

CITY OF WILLARD
BOARD OF ALDERMEN
FEBRUARY 12TH, 2007
7:00 P.M.

Board present: Mayor Thomas J. Keltner; Aldermen Charles Whitehead; Aldermen Bill Caplinger; and Aldermen Gordon O'Quinn. Aldermen Richard Simpson was not present.

Also in attendance: City Administrator, Fred Gress; City Clerk, Kathy Blakemore; CFO, Karen Robson; Municipal Court Clerk, Linda Murray; Director of Development, Randy Brown; Director of Public Works, Charlie Jones; Director of Parks and Recreations, Jill Simmons; Sports Coordinator, Kerri Gates; Chief of Police, Tom McClain; Sergeant David Richardson; Officer Bob Bell; Officer Mike Payne; City Phone Operator, Tami Cobb; P&Z Chairmen Dale Duvall; P&Z Executive Secretary, Lucille Murray; City Attorney Ken Reynolds.

Guest present: Edmond Sherrod, Mikaela Sherrod, Dominique Sherrod, Kelly Smith, Ramon Seelye, Angela Seelye, John & Michelle O'Quinn, Dennis & Rena Metzger, Rolan Logan, Ted Lee, Mary Lee, Sojia Dejonge, James Dejonge, Kaila Dejonge, Kim & Nancy Haase, Bradley & Wendy Dalton, Lori Ryan, Nancy Crighton, Ron Crighton, Chuck Peeters, Steven Duvall, Brenda Keltner, Evans Ross, Rusty Echols and family.

Mayor led the Pledge of Allegiance.

Special Recognition (Awards, Cetificates, and Honors)

Chief of Police Tom McClain presented Dominique Sherrod with a Certificate for Courtesy. Dominique is a student at the intermediate school.

City Attorney Ken Reynolds opened the PUBLIC HEARING TO CONSIDER THE APPLICATION FOR ANNEXATION FOR RANDY A. BROWN TO ANNEX ALL OF LOT THREE (3) IN WEATHERLY ADDITION, CONTAINING .4275 ACRE, INTO THE CITY LIMITS OF WILLARD.

(Public Notice was published in the Cross Country Times on 12/27/06, 01/03/07 & 01/10/07).

Ken asked if anyone wished to speak in favor or opposition. No one spoke. Ken closed the Public Hearing.

City Attorney Ken Reynolds opened the PUBIC HEARING TO CONSIDER THE APPLICATION FOR ZONING CHANGE (REZONING) FOR NANCY CRIGHTON, TO REZONE FROM R-1 TO C-2 CLASSIFICATION.

(Public Notice was published in the Cross Country Times on 01/03/07).

Ken asked if anyone wished to speak in favor or opposition. No one spoke. Ken closed the Public Hearing.

City Attorney Ken Reynolds opened the PUBLIC HEARING TO CONSIDER THE APPLICATION FOR ZONING CHANGE (REZONING) FOR NANCY CRIGHTON, TO REZONE 517 E. NEW MELVILLE, FROM C-1 TO C-2 CLASSIFICATION.
(Public Notice was published in the Cross Country Times on 01/03/07).

Ken asked if anyone wished to speak in favor or opposition. No one spoke. Ken closed the Public Hearing.

City Attorney Ken Reynolds opened the PUBLIC HEARING TO CONSIDER THE APPLICATION FOR ZONING CHANGE (REZONING) FOR RONALD CRIGHTON, TO REZONE 60 ACRES, FROM R-1 TO C-2 CLASSIFICATION.
(Public Notice was published in the Cross Country Times on 01/03/07).

John O'Quinn: I'm John O'Quinn, 512 Truman, Fox Creek. I would like to ask that you please listen to and consider the opinions of those who will be speaking before you tonight on this matter. I hope that unlike the Planning and Zoning Commission, that you came in here tonight with an open mind and an honest desire to do what's best for your constituents, to represent us and our expectations above a financial gain of a few. And I would like to thank Brad Dalton for being the sole opposing voice on that P&Z board. Concerning the Public forum last month I do not understand why residents of Fox Creek were not allowed to ask questions and receive answers following the city manager's presentations. Is that not the definition of a Public forum? City employees were allowed to speak from their seats without being recognized, yet property owners were not. This is a public meeting and I ask that the public be given the opportunity to ask and receive answers to all of their questions. We are not here to discuss the legality of rezoning this property but the morality of jumping five (5) zoning classifications against the will of property owners in the area. I as well as others here tonight purchased with the knowledge of being in a residential area. I would not have purchased my home in a commercial zone. In the last meeting we in attendance were told of how this type of mixed zoning is done in Nixa, Republic, and behind Bass Pro. I did not move to Nixa, Republic, or behind Bass Pro, nor did anyone else here beside me. That is a ludicrous comparison. Willard's charm lie's and that it is not like Nixa or Republic. And it is my vote that you try not to mimic them. Strip malls lining both sides of the highway for an eight (8) to twelve (12) mile stretch is not a valid a plan for development or rather the lack thereof. The city manager was not able to say with any conviction that the rezoning and commercial development would not have an adverse effect on property values in Fox Creek and the surrounding area. So what right do you have as an elected board to gamble with our money and our future? Allowing the developer to be responsible for water runoff, water retention, and traffic congestion studies, as was stated during the P&Z meeting is a kin leaving a fox to guard the hen house. This is a huge mistake. These studies should have been done prior to the request for rezoning. This vote should not be taking place without these studies being commissioned. The residents of Fox Creek know first hand what happens when a developer is allowed to police their own actions.

