

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

NIXA CITY HALL

August 12th, 2025 6:00 P.M.

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

American Legion Post 434 Commander Nick Gerdes presented the American Flag. The Pledge of Allegiance was given.

Presentation:

Mayor Giddens read a proclamation proclaiming August 2025 as Purple Heart Month. Gerdes accepted the proclamation. Gerdes told Council it was an honor to speak to them about Purple Heart Day. Gerdes said Purple Heart Day is a time to pause and honor those who have been wounded or killed in combat. Gerdes provided a brief history of the Purple Heart Award. Gerdes stated that 1.8 million Purple Hearts have been awarded and that freedom has a cost. Gerdes told Council that we should support veterans when they return home and never take their sacrifices for granted by honoring their courage. Mayor Giddens thanked Gerdes.

Visitors:

Brian Cubick, 776 S Fellows Dr., provided a handout to Council. Cubick discussed the Utility Billing disconnection fees and asked for Council to consider updating those fees. Mayor Giddens responded to Cubick's comments. Cindy Robbins, Assistant City Administrator, provided additional information.

Brian Steele, 894 Heather Glen, stated he was speaking to Council on behalf of the Downtown Revitalization Committee. Steele thanked Council for their support of the Committee. Steele discussed proposed downtown projects and asked for the status of those projects. Steele said that the Committee would like to see downtown grow. Mayor Giddens responded to Steele's comments. Robbins provided additional information. Scott Godbey, Planning and Development Director, provided additional information.

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

Council Bill #2025-24 Establishing and Levying Taxes on Real Property in the City for the 2025 Tax Year. Rebekka Coffey, City Clerk, told Council this is the annual ordinance to set the real estate tax levy for the year. Coffey said if this ordinance were approved at the next Council meeting, all required documents would be sent to the Christian County Clerk's office. Coffey stated that the levy rate provided in the memo and bill will be updated before the second (2nd) reading. Coffey said that the proforma from the State Auditor's office was received after the packet was published, and the new tax levy rate was 0.2886. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed.

Council Bill #2025-25 Granting Special Use Permit 25-001 to Authorize the Uses of a Bar (with Restaurant) and a Restaurant (with Drive-Thru) in the Neighborhood Commercial Zoned Property Located at the Southeast Corner of the Intersection of Tracker Road and Old Castle Road. Godbey said that special use permit 25-001 has two (2) different land uses, which is what triggers the need for the permit. Godbey stated that this property is located at the northeast corner of the Wicklow Subdivision. Godbey provided a background of commercial zoning within the Wicklow Subdivision. Godbey said that the roads within the subdivision were overbuilt to accommodate more vehicle capacity. Godbey stated that the special use permit would not allow food trucks, amplified sound would end at 9:00pm, alcohol sales would end at 11:00pm, setbacks out increase to 45 feet, an increase to the landscaping buffer would increase to 15 feet, a six (6) foot sign height with no digital or internal lighting and allow for a decrease in parking requirements. Godbey said that the Planning and Zoning Commission voted 4-2 not to recommend approval to Council. Godbey stated that staff recommends approval. Council asked questions, with Godbey responding. Mayor Giddens opened the public hearing for comments.

Ann Kunkel, 804-1 E. Kings Mead Circle, said that Nixa is a wonderful community. Kunkel stated that there are children and a pool in the area where this development would be. Kunkel said she was concerned with parking and traffic issues on Tracker and Old Castle. Godbey provided information on the sidewalk and crosswalks that must be installed by the developer, which is a condition of approval for the project.

Alan Wright, 927 E. Thorndale, stated that he was concerned about potential noise. Mayor Giddens responded that, as a condition of approval, there would be no amplified noise allowed after 9:00 p.m.

Linda White, 848 E Galloway Ct., thanked the Planning and Zoning Commission for voting down the special use permit and asked Council to do the same. White discussed her concerns about the development.

Jeremy Young, 1401 N. Wexford Way, discussed his concerns with the development. Young listed other potential businesses that could go on the property.

Bob Stovall, 904 E. Clare Ct., discussed the 45-foot setback for the property and his concerns with noise and parking.

