

September 9, 2019
Springfield, Missouri

The City Council met in regular session September 9, 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: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, and McClure. Absent: None.
Minutes	The minutes of the August 12, 2019 and August 26, 2019 City Council Meetings and August 20, 2019 and August 27, 2019 Special City Council Meetings were approved as presented.
Consent Agenda	Councilman Hosmer requested the removal of Council Bills 2019-200 and 2019-201 from the Consent Agenda. They were added as items 8.25 and 8.5. The Consent Agenda was approved as amended.

CEREMONIAL MATTERS

Recognition of Peru Deligation	Mayor McClure recognized a visiting delegation from Peru which included faculty and administrators from the Cesar Vallejo University, also known as UCV, which is a partner with Missouri State University.
City Manager Report	Jason Gage, City Manager began with an update regarding a question posed by Council concerning the PACE program at the last Council Meeting. He advised Staff is putting together the answers and will provide the information as soon as possible.

Mr. Gage then provided an update regarding Forward SGF. He informed that more than 500 people have taken part in multiple workshops held across the Community to help map out and create a vision for the next 20 years. He also stated that do-it-yourself workshop kits are available to civic groups. The Forward SGF' website is receiving visitors and it provides a number of tools, specifically including the map.social that highlights issues in Springfield and where those issues occur. Additionally, over the next year activities will include business workshops, pop-up events, focus groups, surveys, and a speaker series. This will all kick off with an October 23rd event at the Springfield Art Museum with Mick Cornnet, 4-time Oklahoma City Mayor and author of *The Next American City*.

Mr. Gage stated that the 2nd Annual Springfield City Council Alumni Reunion for current and former City Councilmembers will be held on September 23. This will proceed the regular scheduled City Council meeting.

Mr. Gage stated that November will bring two sales tax items on the ballot - the 3/4 cent Police and Fire Pension Tax and a 1/8 cent Transportation Tax. Both initiatives are renewals - no increase in increment is sought.

Mr. Gage provided a Sales Tax update, stating the City had a good remittance for September. He informed City Council that the remittance was 13% higher than at this same remittance last year. Overall, the City is up about 3% from actual and 3% from budget. He states there is a 3% overall growth since last year at this same time and that is a very good start to the fiscal year. He states that the 12-month rolling average has trended up 2%.

Mr. Gage stated the City is a member of the Public Entities Diversity Committee. The City's institutions continue to strive to have an inclusive excellence model framework. In the coming months, we will be launching a multimedia outreach and education campaign called, "You Belong in SGF". This is for the purpose of attracting and reaching diverse talent, while also highlighting the things we do in our Community to make people feel welcome. It is an example of how the City is committed to empowering a culture where everyone is treated equally and can contribute to their fullest potential.

The following bills appeared on the agenda under Second Reading Bills

Division Street and Commercial Street Intersection Improvement Project

Sponsor: Ferguson. Council Bill 2019-198. A special ordinance approving the plans and specifications for the Division Street and Commercial Street Intersection Improvement Project; accepting the bid of A.T. Urban Development, Inc., in the amount of \$212,891.00, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Council Bill 2019-198. Special Ordinance 27229 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, and McClure. Nays: None. Absent: None. Abstain: None.

Dangerous Building Fees

Sponsor: Ferguson. Council Bill 2019-199. A general ordinance amending the Fee Schedule for certain municipal services as provided in the Springfield City Code, Chapter 2 'Administration,' Article VI 'Finances,' Division 3 'Charges for Various Municipal Services,' Section 2-425, 'Fees for city services; license and inspection fees' by amending the fee schedule for the Department of Building Development Services, in order to eliminate the double fee charged for building or wrecking permits required by dangerous building proceedings.

Council Bill 2019-199. Ordinance 6544 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, and McClure. Nays: None. Absent: None. Abstain: None.

Authorization for sharing existing and future underground conduits

Sponsor: Lear. Council Bill 2019-200. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with Missouri Network Alliance, LLC, d/b/a Bluebird Network for the purpose of sharing existing and future underground conduits at various locations in City rights-of-way to expand the City's traffic management fiber-optic communications network.

This item was removed from Consent Agenda 2nd Reading by request of Councilman Hosmer.

Councilman Hosmer asked if this bill was a companion to Council Bill 2019-201. He then asked what the purpose of the bill is. Jason Gage replied that it is an agreement to share conduit for wiring.

Councilman Hosmer asked if this included a cost to the City that we otherwise wouldn't have. Mr. Gage stated he did not believe so but deferred to Eric Claussen. Mr. Claussen informed that the company is installing fiber in areas where the City does not have communications, so with this agreement the company is providing the infrastructure and fiber as a tradeoff for the company being in the City's right-of-way.