City ordinances that should protect us are not enforceful at this time. What constitutes excessive light? What is excessive noise? Taking the example of a trash dumpster at Casey's, are the headlights from a trash truck shooting into your bedroom at 3:30 in the morning excessive? What about the noise from the truck as a diesel engine idles up to operate the lift? Is that excessive? It is to the property owner that is affected by it. I ask that you make the right choice, the moral choice, consider the ramifications of this vote. Decide what the future of Willard should be. I have to assume each of you ran for public office to have a voice in the course this city takes. Vote for the wishes of the people who elected you. Put those of us affected by this issue above the personnel gains of a few. If the owners of this property truly want to benefit the community put in a water well and tower, or a city park there instead. Don't allow our neighborhood to be destroyed. Keep commercial development away from residential homes, vote no.

City Attorney Ken Reynolds asked if anyone else would like to speak in favor or opposition.

James Dejonge: My names James Dejonge, 514 Truman Rd. And I just had some general questions. Has there been a traffic study done to even get a basic idea of the amount of congestion that will come from a sixty acre development like this?

City Attorney Ken Reynolds: I have no clue, Mayor has a traffic study been done?

Mayor Thomas J. Keltner: To my knowledge, no.

James Dejonge: O.k. well based on that, I've got a friend who is a civil engineer and they design fifty, sixty, seventy, eighty, hundred acre developments and based on his formulas he told me we can expect no less than on peak times 600 cars in and out of the intersection where they have just placed the McDonalds at Hunt Road and 160, 25,000 vehicles in and out on an average day, with 10% of that being at peak. Now that's a lot of vehicles coming in and out, 12,500 in, 12,500 out depending upon what goes in there. And of course no one really knows what's going to go in there so far were being told or just being told hey it's going to be a sixty acre, C-2 development. And you know it could be anything. There is a whole list of things it could be, but traffic is a serious issue there is lots of kids in our neighborhood there's, my child alone is blind. I can't have 12,500 vehicles racing around the neighborhood. I can't have that type of congestion anywhere near my neighborhood. It doesn't seem fair to the people that moved into that neighborhood. And if you just take a look now just at since the McDonalds has opened and the amount of congestion that has caused just from that one small business. I would like you guys to take into consideration what a sixty arce business would do, because it's not like their going to put in traffic lights right away. The roads are not wide enough for it and sure widening may come in the future but that's a huge project and it cost lot's of tax payers money. So I really want you guys to take into consideration the traffic effects that this is going to cause. I realize you know as the city council you want the city to grow and expand and to you know create more tax dollars, and give more incentive for families to want to move to Willard but for myself, my wife, and my children we moved to Willard to get away from Springfield and all that. I would appreciate it if we could

maybe keep Willard a little quieter than Springfield and Republic, Nixa, and Ozark because I've been to those towns and I wouldn't want to live in any of e'm. So thank you very much.

City Attorney Ken Reynolds asked if there were any additional comments or questions.

Chuck Peeters: My name is Chuck Peeters. And I'm the president of the homeowners association there. And a lot of what John said this is why we moved here because of the residential and a quieter area. We looked around at a ten mile radius on this side and we looked around Republic and Nixa and we just picked that this was the area that we wanted to move into. I'm all for the city growing but seems to me there is other areas that they need to put you know industrial or commercial area that they wouldn't have to crowd into a residential area. That's all.

City Attorney Ken Reynolds asked if there were any additional comments or questions.

