

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

NIXA CITY HALL

January 9th, 2023 7:00 P.M.

The regular meeting of the Nixa City Council was called to order by Mayor Brian Steele. Attending were Council Members Seth Balogh, Shawn Lucas, Jarad Giddens, Aron Peterson, Darlene Graham, and Matt Ogden.

The Pledge of Allegiance was given.

Presentation: SWT Designs – Eoff Property North Parcel:

Matt Crouse, Parks Director, introduced SWT Design. Crouse stated that SWT Design would provide information on potential designs for the North Parcel of the Eoff Family Century Farm Park. Jay Wohlschlaeger, SWT Design, introduced the team that worked on the project. Wohlschlaeger gave an overview of the Eoff Property and the 2020 Master Plan concept. Wohlschlaeger discussed site analysis, program suitability, utility access, and the state of the structures currently on the property. Wohlschlaeger provided information on the community open house and online input received for the property. Wohlschlaeger stated that 234 surveys were collected, and 900 comments were received. Wohlschlaeger discussed the Concept Master Plan and the Program Zones. Wohlschlaeger stated that Zone 1 would be the "events" zone with a high activity area and low environmental sensitivity. Wohlschlaeger said Zone 2 would be the "Upper Park Amenities" area, which would have a high activity area and low environmental sensitivity. Wohlschlaeger stated that Zone 3 would be the "Lower Park Amenities" area with a moderate activity area and moderate environmental sensitivity. Wohlschlaeger said that Zone 4 would be the "Woodland" area with a low activity area and moderate to high environmental sensitivity. Wohlschlaeger stated that Zone 5 would be the "Rivers Edge" area with a low activity level and high environmental sensitivity. Wohlschlaeger said that Zone 6 would be the "Meadow" area with a low activity level and moderate environmental sensitivity. Wohlschlaeger discussed the existing house and barn architecture and potential uses for both structures. Wohlschlaeger provided Council information on the costs for each zone, saying the entire park, along with necessary fees, would cost \$18,594,233.75. Wohlschlaeger discussed "Phase 1" implementation. Council asked questions about the designs, with Wohlschlaeger responding.

Visitors:

Ron Sanders, 976 Glen Oaks Dr., asked about property taxes and the number of households in Nixa. Sanders asked questions about the number of businesses in Nixa, and Sanders stated that the City should live within its means until more commercial or industrial development occurred. Mayor Steele responded to Sanders comments.

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

Council Bill #2022-121 Rezoning the Real Property Generally Located at the Northeast Corner of the North Main Street and Tracker Road Intersection from a Single-Family Residential (R-1) District and General Commercial (GC) to High-Density Multi-Family (R-3) Residential District and General Commercial (GC) District. Scott Godbey, Planning and Development Director, stated that Walker Family Investments LLC owns approximately 28.39 acres that were annexed into the City in 2021 with GC and R-1 zoning. Godbey said the current rezone request is to expand the current GC portion of the property from 2.53 acres to 3.15 acres, and the remaining 25.245 acres would be rezoned from R-1 to R-3. Godbey said the property is currently vacant and has R-1 zoning in the county to the east, undeveloped property to the north, bounded by Tracker Road to the south, and Main Street and R-1 structure to the west. Godbey stated that the rezoning is consistent with the pattern of development in the area and the adopted future land use map. Godbey told Council that a traffic impact study would be required based on the requested zoning change. Godbey said all utilities are accessible and would be subject to the Northwest Regional Lift Station agreement. Godbey discussed stormwater management of the property, letting Council know the property does contain a FEMA Flood Hazard Area. Godbey provided information on the density standards for an R-3 zone district and the maximum dwelling units allowed for this property. Godbey stated that at the Planning and Zoning Commission meeting, concerned citizens discussed their concerns with the rezoning request. Godbey said the Planning and Zoning Commission voted 5-3 not to recommend approving the rezone for various reasons. Godbey stated that staff is recommending approval. Mayor Steele opened the public hearing.

Amanda Walker, 3040 E. Glenwood, stated she was one of the property owners. Walker discussed building apartments on the property and working with Morelock on the project. Walker read a letter of support for the development.

David Garrett, Toth & Associates, stated he was the civil engineer for the project and was in attendance to speak for the developer and the property owner. Garrett discussed researching the City's current comprehensive plan during the design of the project and the traffic study that would be needed. Garrett discussed the design timeline and the phased approach to the project.