Mr. Hosmer asked what the benefit to the city was for this agreement. Mr. Claussen stated that the benefit is to the traffic management system, including communications from traffic signals, ITS devices, detectors, and cameras to the Transportation Management Center and back. Councilman Hosmer asked if these are devices on motor vehicles, and Mr. Claussen stated that the referenced items are part of the City infrastructure. Councilman Hosmer then asked what the benefit to the providing company is. Mr. Claussen stated it allows them the benefit of working in the City's public right-of-ways.

Council Bill 2019-200. Special Ordinance 27230 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, and McClure. Nays: None. Absent: None. Abstain: None.

Authorization of funds for Advanced Traffic Management System software

Sponsor: Ollis. Council Bill 2019-201. A special ordinance authorizing the City Manager, or his designee, to enter into a supplemental agreement in the amount of \$40,097.53, with Missouri Highways and Transportation Commission and TransCore, LP, for additional development, implementation and maintenance of the Advanced Traffic Management System software and hardware to be operated by the Missouri Department of Transportation and the City of Springfield at the Transportation Management Center of the Ozarks, for traffic management and traveler information services throughout the regional roadway network.

This item was removed from Consent Agenda 2nd Reading by request of Councilman Hosmer.

Councilman Hosmer expressed his opinion that when Council Bills have a fiscal note or cost to the City he does not believe it is proper to and should be reconsidered from being placed on the Consent Agenda. Councilman Hosmer then asked if the amount included in the bill was a cost to the City. Eric Claussen informed that it is. Councilman Hosmer then asked for explanation regarding the bill. Mr. Claussen stated it is concerning the hardware and software to be utilized by the Transportation Management Center. Councilman Hosmer said that he believes the bill is a good idea but stated again that he did not think this was a bill that should have been on the Consent Agenda.

Council Bill 2019-201. Special Ordinance 27231 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, and McClure. Nays: None. Absent: None. Abstain: None.

The following bills appeared on the agenda under Resolutions

Appeal for Short-Term Rental Type 2 at 2038 West Swallow Street

Sponsor: Schilling. Council Bill 2019-205. A resolution granting a Short-Term Rental Type 2 Permit for the property located at 2038 West Swallow Street, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to General Ordinance 6497.

Mary Lilly Smith, Director of Planning & Development provided a brief overview of the proposed. She provided the guidelines for acquiring a Short-Term Rental Type 2 permit and the nature of the appeals process. She then summarized the state of the current appeal and citing its failure to meet the 'four dwellings on a block face' threshold

Councilman Schilling asked what the purpose of the 'four dwellings on a block face' restriction is. Ms. Smith stated that in establishing the ordinance that includes the appeal process taking place, much discussion was given to density in terms of not overpowering a neighborhood. In that review, it was established that one in a block face of 8 would not overpower a neighborhood or change its character. A method was also sought to address permit requests on a shorter block and the conclusion was to allow them an appeal to City Council.

Councilman McGull asked if requesting permit was in the Lauderdale Park Subdivision. Ms. Smith stated she did not know the name of the subdivision. Councilman McGull stated that in the documents regarding the request there is indication that there is a restriction of the subdivision preventing such businesses. He asked if such a restriction does exist, would that restrict the existence of the proposed use. Ms. Smith stated that should the restriction exist, it would be a Civil matter. She stated that the City allows certain home-based businesses and if a citizen comes in to obtain a license for a permitted home occupation, the City would issue the license. Should a home owners association seek to impose their restriction, it would be a Civil matter.

Councilman McGull then asked if there were complaints regarding the proposed. Ms. Smith advised that comment cards concerning the matter were included with the documentation provided to Council, and some of those quoted the subdivision regulations and stated they did not think the proposed adhered to them.

Councilman McGull then asked for clarification if a short-term rental should be in a block of 8 properties, as this one obviously was not. He asked that if the rationale for the legislation was that if there are fewer properties the concern was that something such as the proposed would be a burden. Ms. Smith stated it might have a negative impact on the neighborhood, and that was the reason for the density limitations.

Councilman Ollis asked if the provided comment cards were collected at the Public Meeting. Ms. Smith verified that they were. Councilman Ollis asked if the City was aware that the owners of the proposed also owned additional property around the proposed and signed the sheet for the consent. Ms. Smith advised that that information was correct. She advised that only 3 properties qualify as being adjacent and one of them is owned by the same family as the proposed. Councilman Ollis then stated that a grace

period had been provided for density concerns when the ordinance was first introduced and wanted to know if the proposed had been in operation before the ordinance was put into effect. Ms. Smith said she believe it had been operating prior. Councilman Ollis then asked if the application for the proposed had been made within said grace period. Ms. Smith said she believed they did apply during the grace period. Councilman Ollis then requested verification of the application date.

