

October 07, 2019
Springfield, Missouri

The City Council met in regular session October 7, 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: Craig Hosmer, Richard Ollis, Andrew Lear, Abe McGull, Mike Schilling, Phyllis Ferguson, Jan Fisk, and Ken McClure. Absent: Matthew Simpson.
Minutes	The minutes of the September 9, 2019 City Council Meeting, September 17, 2019 Special City Council Meeting, September 23, 2019 City Council Meeting, and September 24 Special City Council Meeting were approved as presented.
Consent Agenda	The Consent Agenda was approved as presented.

CEREMONIAL MATTERS

City Manager Report	Jason Gage, City Manager reminded Council that Thursday, October 10 is St. Louis Blues Day. Former United States Senator Jack Danforth will be joining the event as well as players from the Blues. The Stanley Cup will be on display for the public at the following locations:
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- 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 that Mick Cornett, four-term Oklahoma City Mayor and author of the book, The Next American City, will be a feature speaker at out Oct. 23 Forward SGF event. The event starts at 6:30 p.m.

Mr. Gage noted the Springfield Fire Department is busy in October. Fire Prevention Month is an opportunity to educate the community about fire and life safety. In cooperation with Springfield Public Schools and several private schools, firefighters will visit kindergarten through fifth-grade classrooms in Springfield, providing age-appropriate fire safety lessons throughout the month. By the end of October, the Springfield Fire Department will have provided more than 10,000 children with life-saving safety education they will carry with them for a lifetime.

Mr. Gage also noted that the Police Chief will do a virtual Coffee with the Chief at 7:30-8 a.m. on Facebook Live, Oct. 17.

Mayor McClure recognized Cub Scout Pack 289 in attendance.

The following bills appeared on the agenda under Second 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 ¼-Cent Capital Improvement Sales Tax.

Councilman McGull stated he had the opportunity to visit the location. He spoke with the commercial property owner. He noted he has assurances from the property owner that given additional time to work through some issues, a reasonable agreement can be made.

Mayor Pro Tem Ferguson inquired from Councilman McGull about speaking with some of the residents in the area regarding a potential pause on the project. Councilman McGull stated that he had not, however, he expressed his opinion a delay would provide an opportunity to save the city public funds.

Mayor McClure asked staff what the impact would be on the project if there were a pause in proceedings.

Jason Gage, City Manager noted he did not believe the motion to table the issue would have a negative impact unless the pause exceeded the stated timeline.

Mayor McClure stated flooding in the area is a clear problem that should be addressed. He supported the motion with the idea that the issue could be resolved within the next thirty days but noted that the project does need to start quickly.

Councilman McGull moved to table Council Bill 2019-219 until the November 4, 2019 City Council meeting. Councilman Ollis seconded the motion and it was approved by the following vote:

Ayes: Hosmer, Ollis, Lear, McGull, Ferguson, Fisk, and McClure. Nays: Schilling. Absent: Simpson. Abstain: None.

**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.

Council Bill 2019-220. Special Ordinance 27239 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, McGull, Schilling, Ferguson, Fisk, and McClure. Nays: None. Absent: Simpson. Abstain: None.

**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.'

Council Bill 2019-221. Ordinance 6549 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, McGull, Schilling, Ferguson, Fisk, and McClure. Nays: None. Absent: Simpson. Abstain: None.

The following bills appeared on the agenda under Resolutions

**601 South Main
Short-Term
Rental Type 2
Appeal**

Sponsor: Schilling. Council Bill 2019-223. A resolution granting a Short-Term Rental Type 2 Permit for the property located at 601 South Main Avenue, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Zoning Ordinance.

Mary Lilly Smith, Director of Planning and Development provided a brief overview of the proposed. She noted the site was a former gas station with four adjacent property owners. She added 3 signatures would be required to reach the 55% requirement; however only 2 signatures were obtained. She also noted there are no service request on the proposed property.

Councilman Ollis asked if those who did not sign were LLC's. Ms. Smith stated one was owned by the Affordable Action Board, two were owned by LLC's, and was unsure about the fourth.

Councilman Schilling asked how many more appeals were pending. Ms. Smith noted there are approximately thirty short-term rentals that have picked up information but does not anticipate all of those will become appeals.

Councilman McGull asked if the individual who is applying for the short-term rental contacted the LLC. Ms. Smith answered affirmatively. Councilman McGull also asked for confirmation that the registered agent of the property did not provide an answer. Ms. Smith noted at one time there was a signature, but the signatory was not an authorized agent.

Councilman Lear noted his support for the resolution. He further noted that this project was a positive move since it helps retain the character of the neighborhood.

Mayor McClure noted that this proposal is what he envisioned as a short-term rental and offered his support for the resolution.

Councilman McGull noted the location of the property expressed his opinion the proposed would have minimal effect on the surrounding neighborhood. He noted his intention to support the proposed.

Mayor Pro Tem Ferguson noted over 50% approval of property owners was garnered and that she would be supporting the resolution.

Council Bill 2019-223. Resolution 10476 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, McGull, Schilling, Ferguson, and McClure. Nays: None. Absent: Simpson. Abstain: None.

