May 20, 2019
Springfield, Missouri

The City Council met in regular session May 20, 2019 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Ken McClure. A moment of silence was observed.

Roll Call

Present: Andrew Lear, Abe McGull, Matthew Simpson, Mike Schilling, Jan Fisk, Craig Hosmer, Richard Ollis, and Ken McClure. Absent: Phyllis Ferguson.

Minutes

The minutes of the May 6, 2019 City Council Meeting were approved as presented.

Consent Agenda

The Consent Agenda was approved as presented.

The following bills appeared on the agenda under Ceremonial Matters

Recognition of Ralph Manley

Sponsor: City Council. Council Bill 2019-118. A resolution recognizing the life of Springfield legend Ralph K. Manley, and his many contributions throughout his 95 years.

Councilman Schilling read the resolution in its entirety.

Jason Gage, City Manager, noted he had not had the opportunity to meet Mr. Manley, but had been made aware of the significant impact Mr. Manley had on the community.

Councilman Ollis noted the significant impact Mr. Manley had in his life and in the lives of other members of the community.

Mayor McClure noted Springfield has lost a pillar of the community.

An opportunity was given for citizens to express their views. There being no appearances the discussion was closed.

Council Bill 2019-118. Resolution10454 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

Mayor McClure asked Anita Cotter, City Clerk to provide Mr. Manley's family a copy of the resolution.

Commitment to an Inclusive Culture

Sponsor: City Council. Council Bill 2019-127. A resolution affirming City Council's commitment to an inclusive culture that can only be achieved in an environment that fosters mutual respect of all people, thereby creating a stronger community.

Councilman Lear expressed his opinion that the proposed is being offered to combat statements recently reported on in the news. He stated he feels this resolution reflects the true sentiment of the citizens of Springfield.

Councilman Lear read the resolution in its entirety.

Jason Gage, City Manager noted the proposed is being offered as a reminder of the attitudes and actions that should be expected in our community.

An opportunity was given for citizens to express their views. There being no appearances the discussion was closed.

Councilman McGull expressed his appreciation for the prompt actions of both City staff and Council members to ensure that the City of Springfield is inclusive to everyone.

Council Bill 2019-127. Resolution10455 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

The following bills appeared on the agenda under Second Reading Bills

Rezoning 3250 East Sunshine Street

Sponsor: Simpson. Council Bill 2019-109. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation, by rezoning 2.39 acres of property, generally located at 3250 East Sunshine Street, from Planned Development No. 9 to GR, General Retail District; establishing Conditional Overlay District No. 172; and adopting an updated Official Zoning Map (Staff and Planning and Zoning Commission recommend approval.) (By: Sunshine RE Holdings, LLC; 3250 East Sunshine Street; Z-11-2019 w/Conditional Overlay District No. 172.)

Council Bill 2019-109. General Ordinance 6526 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

Rezoning 2745 South Maple Leaf Lane and the 2700 Block of South Maple Leaf Lane

Sponsor: Schilling. Council Bill 2019-110. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8 acres of property generally located at 2745 South Maple Leaf Lane and the 2700 Block of South Maple Leaf Lane from GR, General Retail to HC, Highway Commercial. (Staff and Planning and Zoning Commission both recommend approval.) (By: A&A West JSW LLC, Cornelius Datema; 2745 South Maple Leaf Lane and the 2700 Block of South Maple Leaf Lane (private street); Z-8-2019.)

Council Bill 2019-110. General Ordinance 6527 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

Rezoning 3303 West Division Street

Sponsor: Ferguson. Council Bill 2019-111. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation, by rezoning 5 acres of property, generally located at 3303 West Division Street from LI, Light Industrial District to CS, Commercial Service District; establishing Conditional Overlay District No. 171; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Jet View, LLC; 3303 W. Division Street; Z-10-2019 w/Conditional Overlay District No. 171.)

Councilwoman Fisk moved to table Council Bill 2019-111, at the request of the sponsor to the next regularly scheduled Council meeting on June 3, 2019. Councilman Simpson seconded the motion, and it was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

Springfield Chapter 36, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, 36-474 Medical Marijuana

Sponsor: Ollis and Schilling. Amended Council Bill 2019-078. Substitute No. 1. A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section 36-474; for the purpose of allowing the sale of Medical Marijuana as required by Article XIV of the Missouri Constitution. (Planning and Zoning Commission and Staff recommend approval.)

Mayor McClure noted the proposed was amended at the May 6, 2019 City Council Meeting and was continued until this evening.

An opportunity was given for citizens to express their views on the amendment only. There being no appearances the discussion was closed.

Councilman Ollis thanked Councilman Schilling for his work on the proposed and expressed his opinion the proposed strikes the correct balance for the community.