Councilman Ollis then asked to verify if the ordinance states that if there are 4 or less in a block-face it clearly does not allow a Short-Term rental in that block face. Ms. Smith stated that the ordinance reads, “No STR Type 2 shall be permitted on a block-face with fewer than 4 residential structures unless an appeal is granted by City Council”.

Mayor Pro Tem Ferguson requested clarification, stating that for long-term rental and single-family residential she understood there are to be no more than 3 unrelated individuals residing at a single house. She states that in her review of the proposed and other similar establishments she saw advertising stating 10-11 people could stay there. She asked how the ordinance of no more than 3 unrelated people related to the short-term rental ordinance. Ms. Smith stated short-term rentals must comply with the definition of family as contained in the Zoning Ordinance. Mayor Pro Tem Ferguson stated that the same rules applied to short-term, long-term, and single family and Ms. Smith confirmed this. Mayor Pro Tem Ferguson then asked if there is anything in place other than a complaint that would bring anyone to inspect if the ordinance was being upheld. Ms. Smith advised that it is on a complaint basis just as with long-term rentals.

Councilman McGull sought clarification for Councilman Ollis’ question regarding the application date. Ms. Smith said that at this time she does not have the answer.

An opportunity was given for citizens to express their views.

Glenda Cane, Applicant spoke in support of the proposed. She noted she did not believe she filed within the time of the grace period as she applied at the beginning of June. She advised in regard to the no signature received that there was a language barrier and she spoke to the son of the owner who advised they would go with whatever the home owners’ association decided. She noted the president of the home owners’ association wrote down the names of those she knew would say yes and then sent ballots to others asking if they wanted a bed & breakfast opened. She noted that the vote was a tie and it went to the board, who voted in their favor. With that approval, they did not go back to seek the remaining signature.

Kathy Olden, Neighborhood Member spoke against the proposed. She noted she is directly affected by all of the traffic that goes down to the proposed which causes her concern. She added she first wanted to address the tie vote that was broken - she noted it was broken by the owner of the property. Ms. Olden notes that she feels the owner should have recused himself from the board and not participated in the vote. She states ballots were passed out to everyone in the Neighborhood and everyone had opportunity to vote and she believes everyone did. She stated that the neighborhood bylaws clearly state you cannot operate a business in the neighborhood. She expressed her opinion the proposed directly affects the neighborhood. She states that congestion from multiple

vehicles from the proposed would make it difficult for emergency vehicles to navigate the area. She voiced concerns that the proposed is currently active without a permit and that the owner of the house owns another property on the street and should not be allowed to count toward the required neighbor approval for the proposed. She states that the owners of the proposed have hosted multiple types of sports teams at the proposed and it has changed the nature of the community. She states there is an additional short-term property at 4233 Shady Lake Avenue that has not even applied for a permit. She stated that vehicle congestion there as well would make it difficult for emergency vehicles to navigate the area. She says it is the constant influx of strangers, the existence of the a business that is against the bylaws, the owners swaying the vote - all are concerning and disturbing issues.

Russell Cane, Applicant spoke in support of the proposed. He explained that they do own the property to the east of the proposed. He stated he was placed on the Home Owners' Association board, but they did not believe they need their approval as they had been informed by City Staff that it was not necessary and the surrounding signatures were enough. He states the ballots were not passed to all the neighbors and they have text messages from multiple neighbors as reference. Mr. Cane stated he helped build many of the homes in the neighborhood and he cares a lot about the neighborhood. He states they have consistently worked to address the potential concern from the proposed brought to them and they continue to do so. He states he has done research regarding property value and has been informed the presence of the proposed would not decrease the values.

Councilman McGull requested clarification if the proposed has been in operation prior to their coming to Council and Mr. Cane confirmed it has. Councilman McGull asked if any form of background checks were done when considering applicants. Mr. Cane stated that they do not, but they have personally met many of the renters as they live right next door and they have never heard any of them while they were in stay. Council McGull asked what the longest stay that they have had is. Mr. Cane stated that it was a week, maybe slightly longer.

Shirley Tyler, 2118 W Swallow St, President of the Home Owners' Association spoke against the proposed. She states the required public meeting for the proposed was held and then the HOA vote was taken the following Friday, at which time there was a 12/12 spilt for and against with 1 of the 25 homes making up the community refusing to vote. She states that the former President of the HOA was the applicant's father. She expressed the confusion that was raised when a home in the area had previously been placed as available for monthly renting and no notices were received where they were required for the short-term rental. She states she spoke to Planning but has not heard from them since that time and is seeking guidance as to whether the short-term rental is allowed. She states that the only way to prohibit it in a community is if it is written in the bylaws. She states the issued has brought much division to the community and she was hoping the City would have an answer for the matter.