Gerald Schmitz, 365 E. Tracker Rd., asked Council not to approve the rezoning of the property. Schmitz discussed the City's comprehensive plan, the phase construction approach, and the number of residents apartments would bring to the area. Schmitz also spoke about the stress the rezone would put on the school district and the wrecks near the intersection the property is located.

Jim Smithwick, 1456 N. Woodview Rd., discussed a buried electric line in the area, water runoff, and traffic issues. Smithwick spoke about his cattle near the property. Smithwick asked about Tracker Road widening.

Roger Eckley, 336 E. Tracker Rd., asked about the widening of Tracker Road. Eckley discussed the phased approach to construction, county/city roads, and the traffic/road issues in the area. Eckley stated he is against apartments but for single-family homes.

Crystal Webster, Morelock Builders, stated she was in attendance on behalf of Morelock Builders in support of the rezoning. Webster stated that the concerns being voiced seem to be

related to engineering and that all issues will have to be addressed before the development occurs.

Tom Rieken, 1625 E. Primerose Springfield, MO, stated he was in attendance on behalf of Morelock Builders. Rieken said that no residential streets would be affected during the construction process. Rieken discussed the traffic studies that would be needed.

Marcelene Mashburn, 840 E. Rush Ct., discussed the traffic issues on Tracker Road and the apartments being built on Main Street. Mashburn said that the streets in the area need to be widened and stated there needs to be additional schools in the area.

Jeff Snelling, 617 N. Santa Monica, stated he was in support of the property owners. Snelling said that most of the concerns being discussed were engineering.

Wayne Morelock, Morelock Builders, stated he owned Morelock Builders. Morelock said the rezoning is consistent with the City's comprehensive plan. Morelock discussed property values. Morelock stated he has offered to help with the traffic issues in the area. Morelock discussed working with engineers on the project.

Mayor Steele discussed MoDOT and the City's investment at Main Street and Tracker.

Connie Wyatt, 1452 N. Main, discussed the Planning and Zoning Commission's vote. Wyatt spoke about Highpointe Elementary School and the number of students it currently serves and asked Council to consider whom they represent. Wyatt discussed the crime rate in Nixa, traffic issues in the area, and the residents of apartment buildings.

Alesha Gonzales, 400 N. Dublin Dr., stated she was a business owner who moved her business from Nixa due to the lack of workers. Gonzales said apartments are needed in Nixa. Gonzales discussed the issues being brought up: engineering, the school district, and the need to support businesses.

Neal Damominio, 1424 Woodview, discussed the school district, traffic concerns, and property values. Damominio asked Council to vote like the Planning and Zoning Commission.

Stephen Walker, 2651 S. Belview, stated he was one of the property owners. Walker said that he would like the property to be an asset to Nixa. Walker stated he understands the concerns with growth and the rezoning, and Walker said he wants to provide Nixa with accommodations it doesn't have currently. Council asked questions about the original R-1 zoning, with Walker responding.

Bryan Wade, 3810 E. Sunshine Springfield, MO, said he was the attorney for the property owners. Wade stated that the rezoning was consistent with the City's land use map. Wade discussed the landowner's rights and the City's comprehensive plan. Wade said there was a need for housing like apartments.

Ron Sanders, 976 Glen Oaks Dr., discussed traffic issues in the area, the Planning and Zoning Commission vote, the school district, and water runoff issues. Sanders stated that apartments are needed but not at this location.

Andy Davis, 881 Pembroke, asked questions about taxes. Davis discussed traffic issues and population growth.

Matt Wickland, 2106 Mountain Rd. Ozark, MO, stated he owns a construction company and is on an advisory board for the Christian County Planning and Zoning for the Christian County Commission. Wickland stated it was difficult to find workers in Nixa. Wickland said the apartments are a good idea and needed in this location. Wickland discussed the traffic issues in the area.

Dan Morton, 397 E. Tracker, discussed the property owners requesting the rezone, strategic planning, and the current apartments being built on Main Street. Morton said he doesn't want low-income housing but homes that are like the ones in Copperleaf.

With no further comments, Mayor Steele closed the public hearing. Council asked questions to Morelock about the rezoning request, with Morelock answering. Mayor Steele called for a five (5) minute break at 8:58 p.m. Mayor Steele called the meeting back to order at 9:10 p.m.

