

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

NIXA CITY HALL

September 10th, 2024 6:00 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.

Proclamation:

Mayor Giddens read a proclamation proclaiming September 17th – 23rd as Constitution Week. The Daughters of the American Revolution were present to accept the proclamation. The Daughters of the American Revolution provided a poster, United States Flag, and certificate in honor of the veterans of Christian County to Mayor Giddens.

Visitors:

None.

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

Council Bill #2024-28 Annexing Approximately 29.60 Acres of Real Property Generally Located at the Northeast Corner of the Intersection of Nicholas Road and Mount Vernon Street; Zoning Said Property to the General Commercial (GC) Zoning District; and Amending Chapter 2, Article II, Division 1, Section 2-27 of the Nixa City Code. Scott Godbey, Planning and Development Director, stated the 29 acres are at the intersection of West Mt. Vernon and Nicholas Road. Godbey said the 29 acres are in three (3) tracks and all are being rezoned to general commercial. Godbey told Council that in August the property owner split off five (5) acres of the property via Christian County processes. Godbey said that the recommendation of general commercial is in line with the previous comprehensive plan because the original discussion on this property began under the previous plan. Godbey stated that the new comprehensive plan shows mixed-use, however, the City doesn't have a general mixed use standard and staff is recommending general commercial. Godbey said that all municipal utilities are currently onsite, and a sewer evaluation is currently underway. Godbey told Council that the property is compact and contiguous to the City. Godbey said that at the Planning and Zoning Commission meeting, neighbors spoke, not against the annexation, but wanted to make sure they were thought of during the process. Godbey stated that the Planning and Zoning Commission voted unanimously to approve and staff also recommends approval. Godbey told Council that if annexed, this property would be added to District 2. Council asked questions with Godbey responding. Mayor Giddens opened the public hearing for comments.

Mike Miller, 201 N. Bonda Way, provided a handout to Council. Miller told Council that the Citizens Police Academy is a great asset. Miller discussed his concerns with the timing of the

annexation and rezoning request, the groundbreaking ceremony for the property, and the potential development affecting the homes near the property.

Shawn Barry, 1550 E. Republic Rd., stated he was with Toth & Associates and represents the applicant. Barry discussed the development of the property, and that the owner has not submitted any plans to the City yet.

Mayor Giddens responded to Miller's comments and discussed the comprehensive plan. With no further comments, the public hearing was closed.

Council Bill #2024-29 Amending Chapter 101, Article II, Division 2, Section 2-190 for the Purpose of Clarifying the City Administrator's Contract Authority. Brendan Justin, City Planner, said in July the City Council discussed the flexibility in dates and times of their meeting schedule and this led the Planning and Zoning Commission to discuss their meeting schedule as well. Justin provided information on the current code requirements regarding Planning and Zoning Commission meetings. Justin said the proposed amendment would require one (1) meeting per month and would also for special meetings to be called. Justin stated that the Planning and Zoning Commission voted unanimously to approve the proposed amendment and staff also recommends approval. Council asked questions with Justin responding. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed.

Council Bill #2024-30 Amending Chapter 2, Article VI, Division 2, Section 2-190 for the Purpose of Clarifying the City Administrator's Contract Authority. Nick Woodan, City Attorney, said that section 2-190 of the City Code dictates the City Administrator's contract authority. Woodman said that the proposed amendment would clarify this section by stating that the purchase limit applies only when funds are being expended by the City. Woodman stated that 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 #2024-27 Authorizing the City Administrator to Execute Electric Transmission Contract Amendments with Southwest Power Pool. Jimmy Liles, City Administrator, told Council this council bill contains two (2) agreement amendments and one (1) new agreement. Liles stated the two (2) agreement amendments pertain to two (2) capacity contracts. Liles said the new contract is the same as the first (1st) Network Operating Agreement for wholesale power. 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 #2024-27 with Morris seconding and Peterson, Lucas, Vess, Graham, Morris, and Ogden voting aye on roll call vote.

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

Resolution #2024-52 Adopting a New Investment Policy. Jennifer Evans, Finance Director, stated this resolution would allow for the adopting of a new Investment Policy. Evans said that the City needs a more robust and strategic policy for investments. Evans told Council that an Investment Committee would be formed. Evans said that the City will use a three (3) pronged approach to investing. Evans discussed each approach which included the immediate cash flow needs, annual cash flow requirements, and long-term investing. Evans stated that this new policy will help yield more money without tying up the money in a CD. Evans 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 resolution. Lucas made a motion to approve Resolution #2024-52 with Peterson seconding and all Council Members voting aye.