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

Mayor Pro Tem Ferguson commented on how the short-term rental issue is tearing apart neighborhoods. She said that each time it comes to a question of what is in the best interest of the neighborhood but what also protects the rights of the people for whom the ordinance for the short-term rentals was originally created. She stated that she would be voting in support of the proposed.

Councilman McGull stated that he is not a fan of short-term rentals, especially type 2. He stated that type 1 is where the owner lives at the property and has a vested interest in the property and neighborhood. Councilman McGull stated how short-term rentals do not have a hotel/motel tax and do not feed back into the City. Had the applicant come with full signatures and the support of the Home Owners' Association, he may have consider voting for, but as of now he will be voting against.

Councilman Lear agreed with Mayor Pro Tem Ferguson that the concerns with short-term rentals have become much harder than anticipated. Councilman Lear said these appeals are difficult cases. He stated sales tax is collected for the short-term rentals but hotel/motel tax is not - though he would support a proposal to change the status of the hotel/motel tax. He noted the rules are in place to protect for density concerns but ultimately this, as long-term rentals, is a self-regulating industry. He noted he will be voting in support of the proposed.

Councilman Ollis agreed this was a difficult issue. He discussed how the Council wanted to allow short-term rentals but protect neighborhoods, so they put an ordinance in place that he believes will do just that. He stated that the challenge is that this is a new ordinance, just begin this year, and that it hasn't yet been given a chance to work and opportunity to see what the outcome is. He stated he will voting against the proposed because it does not meet the definition as established in the ordinance to allow one, because the grace period for the application was missed, and because of the comments in the material provided to Council.

Councilman Hosmer stated he would vote against the appeal. He stated the appeal clearly did not meet the requirements of the short-term rentals ordinance. He stated that the ordinance should be enforced as it stands, and making repeated exceptions will lead to every increasing numbers of appeals.

Mayor McClure stated that he would also be voting against the appeal. He stated he agreed with fellow Councilmembers and his decision is guided primarily by the lack of fulfillment of the required definition on the short-term rentals ordinance.

Council Bill 2019-205 failed by the following vote: Ayes: Ferguson, Lear, and Schilling. Nays: Fisk, Hosmer, Ollis, McGull, Simpson, and McClure. Absent: None. Abstain: None.

**Extension of
Sexual Assault
Task Force**

Sponsor: McClure. Council Bill 2019-217. A resolution extending the term of the Sexual Assault Task Force until October 31, 2019.

Rhonda Lewsader, City Attorney provided a brief overview of the proposed. She provided a review of the establishment of the task force and informed that this would allow an extension to the time allowed for said group to complete their work.

An opportunity was given for citizens to express their views.

Lisa Farmer spoke in support of the proposed. She thanked the Council for establishing the task force and provided a brief update of their work.

Councilman McGull asked Ms. Farmer if the date established in the proposed would be enough for the task force to provide their report to Council. She stated she believed it would be.

Mayor McClure expressed his thanks for the task force and their work to Ms. Farmer

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

Council Bill 2019-217. Resolution 10473 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, and McClure. Nays: None. Absent: None. Abstain: None.

The following bill appeared on the agenda under Emergency Bills

**Section 2-8
Personal
Financial
Disclosures**

Sponsor: McClure. Council Bill 2019-204. A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' Article I, 'In General,' by repealing Section 2-8, 'Disclosure of certain transactions,' pertaining to the disclosure of financial transactions by candidates for City Council, City Council members, and certain City employees, and enacting, in lieu thereof, a new Section 2-8; and declaring an emergency.

Rhonda Lewsader, City Attorney provided a brief overview of the proposed. She provided information regarding financial disclosures and the State and City's options regarding them. She also provided the history of the City's usage of the provisions covered by this bill and the results if it was not passed.

Councilman McGull requested clarification as to whether this is the same bill that has always been used. Ms. Lewsader stated the bill is basically the same as the one from 1991 and the current language is exactly the same as the 2017 bill.

Councilman Simpson requested clarification the City is allowed to set forth their own guidelines in regard to these disclosures but that if the proposed is not adopted then the Council would be subject to the Missouri Ethics Commission's authority and use their forms. Ms. Lewsader confirmed this information. Councilman Simpson asked if the Council would be required to use the Short or Long Forms as provided by the MEC. Ms. Lewsader stated it would be the four-page form which is considered the Long Form.

Councilman Simpson then asked to verify that the Long Form is the more comprehensive of the forms and Ms. Lewsader agreed.

