

August 12, 2019
Springfield, Missouri

The City Council met in regular session August 12, 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: Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, McGull, McClure. Absent: Lear.
- Minutes** The minutes of the July 15, 2019 and July 29, 2019 City Council Meetings and August 6, 2019 Special City Council Meeting were approved as presented.
- Consent Agenda** Councilman Hosmer requested that Council Bills 2019-175 and 2019-176 be removed from the Consent Agenda. These items were removed from the Consent Agenda and became item numbers 7.25 and 7.5 on the Agenda. The Consent Agenda was approved as amended.

CEREMONIAL MATTERS

- City Manager Report** Jason Gage, City Manager noted all questions from previous meetings had been responded to.

Mr. Gage stated the Route 66 Festival took place over the weekend and numbers of attendants and participants were both up. He thanked the various departments that worked to make the festival possible and a success. He also thanked the Festival Partners who helped us have a wonderful festival. A short highlights reel was then played.

Mr. Gage noted that over the weekend in St. Louis the City of Springfield was recognized by the Missouri Employer Support of the Garden Reserve Organization with an Above and Beyond Award. He thanked Bryan Weiler, Airport Director for being the City's representative at the event.

Mr. Gage congratulated the Springfield Lasers on their 2nd World Team Tennis Championship win. He expressed how proud we are of the team, coach, the whole organization, the Park Board and everyone behind that.

Mr. Gage stated the kick-off for the City's comprehensive planning process, known as Forward SGF, will take place on Tuesday August 20 with an Ice Cream Social and Open House at the Springfield Art Museum. He informed that the event will provide an overview of the process and allow an opportunity to meet the team. He additionally informed that three Community Workshops will be taking place in September and a website has been created to help the Community keep up-to-date.

Mr. Gage recognized the 26 new officers joining the Springfield Police Department. He states he looks forward to what they will bring to the Department and the Community. He commented on the complexity of the job as State minimum training requirements for

qualification have increased from 120 hours to around 1000 hours and how this reflects the positions importance to the Community.

The City Manager closed with a moment of reflection on the event that took place on Thursday the 8th. He the thanked the Springfield Police first responders and the management of the retail establishment where the event took place. He stated this event drew our attention, but fortunately that attention did not turn out to be the type of attention other communities have had recently. He thanked the Mayor for his statement after the event took place

Mayor McClure thanked the City Manager and stated he is proud of our Community and the way it reacted to such a difficult situation. He stated there was excellent response from the City, the business, and the people present and expressed his gratitude that there were no injuries or fatalities. He spoke of how the City's priorities include the matter of Public Safety and he believes a discussion should be had about how we make our communities safer. He believes this would be time well spent for Council and the City.

The Mayor also congratulated the Springfield Lasers and their staff. He stated they are excellent representation for our Community. He noted we will be recognizing the staff and management of the team at the August 26th City Council Meeting. He also congratulated City staff and all the sponsors involved who helped make the Route 66 celebration a very successful event which also reflects well upon the City.

The following bills appeared on the agenda under Second Reading Bills

Galloway Community Improvement District

Sponsor: Simpson. Council Bill 2019-173. A special ordinance approving a Petition to Establish the Galloway Community Improvement District; authorizing the City Manager to execute a Cooperative Agreement between the City and the Galloway Community Improvement District; and authorizing City officials to take certain actions to comply with the intent of this Ordinance.

Council Bill 2019-173. Ordinance 27216 was approved by the following vote: Ayes: Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, McGull, McClure. Nays: None. Absent: Lear. Abstain: None.

**Employment
agreement for
Anita J. Cotter**

Sponsor: McClure. Council Bill 2019-175. A special ordinance adopting and authorizing the Mayor to execute the First Amendment to an Employment Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter, setting out the terms and conditions of her employment as City Clerk; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions set forth therein.

This item was removed from the Consent Agenda.

Councilman Hosmer commented he was very happy they were able to extend the contract for the City Clerk to have her continue in her position as he feels she has done an excellent job.

Council Bill 2019-175. Special Ordinance 27217 was approved by the following vote: Ayes: Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, McGull, McClure. Nays: None. Absent: Lear. Abstain: None.

**Employment
agreement for
Jason A. Gage**

Sponsor: McClure. Council Bill 2019-176. A special ordinance adopting and authorizing the Mayor to execute the First Amendment to an Employment Agreement by and between the City of Springfield, Missouri, and Jason A. Gage, setting out the terms and conditions of his employment as City Manager; and authorizing payment of salary and benefits to Jason A. Gage in accordance with the provisions set forth therein.

This item was removed from the Consent Agenda.

Councilman Hosmer commented on how quickly the City Managers first year has passed and how great a job he has done. He expressed his opinion the City Manager has done an excellent job interpreting what is needed for the City and is very happy they were able to extend his contract and keep him in Springfield.