Mayor and Council Member Reports:

Mayor Giddens said that September 21st from 3 p.m. – 7 p.m. at McCauley Park is the Multicultural Festival.

Vess stated that the Utility Billing Building will be closed on Friday, September 13th for training.

Ogden said that Johnny Neal, an apprentice lineman, took second (2nd) place at the MPUA rodeo.

Adjournment to Closed Session:

Peterson made a motion to adjourn to closed session pursuant to section 610.021 (3) and (13) RSMo., in which the Council will discuss the hiring, firing, discipling, 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 Peterson, Lucas, Vess, Graham, Morris, and Ogden voting aye on roll call vote.

This meeting will be considered 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

September 24th, 2024 6:00 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.

Consent Agenda:

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

Visitors:

Steve Buchanan, 694 N. Montego St., told Council his neighbor's sprinkler has been flooding his yard. Buchanan asked questions about city code applying to his situation. Mayor Giddens asked Buchanan questions with Buchanan responding. Joe Campbell, Police Chief, responded to Buchanan's comments.

Jack Karnes, 622 N. Maplewood Hills, discussed the November ballot and Amendment 3.

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

Council Bill #2024-31 Amending Chapter 2, Article IV, Section 2-151 of the Nixa City Code for the Purpose of Deleting the Set Fee for LED Street Lights. Travis Cossey, Assistant Public Works Director, stated this council bill is for housekeeping to the City Code. Cossey said that in October 2023, the Council adopted a new fee schedule. Cossey told Council that the fees in the new schedule were pulled from the technical specifications when related to electric materials. Cossey said that there are specific electric materials that developers reimburse the costs of materials to the City. Cossey stated that the section of code pertaining to LED streetlights was overlooked and this council bill will be removing the old section of code. Cossey said that the council bill will move the LED streetlights fee to the Miscellaneous Fees section instead of having a set fee. 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 #2024-28 Annexing Approximately 29.60 Acres of Real Property Generally Located at the Northeast Corner of the Intersection of Nicholas Road and Mount Vernon Street; Zoning Said Property to the General Commercial (GC) Zoning District; and Amending Chapter 2, Article II, Division 1, Section 2-27 of the Nixa City Code. Scott Godbey, Planning and Development Director, stated that through an Administrative Minor Subdivision in Christian

County, five (5) acres of the 29 were split off. Godbey said the property owner submitted three (3) voluntary annexation requests that were under the 2003 comprehensive plan. Godbey told Council the 2003 comprehensive plan showed a general commercial zoning for the property and the new comprehensive plan shows a mixed-use zoning. Godbey discussed general commercial and mixed-use zoning. Godbey said that all utilities are readily available, and that the sewer is being evaluated. Godbey discussed the sewer and electricity for the property. Godbey stated that the Planning and Zoning Commission voted unanimously to recommend approval. Godbey said that the property would be added to District 2 if the council bill is approved. Mayor Giddens opened the public hearing for comments.

Mike Miller, 201 N. Bonda Way, provided a handout to Council. Miller discussed the City Code and Council Bill #2024-28. Miller stated that the neighbors are against the general commercial zoning. Miller asked Council to send the bill back to the Planning and Zoning Commission for reconsideration.

Ryan Carter, 204 N. Leeann, stated his front porch faces the property being discussed. Carter asked that the council bill be tabled until the development plans are known.

Emily Juranas, 203 N. Bonda Way, stated she would like Council to not annex the property until the development plans are known. Juranas discussed the City purchasing five (5) acres. Juranas asked Council to delay the vote. Mayor Giddens responded to Juranas's comments.

Jaden Raven, 210 N. Leeann, stated his home faces the property being discussed. Raven said the neighbors don't want to look at commercial property. Raven asked for the bill to be reconsidered or tabled. Raven stated he supports the police but has concerns about the police department being located on the property.

Rhonda Sanders, 304 Leeann, discussed living near the property being discussed. Sanders stated she was concerned about what would be developed. Sanders asked Council to wait to vote on the council bill.

With no further comments, the public hearing was closed. Council asked questions of the visitors who spoke during the public hearing. Miller responded to the questions.

Council held a discussion. Council asked Nick Woodman, City Attorney, questions with Woodman responding. Mayor Giddens called for a motion to approve the council bill. Ogden made a motion to approve Council Bill #2024-28 with Lucas seconding and Peterson, Graham, Morris, Lucas, Ogden, and Vess voting aye on roll call vote.