Councilman Hosmer asked what the penalties under the State statute versus the City ordinance are. Ms. Lewsader stated that the City ordinance has never included penalties from the original adoption in 1991. She then outlined the penalties as provided under State law. Councilman Hosmer then requested confirmation that if the proposed was adopted the City would continue to have no penalties in place. Ms. Lewsader stated that was correct.

Councilman Lear requested confirmation of if the proposed was not adopted by the council, then the penalties would default back to the State law. Ms. Lewsader confirmed if the proposed did not pass or was tabled at the current meeting, such would be the case. Councilman Lear asked if it was the will of the Council to offer up something other than the proposed, if there would be time to do so. Ms. Lewsader advised the bill could be orally amended at the meeting and still passed, but stated that the simpler option if Council was seeking to impose penalties is to not pass the ordinance and rely on the penalties in State law.

Councilman McGull requested clarification if the passage of the local ordinance superseded State law. Ms. Lewsader advised that if a city passes their own provision for financial disclosure, it does supersede State law on the matter. Councilman McGull stated that local ordinance should not supersede State law. Ms. Lewsader explained that in regard to this matter the interpretation was that it did and said interpretation was supported by the Missouri Ethics Committee.

Councilman Hosmer requested clarification as to whether the State statutes in discussion are the same that the State Legislature is under. Ms. Lewsader confirmed that such was the case. Councilman Hosmer then listed various additional state and local government officials and asked if they too would be under these statutes. Ms. Lewsader stated that unless the local governing bodies such official may belong to have enacted their own provision for the proposed, such would be the case. Councilman Hosmer commented that he felt that the City Council being left to the same standard as other governmental agents should be seriously considered.

Councilman Ollis asked if research had been done into what other cities around the state were doing in regard to this matter or if they were subject to the State statutes. Ms. Lewsader stated she did not have numbers but knew some cities do chose to enact an ordinance regarding the matter.

Mayor McClure requested confirmation that the proposed affected a 2-year period. Ms. Lewsader confirmed that was correct. Mayor McClure then requested confirmation that this process and adoption of the proposed has happened every two years since 1991 when it was first started. Ms. Lewsader confirmed that was correct. Mayor McClure then reviewed the options before the Council and Ms. Lewsader confirmed the review.

Councilman Ferguson requested clarification on what effect tabling the proposed would have and if it would be tabled to a date or indefinitely. Ms. Lewsader explained that the bill

could be tabled indefinitely, but through operation of law if it was tabled it would die after September 15 because it would no longer be possible to adopt it.

Mayor McClure requested confirmation that the matter would be taken up for review again in 2021. Ms. Lewsader stated that if the proposed was accepted of it it was rejected or left to fail, the matter either would or could still be taken up for consideration by Council in two years time.

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

Councilman Lear stated that per Council's discussion he would be voting against the proposed because he likes the fact that this would place the Council on affectively the same plain of every other elected official and would allow a third-party adjudicator should there be a concern. He states he would err on the side of transparency over not.

Council Bill 2019-204 failed by the following vote: Ayes: None. Nays: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, and McClure. Absent: None. Abstain: None.

PUBLIC IMPROVEMENTS

GRANTS

AMENDED BILLS

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

City Utilities Budget

Sponsor: Lear. Council Bill 2019-207. A special ordinance approving the City Utilities' Fiscal Year 2020 Annual Operating Budget for its Fiscal Year ending September 30, 2020.

Joe Reynolds, City Utilities Board Chair and Mike Finch, City Utilities Chief Financial Officer provided a brief overview of the proposed. Mr. Reynolds spoke regarding the work of City Utilities' Board and staff and their continued work to improve the City. He outlined upcoming work highpoints concerning GigCity, Renewable Energy, Infrastructure, and Rates. Mr. Finch then briefly reviewed the proposed City Utilities budget. He stated Mr. Reynolds had already addressed many items, but he also noted the upgrade to the trunked radio system and the fiber expansion project. He then provided a brief review of items previously discussed in depth with City Council.

Mayor McClure asked about the referenced amount for Transit in Mr. Reynold's overview. He requested clarification of if this was the short-fall for Transit. Mr. Reynolds stated that was the case. Mayor McClure asked how this subsidy was distributed among the various services. Mr. Reynolds stated it is prorated based on revenue across the various customers. Mayor McClure asked if the amount listed was a constant number or if it fluctuated. Mr. Reynolds stated the amount was up slightly from what was projected

for the year. Mayor McClure requested confirmation of the way in which the total cost of Transit was reached. Mr. Reynolds provided clarification of how the total cost was determined. Mayor McClure then requested confirmation concerning the Miscellaneous Billings 21 million to 115 million change due primarily for bond proceeds for the fiber project. Mr. Reynolds stated this was correct and that the Miscellaneous did include the bond financing for the fiber project. Mayor McClure questioned what CU customers had to look at in regard to pricing for natural gas this upcoming winter as opposed to previous years. Mr. Reynolds stated they expect prices to remain at or below their current values. Mayor McClure requested that should rates shift upward those affected will be notified. Mr. Reynolds agreed that that would be done.

