

September 23, 2019
Springfield, Missouri

The City Council met in regular session September 23, 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: Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, Ferguson, and McClure. Absent: None.
Minutes	The minutes of the September 9, 2019 City Council Meeting and September 17, 2019 Special City Council Meeting were postponed until the October 7, 2019 City Council Meeting.
Consent Agenda	The Consent Agenda was approved as presented.

CEREMONIAL MATTERS

City Manager Report	Jason Gage, City Manager advised that there were no outstanding questions to report on.
----------------------------	---

Mr. Gage noted Police Chief Paul Williams has provided the August Uniform Crime Report. He noted we experienced decreases in all but one category (theft) compared to August 2018.

Mr. Gage noted National Coffee with a Cop Day will be held on October 2, from 8:00 a.m. to 10:00 a.m. at five Springfield location.

Mr. Gage noted community members are invited to participate in the public dedication of a historical marker creating greater awareness and understanding of an act of racial injustice that occurred in Springfield 113 years ago. The dedication ceremony will take place at 10 a.m. Wednesday, October 2, on Park Central Square.

Mr. Gage Noted St. Louis Blues Day in Springfield will be held on October 10, 2019. The Stanley Cup will be on display for the public at the following locations:

- Bass Pro Shops Outdoor World from 3:00 p.m. to 5:30 p.m.
- Harbell's and Falstaff's in Park Central West from 7:30p.m. to 9:30 p.m.
- Park Central West block party (party begins at 6:30 p.m. with the Cup available for public viewing and photos from 9:30 p.m. to 11 p.m.)

Mr. Gage noted the 30th Annual Treasures of the City event will be held on Thursday, October 17 from 5:00 p.m. to 8:30 p.m. at the Busch Municipal Building and Historic City Hall. Second graders and their families are invited to learn about City government and meet their Council members.

Mr. Gage noted education continues on our two upcoming ballot initiatives: The Transportation Sales Tax Renewal and the Police Fire Pension Sales Tax Renewal. He

noted City Council has been provided with a new public education piece regarding the Police-Fire Pension Sales Tax Renewal. For detailed information, please visit springfieldmo.gov/election.

Mr. Gage introduced Lee Metcalf, State Chair of the Missouri Employer Support of the Guard and Reserve (ESGR) for a special presentation. Mr. Gage noted ESGR is an agency of the Department of Defense, and they would be recognizing the City of Springfield, Missouri, with an award.

Les Metcalf, State Chair of the Missouri Employer Support of the Guard and Reserve (ESGR) thanked City Council for allowing them to be there to recognize the City of Springfield for all the City does to support the individuals who participate in the Guard and Reserve. Mr. Metcalf presented the “Above and Beyond Award” to the City of Springfield. This is presented for those employers who show exemplary support of those participating in service to their Country.

Mayor McClure thanked Mr. Metcalf for presenting this award.

The following bills appeared on the agenda under Second Reading Bills

**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.

Council Bill 2019-207. Special Ordinance 27232 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, Ferguson, and McClure. Nays: None. Absent: None. Abstain: None.

**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.

Council Bill 2019-206. Ordinance 6545 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, Ferguson, and McClure. Nays: None. Absent: None. Abstain: None.

**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.)

Council Bill 2019-208. Ordinance 6546 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, Ferguson, and McClure. Nays: None. Absent: None. Abstain: None.

**Granting
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).

Council Bill 2019-209. Special Ordinance 27233 was approved by the following vote:
Ayes: Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, Ferguson, and McClure.
Nays: None. Absent: None. Abstain: None.

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

Sponsor: Schilling. Council Bill 2019-210. A general ordinance mending 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.)

Council Bill 2019-210. Ordinance 6547 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, Ferguson, and McClure. Nays: None. Absent: None. Abstain: None.

**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.)

Council Bill 2019-211. Ordinance 6548 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, Ferguson, and McClure. Nays: None. Absent: None. Abstain: None.

**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.

Council Bill 201-212. Special Ordinance 27234 was approved by the following vote:
Ayes: Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, Ferguson, and McClure.
Nays: None. Absent: None. Abstain: None.