Council Bill #2023-01 Amending Chapter 12, Article V, of the Nixa City Code by Amending Sections 12-103 and 12-104 to Modify Provisions Related to Mobile Vending. Godbey provided a background on the City's mobile vending code regulations and special use permits that are needed for certain mobile vending trucks. Godbey said the changes presented in this ordinance would save small business owners time and money with special use permits. Godbey said the three (3) changes to the code would be how long a mobile vending truck could stay on site, overnight parking for General Commercial and Highway Commercial zones, and update the drive-thru provisions. Godbey said staff recommends approval. Council asked questions about the special use permit, with Godbey responding. Council held a discussion, and Liles provided additional information. Council had an additional discussion on special use fees. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed.

Council Bill #2023-02 Approving the Preliminary Plat of the Cardinal's Gate Subdivision Generally Located Along the Southeast Corner of the Intersection of South Main Street and East Mills Road and Authorizing Certain City Officials to Take Certain Actions Upon the Filing of a Final Plat. Godbey said the property was annexed into the City in 1985, and a form of the existing zoning arrangement was established at that time. Godbey said that Cardinal's Gate subdivision proposes to create six (6) two-family residential lots, five (5) of which would be developed and one (1) left undeveloped for open space or possible future trail connections. Godbey said the undeveloped lot has a FEMA floodplain. Godbey stated that all utilities are available and discussed street access to the lots. Godbey told Council that due to the proximity of the FEMA floodplain, the City had been advised by its third (3rd) party stormwater consultant that stormwater detention is not recommended. Godbey said that at the Planning and Zoning Commission meeting, concerned neighbors voiced their concerns about flooding and road/traffic

issues. Godbey stated that the Planning and Zoning Commission voted 6-1 vote to recommend the plat, and staff also recommended approval. Mayor Steele opened the public hearing for comments.

Brandy Bewley, Bewley Custom Homes, stated that she and her husband had been a part of the community for 20 years. Bewley discussed renters and the lack of rental places.

Hubert Cagle, 113 E. Mills Road, discussed the road issues near the proposed plat and asked to update the road.

Doug Schenck, 116 E. Mills Rd., stated that the roads need to be widened, and there are traffic issues on the roadway.

With no further comments, Mayor Steele closed the public hearing. Council asked questions about road width, with staff responding.

Council Bill #2023-03 Rezoning the Real Property Generally Located in the 400 Block of South Main Street From a High Density Multi-Family (R-3) to a Planned Unit Development. Godbey said the property is approximately 8.11 acres, commonly known as The Pines. Godbey told Council the property was partially developed in 2007. Godbey stated that the property owner is requesting duplexes and single-family homes, which can only be allowed within a Planned Unit Development. Godbey said the property has single-family homes to the south, single-family homes and Main Street to the east and single-family homes and an apartment complex to the west, and single-family zoned property and R-3 zoned property to the north. Godbey stated that the proposed change is consistent with the development in the area, and a new traffic impact study would be needed. Godbey told Council that utilities are ready at the site and being updated. Godbey said the existing onsite stormwater infrastructure was built to handle more stormwater than what is being proposed. Godbey stated that the dwelling units being proposed are well below density standards. Godbey said that a slight reduction to the setback is being requested. Godbey stated that a concerned neighbor approached the Planning and Zoning commission about stormwater runoff. Godbey told Council that the Planning and Zoning Commission and staff recommended approval. Council asked questions with Godbey responding and held an additional discussion. Mayor Steele opened the public hearing for comments.

Derek Lee, 1200 E. Woodhurst, stated he was in attendance for Lee Engineering and represented the property owner. Lee discussed the setback changes and the stormwater & detention basin.

With no further comments, the public hearing was closed.