Mayor Pro Tem Ferguson asked that Mr. Reynolds explain a bit more what 'Service in Lieu of Taxes' is. Mr. Reynolds stated that City Utilities makes a 'Payment in Lieu of Taxes' in the amount of 3% on electric revenues and 4% on natural gas and things like that. He stated these amounts are listed in the City Charter and that is the guideline they use.

Councilman Schilling commented on the transfer to renewable energy sources and specific the projected 40% of energy to come from renewable sources. He then asked the current standing of Coal usage by the City. Mr. Reynolds states there has been a steady decline in City Utilities' usage of coal to provide electricity and there are only two coal units at this time. Councilman Schilling asked about rates for shipping in regard to the coal in the last 5-10 years. Mr. Reynolds stated earlier in that timeframe things may have been higher but the rails companies have had a reduction in their fees and this contributes to the stable electric rates.

Councilman Lear asked a question regarding the details of the Transit segment to understand the provided numbers and where they come from. Mr. Reynolds explained the various parts and how the final number was reached and offered Council additional information for review if requested. Councilman Lear then asked about the ridership and how that is moving. Mr. Reynolds stated that the stronger the economy the fewer riders there are and for this reason they have seen a slight decline in ridership over the last couple years. He stated that current ridership is approximately 1.5 million.

Councilman Hosmer thanked Mr. Reynolds for his presentation and commended City Utilities on increasing their use of renewable energy sources. He also thanked them for subsidizing the Transit system and the excellent rates they maintain for their services. Councilman Hosmer asked if there is any program in place that incentivizes using better technological resources to help reduce the amount of power used by the City. Mr. Reynolds said that per the full customer base they have seen a natural decline over the last several years as many of the more energy efficient technologies have become more readily available and they are projecting that to continue. He then stated that there would be the possibility of helping the City find more energy efficient options.

An opportunity was given for citizens to express their views.

Jena Holtberg-Benge, General Manager of John Deere remanufacturing in Springfield spoke in support of the proposed. She spoke in support of the City Utilities fiber initiative. She provided three reasons why the roll-out was a great boon to her business.

Jeff Schrag spoke in support of the proposed. He specifically spoke in support of City Utilities fiber rollout. He spoke of how this would positively impact small business which can provide great good for communities as well as how this can help draw and maintain talent. Councilman Simpson asked Mr. Schrag if for many entrepreneurs who have a large ecommerce or internet reliant business that access to gigabit internet is no longer just a luxury but is coming a necessity when deciding where to locate. Mr. Schrag agreed that this was true, especially as much is moving to cloud technology where the information being accessed and programs used are in the cloud or cloud services.

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

**City Utilities
Rates and Fees**

Sponsor: Hosmer. Council Bill 2019-206. A general ordinance approving revisions to City Utilities' Service Rules and Regulations and Outdoor Lighting Policy, revisions to its electric, gas and water General Terms and Conditions Governing Service rate schedules, and revisions to its Private Outdoor Lighting Service Rate schedule.

Krista Shurtz, City Utilities Director of Rates and Fuels provided a brief overview of the proposed. She stated this is the same proposal introduced in the Spring and talked about in detail at the joint study session in August. She states the proposal is entirely optional and includes no base rate increases. City Utilities recommends approval because it will provide customers additional options, provide some consumer protections, and improves language in policies and rates. She then provided a review of the specific items affected.

An opportunity was given for citizens to express their views

John Coriesmer, President Springfield Underground spoke in support of the proposed. He stated the City was fortunate to have City Utilities and thanked them for their work.

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

**Citizen
Comment**

It was the consensus of City Council to take comments from Ms. Champlin out of order.

Amy Champlin spoke to Council. Janice Hanes, her delegated representative read her statement to City Council. The statement spoke in regard to the Springfield paratransit system and her concerns regarding availability and scheduling.

**Rezoning of 1700
South Enterprise
Avenue**

Sponsor: Simpson. Council Bill 2019-208. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 0.49 acres of property, generally located at 1700 South Enterprise Avenue, from Planned Development No. 41, 2nd amendment, to Planned Development No. 371; and adopting an updated Official Zoning Map. (Planning and

Zoning Commission and Staff recommend approval.) (By: Skinner Real Estate, LLC; 1700 S. Enterprise Avenue; Planned Development No. 371.)