Amended Council Bill 2019-078. Substitute No. 1. General Ordinance 6528 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

Springfield Chapter 36, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, 36-474 Medical Marijuana

Sponsor: Schilling. Second Amended Council Bill 2019-078. A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section 36-474; for the purpose of allowing the sale of Medical Marijuana as required by Article XIV of the Missouri Constitution. (Planning and Zoning Commission and Staff recommend approval.)

Second Amended Council Bill 2019-078 failed due to the passage of Amended Council Bill 2019-078. Substitute No. 1.

Fee for a Medical Marijuana Zoning Certificate

Sponsor: Schilling. Council Bill 2019-086. A general ordinance adopting a new Fee and amending the Fee Schedule for certain City services as provided in the Springfield City Code, by establishing a fee for a Medical Marijuana Zoning Certificate. (Staff recommends approval.)

Council Bill 2019-086. General Ordinance 6529 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

Funding the Housing of City Prisoners Pursuant to Agreement with Vernon County

Sponsor: Fisk. Council Bill 2019-097. A special ordinance amending the budget of the Springfield Police Department for Fiscal Year 2018-2019 by appropriating $1,100,000 in sales and use tax revenue received during the current Fiscal Year, for the purpose of funding the housing of City prisoners pursuant to an agreement with Vernon County, Missouri.

Council Bill 2019-097. Special Ordinance 27179 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

Refund to Reed Enterprises Repealing Special Ordinance 27114

Sponsor: Fisk. Council Bill 2019-112. A special ordinance authorizing the City Manager, or his designee, to refund $1,000 in earnest money to Reed Enterprises, LLC; and repealing Special Ordinance 27114.

Council Bill 2019-112. Special Ordinance 27180 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

Agreement with MHTC for Salaries of Up to Six Employees at Transportation Management Center

Sponsor: Hosmer. Council Bill 2019-113. A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Program-Urban Program Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2018-2019, in the amount of $332,000.00, for the purpose of partially reimbursing the base salaries of up to six City employees who operate and manage the Transportation Management Center.

Council Bill 2019-113. Special Ordinance 27181 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

1/4-Cent Capital Improvements Sales Tax

Sponsor: Lear. Council Bill 2019-114. A special ordinance amending the budget of the City of Springfield, Missouri, for Fiscal Year 2018-2019 in the amount of $50,800,000, to appropriate the estimated proceeds of the first five years of the 1/4-Cent Capital Improvements Sales Tax; and authorizing the City Manager to exercise any necessary powers to complete capital projects funded by the 1/4-Cent Capital Improvements Sales Tax for the purpose of funding and completing those projects funded herein.

Council Bill 2019-114. Special Ordinance 27182 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

City Manager's Report

Jason Gage, City Manager, noted the City of Springfield's May sales tax revenues from the Missouri Department of Revenue are down 11.6%, compared to May 2018. On a year-to-date basis, sales tax revenues are up 2%, or compared with the same time frame in 2018.

Mr. Gage noted the City of Springfield will celebrate National Public Works Week May 19-25 by releasing its 2018 Public Works Annual Report and by hosting various events aimed at honoring the vital role public works services play in advancing quality of life in our community. The City of Springfield is a little different in that we have separated Public Works functions into two departments – Public Works and Environmental Services. We are celebrating both this week. Public Works and Environmental Services staff are inviting the public to an Equipment Show & Tell event 4:30-6:30 p.m. May 21 at the Expo Center lot (between Jordan Valley Car Park and the Springfield Expo Center).

Mr. Gage continued by noting about 50 people attended last week's Public Input Meeting #2 in Galloway. Neighbors continued to provide input, following a presentation by Sapp & Associates discussing proposed design parameters. The next step in the engagement process is a meeting hosted by the Public Works department from 5:30 to 7 p.m. tomorrow - Tuesday, May 21 at All Saints Anglican Church, 2751 E. Galloway Street. Staff will present the initial design for the Galloway Street Widening Project. Mr. Gage noted, this was a voter approved ¼-cent project.

Mr. Gage noted the Springfield Fire Department has provided a copy of their annual report and firefighters worked throughout our community; in our schools educating our children about fire safety, in our neighborhoods as a part of Project RED Zone providing smoke alarms and reducing the risk of fire, and preparing for and responding to nearly 18,000 incidents.

Mr. Gage provided a Springfield Police Update noting Police Chief Paul Williams has provided the April Uniform Crime Report. There are increases across the board, compared with April 2018. He noted in the category of Aggravated Assaults, while there was no significant increase in the incidents that were reported, we continue to see an increasing number of incidents with a large number of potential victims.

Mr. Gage noted in addition, in response to a recent inquiry from the Sexual Assault Task Force, this report will include a breakdown of adult and child sexual assault victims each month. For the month of April 2019, it consists of 20 adults and 22 children.