The following bill appeared on the agenda under Resolutions

**Withdrawal from
PACE Program**

Sponsor: Schilling. Council Bill 2019-203. A resolution directing the City of Springfield, Missouri, to withdraw as a member of the Missouri Clean Energy District created pursuant to the "Property Assessment Clean Energy Act;" and directing the City Clerk to send a certified copy of this Resolution to the Board of Missouri Clean Energy District.

Mayor McClure noted this bill was tabled at the August 26, 2019 City Council Meeting at which time public comment was taken and the Public Hearing was closed.

Councilman McGull asked for clarification if the commercial portion of this bill could not be exempted out of the proposed.

Rhonda Lewsader, City Attorney, noted the commercial portion could not be separated out of the proposed.

Councilman Ollis asked for clarification if we passed the proposed would we be eliminating the potential for any commercial use of this program.

Ms. Lewsader responded the proposed withdraws the City as a member of the Missouri Clean Energy District but would not preclude City Council from taking part in a program that works solely with the commercial aspect.

Councilman Hosmer asked for clarification if amendments could be made to the current program.

Ms. Lewsader expressed her opinion the by-laws of the Missouri Clean Energy District set out the program and does not believe City Council can amend those by-laws.

Councilman Hosmer expressed his opinion the City should look at alternatives to amend the program rather than just withdraw from the program. Councilman Hosmer noted he intends to make a motion to table the proposed.

Mayor McClure noted he would oppose the motion to table if it is made. Mayor McClure expressed his opinion the proposed had been reviewed and a new program should be considered after investigation.

Councilman Hosmer moved to table Council Bill 2019-203. Councilman Ollis seconded the motion and it failed by the following vote: Ayes: Hosmer, Ollis, and McGull. Nays: Fisk, Lear, Simpson, Schilling, Ferguson, and McClure. Absent: None. Abstain: None.

Councilman Schilling expressed his opinion the program appeared to be a good program; however, feels there were several items he was not aware of at the time he originally supported it. Councilman Schilling feels there are some significant issues that must be looked at and considered. Councilman Shilling expressed his opinion based on

Greene County withdrawing from the program he feels we should carefully review the proposed and look at alternatives.

Council McGull noted he would like to keep a portion of the program; however, based on feedback that he has received he does not feel that he can support this bill as it currently stands.

Mayor McClure clarified what an aye and nay vote would mean in regard to the proposed.

Councilman Simpson expressed his belief this program does have some positive aspects as it relates to the commercial side but has some consumer protection issues on the residential side. He noted he would like to see Council move quickly to find other options.

Mayor Pro Tem Ferguson asked for alternatives.

Ms. Lewsader noted there is a commercial only measure pending before a City Council committee at this point.

Councilman Lear discussed the input he had received and the need to withdraw from the program and work diligently to find a commercial solution.

Councilman Ollis expressed his opinion that there are some issues with accountability; however, he does not feel that we should withdraw from the program until a better solution is in place.

Mayor McClure expressed his opinion this issue has not been taken lightly and has considered the work that had been provided to them. Mayor McClure noted Greene County has withdrawn from the program and currently there are significant issues as the program is currently written.

Council Bill 2019. Resolution 10475 was approved by the following vote: Ayes: Fisk, Lear, McGull, Simpson, Schilling, Ferguson, and McClure. Nays: Hosmer and Ollis. Absent: None. Abstain: None.

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

The following bill appeared on the agenda under Grants

Acceptance of Grant Funding

Sponsor: Fisk. Council Bill 2019-218. A special ordinance authorizing the City Manager, or his designee, to accept the Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice and to enter into an interlocal agreement with Greene County, outlining the division of the grant funds; amending the budget for the Springfield Police Department for Fiscal Year 2019-2020 in the amount of

\$160,487.00; and declaring that this bill qualifies as a one reading bill pursuant to Charter Section 2.16(25).

Paul Williams, Chief of Police provided a brief overview of the proposed. He noted this is an annual grant based on the rate of crime in the community. Chief Williams noted based on the agreements in place with Greene County this grant would be split with Greene County.

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

Councilman McGull stated that he would abstain from the vote because he works for the United States Department of Justice.

Council Bill 2019-218. Special Ordinance 27235 was approved by the following vote: Ayes: Fisk, Lear, Simpson, Schilling, Ferguson, and McClure. Nays: Hosmer and Ollis. Absent: None. Abstain: McGull.