Mary Lily Smith, Director of Planning and Development provided a brief overview of the proposed. She provided the details of the requested changes and stated both Staff and Planning & Zoning recommend approval.

An opportunity was given for citizens to express their views.

A representative for the applicant was available for questions, but Council had no questions.

There being no appearances the public hearing was declared closed.

**Granting of
Conditional Use
Permit 438**

Sponsor: McGull. Council Bill 2019-209. A special ordinance granting Conditional Use Permit No. 438 for the purpose of allowing outdoor dining and to reduce the front yard setback requirements in the LB, Limited Business District and Rountree Urban Conservation District Number 2, Area F, which is located at 1454 East Cherry Street. (Staff and Planning and Zoning Commission both recommend approval).

Mary Lily Smith, Director of Planning and Development provided a brief overview of the proposed. She provided the details of the requested changes and stated both Staff and Planning & Zoning recommend approval.

Councilman McGull complimented Staff on their work in the area. He spoke in regard to how Cherry is becoming a business and pedestrian area and his concerns for the traffic in the area. Ms. Smith acknowledged this concern and spoke of research that had been done previously in the area of the proposed.

An opportunity was given for citizens to express their views.

Paden Chambers, representative for the proposed approached the podium. He stated that the City's presentation of the matter was fairly straightforward and he was available for any questions. No questions were offered.

There being no additional speakers, the public hearing was then declared closed.

**Rezoning of
property near
1720 West Grand
Street**

Sponsor: Schilling. Council Bill 2019-210. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.8 acres of property, generally located at 1720 West Grand Street, from R-SF, Single-Family Residential District to GR, General Retail District; establishing Conditional Overlay District No. 177; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: College of the Ozarks; 1720 W. Grand Street; Z-18-2019 w/Conditional Overlay District No. 177.)

This item was read together with Council Bill 2019-211.

**Rezoning of
property near
1720 West Grand
Street**

Sponsor: Ferguson. Council Bill 2019-211. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 1.37 acres of property, generally located at 1720 West Grand Street, from R-SF, Single-Family Residential District to R-LD, Low-Density Multi-Family Residential District; establishing Conditional Overlay District No. 178; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: College of the Ozarks; 1720 W. Grand Street; Z-19-2019 w/Conditional Overlay District No. 178.)

This item was read together with Council Bill 2019-210.

Mary Lily Smith provided a brief overview of the proposed. She advised the specifications of the changes and that Staff and Planning & Zoning recommend approval.

Councilman Schilling noted that this property is owned by College of the Ozarks. He asked if they would be exempt from property tax. She stated she was uncertain and would check, but if the property was to be used for a college purpose it would not. Councilman Schilling noted his concern about access onto Grand if this became a busy lot.

Councilman Lear requested what was in the High-Density Residential area behind the area in the proposed. Ms. Smith stated she knew it was constructed but did not have the specific information regarding the exact zoning. She stated the proposed was going to lower density than the property behind it.

Mayor Pro Tem Ferguson requested confirmation that traffic studies would be required for these properties when they are developed. Ms. Smith advised there would be on the commercial property.

An opportunity was given for citizens to express their views.

Dane Seiler, representative for the applicant approached the podium. He addressed some questions earlier posed by Councilmembers and informed of the general plans currently in place for the proposed. He stated he was available for any questions and Council offered none.

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

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

**Authorization of
Contract with
DNR**

Sponsor: Ollis. Council Bill 2019-212. A special ordinance authorizing the City Manager, or his designee, to enter into a Contract of Obligation with the Missouri Department of Natural Resources whereby the City agrees to financially secure the future closure and post-closure care of all currently active and previously completed portions of the City's Noble Hill Sanitary Landfill; and to enter into an Agreement for Easement, Notice and Covenant Running with the Land granting Missouri Department of Natural Resources access to the City's Sanitary Landfill.

Aaron Kemper, Director of Environmental Services provided a brief overview of the proposed. He provided details of the proposed and the reasoning behind them. Mayor McClure requested verification that this was a regular occurrence and Mr. Kemper agreed.

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

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

Ms. Amy Champlin wished to address City Council and was taken earlier in the meeting.

Mr. Daryl Day wished to address City Council but did not appear.

Ms. Jaye Owens, representing the Board and Membership of the Southwest Missouri Chapter of the National Organization for Women. She spoke to their desire to have a permanent part of the City organization that specifically addresses the issues of domestic violence and sexual assault. She stated that the group originally paused their efforts with the appointment of the Sexual Assault Task Force but now the reports that have been proved have been less encouraging than hoped. She stated they are seeking a more through response. She states they request that each Councilmember commit to reading the report provided by the Sexual Assault Task Force in its entirety, are seeking the establishment of a permanent commission to address the concerns found, and that the Police establish a readily accessible record and status of all rape kits.