Council Bill #2024-29 Amending Chapter 101, Article II, Division 2, Section 101-72 of the Nixa City Code for the Purpose of Allowing the Planning & Zoning Commission Flexibility in Scheduling Regular Meetings. Brendan Justin, City Planner, said in July 2023 Council discussed allowing flexibility in the date and time of meetings, which led to the Planning and Zoning Commission discussing the same topic. Justin discussed the current code requirements and the proposed code requirements. Justin provided information on the amendment to the council bill. Justin stated that the Planning and Zoning Commission voted unanimously to approve and staff

also recommends approval. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Giddens discussed the amendment to the council bill. Mayor Giddens called for a motion to amend the council bill. Lucas made a motion to amend Council Bill #2024-29 with Vess seconding and all Council Members voting aye. Mayor Giddens called for a motion to approve the council bill as amended. Lucas made a motion to approve Council Bill #2024-29 as amended with Peterson seconding and Graham, Peterson, Ogden, Morris, Vess, and Lucas voting aye on roll call vote.

Council Bill #2024-30 Amending Chapter 2, Article VI, Division 2, Section 2-190 for the Purpose of Clarifying the City Administrator's Contract Authority. Woodman stated the first (1st) reading of this council bill was on September 10th. Woodman said this council bill clarifies the City Administrators' authority when the City is not expending funds over \$5,000.00. Woodman stated 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. Morris made a motion to approve Council Bill #2024-30 with Ogden seconding and Morris, Lucas, Ogden, Graham, Vess, and Peterson voting aye on roll call vote.

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

Resolution #2024-53 Ratifying the Execution of a Real Estate Purchase and Sale Agreement for Certain Real Estate Related to a New Police Department Facility. Joe Campbell, Police Chief, said that in 2023 a sales tax was approved by the citizens of Nixa to fund a new police facility. Campbell told Council after discussion there are potential savings to build on an alternative location than was originally discussed. Campbell stated that the City had identified a property west of Leann Drive that would be suitable for the new police facility. Campbell said that during a closed session, Council gave the City Administrator the authority to negotiate the purchase of the Leann Drive property. Campbell told Council that the City is now under contract to purchase the property. Campbell said that it could save the City money on construction costs to build on the property a single-story building rather than a multi-story building on the current police department location. Campbell discussed stormwater issues at the current police department. Campbell stated the current year-to-date sales tax revenue will accommodate the purchase of the property. Campbell said that staff recommends approval of the resolution. 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 #2024-53 with Ogden seconding and all Council Members voting aye.

Resolution #2024-54 Authorizing the City Administrator to Solicit Qualifications for Architectural Services for the Redesign of the Front Entrance to the Nixa Community Center. Katie Buford, Assistant Parks Director, told Council this resolution is for the RFQ for architectural services to redesign the entrance to the X Center. Buford stated that the redesign it would allow for possible 24-hour access to the X Center and more office and storage space. 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 #2024-54 with Vess seconding and all Council Members voting aye.

Mayor and Council Member Reports:

Mayor Giddens stated that Thursday, September 26th would be the Mayor’s Challenge blood drive at Aldersgate Church. Mayor Giddens said that Saturday, September 28th would be the Care to Learn Boots & Bling event at Finley Farms. Mayor Giddens told Council that the Multicultural Festival on September 21st was a huge hit. Mayor Giddens stated that on October 12th the American Legion Post 434 would be hosting a Drive-up Donation at their building for veterans at the Mt. Vernon Veteran’s Home.

Ogden told Council that two (2) crews would be going to help with hurricane mutual aid in the south.

Peterson gave a Parks Department update. Peterson said that there were 30,000 verified visitors to the pool this summer. Peterson stated that the baseball/t-ball/softball program had 1,262 participants. Peterson said that Summer It Up had 861 participants. Peterson stated that swim lessons had 222 participants and the swim team had 35 participants. Peterson told Council that Saturday, September 28th would be the last Movie in the Park for the year and the movie being shown would be Haunted Mansion.

Graham said the splash pad construction has started.

Jennifer Evans, Finance Director, reminded Council that the Budget Work Session would be October 1st at 6:00 p.m.

Campbell discussed the bomb threats that were made to the school district. Campbell stated that the response was multi-agency. Campbell said he was proud of all the organizations involved.

Adjournment to Closed Session:

Peterson made a motion to adjourn to closed session pursuant to section 610.021 (2) RSMo. in which the Council will discuss the leasing purchase, or sale of real estate by a public governmental body where public knowledge to the transaction might adversely affect the legal consideration, therefore with Lucas seconding and Lucas, Ogden, Peterson, Graham, Vess, and Morris voting aye on roll call.

This meeting will be considered adjourned at the close of the closed session.

Mayor

City Clerk