Ted Lee: My name is Ted Lee. I live at 513 Truman in Fox Creek. I'm a vendor by trade so I can say from experience. I start my route about two or three in the morning. I service the stores there in Springfield and various areas. Some of them are right up to next to residential areas. The trucks, the noise, the congestion all the newer truck have the safety beepers I'm sure you've heard when their in reverse backing up. The loud beep, beep, beep, beep, you know all the problems that go along with that. So I can attest from experience you know about putting in a commercial zone like that next to a residential area I guarantee the people that live around the stores that I service personally I know they hear the noise, they hear the trucks their disturbed by it. If you look at some of the areas, unfortunately I haven't had time to take pictures. I wished I had of. But some of the areas, the clutter, the trash it's just all negatives you know going to the commercial zone that close into a residential areas. So in your vote and your decisions you're going to make tonight please take that into consideration. Thank you.

City Attorney Ken Reynolds asked if there were any additional comments or questions. No one spoke. Ken closed the Public Hearing.

City Attorney Ken Reynolds OPENED THE PUBLIC HEARING TO CONSIDER THE PROPOSED TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS, SECTION 17.5 LIGHTING REGULATIONS.
(Public Notice was published in the Cross Country Times on 01/10/07).

Ken asked if any one wished to speak in favor or opposition. No one spoke. Ken closed the Public Hearing.

City Attorney Ken Reynolds turned the meeting over to the Mayor.

Mayor Thomas J. Keltner called the meeting to order.

Chief of Police Tom McClain presented Rusty Echols a “Man of Honor” award. Rusty is moving back to his hometown area of Atlanta Georgia. Rusty has been with the Willard Police Department since September of 2003.

Agenda Amendments/Approval of agenda

Motion made by Gordon O’Quinn with second by Bill Caplinger to approve the agenda. All votes yes. Motion carried.

Minutes

Motion made by Gordon O’Quinn with second by Charles Whitehead to approve the minutes of the January 4th, 2007 Special Closed Meeting. All votes yes. Motion carried.

Motion made by Bill Caplinger with second by Charles Whitehead to approve the minutes of the January 8th, 2007 Regular Open Meeting. All votes yes. Motion carried.

Motion made by Bill Caplinger with second by Gordon O’Quinn to approve the minutes of the January 8th, 2007 Closed Meeting. All votes yes. Motion carried.

Motion made by Charles Whitehead with second by Bill Caplinger to approve the minutes of the January 25th, 2007 Special Open Meeting. All votes yes. Motion carried.

Motion made by Charles Whitehead with second by Gordon O’Quinn to approve the minutes of the February 6th, 2007 Special Open Meeting. All votes yes. Motion carried.

Citizen Input

None

Financial Report

Motion made by Charles Whitehead with second by Bill Caplinger to approve the December Financial Statements. All votes yes. Motion carried.

Motion made by Charles Whitehead with second by Bill Caplinger to approve paying the outstanding bills. All votes yes. Motion carried.

Aldermen Gordon O’Quinn asked about the minutes of January 8th, 2007. Gordon stated that it shows the trade in value as \$12,000.00 instead of \$15,500.00. Kathy Blakemore City Clerk stated that she would correct this typing error.

Questions for Department Heads

Aldermen Gordon O’Quinn asked Chief McClain if they had received the new police car. Chief McClain stated that they have received the new car.

Annexation for Randy Brown

BILL NO. 07-05

ORDINANCE NO. 070212

**AN ORDINANCE TO ANNEX CERTAIN PROPERTY CONTIGUOUS,
COMPACT AND ADJACENT TO THE EXISTING CITY LIMITS OF THE CITY
OF WILLARD, GREENE COUNTY, MISSOURI.**

First reading by City Clerk Kathy Blakemore.

Motion made by Bill Caplinger with second by Charles Whitehead to approve the first reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Second reading by City Clerk Kathy Blakemore.

Motion made by Gordon O'Quinn with second by Bill Caplinger to approve the second reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Rezoning R-1 to C-2 Nancy Crighton

BILL NO. 07-06

ORDINANCE NO. 070212A

**AN ORDINANCE REZONING REAL ESTATE IN THE CITY OF WILLARD,
MISSOURI FROM R-1 TO C-2 CLASSIFICATION.**

First reading by City Clerk Kathy Blakemore.

Motion made by Charles Whitehead with a second by Gordon O'Quinn to approve the first reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Second reading by City Clerk Kathy Blakemore.

Motion made by Bill Caplinger with second by Charles Whitehead to approve the second reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Rezoning C-1 to C-2 Nancy Crighton

BILL NO. 07-07

ORDINANCE NO. 070212B

**AN ORDINANCE REZONING REAL ESTATE IN THE CITY OF WILLARD,
MISSOURI FROM C-1 TO C-2 CLASSIFICATION.**

First reading by City Clerk Kathy Blakemore.

Motion made by Bill Caplinger with second by Gordon O'Quinn to approve the first reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Second reading by City Clerk Kathy Blakemore.