Council Bill #2023-04 Rezoning the Property Generally in the 700 Block of South Elegant Drive From a Single-Family Residential (R-1) District to a Two-Family Residential (R-4) District. Godbey stated that the property being proposed for rezoning is approximately 17.37 acres. Godbey said the property was originally annexed into the City in 2005 as a part of a 118.8 parent parcel annexation. Godbey told Council the original Richmond plat showed 38 single-family units for the 17 acres being discussed. Godbey said the property is vacant, with South Elegant Dr. to the east and south and single-family homes to the north and west. Godbey stated that the

rezoning is consistent with the comprehensive plan. Godbey said a traffic study would be needed and discussed the traffic and streets near the property. Godbey told Council that utilities are available to the property and contains no FEMA Flood Hazard Areas. Godbey discussed the density standards for R-4 zoning and the number of dwelling units allowed on the property. Godbey said that at the Planning and Zoning Commission meeting, concerned neighbors spoke about increased crime and traffic, property values, stormwater issues, the comprehensive plan, spot zoning, and the school district. Godbey defined spot zoning. Godbey stated that the Planning and Zoning Commission voted 4-3 not to recommend the rezoning; however, staff does recommend the rezoning. Council asked questions, with Godbey responding. Mayor Steele opened the public hearing for comments.

Craig Heintz, 762 E. Diamond, stated he spoke at the Planning and Zoning hearing. Heintz discussed Bussell Building and their rezoning of the property, transition zoning, and the zoning near the Wicklow area.

Steve Sweaney, 722 S. Peach Brook, stated he is not opposed to the land being developed. Sweaney discussed safety issues, the impact on the school district, and traffic and water retention issues.

David Shelton, 611 S. Jewel Ct., discussed road issues in the area. Shelton said that R-4 zoning doesn't make sense with R-1 zoning. Shelton also discussed property valuation and issues with utilities.

Linda Bollenbach, 722 S. Eastridge, stated she loves the Nixa area and her neighborhood. Bollenbach discussed the traffic and safety issues, and that R-4 doesn't fit in the area. Bollenbach stated that none of the neighbors are in favor of rezoning.

Will Grant, Property Owner, handed packets to the Council on his rezoning request. Grant stated that the units that would be built would be patio homes and discussed patio homes. Grant discussed his ideas for the plat and green space on the property, property values, and road designs. Grant told Council he has partnered with Shaffer and Hines on this project. Council asked questions of Grant, with Grant responding.

Greg Perkins, 859 E. Stone Crest, stated he spoke at the Planning and Zoning Commission meeting. Perkins discussed traffic issues and the Forrest Heights Subdivision and reminded Council of the Planning and Zoning Commission vote.

Dorothy Kleist, 614 S. Eastridge, stated that she knew the rezoning would happen on the property. Kleist discussed the increase in crime, transitional zoning, and home values.

Mark Bruder, 610 S. Elegant, discussed the green space that was spoken about earlier in the meeting and the traffic issues on Elegant Drive. Bruder said that R-4 development isn't needed in the area.

Scott Puryear, 758 E. Diamond, discussed the proposed green space. Puryear encouraged Council to drive out to the area and see the traffic issues.

Curt Gilliam, 712 S. Lantern Ridge, stated he attended the Planning and Zoning Commission meeting. Gilliam discussed spot and transition zoning, the property owner, and property values.

Mark Willoughby, 765 E. Diamond, discussed the traffic issues on Elegant. Willoughby said he was against the rezoning.

With no further comments, the public hearing was closed. Council held a discussion.

Council Bill #2023-05 Calling an Election to be Held on April 4, 2023, to Submit to the Qualified Voters the Question of Imposing an Additional $\frac{3}{4}$ -cent General Sales Tax to Fund Public Safety; Authorizing the City Clerk to Do All Things Necessary and Convenient to Submit Said Question to the Qualified Voters of the City; and Providing for the Enactment of Said Tax If Approved.

Mayor Steele called for a 5-minute break at 10:37 p.m. Mayor Steele called the meeting to order at 10:45 p.m.

Jimmy Liles, City Administrator, provided an overview of the current challenges the City is facing, including the need for additional officers, additional space in the Police Department, additional Parks facilities, and that revenues versus expenditures are not sustainable. Liles discussed a 7 year projection based on no sales tax increase versus a sales tax increase and the reduction on capital improvement projects. Liles gave a brief reminder of the City's Strategic Plan. Liles provided information on the City's current sales tax breakdown and what a sales tax increase would generate in revenues. Liles told Council that staff recommends a three-quarter cent ($\frac{3}{4}\text{¢}$) to prioritize public safety. Council asked questions about the proposed sales tax increase, with Liles responding. Mayor Steele opened the public hearing for comments.