Beth Polivka, 870 Kenmore Ct., provided a handout to Council. Polivka discussed her concerns with the proposed development. Polivka asked Council to vote the same way as the Planning and Zoning Commission.

Joe Younger, 846 E. Rush Ct., stated his home is close to the proposed project. Younger said that there is no other commercial property in the surrounding neighborhoods. Younger asked for a different business type to go into this commercial property.

Billy Kimmons, 1722 S. Luster, Springfield, MO, stated that he was the architect for this project and a representative of the applicant. Kimmons said the lot was commercially zoned and the surrounding roads could support the development. Kimmons discussed the vision for the

development. Kimmons said the applicant would follow all city design standards and requirements.

Mayor Giddens called for a 5-minute break at 7:19 pm. The meeting was called back to order at 7:32 p.m.

Whitney Guison, President and CEO Nixa Chamber of Commerce, discussed the importance of commercial development within Nixa. Guison said the lack of commercial development can put a strain on the community. Guison stated that the special use permit will help to control the development.

Janet Clark, 1432 N. Rockingham, asked what types of businesses could go into that zoning district. Clark said that the proposed business is a bad idea in the proposed area. Clark discussed her safety concerns.

Bart Greenwell, 858 E. Edenmore Cir., discussed his concerns with the proposed development. Roger Berkbuegler, 415 N. Rich Hill Cir., asked Council to look at the long-term impact of this development on the area.

Marcelene Middleton, 840 E. Rush Ct., asked about the rezoning of the property. Godbey responded to Middleton's question. Middleton discussed her concerns with sound, lighting, traffic, and alcohol.

Rob Jones, 1408 N. Wicklow, stated he will be calling staff if this project is approved. Jim Meadows, 870 E. Galloway, stated he thought the project was a bad idea for the area. Meadows discussed his issues with the development and asked that the restrictions within the special use permit be stricter.

With no further comments, the public hearing was closed. Mayor Giddens thanked everyone for their comments.

Council Bill #2025-26 Annexing Approximately 4.29 Acres of Real Property Generally Located Along West Highway 14. Godbey said that with the new welcome sign in MoDOT Right of Way, this annexation will bring the city limit sign in line with the welcome sign. Godbey stated that cities within a five (5) mile radius were notified of the annexation, and positive feedback was received. Godbey told Council that if this annexation is approved, the Police Department will have to report to the intersection of Highway 14 and Hazel Run. Godbey said the Planning and Zoning Commission voted unanimously to recommend approval to Council, and staff also recommends approval. Council asked questions, with Godbey responding. Mayor Giddens opened the public hearing, with no comments made, the public hearing was closed. Council asked additional questions, with Robbins responding.

Council Bill #2025-27 Amending Chapter 2, Article V, Section 2-162 and 2-164 of the Nixa City Code for the Purpose of Codifying Changes to the Missouri Sunshine Law. Nick Woodman, City Attorney, told Council the General Assembly adopted Bill 145, which modifies the state sunshine law, also known as records requests. Woodman said the standard for when a request

can be considered abandoned has increased. Woodman stated that this code update would reflect the changes approved in Bill 145. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed.

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

Resolution #2025-38 Granting a Permit to Nixa Public Schools to Authorize the Display of Fireworks for the 2025 High School Football Season. Godbey said the school district has requested the ability to shoot off fireworks during home football games this season. Godbey stated they have selected the same fireworks company as last year. Godbey told Council that the new Apex building is where fireworks used to be fired. Godbey said due to concerns about the building's covering, staff consulted with the Nixa Fire District and the fireworks manufacturer and decided a 350-foot setback would be required to set off the fireworks. Godbey told Council that the school district has agreed to the setback requirement. Council asked questions, with Godbey 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 #2025-38, with Morris seconding and all Council Members voting aye.

Mayor and Council Reports:

Mayor Giddens thanked everyone who helped with National Night Out.

Matt Crouse, Parks Director, stated that the aquatics center hours will change with school back in session through Labor Day. Crouse said the August 30th Movies in the Park will be the Paw Patrol movie.