Ms. Della Slisz wished to address City Council but did not appear.

Mr. Jeff Barber wishes to address City Council. He spoke in regard to tabled Council Bill 2019-203. He reviewed the letter as presented to Council that prompted the bill and addressed it in a point by point manner. He asked that prior to leaving the PACE program Council revisit, review, and recommend as requested in the original letter.

Mr. Dustin Reilich, Vice President of Market Development for Renovate America wished to address City Council. He informed his company is the administrator of the local residential PACE program in the City of Springfield, Greene County, and all of Missouri. He provided information about the residential projects that have taken place in Springfield and stated it is an option to provide financing that is not required. He stated that no financing could be for more than 20% of the market value of the home in contrast to the accessed value of the home cited.

Mr. Caleb Arthur, CEO and Owner of SunSolar wished to address City Council. He provided information and a brief history of the company. He states that six of the people listed in the letter originally provided are his solar customers. He said his staff reached out to the home owners and not one complaint was filed from these home owners to his company or to the Greene County Collector. He asked that Council work on bills that provide more free-market financing options and that the City retrofit some of its

buildings with solar. He also asked for assistance with companies attempting to install solar over State allowances that can be authorized by City Utilities.

Mayor Pro Tem Ferguson requested verification that his business contracts with Renovate America to provide financing and Mr. Arthur confirmed this. She asked what interest rate was charged on the financing. Mr. Arthur stated that the company has not used their product in over a year because they produced in-house financing they utilize instead. He stated that rates seen previously were between 5-7%.

Mr. Bob Mundy wished to address City Council. He spoke on his desire to establish the Ozark Jubilee in Springfield. He advised this would be his last presentation to Council as he had interested parties to whom he would need to provide an answer by November 1. He stated that to keep the Ozark Jubilee in Springfield he would need \$100,000. He spoke of his desire to keep it in Springfield and entreated the City's assistance.

The following items appeared on the agenda under New Business

Andrew Lear will be the employer representative at the upcoming 2019 Missouri Local Government Employees Retirement System (LAGERS) Annual meeting.

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

Authorization of refund and repeal of sale	Sponsor: Ferguson. Council Bill 2019-213. A special ordinance authorizing the City Manager, or his designee, to refund \$1,000 in earnest money to Trigg, LLC; and repealing Special Ordinance 27202.
Plat of Troy Acres Subdivision	Sponsor: Ferguson. Council Bill 2019-214. A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Troy Acres Subdivision generally located at 3843 West Mount Vernon Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)
Plat of Kansas at Grand Subdivision	Sponsor: Schilling. Council Bill 2019-215. A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Kansas at Grand Subdivision generally located at 1720 West Grand Street, upon the applicant filing

and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

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

Authorization for Grant Application

Sponsor: Fisk. Council Bill 2019-216. A resolution authorizing the City Manager, or his designee on behalf of the City, to apply for state grant funds in the amount of \$35,000 from the Missouri Department of Conservation, to support native plant establishment and enhancement on the Fassnacht Creek Naturalization at Springfield Art Museum Project; and to exercise any and all powers to obtain such funding.

Council Bill 2019-216. Resolution 10474 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, and McClure. Nays: None. Absent: None. Abstain: None.

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

Sponsor: Lear. Council Bill 2019-200. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with Missouri Network Alliance, LLC, d/b/a Bluebird Network for the purpose of sharing existing and future underground conduits at various locations in City rights-of-way to expand the City's traffic management fiber-optic communications network.

This item was removed from Consent Agenda 2nd Reading by request of Councilman Hosmer and added as Item 8.25.

Sponsor: Ollis. Council Bill 2019-201. A special ordinance authorizing the City Manager, or his designee, to enter into a supplemental agreement in the amount of \$40,097.53, with Missouri Highways and Transportation Commission and TransCore, LP, for additional development, implementation and maintenance of the Advanced Traffic Management System software and hardware to be operated by the Missouri Department of Transportation and the City of Springfield at the Transportation Management Center of the Ozarks, for traffic management and traveler information services throughout the regional roadway network.

This item was removed from Consent Agenda 2nd Reading by request of Councilman Hosmer and added as Item 8.5.

END OF CONSENT AGENDA.

Motion to Adjourn

Councilman Simpson moved to Adjourn. Councilman Schilling seconded the motion, and it was approved by the following vote: Ayes: Ferguson, Fisk, Ollis, Lear, McGull, Simpson, Schilling, and McClure. Nays: Hosmer. Absent: None. Abstain: None. The meeting adjourned at 9:03 p.m.

Prepared by
Russ
McLaughlin

Anita J. Cotter, CMC/MRCC


City Clerk