Matt Wickland, 2106 E. Melton Rd. Ozark, MO, discussed the City of Ozarks failed public safety tax with Mayor Steele and Liles responding.

Brandy Bewley, 811 S. Southgate, stated she would help with voter education about the ballot initiative.

With no further comments, the public hearing was closed. Liles suggested a special meeting to approve this council bill due to the timeline to get the ballot language to the County Clerk.

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

Amended Council Bill #2022-114 Rezoning the Real Property Generally Located at 300 Block of South Market Street From a Single-Family residential (R-1) District to a Two-Family Attached Residential (R-4) District. Godbey stated that in 2006 the property was split into two (2) lots and rezoned from Agriculture to R-1. Godbey said the property had a structure from 1903, but that structure has been demolished. Godbey told Council that in November of 2022, the Planning and Zoning Commission heard a rezoning request for changing the property to R-3

however, during the first reading at the November 14th City Council meeting, many neighbors voiced their concerns about the R-3 rezoning. Godbey said that before the November 28th City Council meeting, the property owner submitted a new rezoning request for the property to be rezoned to R-4 to address some of the neighbor's concerns. Godbey stated the property has Agricultural zone property to the east and south, and R-1 zoned property to the north and west. Godbey said the proposed land use change is consistent with the land uses in the vicinity because the general character of the surrounding land uses is a mix of single-family, multi-family, and agricultural-zoned land uses. Godbey stated that all utilities are available. Godbey discussed stormwater management and must conform to the City's regulations concerning stormwater management. Godbey told Council that the Planning and Zoning Commission heard the rezoning request in December 2022, and neighbors discussed their stormwater issues. Godbey said the Planning and Zoning Commission voted 7-1 to approve the rezone, and staff also recommends approval. Mayor Steele opened the public hearing for comments.

Timmy Reaka, 403 E. Lynn St., asked Council to vote down the rezoning due to flooding concerns.

Matt Wickland, 2106 E. Melton Rd. Ozark, MO, stated he was in attendance to represent the developer. Wickland discussed the stormwater issues.

With no further comments, the public hearing was closed. Godbey told Council the builder did attend meetings and had an engineer on staff for the stormwater issues. Council asked questions, with Godbey responding. Mayor Steele called for a motion to approve the council bill. Giddens made a motion to approve Council Bill #2022-114 with Ogden seconding and Lucas, Giddens, Peterson, Graham, and Ogden voting aye on roll call. Balogh voting nay on roll call.

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

Resolution #2023-01 Amending the City's Personnel Code by Modifying Policy 7.3.1, Policy 7.3.2, and Policy 7.3.3 to Reduce the Insurance Probationary Period. Amanda Hunsucker, Human Resources Director, stated that the current probationary period for insurance is 90 days. Hunsucker said changing the probationary period would help to attract new employees and help new employees bridge the gap from one employer to another. Hunsucker said the City wants to change the probationary period to the first of the month following 30 days from hire. Hunsucker said staff is recommending approval. Council asked questions, with Hunsucker responding. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Steele called for a motion to approve the resolution. Lucas made a motion to approve Resolution #2023-01, with Graham seconding and all Council Members voting aye.

Mayor and Council Member Reports:

Liles told Council the RBI Board kick-off meeting would be January 10th. Liles proposed the special meeting date to approve Council Bill #2023-05 for January 12th at 4:30 p.m. with all Council Members agreeing.

Balogh discussed the statements of dislike he has been receiving about Republic Services and asked for an update on their services. Liles responded that he had spoken to Republic Services general manager and that all trash routes should be on schedule. Balogh asked about the Republic Services contract.

Mayor Steele moved Lucas' liaison report to February.

Adjournment:

Mayor Steele called for a motion to adjourn. Giddens made a motion to adjourn at 11:18 p.m., with Lucas seconding and all Council Members voting aye.

Mayor

City Clerk

**SPECIAL MEETING OF THE COUNCIL MEMBERS OF
THE CITY OF NIXA, MISSOURI**

NIXA CITY HALL

January 12th, 2023 4:30 p.m.

The special meeting of the Nixa City Council was called to order by Mayor Brian Steele. Attending were Council Members Seth Balogh, Shawn Lucas, Jarad Giddens, Aron Peterson, and Matt Ogden. Darlene Graham was absent.