AMENDED BILLS

PUBLIC HEARING

The following bills appeared on the agenda under First Reading Bills

Declaration of Necessary Condemnation and Permanent Easements

Sponsor: McGull. Council Bill 2019-219. A special ordinance declaring the necessity of condemning construction and permanent easements over, under, and through the following properties generally located near 340 South Patterson Avenue and west of East Horning Street, south of Elmwood Avenue in the City of Springfield, Missouri; and authorizing certain officers, or their designees, to do all things necessary to carry out the terms of this Ordinance for the purpose of completing the Beechwood Heights Storm Water Project-Phase I: East Walnut Street Project #2015PW0091WTE funded through the 1/4-Cent Capital Improvement Sales Tax.

Chris Dunnaway, Principal Engineer provided a brief overview of the proposed.

Councilman McGull asked Mr. Dunnaway if there were any alternative proposals submitted to the land owner. Mr. Dunnaway noted the city had met early on with the land owner who indicated a preference to move the drainage further to the south on the railroads' property.

Councilwoman Fisk asked how routinely the flooding occurs as well as where the water is coming from. Mr. Dunnaway stated that it has been happening for many years but was unsure of the exact amount. Councilwoman Fisk asked if there has ever been a possibility of opening the Oak Grove section. Mr. Dunnaway stated that it was part of the original plan, but it was removed.

Councilman Lear asked what the property owner could do to build on the existing sewer easement. Mr. Dunnaway stated that he drainage is going to be impactful to

development. The property owner is going to have to consider the water that is already flowing through there. They will be unable to build anything but could potentially make parking or greenspace.

Mayor Pro Tem Ferguson asked what the cost difference would be between the proposed design and southern design. Mr. Dunnaway noted it was significant but was unsure of the exact cost. Mayor Pro Tem Ferguson requested a follow up email with the exact amount.

Councilman Ollis asked if reasonable measures have been taken to work things out with the property owner for a suitable resolution. Mr. Dunnaway responded in the affirmative.

An opportunity was given for citizens to express their views.

James VanHoose spoke in support of the proposed. He noted he's lived in the area for 21 years and the flooding is dangerous.

McGull asked for clarification regarding where Mr. VanHoose lived and how often he experiences the flooding. Mr. VanHoose described the location and stated he experiences flooding approximately three times a year.

James Jeffries spoke in opposition of the proposed. Mr. Jeffries noted he is an attorney representing the property owner subject to the condemnation. He mentioned a misunderstanding between the property owner and the city regarding an existing easement that was resolved last year. He stated that after looking at the OTO Plan, he saw it was amended August 2019 to remove the Oak Grove connection. He further stated that the proposal would leave a section of the property forever unusable despite the landowners wish to one day develop on that section of the property.

Councilman Schilling asked if the area east of the triangular section noted on the map was already developable. Mr. Jeffries stated that you could pave it or build a potential warehouse but that the current plan would render the area unusable.

Councilman McGull asked if Mr. Jeffries had been part of the original negotiations with the city. Mr. Jeffries noted he was not.

Councilman McGull asked if the only way his client would negotiate would be if the city were to move the line closer to the railroad. Mr. Jeffries stated his client would be open to other suggestions.

Councilman Lear asked if there was room to go behind the small triangular section noted on the map with trucks and trailers. Mr. Jeffries noted that with current ownership you could connect to Oak Grove and the land could still be developed with that access.

Councilman Hosmer inquired with legal counsel whether negotiation would stop between the landowner and the city if Council were to adopt the ordinance.

Rhonda Lewsader, city Attorney explained it does not prevent negotiation until the court takes it up the matter. The city attempts negotiations until the last minute.

Peggy Biellier spoke in favor of the proposed. She stated she experiences the flooding. Sewers have backed up despite the sewer line being cleaned. The result, she notes, are kids playing in the water, which is unsafe and unsanitary.

Edward Deck, Jr. spoke in opposition of the proposed. He is the owner of Queen City Warehouse and manager of the LLC that operates the two tracts of land. He wanted to note they have built and maintained a water detention area. He stated that the current plan means he wouldn't be able to use the land south of the blue line presented on the map. He further stated that he only requested legal counsel once he felt the city was determined to go the route of eminent domain.

Councilman Hosmer asked how much acreage is south of the easement. Mr. Deck Jr. did not have the immediate figures.