Chad Tennis, Deputy Police Chief, told Council that the Police Department will be working with the school district for a back-to-school enforcement campaign to help with traffic violations in school zones.

Graham discussed the Street Department painting crosswalks in the school zones. Council held a discussion.

Adjournment:

With no further business, Mayor Giddens adjourned the meeting at 8:18 p.m.

Mayor

City Clerk

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

NIXA CITY HALL

August 26th, 2025 6:00 P.M.

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

The Pledge of Allegiance was given.

Resolution #2025-39 Declaring the Results of the August 5, 2025, Special Municipal Election; Declaring a Vacancy in the District 1 City Council Seat; and Filling Said Vacancy with the Appointment of Jay Ortiz. Rebekka Coffey, City Clerk, told Council that City Charter Section 3.9 requires Council to declare election results once the Christian County Clerk provides the certified results to the city. Coffey said that the candidate who received the most votes was disqualified from the election by the Missouri Ethics Commission on June 10th, and the candidate submitted a letter of resignation from the District 1 seat on August 15th. Coffey stated that due to the disqualification and letter of resignation, the District 1 seat is still vacant. Coffey told Council that Mayor Giddens has recommended Mr. Jay Ortiz for the vacant seat. Mayor Giddens provided information on Ortiz. 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. Vess made a motion to approve Resolution #2025-29, with Graham seconding and all Council Members voting aye.

Swearing in Newly Appointed Council Member:

Coffey swore in Jay Ortiz as Council Member for District 1.

Consent Agenda:

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

Service Award:

Mayor Giddens recognized Victoria Bleau for her five (5) years of service to the city. Bleau was not in attendance. Matt Crouse, Parks Director, said that Bleau is a recreation specialist for the aquatics center and basketball. Crouse stated Bleau is fantastic at her job and is always willing to help out. Crouse said the Parks Department is lucky to have her.

Proclamation:

Mayor Giddens read a proclamation proclaiming September 17-23, 2025, as Constitution Week. Members of the Daughters of the American Revolution were in attendance to accept the proclamation. The Daughters of the American Revolution presented Mayor Giddens with the 2025 picture commemorating Constitution Week.

Visitors (Speaker Card Required; Comments Limited to 5 Minutes):

Kamy Kulow, Public Relations Committee, Missouri City Clerks and Finance Officers Association, stated she was in attendance to recognize Rebekka Coffey for her newly received Missouri Registered City Clerk and Certified Municipal Clerk certifications. Mayor Giddens congratulated Coffey on her achievements.

Dave Combes, President of Richmond Subdivision, provided a handout to Council. Combes discussed the Richmond Subdivision HOA detention area. Combes stated that two (2) other subdivisions have water draining into the Richmond detention area, and would like them to help pay for the maintenance of the detention area. Combes said that if the other subdivisions can't help to pay, then he would like to see the city pay for some of the maintenance.

Mark Voll, Vice President, Richmond Subdivision, provided a handout to Council. Voll discussed developments within Nixa and the maintenance of the detention area within the Richmond Subdivision. Voll asked that the two (2) other subdivisions that drain into the Richmond detention area help pay for the maintenance.

Alex Bryant, Assistant Treasurer, Richmond Subdivision, discussed the maintenance of the detention area within the Richmond Subdivision. Bryant asked that the detention basin maintenance be split between the other subdivisions or the city and the Richmond Subdivision. Bart Greenwell, 858 E. Edenmore Cir., told Council that he lives near the apartments that are being built in Old Castle. Greenwell discussed his concerns with the noise permit that was issued for early construction work. Greenwell asked that the permit be pulled. Coffey provided information on the construction noise ordinance and the early work permit.

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

Mayor Giddens told Council that the developer has pulled the special use permit that was to be voted on during Council Bill #2025-25. Mayor Giddens called for a motion to postpone indefinitely Council Bill #2025-25. Peterson made a motion to postpone indefinitely Council Bill #2025-25, with Graham seconding and all Council Members voting aye.