Council Bill 2019-176. Special Ordinance 27218 was approved by the following vote: Ayes: Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, McGull, McClure. Nays: None. Absent: Lear. Abstain: None.

The following bills appeared on the agenda under Resolutions

**Appeal for Short-
Term Rental at
4553 South
Graystone Court**

Sponsor: Simpson. Council Bill 2019-180. A resolution granting a Short-Term Rental Type 2 Permit for the property located at 4553 South Graystone Court, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to General Ordinance 6497.

Bob Hosmer, Principal City Planner provided a brief overview of the proposed. He provided the guidelines for acquiring a Short-Term Rental Type 2 permit and the nature of the appeals process. He then summarized the state of the current appeal.

Mayor Pro Tem Ferguson requested clarification on the difference between 'decline to sign' and 'no signature'. Mr. Hosmer explained that 'decline to sign' is when the applicant

has spoken to an adjacent property owner and they decline to provide their signature, while for 'no signature' the applicant has worked to contact the adjacent property owners but has received no reply. He also stated there was an issue with this applicant because the neighboring properties owned by LLCs were the properties listed as 'no signature'.

Councilman Schilling mentioned that in the information provided to Council there had been mention of 'investors' in regard to the area of the proposed rental. Mr. Hosmer explained that, as in most communities, there were a number of rental properties owned by LLCs. Councilman Schilling then asked if the property in question has always been operated as a Short-Term Rental and Mr. Hosmer stated that he believes so.

Councilman Ollis asked a question about the LLCs previously mentioned and referenced a Rental Registration Program that was previously established. He stated that one of the goals of that program was to be able to know who the owner was even if it was owned by an LLC. He asked if the LLC houses in question were part of the rental registration program and if so has that information been made available to the applicant so they could contact that individual. Mr. Hosmer stated that once the information is collected it could be shared with the applicant. He also said that in this instance one of the LLCs had a change of address that slowed down the contact process. Councilman Ollis asked if that property was registered with the rental registration program. Mr. Hosmer advised that he did not know.

Mayor Pro Tem Ferguson stated she believed as a short-term rental property it should be registered with the rental registration program and she would like to know if the applicant was registered. Mr. Hosmer stated he did not know. Councilman Ferguson stated she wanted Staff to research if the short-term rentals are being registered along with the long-term rentals.

An opportunity was given for citizens to express their views.

Mr. Chris Jensen, property owner spoke in support of the proposed. He stated to Council he was willing to answer any questions they might have.

Councilman Simpson stated that in review of the provided material, it showed that 5 signatures had been collected, but then one was crossed out. He asked what had occurred in regard to this change. Mr. Jensen relayed that the neighbor originally signed, but it was then later determined that said neighbor had gifted the house to his daughter. The neighbor then informed the applicant that his daughter refused to sign because she had been informed that doing so would be taking on liability for the property. Councilman Simpson sought to clarify if the daughter had spoken in opposition to the proposed, and Mr. Jensen stated that she did not and that in fact he had met no opposition from his neighbors. Councilman Simpson then directed a question to Legal Staff requesting clarification of if signature of the document would incur liability and Rhonda Lewsader, City Attorney stated she did not believe so.

Mayor Pro Tem Ferguson asked for clarification why the residences directly next door to the applicant's property had not given their signatures. Mr. Jensen stated that both of those properties are owned by LLCs and he was provided what was supposed to be the

contact information for the residences, he sent each of them three letters, but never received any response. He stated that, at that time, as he had a 5th signature from his neighbor across the street, he did not continue to pursue those contacts. Councilwoman Simpson questioned if three of the five homes in the culdesac were owned by LLCs and Mr. Jensen agreed - but then advised that it would be four, as he was also an LLC. Mayor Pro Tem Ferguson asked if the other three were being operated as long-term rentals and Mr. Jensen advised they were.

Councilman Ollis stated a long-term rental registration was passed the year previous and questioned if Mr. Jensen was able to receive the contact information for the LLCs. Mr. Jensen states he followed the process provided by the City and worked from the information provided by the City to make contact. Councilman Ollis then directed a question to staff, asking for a follow up regarding the long-term rental registration program, how that is being implemented, and what the status is.

Mayor McClure asked if Mr. Jensen had any additional points to make. Mr. Jensen referred back to the number of events that were discussed at the beginning of the meeting. He stated is he trying to provide a nice place to stay while people come to the City to participate in events.

There being no further appearances the public hearing was declared closed.

Mayor Pro Tem Ferguson commented that she did not want to provide undue red-tape to the applicant, but that this was also new ground that was being covered. She stated that as questions had been asked to staff, she would be more comfortable if the bill was tabled until the August 26, 2019 City Council Meeting so that additional information may be proved and considered so that the decision may be fair to everyone involved.