Agreement with MHTC for Improvements to the US 160 and MO 744 Intersection

Sponsor: Ferguson. Council Bill 2019-115. A special ordinance authorizing the City Manager, or his designee, to enter into an Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2018-2019 in the total amount of $1,045,803 for the purpose of sharing the costs of improvements to the US 160 and MO 744 intersection.

Council Bill 2019-115. Special Ordinance 27183 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

Agreement with Environmental Work for Monitoring Wells

Sponsor: Ollis. Council Bill 2019-116. A special ordinance authorizing the City Manager, or his designee, to enter into a license agreement with Environmental Works, Inc., for the purpose of installing and maintaining three monitoring wells on public right-of-way to monitor groundwater conditions.

Council Bill 2019-116. Special Ordinance 27184 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

RESOLUTIONS

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

GRANTS

AMENDED BILLS

The following bills appeared on the agenda under Public Hearing Bills.

Commercial Street Community Improvement District

Sponsor: Ferguson. Council Bill 2019-119. A special ordinance approving a Petition to Amend and Restate the Petition to Establish the Commercial Street Community Improvement District and directing the City Clerk to notify the Missouri Department of Economic Development and the Greene County Clerk of the amendments. (Staff and the Commercial Street Community Improvement District Board of Directors recommend approval.)

Sarah Kerner, Director of Economic Development provided a brief overview of the proposed. Ms. Kerner noted the proposed was a petition to amend and restate the petition to establish the Commercial Street Community Improvement District (CID). Ms. Kerner reviewed the Community Improvement District Act. She noted this Community Improvement District was first established in 2009 for the purpose of marketing and image enhancements for the district. The funding source is sales and use tax not to exceed 1-cent. Ms. Kerner noted the rate is currently set at 3/8-cent. Ms. Kerner noted some of the projects included were: installation and maintenance of street landscaping and furniture, trash and snow removal, district signage and banners, holiday lighting, visitors' guides and advertising. Ms. Kerner noted the proposed would extend the life of CID by 15 years (until 2034), continue to provide the various public improvements and services specified in the original petition, and expand the district boundaries to include Frisco Lane and a City-owned parking lot at the southwest corner of North Robberson Avenue and East Pacific Street. Ms. Kerner discussed the requirements for the petition and verified that they had been met for both the original area and the expansion area.

An opportunity was given for citizens to express their views. There being no appearances the public hearing was continued until the June 2, 2019 City Council meeting.

Mayor McClure noted the public hearing on this matter would be continued

The following bills appeared on the agenda under First Reading Bills.

2019-2020 Fiscal Year Budget

Sponsor: McClure. Council Bill 2019-120. A special ordinance adopting a budget for the City of Springfield, Missouri, for the Fiscal Year beginning July 1, 2019, and ending June 30, 2020; appropriating those certain amounts shown in the budget for the various departments and purposes specified in said budget; and declaring an emergency.

Jason Gage, City Manager thanked City Staff for the work in bringing forward the FY20 Budget document.

Teresa Allen, Budget Coordinator presented a brief overview of the proposed. Ms. Allen noted the proposed budget is 381 million dollars for all funds for all departments, which includes a modest increase. Ms. Allen discussed the breakdown of the funding and the different types of funds. Ms. Allen noted this is a balanced budget and is being presented in a timely manner.

An opportunity was given for citizens to express their views. There being no appearances the discussion was closed.

Mayor McClure congratulated and thanked Jason Gage and his staff for completing and providing the fiscal year 2020 budget.

Preliminary Tax Levy

Sponsor: Fisk. Council Bill 2019-121. A special ordinance setting a preliminary tax levy on real and personal property for current expenses and debt retirement of the City of Springfield, Missouri, and its boards and agencies for the Fiscal Year beginning July 1, 2019, and ending June 30, 2020; and declaring an emergency.

Teresa Allen, Budget Coordinator presented a brief overview of the proposed. Ms. Allen noted setting the preliminary tax levy in a requirement of the Charter. Ms. Allen noted there is no change in the tax levy.

An opportunity was given for citizens to express their views. There being no appearances the discussion was closed.

Condemnation for the Completion of Battlefield and Fremont Intersection Improvements

Sponsor: Simpson. Council Bill 2019-122. A special ordinance declaring the necessity of condemning rights-of-way over, under, and through the following properties generally located near Battlefield and Fremont: 1417 East Woodland Street, 2800 South Fremont Avenue, 2814 South Fremont Avenue, 2900 South Fremont Avenue, and 1415 East Battlefield Road in the City of Springfield, Missouri; authorizing certain officers, or their designees, to do all things necessary to carry out the terms of this Ordinance for the purpose of completing the Battlefield Road and Fremont Avenue Intersection Improvement and Fremont Avenue Widening (Battlefield Road to Sunset Street) Project #2013PW0019T funded through the ¼-Cent Capital Improvement Sales Tax.