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

Council Bill #2023-05 Calling an Election to be Held on April 4, 2023 to Submit to the Qualified Voters the Question of Imposing an Additional 3/4 -cent General Sales Tax to Fund Public Safety; Authorizing the City Clerk to Do All Things Necessary and Convenient to Submit Said Question to the Qualified Voters of the City; and Providing for the Enhancement of Said Tax If Approved. Jimmy Liles, City Administrator, stated that there are still unmet needs within the City. Liles said that the City's priority is public safety due to the need for police officers and space. Liles discussed the 7-year financial projections for the City. Liles said a three-quarter cent (3/4¢) sales tax increase would generate enough revenue to fund public safety needs. Liles said staff is recommending approval. Council asked questions, with Liles responding. Council discussed the citizen emails that have been received about the proposed sales tax increase. Mayor Steele opened the public hearing for comments, with no comments made, the public hearing was closed. Mayor Steele called for a motion to approve the council bill. Giddens made a motion to approve Council Bill #2023-05 with Lucas seconding and Lucas, Giddens, Peterson, Ogden, and Balogh voting aye on roll call vote.

Adjournment:

Mayor Steele called for a motion to adjourn. Balogh made a motion to adjourn at 4:39 p.m. with Giddens seconding and all Council Members voting aye.

Mayor

City Clerk

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

NIXA CITY HALL

January 23rd, 2023 7:00 P.M.

The regular meeting of the Nixa City Council was called to order by Mayor Brian Steele. Attending were Council Members Seth Balogh, Shawn Lucas, Jarad Giddens, Darlene Graham, and Matt Ogden. Aron Peterson was absent.

The Pledge of Allegiance was given.

Giddens made a motion to postpone Council Bill #2023-01 to the February 27, 2023, Council Meeting, with Lucas seconding and all Council Members voting aye.

Consent Agenda:

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

Visitors:

Ron Sanders, 976 Glen Oaks Dr., discussed being progressive, mortgages, rent, taxes, and apartment complexes. Sanders stated lower taxes and affordable housing was needed.

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

Council Bill #2022-121 Rezoning the Real Property Generally Located at the Northeast Corner of the North Main Street and Tracker Road Intersection from Single-Family Residential (R-1) District and General Commercial (GC) to High-Density Multi-Family (R-3) Residential District and General Commercial (GC) District. Scott Godbey, Planning and Development Director, stated that Walker Family Investments owns the 28.39 acres at the corner of Tracker and Main and is requesting the rezoning. Godbey said that in May of 2021, the property was annexed with an R-1 zoning, and in August of 2021, a preliminary plat was approved for the property. Godbey told Council the current rezone of the property is to expand the current GC portion from 2.53 acres to 3.15 acres, and the remaining 25.24 acres would be rezoned from R-1 to R-3. Godbey stated that the property has Tracker Rd. to the south, R-1 structures in the county to the east, Main St. and an R-1 structure to the west, and undeveloped property in the county to the north. Godbey said the rezoning request is consistent with the pattern of development in the vicinity and the adopted future land use map. Godbey told Council a transportation impact study would be required, and utilities are currently available. Godbey said that there are multiple sinkholes that will have to be protected, and the property also has a FEMA flood plain. Godbey stated that at the Planning and Zoning Commission meeting, concerned neighbors discussed their issues with the rezoning, and the Commission voted 5-3 not to recommend the rezoning. Godbey

discussed the current lead time of transformers. Godbey said that staff recommends approval. Mayor Steele opened the public hearing for comments.

Blake Woolman, 742 E. Penzance Cir., stated his family is a neighbor to the property up for rezoning. Woolman discussed his concerns with the proposed rezone but said he was in favor of it anyway. Woolman provided his experiences with the lack of apartments in Nixa and stated that these apartments being constructed is a good thing.

Jim Smithwick, 1456 N. Woodview, stated he knew the grandfather of the property owners. Smithwick discussed the traffic and school issues and the impact on the water and cattle in the area. Smithwick discussed the previous Council meeting.

Tim Havens, 592 E. Shelby Dr., discussed the current apartments being built on Main Street and the traffic issues apartments bring to Tracker and Main Street. Havens asked for more infrastructure to be built before apartments and stated that apartments don't add to the tax base.

