey stated that neighboring communities allow for daycare centers in commercial districts. Council asked questions, with Godbey responding. Jimmy Liles, City Administrator,

and Rebekka Coffey, City Clerk, provided additional information. Mayor Giddens opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., asked about special use permits for in-home daycares. Godbey responded to Sander's comments.

With no further comments, the public hearing was closed. Mayor Giddens called for a motion to approve the council bill. Morris made a motion to approve Council Bill #2024-11 with Ogden seconding and Lucas, Vess, Morris, Peterson, and Ogden voting aye on roll call vote.

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

Resolution #2024-16 Designating a Downtown District. Godbey stated the designated downtown district being proposed is for City purposes only to aid in future place making. Godbey said that the boarders are not the boarders that the downtown revitalization committee considers the downtown district. Godbey told Council this not a map showing a future zoning district. Godbey stated that staff recommends approval. Mayor Giddens opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., asked if this designation should wait until the Nixa 2045 plan is completed. Mayor Giddens responded to Sander's comments.

Courtney McKinney, 408 N Ellen, asked questions about downtown grants. Liles responded to McKinney's comments.

With no further comments, the public hearing was closed. Mayor Giddens called for a motion to approve the resolution. Lucas made a motion to approve Resolution #2024-16 with Peterson seconding and all Council Members voting aye.

Resolution #2024-17 Authorizing the City Administrator to Execute a Contract with Midwest Infrastructures and Coating for Clarifier Rehabilitation Services. Cossey told Council the rehabilitation needed is for clarifier number two (#2), which is 22 years old. Cossey said that the City has used Midwest Infrastructures in the past. Cossey stated that this project is much larger than the manhole lining and coatings that are done each year. Cossey said the budget for this project is \$625,000, and the co-op pricing with Midwest Infrastructures and Coatings is \$570,500. Cossey told Council that staff recommends approval. Council asked questions, with Cossey 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. Lucas made a motion to approve Resolution #2024-17, with Peterson seconding and all Council Members voting aye.

Discussion Item – Splash Pad Fees & Location:

Crouse provided information on the pool project and discussed the ongoing repairs and new amenities. Crouse showed Council a rendering of the pool's new play structure. Crouse discussed the current pool and splash pad design and provided renderings. Couse stated that the current

design has the splash pad as an amenity to the pool, however, the splash pad can have different operating hours than the pool. Crouse told Council that staff needs direction from Council on the splash pad location and the fees to access the splash pad. Council held a discussion with staff. Council gave direction to get design options for moving the splash pad closer to the playground.

Liaison Report – Zern Vess – Administration and Communication:

Mayor Giddens provided information on liaison reports. Vess discussed the administration staff. Zess provided a 2023 communication recap. Vess said the major updates included the Project Nixa 2045 Comprehensive Plan, bids for communication creative services, website redesign, and personnel additions. Mayor Giddens thanked the Legal Department for all their work in updating the City code. Mayor Giddens discussed the new executive assistant and project facilitator.

Mayor and Council Member Reports:

Lucas reminded everyone of the Election on April 2nd.

Crouse reminded Council that the Easter Egg Hunt would be on March 30th at McCauley Park.

Mayor Giddens stated that Drew Douglas, Communications Director, was awarded an SBJ 40 Under 40 Award.

Godbey provided an update on the comprehensive plan virtual open house, which was extended to April 3rd.

Adjournment:

With no further business, Mayor Giddens adjourned the meeting at 8:29 p.m.

Mayor

City Clerk