Councilman Simpson commented that he would not be opposed to a tabling motion if proposed but stated he will be voting to support the passage of the bill whenever that vote takes place. He states the applicant has gone through the process in good faith, and with no complaints and a very positive neighborhood meeting, he thinks there is reason to support and approve this appeal.

Councilman McGull commented that his concern is that the ordinance states you must have 55% and he thinks we are going down a slippery slop when we begin reducing that. He stated there appears to be a breakdown in the rental registration process and assuring that someone applying for one of these permits has the necessary information need to pursue it. He noted that he feels we need to get the rental registration system working more efficiently so those persons who are seeking to utilize the permit can more adequately reach out to the neighboring individuals. Either a system where you have sent them a registered notice and there is no response would be proof that you have safely exhausted all remedies. He cannot support something where the requirement of the ordinance is not met.

Councilman Ollis commented that he agrees with most of what has been said concerning the matter to this point. He stated he generally supports the applicant because they have made a good faith effort. He also states he senses there is a breakdown in the long-term rental registration process and the ability to contact the appropriate party. He noted he would support a motion to take two weeks to get more information about the long-term registration process. He requested Staff update City Council implementing the long-term registration process, how many have registered, and how that is being monitored.

Councilman Hosmer commented that he agrees with Councilman McGull. He stated that in allowing anyone to come in under the 55% sets a dangerous precedent. He stated he supports the 55% because it requires you to go to the people in the neighborhood and convince them that what you are going to do is going to fit in that neighborhood - even if you have to work to find out who some of those people are. He said that just because someone doesn't respond to a letter that is sent does not mean that they are ignoring it, they may just not want to sign it. He says people should be required - because they are making a change to that neighborhood - to meet the requirements of the ordinance.

Councilman Schilling expressed his opinion there have been some good points made, he sees no clear and present danger. He states the Council has the power to go ahead with this request and, though he can see the potential for a slippery-slope situation, in this case he would give permission. As such, he states he would be voting against tabling the bill.

Councilman Simpson commented that he would agree that precedent is very important, especially with a new regulation like this, but as a Council they have already set the precedent of unanimously denying one, so they have not set the precedent that all appeals will be allowed. He thinks with the proposed, the Council did allow the potential for an appeal, and if there is a case with context such as this and it does not qualify for an appeal, then he asks what would qualify for an appeal under the ordinance.

Mayor Pro Tem Ferguson commented if the reason there has been no response from the residences to either side of the applicant is because that notification did not get to the owners due to the City's system not working as intended, then she does not feel she can vote for the proposed. She stated she would still propose a motion to table the proposed.

Councilman McGull commented that if a provision was listed in the ordinance that established a certified contact with the last known owner's address, and no response was made, perhaps allowance could be made to approve at less than 55%. He stated that if you own land and someone is seeking legal remedy then as the owner they should respond. If they do not, they are left to whatever happens to the property.

Councilman Ollis requested that Mr. Jensen come forward to the speaker's podium. Mr. Jensen stated he had a few additional comments. He pointed out that the two adjacent properties behind him did sign the application. He additionally stated that his coming before Council was "last effort" as it had been called earlier by a Councilmember, his appeal to the process.

Councilwoman Fisk asked Mr. Jensen if he sent the letters to the LLC owners via regular or certified mail. He stated he sent them via regular mail as he was advised by City Staff to do.

Jason Gage, City Manager offered to clarify that the addresses used by staff have nothing to do with the rental registration database. They are drawn from a completely separate database. He did state that now that it was known that the surrounding properties are rentals Staff can check to see if they have been registered.

Councilman Hosmer asked Staff if the applicant was responsible for sending the letters to the adjacent property owners. Mr. Hosmer replied that Staff sends the letters, not the applicant. He stated that the database used is that received from the Greene County Assessor's Office. Councilman Hosmer then asked if a lack of response counts as a non-signature under our current ordinance. Mr. Hosmer advised that without a response to the letters, he cannot interpret what that would mean. Councilman Hosmer continued to express his opinion that according to his understanding of the ordinance a lack of response would count as no signature, and a lack of the required 55% of signatures would mean the permit would not be granted. Mr. Hosmer noted the ordinance does state that, if the 55% cannot be obtained, the applicant does have the right to appeal to City Council for resolution of the matter.

Jason Gage, City Manager stated that for clarity, because it takes 55% a lack of signature or someone who declines to sign would effectively be a no. He referenced Councilman McGull's comments, that the purpose of the ordinance was to have the application be informed by the opinions of the owners present in the neighborhood and the potential of owners who are not residences of the property may not have been adequately addressed. For these reasons, the opportunity to appeal was allowed for the applicant so that Council may weigh the application on an individual basis to see if it will be accepted.

Mayor Pro Tem Ferguson stated she had additional questions that would take longer to answer than the time allotted for the evening. She questioned what the correct addresses for the properties adjacent to the applicant are and how many times letters have been sent and if any have been returned.

