

Memorandum Regarding Council Bill No. 2025-35.

Background:

On October 14, 2025, the City Council adopted Ordinance No. 2409. The intent of that ordinance was to authorize a supplemental agreement with the Missouri Highways and Transportation Commission for the Transportation Alternatives Program.

Unfortunately, due to an error during the compilation of the council bill, an incorrect "Council Bill Exhibit A" was attached to the Council Bill. As a result of this error, Ordinance No. 2409 was approved with the incorrect exhibit attached rendering it ineffective.

Analysis:

This Council Bill contains the corrected exhibit and, if approved, would repeal the ineffective ordinance. This will allow the City to finalize the agreement.

Recommendation:

Staff recommends approval.

MEMO SUBMITTED BY:

Nick Woodman | City Attorney

Attachments:

Council Bill No. 2025-35.

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REPEALING**
2 **ORDINANCE NO. 2409; AND AUTHORIZING THE MAYOR TO EXECUTE A**
3 **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TRANSPORTATION**
4 **ALTERNATIVES PROGRAM SUPPLEMENTAL AGREEMENT.**

5
6 **WHEREAS** at the October 14, 2025, regular City Council meeting, Council
7 adopted Ordinance No. 2409; and

8
9 **WHEREAS** said Ordinance was to authorize the Mayor to execute a Missouri
10 Highways and Transportation Commission Transportation Alternatives Program
11 Supplemental Agreement; and

12
13 **WHEREAS** due to an error in the compilation of the Council Bill, an incorrect
14 Council Bill Exhibit A was attached to the Ordinance; and

15
16 **WHEREAS** City Council desires to repeal Ordinance No. 2409 as a result of
17 this error; and

18
19 **WHEREAS:** Section 70.220 RSMo. authorizes units of government to cooperate
20 with one another and to enter into intergovernmental cooperative agreements for such
21 purposes; and

22
23 **WHEREAS** the City Council desires to contract with the Missouri Highways and
24 Transportation Commission to fund a portion of the Cheyenne Road Multi-Use Path
25 Project; and

26
27 **WHEREAS** the City Council desires to authorize the Mayor to execute a document
28 that is substantially similar to "Council Bill Exhibit A."

29
30 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
31 **NIXA, AS FOLLOWS, THAT:**

32
33 **SECTION 1:** Ordinance No. 2409 is hereby repealed and of no further effect.

34
35 **SECTION 2:** The Mayor, or designee, is hereby authorized and directed to execute
36 a "Missouri Highways and Transportation Commission Transportation Alternatives
37 Program Supplemental Agreement" (the "Contract") with the Missouri Highways and
38 Transportation Commission. Said Contract shall be in substantially similar form as the
39 document attached hereto, and incorporated herein by this reference, as "Council Bill
40 Exhibit A."

41
42 **SECTION 3:** The Mayor, City Administrator, and the officers of the City are hereby
43 authorized to do all things necessary or convenient to carry out the terms and intent of
44 this Ordinance.

SECTION 4: This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

ADOPTED BY THE COUNCIL THIS 25th DAY OF November 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CCO FORM: FS31

Approved: 11/15 (MWH)

Revised: 05/25 (MWH)

Modified:

Christian County

City of Nixa

Project TAP-9901(860)

CFDA Number: 20.205

CFDA Title: Highway Planning and Construction

Award name/number: TAP - 9901(860)

Award Year: SFY 2024

Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
TRANSPORTATION ALTERNATIVES PROGRAM
SUPPLEMENTAL AGREEMENT**

THIS SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Nixa (hereinafter, "City").

WITNESSETH:

WHEREAS, on October 23, 2023, the Commission and the City previously entered into a Transportation Alternatives Program Agreement **#2023-09-82036** as to public improvements designated as The Cheyenne Road Multi-Use Path, for the construction of a 10-foot wide multi-use path along North Cheyenne Road and North Street from Summit Elementary and Cheyenne Valley Subdivision on North Road, (hereinafter, "Original Agreement"); and,

WHEREAS, the Commission and the City now desire to revise the Original Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations contained herein, the parties agree as follows:

(1) REVISION: Paragraph(s) 16 REIMBURSEMENT of the Original Agreement is removed and replaced with the following:

(16) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows: Any federal funds for the project activities shall only be available for the reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs. The federal share from the Preliminary Engineering and Construction Phases of this project will be **80 percent**, not to exceed **\$704,191** using a combination of Transportation Alternative Program (TAP) and Surface Transportation Block Grant (STBG) funding. The

calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating funds. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments

(2) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Supplemental Agreement, the Original Agreement and all previous Supplemental Agreements between the parties shall remain in full force and effect and shall extend and apply to this Supplemental Agreement as if fully written in this Supplemental Agreement.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this _____ (date).

Executed by the Commission this _____ (date).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY

By _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title: _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title: _____

Ordinance No.: _____