Council Bill #2025-24

Establishing and Levying Taxes on Real Property in the City for the 2025 Tax Year. Coffey told Council this is the annual ordinance to set the real estate tax levy for the city. Coffey said the final certification deadline is August 30th. Coffey stated that the levy rate is different from what was presented at the previous meeting due to the proforma from the State Auditor's Office being received after the agenda was already posted. Coffey told Council that the new rate is 0.2886. 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 #2025-24, with Morris seconding and Vess, Graham, Peterson, Morris, Ortiz, and Lucas voting aye on roll call vote.

Council Bill #2025-26 Annexing Approximately 4.29 Acres of Real Property Generally Located Along West Highway 14. Scott Godbey, Planning and Development Director, stated that this annexation is for the 4.29 acres of MoDOT right of way on west Highway 14. Godbey said that

the city received support for this annexation from surrounding cities. Godbey told Council that the green city limit sign will be moved to be even with the new welcome signs. Godbey said that the Planning and Zoning Commission and staff recommend approval. Mayor Giddens opened the public hearing for comments, with no comments made, the public hearing was closed. Lucas made a motion to approve Council Bill #2025-26, with Vess seconding and Vess, Ortiz, Graham, Lucas, Peterson, and Morris voting aye on roll call vote.

Council Bill #2025-27 Amending Chapter 2, Article V, Section 2-162 and 2-164 of the Nixa City Code for the Purpose of Codifying Changes to the Missouri Sunshine Law. Nick Woodman, City Attorney, told Council that this code amendment is to modify the code sections that comply with the Sunshine Law. Woodman said that staff recommends approval. Peterson made a motion to approve Council Bill #2025-27, with Lucas seconding and Peterson, Morris, Lucas, Ortiz, Graham, and Vess voting aye on roll call vote.

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

Resolution #2025-40 Authorizing the City Administrator to Solicit Bids for the Old Wilderness Sidewalk Improvement Project. Jeff Roussell, Street Superintendent, told Council that this project was started in 2021, and Council paused this project. Roussell said the project began again in 2024, and staff is ready to move forward with construction. Mayor Giddens thanked Roussell for all of this work on this 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 #2025-40 with Lucas seconding and all Council Members voting aye.

Resolution #2025-41 Authorizing the City Administrator to Solicit Qualifications for Design Services Related to the Remodel of the Utility Billing Building. Justin Orf, Project Facilitator, told Council that in 2024, the Council approved \$100,000.00 in repairs to the utility billing building following the utility billing staffing moving to City Hall. Orf said the utility building will be remodeled for use by Planning and Development. Orf stated that this resolution will allow staff to identify an architect to design the remodel of the utility billing building. Orf 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 #2025-41, with Vess seconding and all Council Members voting aye.

Resolution #2025-42 Authorizing the City Administrator to Solicit bids for Sealcoating and striping of the Municipal Parking Lot Located at 1111 West Kathryn. Roussell told Council that public works moved into the building at 1111 Kathryn in 2014 and noticed the asphalt was in a deteriorated state. Roussell said that in 2020, staff began the process of sealing the parking lot. Roussell stated that both the Electric and Street departments have budgeted for this project in the 2025 budget. Roussell 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. Graham made a motion to approve Resolution #2025-42, with Ortiz seconding and all Council Members voting aye.

Mayor and Council Reports:

Mayor Giddens stated that the September 9th, 2025, Council Meeting will be cancelled due to a lack of quorum. Mayor Giddens said that the next Council Meeting will be on September 23rd, 2025.

Matt Crouse, Parks Director, said that the August 30th Movies in the Park will be the Paw Patrol movie. Crouse stated that September 1st will be the last day for the aquatics center, and at 3:30pm on September 1st will be the annual Doggie Dive-In. Crouse said that the splash pad will be open until the end of September.

Coffey reminded Council that the MML Conference will be September 14th – 17th in St. Charles. Coffey told Council that the 4th Annual Multicultural Festival will be September 20th from 10am – 4pm in downtown Nixa.

Jimmy Liles, City Administrator, said that city offices will be closed on September 1st.

Adjournment:

With no further business, Mayor Giddens adjourned the meeting at 6:57 p.m.

Mayor

City Clerk