Mayor Pro Tem Ferguson made a motion to table Council Bill 2019-180 until the August 26, 2019 City Council Meeting. Councilman Ollis seconded the motion and it passed by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, McGull, and McClure. Nays: Schilling. Absent: Lear. Abstain: Simpson.

**Initiation for
Amendments to
Springfield Land
Development
Code**

Sponsor: Ollis, Hosmer, Lear, and McGull. Council Bill 2019-181. A resolution initiating amendments to the Springfield Land Development Code for the purpose of defining and regulating tiny houses, tiny house communities, and other similar land uses.

Brendan Griesemer, Assistant Director of Planning and Development provided a brief overview of the proposed. He stated that issues regarding the proposed were discussed at the recent Plans and Policies meeting and recommendation was made to Staff to prepare amendments to the zoning ordinance to define and regulate the types of uses in

discussion. As such, this bill begins the said process which will then follow the already established process of review and amendment for zoning ordinance changes.

Mayor McClure asked for clarification that this resolution initiates the requested process and Mr. Griesemer responded affirmatively.

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

Council Bill 2019-181. Resolution 10467 was approved by the following vote: Ayes: Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, McGull, McClure. Nays: None. Absent: Lear. Abstain: None.

**Establishment of
the Forward SGF
Advisory Team**

Sponsor: McClure. Council Bill 2019-182. A resolution establishing the “Comprehensive Plan – Forward SGF Advisory Team” for the purpose of providing additional citizen engagement and participation during the City’s comprehensive planning process.

Brendan Griesemer, Assistant Director of Planning and Development provided a brief overview of the proposed. He informed the Council of the Planning and Development departments work on the Comprehensive Plan known as “Forward SGF”. He noted they have been working to develop a robust citizen engagement piece for the plan. Multiple events and a website have been created for interaction, and this resolution establishes the Forward SGF Advisory Team composed of a cross section of demographic and geographic representation.

Mayor McClure commented on the proposed. He spoke of the very good beginning to the process and the emphasis placed upon an overarching need and desire to have a very strong Public Involvement component. He stated that this Advisory Team will help to provide that sounding board that will be needed. He offered his thanks to all those who supplied excellent suggestions for members. He noted that Dr. Tom Prator will serve as Chair, he was pleased to recommend the advisory members, and he looked forward to the work they would do.

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

Mayor McClure thanked Dr. Prator and all the other members of the Advisory Team for devoting their time, effort, expertise, and resources to this process.

Council Bill 2019-182. Resolution 10468 was approved by the following vote: Ayes: Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, McGull, McClure. Nays: None. Absent: Lear. Abstain: None.

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

The following bill appeared on the agenda under Grants

**Grant for
Promotion of
Springfield-
Branson
National Airport**

Sponsor: Lear. Council Bill 2019-183. A special ordinance authorizing the City Manager, or his designee, to execute a contract between the City of Springfield and the Missouri Highways and Transportation Commission, providing for a grant of funds under Section 305.230, RSMo, to the City, by and through the Springfield-Branson National Airport Board in the amount of \$260,000.00, for air service marketing and promotion of the Springfield-Branson National Airport; amending the budget of the Airport Board in the amount of \$288,888.00 which includes matching funds in the amount of \$28,888.00 from the Airport Board; and declaring that this bill qualifies for approval in one reading.

Brian Weiler, Director of the Springfield-Branson National Airport provided a brief overview of the proposed. He informed City Council the potential grant is for service marketing and promotion. He stated these funds come from the State Aviation Trust Fund which derives revenue from the jet fuel sales tax in the state of Missouri. The funds will be used for general marketing through TV, bill boards, and an increased social presence. As a positive point of reference, he also mentioned a productive partnership formed with the Convention and Visitors Bureau that is a 50/50 cost share for some direct destination marketing. He stated the primary usage of the funds this time will be a complete update of the airport's website.

Mayor Pro Tem Ferguson questioned if there is a rule-of-thumb or formula that determines what amount might be received back by an airport as grant dollars. Mr. Weiler stated that there is not, and that the portion of the funds collected that comes back in marketing grants is very limited. Mayor Pro Tem Ferguson then inquired if this was something that had potential for a yearly occurrence. Mr. Weiler stated that bi-yearly was a better model, and even then it was determined by fluctuations in the economy.

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

Council Bill 2019-183. Special Ordinance 27219 was approved by the following vote: Ayes: Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, McGull, McClure. Nays: None. Absent: Lear. Abstain: None.

AMENDED BILLS

The following bills appeared on the agenda under Council Bills for Public Hearing

**Vacation of
right-of-way
between 4600
and 4700 block
of South Lyon**

Sponsor: Schilling. Council Bill 2019-184. A special ordinance vacating approximately 1.15 acres of public right-of-way between the 4600 and 4700 block of South Lyon and Campbell Avenue. (Staff and Planning and Zoning Commission both recommend approval with conditions.)