Roger Eckley, 336 E. Tracker, stated he attended the previous Council meeting. Eckley discussed safety, traffic impact studies, and the current apartments being built on Main Street. Eckley asked about the street access of the apartments and the street setbacks. Staff responded to Eckley's comments.

Marcelene Mashburn, 840 E. Rush Ct., discussed the multi-family zoned properties at Tracker and Old Castle, traffic issues, and the possibility of a new elementary school near Tracker and Main. Mashburn asked if Tracker would be widened and if there would be more utilities available in the area. Mashburn asked Council to vote no. Mayor Steele responded to Mashburn's comments.

Wayne Morelock, Morelock Builders, stated he was the developer and could answer any questions Council had about the development. Council asked questions, with Morelock responding.

Crystal Webster, Morelock Builders, stated she was in attendance to answer any questions Council had regarding the property. Webster discussed the permitted renters at Morelock rental properties.

Connie Wyatt, 1452 N. Main St., stated the property should be developed into single-family homes. Wyatt discussed the previous Council meeting, employee shortages, and the widening of Main Street. Wyatt stated that the Planning and Zoning Commission made the correct decision and asked Council to vote no. Wyatt asked questions about the rental spaces, with Mayor Steele responding.

Gerald Schmitz, 365 E. Tracker Rd., discussed the City's comprehensive plan. Schmitz asked Council to do what was right for the citizens. Schmitz further discussed the previous Council meeting, engineering issues, and sunshine law requests. Mayor Steele responded to Schmitz's comments.

David Garrett, Toth and Associates, stated he was available to answer any questions related to the engineering of the property.

Lisa Gregory, 782 Pensance Cr., stated that apartments are already being built on Main Street. Gregory said she was worried about the coming school issues.

Ron Sanders, 976 Glen Oaks Dr., stated that the apartments are not low-income. Sanders discussed Council voting on this council bill and the issues with apartments. Sanders said more industrial and commercial space was needed.

Chris Wyatt, 1406 Raspberry Ct., asked who ran Eaglewood apartments.

With no further comments, the public hearing was closed. Council held a discussion. Mayor Steele called for a motion to approve the council bill. Lucas made a motion to approve Council Bill #2022-121, with Giddens seconding and Giddens, Graham, Ogden, and Lucas voting aye on roll call vote. Balogh voted nay on roll call vote.

Mayor Steele called for a 5-minute break at 8:29 p.m. Mayor Steele called the meeting back to order at 8:43 p.m.

Council Bill #2023-02 Approving the Preliminary Plat of the Cardinal's Gate Subdivision Generally Located Along the Southeast Corner of the Intersection of South Main Street and East Mills Road and Authorizing Certain City Officials to Take Certain Actions Upon the Filing of a Final Plat. Godbey stated that the property is currently zoned R-4 and was annexed in 1985 with the current zoning. Godbey said there would be six (6) residential lots, with five (5) of the lots being buildable and one (1) being a FEMA flood plain. Godbey stated that the property has road access on East Mills Rd. and has utilities readily available. Godbey discussed the FEMA floodplain and said the developer would ask for a stormwater fee instead. Godbey told Council at the Planning and Zoning Commission meeting concerns neighbors have with the development. Godbey said the Planning and Zoning Commission voted 6-1 to approve the plat, and staff also recommended approval. Doug Colvin, Assistant City Administrator and Public Works Director, stated he had looked at the road leading to this property, and there may be a way to add additional width to the road with the next mill and overlay project. Mayor Steele opened the public hearing for comments.

Doug Schenck, 116 Mills Rd., stated he was glad the City had looked at the road.

Patricia Doyle, 876 S. Main, discussed the sewer line and wildlife in the area. Doyle asked about the stream near her home, with staff responding.

Brandy Bewley, Bewley Construction, discussed duplexes and apartments. Bewley said she wants to make the property beautiful. Bewley spoke about the road issues leading to the property. Council asked questions of Bewley with Bewley and Dusty Bewley, Bewley Construction, responding.

Ron Sanders, 976 Glen Oaks Dr., discussed developers wanting to build multi-family homes and higher taxes.

With no further comments, the public hearing was closed. Council asked questions about the roadway, with Colvin responding. Mayor Steele called for a motion to approve the council bill. Giddens made a motion to approve Council Bill #2023-02 with Lucas seconding and Graham, Ogden, Balogh, Lucas, and Giddens voting aye on roll call vote.