Jonathan Peitz, Professional Engineer provided an overview of the proposed. Mr. Peitz discussed the current issues in the area including traffic accidents, traffic congestion, and corridor delays. He provided an overview of the proposed changes to the intersection. Mr. Peitz noted there were twelve tracks that required the City to obtain right-of-way. To date 7 of the twelve properties have worked with the City to provide this right-of-way; however, the City was unable to come to an agreement with the remaining property owners. Mr. Peitz did clarify if agreements are made the properties will be removed from the eminent domain process.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

Land Purchase for Fire Station 13

Sponsor: Ferguson. Council Bill 2019-123. A special ordinance authorizing the City Manager, or his designee, to enter into a contract for the purchase of land generally located at 1824 West College Street, for the purpose of constructing Fire Station 13, and to execute all necessary documents in support thereof. (Planning and Zoning Commission approved this Request to Acquire, and staff recommends approval.)

Bryan Newberry, Assistant Fire Chief provided a brief overview of the proposed noting this was for the purchase of land for constructing Fire Station 13.

An opportunity was given for citizens to express their views. There being no appearances the discussion was closed.

Mayor McClure noted this continues with the promises the City made with the level property tax and will have a positive impact on the community.

Code Chapter 74 Weed Abatement - Code Change

Sponsor: Ferguson. Council Bill 2019-124. A general ordinance amending Springfield City Code Chapter 74- 'Nuisance and Housing Code,' by revising Section 74-31, 'City manager's authority,' subsection (b), Section 74-33, 'Notice requirements,' subsections (d)(4) and (5), Section 74-403, 'Weeds over 12 inches in height declared nuisance,' Section 74-404, 'Permitting growth of weeds over 12 inches in height,' Section 74-405, 'Abatement procedure, subsection (b); for the purpose of accelerating nuisance abatement; and revising Section 74-406, 'Charges for abatement by city,' subsections (b) and (c) for the purpose of enhancing cost recovery.

Harlan Hill, Director of Building Development Services provided a brief overview of the proposed. Mr. Hill noted these changes is being brought forward in an effort to reduce the time

required for nuisance abatement in weeds and overgrowth. Mr. Hill noted these changes are in compliance with State Law and would expedite the abatement process.

Councilman McGull asked for clarification of purpose of the proposed changes. Mr. Hill responded lowering the acceptable weed and grass height will help address rodents. The other changes will help expedite the process of abatement. Councilman McGull thanked staff for bringing this forward for consideration.

Councilman Schilling asked for clarification regarding when these changes would become effective. Mr. Hill noted they would become effective immediately after passage of the bill.

Councilman Lear asked for clarification of plans for public education on the new requirements. Mr. Hill stated he would work with staff to provided education on the new requirements.

An opportunity was given for citizens to express their views. There being no appearances the discussion was closed.

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Ms. Pam Bray addressed City Council. Ms. Bray discussed her recent experience with City Utilities and their requirements for individuals to provide their social security number. Ms. Bray stated her opinion that requiring this information is an abuse of power and inappropriate.

Mayor McClure asked Mr. Gage to follow-up on Ms. Bray's concerns with City Utilities.

NEW BUSINESS

The Public Involvement Committee is recommending the following reappointments to the Personnel Board: Perry Epperly, Michael Ramos, and Brent Sweet with terms to expire March 1, 2022.

As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

UNFINISHED BUSINESS

MISCELLANEOUS

The following bills appeared on the agenda under Consent Agenda First Reading Bills.

Encroachment License Agreement with Falstaff's, LLC

Sponsor: Schilling. Council Bill 2019-125. A special ordinance authorizing the City Manager, or his designee, to enter into an Encroachment License Agreement with Falstaff's, LLC, for the purpose of constructing and maintaining a sign which will extend over the public right-of-way located at 311 Park Central West.

The following bills appeared on the agenda under Consent Agenda One Reading Bills.

Liquor License for Studio Bar and Ultra Lounge

Sponsor: Hosmer. Council Bill 2019-126. A resolution granting a new liquor license to sell retail liquor by the drink, including Sunday sales, to Studio Bar and Ultra Lounge LLC, d/b/a Luna Bar and Terra Lounge, for their location at 300 Park Central East, such license to include a patio measuring 25 feet by 25 feet and located on the northwest side of the building.

d/b/a Luna Bar and Terra Lounge

Council Bill 2019-126. Resolution 10456 was approved by the following vote: Ayes: Lear, McGull, Simpson, Schilling, Fisk, Hosmer, Ollis, and McClure. Nays: None. Absent: Ferguson. Abstain: None.

CONSENT AGENDA SECOND READING BILLS

END OF CONSENT AGENDA.

Adjourn

There being no further business, the meeting adjourned at approximately 7:35 p.m.

Anita J. Cotter, CMC/MRCC
City Clerk