Brendan Griesemer, Assistant Director of Planning and Development provided a brief overview of the proposed. He explained that the right-of-way vacation was requested

with specific conditions, which raised the request from a standard procedural review to the need of authorization from Council.

Mayor McClure asked if the Land Clearance Redevelopment Authority had recently taken action on the project this right-of-way would be a part of. Mr. Griesemer stated that he believed they did. Mayor McClure asked what association the proposed might have with the action that was taken. Mr. Griesemer advised that the right-of-way has to do with the plat so that the new street can be platted in the future.

Councilman Simpson sought clarification as to whether a replacement street would be created as the street to be vacated is an important entrance to The Library Center. Mr. Griesemer stated that there would be a replacement street and pointed it out on the preliminary plans for the project that would include the proposed.

Councilman Schilling asked if the proposed was a mini-construction project before the full project was to be carried out. Mr. Griesemer stated that the proposed grants authority for the construction to be done at a later date, but that other parts of the project must be completed before the vacation of the street would take place. Councilman Schilling sought clarification if this meant no construction would take place at this time and if additional authorization would be needed at a later date. Mr. Griesemer confirmed this and said the requestor would come forward with additional information at a later date.

An opportunity was given for citizens to express their views.

Jared Rasmussen, representative for the applicant offered to answer any questions regarding the proposed. He explained why the request was being brought so much later than the original plan. He detailed how the property was originally owned by the County and maintained by the City. A process was completed to address this matter and now the applicant is seeking the vacation of right-of-way.

There being no further appearances the public hearing was declared closed.

**Electronic Sign
at 1551 East
Portland Street**

Sponsor: McGull. Council Bill 2019-185. A special ordinance authorizing the issuance of Conditional Use Permit No. 437 for the purpose of allowing an electronic message center sign in the R-SF, Residential Single-Family District, generally located at 1551 East Portland Street.

Brendan Griesemer, Assistant Director of Planning and Development provided a brief overview of the proposed. He informed City Council the proposed will replace an existing sign that is currently in place and discussed the restrictions placed upon a Conditional Use Permit.

Councilman Schilling asked if the current sign is lighted. Mr. Griesemer stated he believes it has a backlight.

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

**Rezoning of
Property at 613,
615, and 617
West Division
Street**

Sponsor: Ferguson. Council Bill 2019-186. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 0.17 acres of property, generally located at 613, 615, and 617 West Division Street, from R-SF, Single-Family Residential District to LB, Limited Business District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: Alfred and Sandra Mase; 613, 615, and 617 West Division Street; Z-17-2019.)

Brendan Griesemer, Assistant Director of Planning and Development provided a brief overview of the proposed. He explained the requirements for the rezoning request and informed City Council how they were met.

Councilman McGull asked what prompted the rezoning request for the property. Mr. Griesemer stated the original structure was a business that was grandfathered into the zoning and this was a move to program that use into the proposed zoning.

Mayor Pro Tem Ferguson commented on the building that previously resided there. She requested clarification as to whether the closure of the entrance onto the street for the proposed and diversion of access to the adjoining alley will affect the properties facing onto Grant due to a traffic increase. Mr. Griesemer advised that the use of the alley system is what they were designed for and removing the access onto Division will assist the motoring public. Mayor Pro Tem Ferguson asked whether the alley in question was paved. Mr. Griesemer was uncertain, but Councilman McGull volunteered the information that it is gravel. Mayor Pro Tem Ferguson asked if the increased use of the alley would cause dust problems for the residents facing Grant. Mr. Griesemer advised that he did not know. Mayor Pro Tem Ferguson asked if there was a process in place to address the dust if it became an issue. Mr. Griesemer was uncertain. Mayor Pro Tem Ferguson stated that she knew the gravel alley would be City maintained.

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

**Rezoning of
Property at the
2200 Block of
North Golden
Avenue and the
3200 Block of
West Turner
Street**

Sponsor: Ferguson. Council Bill 2019-187. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 25.3 acres of properties generally located at the 2200 Block of North Golden Avenue and the 3200 Block of West Turner Street, from LI, Light Industrial District to HM, Heavy Manufacturing District, subject to certain conditions; and adopting an updated Official Zoning Map. (By: Doing Leasing & Equipment LLC; 2200 Block of North Golden Avenue & 3200 Block of West Turner Street; Z-16-2019.)

Brendan Griesemer, Assistant Director of Planning and Development provided a brief overview of the proposed. He explained the requirements for the rezoning request, informed City Council how those requirements are to be met, and explained the special conditions for the proposed.

Councilman McGull referenced a timing stipulation that Mr. Griesemer provided in his explanation and asked if this is a standard part of the rezoning process. Mr. Griesemer

stated that such was not the case, and it was due to the special conditions for the proposed that the timing stipulation was present. Councilman McGull stated how he liked the condition of the timing stipulation opposed to just waiting for a rezoning to run its course in an unknown timeframe.