Motion made by Charles Whitehead with second by Bill Caplinger to approve the second reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Rezoning R-1 to C-2 Ronald Crighton

BILL NO. 07-08

ORDINANCE NO. 070212C

**AN ORDINANCE REZONING REAL ESTATE IN THE CITY OF WILLARD,
MISSOURI FROM R-1 TO C-2 CLASSIFICATION.**

First reading by City Clerk Kathy Blakemore.

Motion made by Charles Whitehead with second by Bill Caplinger to approve the first reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-no. Motion carried.

Second reading by City Clerk Kathy Blakemore.

Motion made by Bill Caplinger with second by Charles Whitehead to approve the second reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-no. Motion carried.

Amendment to LDR's-Lighting Regulations

BILL NO. 07-09

ORDINANCE NO. 070212C

**AN ORDINANCE ADOPTING AN AMENDMENT TO THE LAND
DEVELOPMENT REGULATIONS AND DESIGN STANDARDS FOR THE CITY
OF WILLARD, MISSOURI; REPEALING OR AMENDING INCONSISTENT
ORDINANCES AND PROVIDING FOR PENALTIES FOR VIOLATION
HEREOF.**

First reading by City Clerk Kathy Blakemore.

Motion made by Bill Caplinger with second by Gordon O'Quinn to approve the first reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Second reading by City Clerk Kathy Blakemore.

Motion made by Charles Whitehead with second by Bill Caplinger to approve the second reading. All votes yes. Motion carried.

Replat of greenspace in Deer Field Phase II

BILL NO. 07-10

ORDINANCE NO. 070212D

**AN ORDINANCE TO ACCEPT THE REPLAT OF A PORTION OF THE
GREENSPACE IN DEER FIELD PHASE II AS AN ADDITION TO THE CITY
OF WILLARD, GREENE COUNTY MISSOURI.**

First reading by City Clerk Kathy Blakemore.

Motion made by Bill Caplinger with second by Charles Whitehead to approve the first reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Second reading by City Clerk Kathy Blakemore.

Motion made by Charles Whitehead with second by Bill Caplinger to approve the second reading. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Request for Public Hearing for annexation of right-of-way as follows:

State Highway AB from a point on the South Willard city limits continuing southward to State Highway EE; and Highway EE east from the intersection of Highways EE and AB to Farm Road 103; and also including the right-of-way generally described as Farm Road 103 from the South Willard city limits to the intersection of State Highway EE and also including Farm Road 106 from a point east of State Highway AB to a point where it intersects Farm Road 103; and annexing Farm Road 101 from a point north of the intersection of Farm Road 101 and 106 to a point where it ends at private property.

Motion made by Bill Caplinger with second by Gordon O'Quinn to approve to set a Public Hearing for the annexation of right-of-way listed above. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Motion made by Charles Whitehead with second by Gordon O'Quinn to approve the Mayor signing the Resolution of Intent for the annexation of right-of-way listed above. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Acquisition of real property

City Administrator Fred Gress stated that the Acquisition of Real Property will entail buying the Meadows Water Company. Those assets will include water lines, water tower, two wells, and a building at the corner of AB and EE. It will also entail buying the sewer system that they currently have in place that consist of sewage lagoons and two lift stations and sewer lines, manholes.

Mayor stated this would be a leased purchase. Also the Mayor stated that there would be no tax or water rate increase with this purchase for the City of Willard.

City Administrator Fred Gress stated that staff is recommending this purchase for the following reasons. The city knows that we would have to drill another well and put up more additional elevated storage in order to improve the city's system. Estimated cost for that is between two and three million dollars. The City of Willard can acquire the Meadows and immediately impact our water system by opening one valve. The City of Willard already has an interconnection with the Meadows Water System. By opening that valve the city will be able to take full advantage of the 500,000 gallon storage tank, and their two wells. One well is 150 HP, and one the other well is 100 HP. Fred stated that on the sewer side, Willard pumps all of their wastewater to Springfield right now. That contract is up in July and the City of Willard will have to take over the force main. That is maintenance of six to seven miles of twenty year old force main. This would give us a up on the time duration of getting a permit to build our own sewer plant.

Motion made by Gordon O'Quinn with second by Bill Caplinger to approve the Acquisition of Real Property. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Motion made by Charles Whitehead with second by Bill Caplinger to approve the Mayor signing the Meadows Water Company Contract. Charles Whitehead-yes. Bill Caplinger-yes. Gordon O'Quinn-yes. All votes yes. Motion carried.

Old Business

None

Mayor Thomas J. Keltner stated that the board would be going into closed session to discuss legal and personnel matters.

Motion made by Gordon O'Quinn with second by Bill Caplinger to adjourn the open meeting. All votes yes. Motion carried.

Meeting adjourned.

Kathy Blakemore, City Clerk