Councilman Ollis asked if there was some confusion surrounding the initial negation of the land regarding the ownership of the drainage area that may have changed the direction of the negotiation. Mr. Deck Jr. believed that to be correct. He noted that he met with the city without counsel initially and was led to believe that they had legal access to that property. Mr. Deck Jr. stated that he knows the area needs relief and negotiations are not at an impasse, but the solution should not come at his expense.

Gary Witt spoke in favor of the proposed. He has lived in the area for 13 years. He has had water go through his foundation vents. He explained he has had to deal with termites as well as mold. He further noted that property values have been impacted.

Councilman McGull asked if there was a certain period of year that the flooding occurs. Mr. Witt stated that June might be the wettest month but was uncertain.

There being no further appearances the public hearing was declared closed

**Environmental
Services Budget
Adjustment**

Sponsor: Lear. Council Bill 2019-220. A special ordinance authorizing a budget adjustment amending the Fiscal Year 2019-2020 budget of the Department of Environmental Services Solid Waste Management Enterprise Fund in the amount of \$1,850,000 by appropriating fund balance reserves of said fund for the purpose of purchasing and refurbishing several pieces of heavy equipment at the Springfield Noble Hill Sanitary Landfill.

Erin Kemper, Director of Environmental Services, provided a brief overview of the proposed and discussed the equipment to be repaired, refurbished, or replaced.

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

**Repeal of
Section 2-8**

Sponsor: Ollis. Council Bill 2019-221. A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' by repealing in its entirety Section 2-8 'Disclosure of certain transactions.'

Rhonda Lewsader, City Attorney provided a brief overview of the proposed. Ms. Lewsader noted State Law allows municipalities to adopt a Personal Financial Disclosure Ordinance every two years. Based on the action of City Council to not readopt the Personal Financial Disclosure Ordinance at the September 9, 2019 meeting, the proposed would bring the code in line with City Council's actions.

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. Nancy Doman addressed the City Council. Ms. Dornan discussed concerns with nuisance properties in the City of Springfield especially in the West Central Neighborhood. Ms. Dornan noted there are several successful steps that have been made to control development and address concerns in this area; however, expressed her opinion there is more work to be done. Ms. Dornan discussed the positive aspects of the area and the nuisance properties in the area. She continued discussing the investments that have been made in the area and ask City Council to continue to address the nuisance issues in the area.

Ms. Josephine Grace addressed the City Council. Ms. Grace expressed concerns pertaining to directed energy weapons. Ms. Grace noted these weapons are dangerous and are being used irresponsibly and inappropriately. She asked City Council to add directed energy weapons to the list of dangerous weapons in the City Code.

The following item appeared on the agenda under New Business

The Mayor recommended the following appointment to the Tree City USA Citizen Advisory Committee: Cynthia McNiel to fill the unexpired term of Amanda Stadler. Ms. McNiel's term will end December 1, 2021.

UNFINISHED BUSINESS

MISCELLANEOUS

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

**Authorizing
Temporary
Right-of-Way
Access**

Sponsor: Schilling. Council Bill 2019-222. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission granting temporary access to City rights-of-way to allow the State to make improvements to the Scenic Avenue Bridge over James River Freeway and define responsibilities for construction and maintenance.

CONSENT AGENDA ONE READING BILLS

The following bills appeared on the agenda under Consent Agenda Second 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.

Council Bill 2019-213. Special Ordinance 27236 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, Ferguson, and McClure. Nays: None. Absent: None. Abstain: None.

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.)

Council Bill 2019-214. Special Ordinance 27238 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, Ferguson, and McClure. Nays: None. Absent: None. Abstain: None.

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.)

Council Bill 2019-215. Special Ordinance 27237 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling, Ferguson, and McClure. Nays: None. Absent: None. Abstain: None.

END OF CONSENT AGENDA.

Motion to Adjourn

Councilman Simpson moved to Adjourn. Councilman McGull seconded the motion, and it was approved by the following vote: Ayes: Fisk, Ollis, Lear, McGull, Simpson, Schilling, Ferguson, and McClure. Nays: Hosmer. Absent: None. Abstain: None. The meeting adjourned at 8:05 p.m.

Prepared by
Russ McLaughlin

Anita J. Cotter, CMC/MRCC


City Clerk