Councilman Hosmer asked if the properties to either side of the proposed rezoning where Heavy Manufacturing. Mr. Griesemer stated the properties to south, west and northwest were Heavy Manufacturing. Councilman Hosmer asked if the property north of the proposed rezoning is Single-Family and Mr. Griesemer informed that it is Light Industrial. Councilman Hosmer then inquired as to the property to the northeast and Mr. Griesemer informed that it is Residential- Manufactured Home Community.

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

**Rezoning of
Property at 1024
North West By-
Pass**

Sponsor: Ferguson. Council Bill 2019-188. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 18.02 acres of property, generally located at 1024 North West By-Pass, from R-SF, Single Family Residential District and GM, General Manufacturing District to HM, Heavy Manufacturing District; establishing Conditional Overlay District No. 174; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: South Campbell Investments LLC; 1024 North West By-Pass; Z-13-2019 w/Conditional Overlay District No. 174.)

Brendan Griesemer, Assistant Director of Planning and Development provided a brief overview of the proposed. He explained the requirements for the rezoning request, informed City Council how those requirements are to be met, and explained the special conditions for the proposed.

Councilman Hosmer requested clarification regarding a feature of the land composing the proposed rezoning and asked if it was a natural drainageway or a creek. Mr. Griesemer stated that it was a drainage way that does trigger the stream buffer requirement. Councilman Hosmer requested the specifications of the buffer and Mr. Griesemer noted it is 50 feet to either side of the triggering feature. Councilman Hosmer asked if it would be the property owner's responsibility to maintain this. Mr. Griesemer stated that no new construction would be allowed in that area. Councilman Hosmer asked if maintenance of vegetation would be required for the buffer. Mr. Griesemer stated that he believes there would be but he would defer to the Storm Water Engineer.

Councilman McGull said that Councilman Hosmer had hit upon many of his concerns. He asked if the properties to the east of the stream buffer where Single-Family Residential. Mr. Griesemer stated that they are. Councilman McGull expressed his concern regarding who would maintain the vegetation for stream buffer area. Mr. Griesemer stated that it would be the responsibility of the property owner to maintain the buffer. Councilman McGull asked if any feedback had been received from the residents in the area. Mr. Griesemer stated he did not believe anyone had spoken in regard to it. Councilman McGull recommended it would be nice to have a fence along

there to limit impact to the residences. He then reviewed the prohibited businesses for the proposed rezoning and requested what other business could move in there. Mr. Griesemer stated that it would be Heavy Manufacturing and example uses would be battery recycling, bulk storage of liquids, and cement plants. Councilman McGull expressed his desire to prevent the damage of existing zones through the rezoning of other areas. Mr. Griesemer informed that the current zoning for the area is already General Manufacturing.

Mayor Pro Tem Ferguson stated that the property of the proposed is very rough looking - to which Mr. Griesemer agreed - and she opined that this could be a positive for the area. She stated that she knew that on the east side of said property there were a number of trees. She asked if, with the buffer that would be required, could the buffer be made to include the existing trees. Mr. Griesemer stated that would need to be addressed to the owner of the property to see if they would be willing to do that. Mayor Pro Tem Ferguson stated that the trees would make a much better buffer.

An opportunity was given for citizens to express their views.

David Bodeen, owners' representative for the property listed in Council-Bill 2019-187 stated that he intended to speak to the previous item. He stated that he feels Staff did a good enough job so he had nothing to add.

Jonathan Staats, owners' representative for the property in the proposed was available should there be questions and Council indicated that there would be. Mr. Staats stated that there were a few things he wished to say in regard to the previous questions offered by Council. He explained the property is currently zoned as General Manufacturing and with its location and surrounding zoning. He informed that no negative feedback had been received, and in fact some positive feedback had been received due to the current state of the property. He mentioned that, even should the zoning proceed, all zoning buffers required for the property type and the neighboring zone would still be fully enforced and required. Mayor Pro Tem Ferguson asked additional question regarding the buffer zones in reference to the mature trees along the east side of the property. Mr. Staats stated he could not speak 100% for the owners but he believed they would be amenable to keeping the trees. He stated the maintenance of the stream buffer would also help to maintain the vegetation and keeping the existing trees was very possible though he could not provide absolute certainty.

There being no further appearances the public hearing was declared closed.

**Amendment to
Modify Signage
Rules and
Regulations**

Sponsor: Ollis, Lear, Hosmer, and McGull. Council Bill 2019-189. A general ordinance amending Chapter 98 of the City Code, Article VII, 'Encroachments on City Property,' sections 98-323 and 98-325; and amending Chapter 36 of the City Code, Article III, 'Zoning Regulations,' Division 5, 'Supplemental District Regulations,' section 36-454; for the purpose of modifying the City's sign regulations to allow for the administrative approval of certain encroachments on City right-of-way, modifying the insurance requirements for certain encroachments, and increasing the authorized size of certain signs. (Recommended by Plans and Policies Committee.)