Council Bill #2023-03 Rezoning the Real Property Generally Located in the 400 Block of South Main Street From a High Density Multi-Family (R-3) to a Planned Unit Development. Godbey stated that the property up for rezoning is 8.11 acres and was partially developed in 2007. Godbey discussed the previous condo plat that was attached to this property. Godbey told Council that the current property owner wants to put a mixture of single-family homes and duplexes on the site. Godbey provided information on planned unit developments. Godbey stated that the property is currently vacant. Godbey said the property is surrounded by R-1 zoning to the south and east, R-1 and apartments to the west, and R-1/R-3 to the north. Godbey told Council that the rezoning is consistent with the development pattern in the vicinity. Godbey said a traffic impact study would be required, and utilities are currently available. Godbey stated that the stormwater was overly developed in that area and could hold the amount of stormwater that would be generated. Godbey discussed the density that would be allowed on the property and the property setbacks. Godbey said that neighbors expressed their concerns with the rezoning at the Planning and Zoning Commission meeting. Godbey stated that the Planning and Zoning Commission anonymously voted to approve, and staff also recommended approval. Council asked questions, with Godbey responding. Mayor Steele opened the public hearing for comments.

Derek Lee, Lee Engineering, stated he was in attendance to represent the property owner.

With no further comments, the public hearing was closed. Mayor Steele called for a motion to approve the council bill. Ogden made a motion to approve Council Bill #2023-03 with Graham seconding and Ogden, Balogh, Lucas, Giddens, and Graham voting aye on roll call vote.

Council Bill #2023-04 Rezoning the Real Property Generally in the 700 Block of South Elegant Drive From a Single-Family Residential (R-1) District to a Two-Family Residential (R-4) District. Godbey stated the property is 17.37 acres that were annexed in 2005 with a plat associated that showed R-4 and R-1 zoning districts. Godbey said the property is currently vacant. Godbey told Council the property has South Elegant Dr. to the east and south and single-family structures to the north and west. Godbey said the rezoning is consistent with the comprehensive plan, and the land use map shows that there should be R-4 zoning adjacent to the property. Godbey also stated that R-4 zoning was a part of the original zoning before it was rezoned to R-1 in 2019. Godbey discussed low-density residential zoning and street access points. Godbey said utilities are available. Godbey provided information on the dwelling units that would be allowed. Godbey stated at the Planning and Zoning Commission meeting concerned citizens discussed their concerns with the rezoning. Godbey said the Planning and Zoning Commission voted 4-3 not to recommend approval; however, staff is recommending approval. Mayor Steele opened the public hearing for comments.

Linda Bollenbach, 722 S. Eastridge, discussed the Planning and Zoning Commission's vote and the petitions that were turned against the rezoning. Bollenbach asked about the plat approval and if Council has had a chance to drive to the area to see the issues.

Dorothy Kleist, 614 S. Eastridge, discussed the single-family zoning that surrounds the property and the property initially being zoned R-1. Kleist discussed transition zoning, commercial development, traffic concerns, and school impacts.

Will Grant, Property Owner, stated that the rezoning request meets the City's comprehensive plan. Grant also said that R-1 zoning and patio homes are the same. Grant discussed the traffic issues, dedicated green space, and the affordability of the homes. Grant stated there was a similar development in Republic.

Craig Heintz, 762 E. Diamond, stated that the neighbors must believe in the developer and hold them accountable. Heintz discussed the previous Council meeting and the homes that were built on Cheyenne.

Jen Meyer, 761 Gallup Hill, discussed school issues and asked not to bring more multi-family housing into the area.

With no further comments, the public hearing was closed. Council asked additional questions, with Godbey responding. Council held a discussion. Mayor Steele called for a motion to approve the council bill. Ogden made a motion to approve Council Bill #2023-04 with Giddens seconding and Lucas, Giddens, Graham, and Ogden voting aye on roll call vote. Balogh voting nay on roll call vote.

Mayor and Council Member Reports:

Graham made additional comments on Council Bill #2023-04.

Mayor Steele stated Lucas would have his liaison report at the February 27th Council meeting.

Adjournment:

Mayor Steele called for a motion to adjourn. Giddens made a motion to adjourn at 9:53 p.m., with Lucas seconding and all Council Members voting aye.

Mayor

City Clerk