Harlan Hill, Director of Building Development Services and Eric Clauson, Traffic Engineer provided a brief overview of the proposed. They outlined the changes being requested and additionally provided specifics regarding the size of cantilever signs over right-of-way, administrative approval, and insurance requirements.

Councilman Hosmer asked if there have been any lawsuits where encroachment has caused liability for the City. Mr. Clauson stated that when the matter was reviewed by Plans and Polices this question was raised and the answer was that no there have been no issues with projecting signs. Councilman Hosmer sought to clarify the that insurance in question is not a separate policy but a part of the businesses' current insurance. Mr. Clauson stated that that is correct and explained that a survey was done of downtown business owners and found that the alternation in insurance would produce an approximate savings of \$1500 to the businesses.

Councilman McGull stated the change created by the proposed would affect only new signs and inquired what effect it would have to existing signs. Mr. Clauson advised that for the insurance portion the encroachment agreement must be reapplied for yearly, and as such existing signs would fall under the proposed when renewed.

An opportunity was given for citizens to express their views

Rusty Worley, Executive Director of the Downtown Springfield Association spoke in support of the proposed. He first thanked Council and Staff for their thanks with the Route 66 Festival. He stated that work on the proposed was begun two years ago and it involves feedback from Downtown and Commercial Street business owners. He spoke to each of the three sections as outlined by City staff in their presentation and provided specific examples.

There being no further appearances the public hearing was declared closed.

The following bills appeared on the agenda under First Reading Bills

Call for Election regarding continuation of 1/8-cent Sales Tax

Sponsor: Hosmer. Council Bill 2019-190. A special ordinance calling an election on Tuesday, November 5, 2019, in the City of Springfield, Missouri, to submit to qualified voters the question of whether to continue a one-eighth of one percent (1/8-cent) transportation sales tax on retail sales within the City for a period of twenty years; authorizing the City Clerk to do all things necessary and convenient to submit said question; and declaring an emergency.

Dan Smith, Director of Public Works provided a brief overview of the proposed. He explained the nature of the proposed, that this is not a new tax but a continuation of an existing one, and provided examples of the work that has been done through its continued approval. He showed how information derived from the 2019 and previous Citizen Satisfaction Surveys, which provide insight into the desires and requests of the Community, were reflected in support of the maintenance of the transportation network in the City. An additional Transpiration Survey confirmed the Communities continued interest in these matters. He then presented the current proposed list of projects that would be supported by the continuation of the proposed.

An opportunity was given for citizens to express their views.

Sally Hargis, speaking on behalf of the business community, told of the support for the proposed. She thanked City Council for bring this important program back before voters. She spoke of the value of the investments that come from the proposed and commended the Council on the extension of the sunset of the proposed.

There being no further appearances the discussion was declared closed.

Mayor McClure stated this bill would be voted on at the August 20, 2019 Special City Council Meeting.

**Call for Election
regarding
continuation of
3/4-cent Sales
Tax**

Sponsor: Fisk. Council Bill 2019-191. A special ordinance calling an election on Tuesday, November 5, 2019, in the City of Springfield, Missouri, to submit to qualified voters the question of whether to continue a three-quarters of one percent (3/4-cent) sales tax on retail sales within the City for the sole purpose of providing revenues for the Springfield Police Officers' and Fire Fighters' pension system; providing for a sunset on the tax at the earlier of either the end of five years from the date of commencement of collection of the renewed tax or the pension system fund reaching a fully-funded status; and declaring an emergency.

Collin Quigley, Deputy City Manager provided a brief overview of the proposed. He advised the details of the continuation of the proposed and a reviewed the manners in which it would be brought to an end.

Councilman Simpson requested if this new commitment would allow the City to meet our commitment to police officers and firefighters. Mr. Quigley stated that such would be the case.

Mayor McClure commented on his time working with the Police and Fire Pension board and commended them for their diligence, time and expertise.

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

Mayor McClure stated this bill would be voted on at the August 20, 2019 Special City Council Meeting.

The following items appeared on the agenda under Petitions, Remonstrances, and Communications.

Did Not Appear Mr. Mike Hopkins wished to address City Council.

Did Not Appear Ms. April McKnight wished to address City Council.

Appeared

Mr. Midas Brown wished to address City Council. He spoke in regard to his desire to bring a new dining and music venue to the City. He outlined his plans and sought the input of the Council.

Councilman McGull asked if when increasing the capacity for the intended venue if they would have sufficient parking. Mr. Brown stated that this was reviewed and explained the manner in which it was proposed to be addressed.

Councilman Hosmer recommended speaking to the City regarding a predevelopment plan. Jason Gage, City Manager stated that given the opportunity the City could take Mr. Brown through any of the ordinances related to the development and help figure out what would need to be done, the timing, and what actions would need to come about to make it happen or at least contemplate the actions proposed by Mr. Brown.

Councilman Ollis advised that his comment was much the same - seeking to find a way to get Staff and Mr. Brown working together.

Councilman Simpson first thanked Mr. Brown for his interest in investing in Springfield. He also echoed the need to parking and traffic flow should the development proceed.

Appeared

Mr. Karl Bruning wished to address City Council. He spoke to his desire to complete construction on a property he purchased with building work already in-progress. He informed the Council of his desire to complete the in-progress construction with the previously approved plans and his inability to do so after presenting the matter to Staff. He also told of his inability to conform to the tree planning advised in the original construction.

Councilman McGull asked the location of the property. Mr. Bruning informed it is at 2506 West Grand.

Councilman Ollis informed Mr. Bruning that his best option was to work with Staff to see what resolution could be reached. Mr. Bruning advised he had already done so. He said that should they have no other option he will pursue the avenues as presented by City staff, but the costs were extreme.

Jason Gage, City Manager asked Mr. Bruning what kind of building was designed in the previous plans he possessed. Mr. Bruning stated that they were designed for a Fitness Center. Mr. Gage requested confirmation that Mr. Bruning sought to turn the space into a garage which he did so confirm. Mr. Gage then explained that the crux of the issue is that the previous building plans were not designed for the use for which the new owner intends to use the building. Mr. Bruning countered by offering examples of how the previous design fits his needs.

Councilman Hosmer asked Mr. Bruning if he had retained an architect and Mr. Bruning advised that they had hired an engineer to help them install the needed garage doors. Councilman Hosmer suggested having the plans reviewed by Staff. Mr. Bruning stated he had done so and was informed that he would need to employ an architect.

Mayor McClure thanked Mr. Bruning and stated they would continue to work with Staff to find a solution.

The following item appeared on the agenda under New Business

**Records
Destruction
Notification**

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

Sponsor: Fisk. Council Bill 2019-192. A special ordinance authorizing the City Manager, or his designee, to enter into a Joint Funding Agreement with the United States Department of the Interior for the purpose of operating and maintaining four streamgages.

Sponsor: Ollis. Council Bill 2019-193. A special ordinance authorizing the City Manager, or his designee, to enter into an Encroachment License Agreement with RollinFox, LLC, d/b/a The Hepcat, to allow for the construction, installation and maintenance of a kitchen exhaust fan vent over the public right-of-way at 220 South Campbell.

CONSENT AGENDA ONE READING BILLS

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

Sponsor: Hosmer. Council Bill 2019-174. A special ordinance authorizing the City Manager, or his designee, to enter into an Encroachment License Agreement with Hiland Dairy Foods Company, LLC, to allow for the construction, installation and maintenance of a fiber optic cable underneath the public right-of-way in the 2400 block of North National Avenue.

Council Bill 2019-174. Special Ordinance 27220 was approved by the following vote:
Ayes: Simpson, Schilling, Ferguson, Fisk, Hosmer, Ollis, McGull, McClure. Nays:
None. Absent: Lear. Abstain: None.

**Removed from
Consent Agenda
and Became
Item 7.25**

Sponsor: McClure. Council Bill 2019-175. A special ordinance adopting and authorizing the Mayor to execute the First Amendment to an Employment Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter, setting out the terms and conditions of her employment as City Clerk; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions set forth therein.

**Removed from
Consent Agenda
and Became
Item 7.5**

Sponsor: McClure. Council Bill 2019-176. A special ordinance adopting and authorizing the Mayor to execute the First Amendment to an Employment Agreement by and between the City of Springfield, Missouri, and Jason A. Gage, setting out the terms and conditions of his employment as City Manager; and authorizing payment of salary and benefits to Jason A. Gage in accordance with the provisions set forth therein.

Confirmed

Confirm the following appointments to the Ozarks Transportation Organization: Councilman Mike Schilling to fill a City Council position; Councilman Andrew Lear to fill a City Council position; Councilman Matthew Simpson to fill in as an alternate position; and Mayor Ken McClure to fill in as an alternate position.

Confirmed

Confirm the following reappointment to the Springfield-Greene County Parks Board: Sid Needem with term to expire June 1, 2022.

Confirmed

Confirm the following appointments to the Art Museum Board: Tara Benson, Calie Holden, and Linda Passeri with terms to expire June 1, 2022.

END OF CONSENT AGENDA.

**Motion to
Adjourn**

Councilman Simpson moved to Adjourn. Councilman Ollis seconded the motion, and it was approved by the following vote: Ayes: Simpson, Schilling, Ferguson, Fisk, Ollis, McGull, McClure. Nays: Hosmer. Absent: Lear. Abstain: None. The meeting adjourned at 8:45 p.m.

Prepared by
Russ McLaughlin

Anita J. Cotter, CMC/MRCC


City Clerk