Home Occupations

Sponsor: Schilling. Council Bill 2019-224. A resolution initiating amendments to the Springfield Land Development Code, Article III, 'Zoning Regulations,' for the purpose of allowing manicurists and estheticians as home occupations.

Mary Lilly Smith, Director of Planning and Development provided a brief overview of the proposed. Ms. Smith noted that hair-cutting and styling are currently permitted as home occupation and limited to one customer at a time. The proposed would add manicurists and estheticians as home occupations. She also noted the resolution does not change the zoning ordinance it only initiates the process of review.

Mayor Pro Tem Ferguson asked for clarification on the difference between an esthetician and a massage therapist. Ms. Smith noted it is related to the type of license required. She noted she would provide a more concise definition after some research into state licensing. Mayor Pro Tem Ferguson further requested follow up regarding containment of odors associated with chemicals related to manicurists.

Mayor McClure noted a key question is what is required for licensing by the Board of Cosmetology.

Councilman McGull noted his reservation with the definition of massage therapist. His concern is with residencies becoming unlicensed massage parlors used for unlawful purposes.

Council Bill 2019-224. Resolution 10477 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, McGull, Schilling, Ferguson, and Fisk. Nays: McClure. Absent: Simpson. Abstain: None.

Appointment of Hearing Examiner

Sponsor: McClure. Council Bill 2019-225. A resolution confirming the appointment of Kenneth Thompson as Hearing Examiner for certain matters pursuant to Section 2-60(o)(1) of the Code of the City of Springfield; and referring certain matters to the said Hearing Examiner.

Councilwoman Fisk read a brief statement concerning the resolution. Councilwoman Fisk noted that based on her involvement in the process, she would be recusing herself. Councilwoman Fisk left the chambers at approximately 7:02 p.m.

Council Bill 2019-225. Resolution 10478 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, McGull, Schilling, Ferguson, and McClure. Nays: None. Absent: Fisk and Simpson. Abstain: None.

Councilwoman Fisk returned to the dais at 7:04 PM.

The following bills appeared on the agenda under Emergency Bills

**Housing
Prisoners
Agreement**

Sponsor: Fisk. Council Bill 2019-226. A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with Vernon County, Missouri, for use of the Vernon County Jail for housing prisoners sentenced to incarceration by the Springfield Municipal Court; and declaring an emergency.

Chief of Police Paul Williams provided a brief overview of the proposed. He noted the proposed would allow for housing prisoners sentenced to incarceration by the Springfield Municipal Court.

Councilman Ollis asked what date we would no longer take inmates awaiting trial to Vernon County. Chief Williams responded November 1, 2019. Councilman Ollis asked for clarification on more rapid adjudication and the merits of night court. Mr. Williams noted that he, Deputy City Manager Quigley, and Judge Thornhill have met, and several options have been discussed.

Jason Gage, City Manager noted there is currently a night court with a limited schedule. Mr. Gage noted that if night court were affective, there may be opportunity to expand the program.

An opportunity was given for citizens to express their views.

Terry Rucker spoke in opposition of the proposed. Mr. Rucker expressed his opinion the burden placed on municipal court violators tended to be disproportional to those struggling financially. He added transporting violators to other counties makes it harder for poorer citizens to make it back home.

Mayor Pro Tem Ferguson asked Mr. Rucker if he is suggesting poorer citizens commit more municipal court crimes. Mr. Rucker explained that citizens with less money were impacted by discretionary implementation of the law. Mayor Pro Tem Ferguson noted that the law is implemented equally.

Councilman McGull noted the proposed is the only viable option on the table.

Council Bill 2019-226. Special Ordinance 27240 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, McGull, Schilling, Ferguson, Fisk, and McClure. Nays: None. Absent: Simpson. Abstain: None.

**Reconsideration
of vote on
Council Bill
2019-225.**

City Clerk Anita Cotter noted a procedural point of order regarding Council Bill 2019-225.

Councilwoman Fisk left the chamber at 7:12 PM.

Mayor McClure moved to reconsider the vote regarding Council Bill 2019-225. The motion was seconded by Councilman Lear and was approved by the following vote:

Ayes: Hosmer, Ollis, Lear, McGull, Schilling, Ferguson, and McClure. Nays: None. Absent: Fisk and Simpson. Abstain: None.

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

Council Bill 2019-225. Resolution 10478 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, McGull, Schilling, Ferguson, and McClure. Nays: None. Absent: Fisk and Simpson. Abstain: None.

Councilwoman Fisk returned to the dais at 7:13 PM.

PUBLIC IMPROVEMENTS

The following bills appeared on the agenda under Grants

DNR Grant for Stormwater Improvement on Fassnight Creek

Sponsor: Lear. Council Bill 2019-227. A special ordinance authorizing the City Manager, or his designee, to apply for and accept a grant in the amount of \$175,637.50 from the Missouri Department of Natural Resources to support construction of a Stormwater Improvement Project on Fassnight Creek at the Springfield Art Museum; and to amend the budget of the Department of Public Works for Fiscal Year 2019-2020 in that amount upon award of the grant; and declaring that this Ordinance qualifies as a one-reading bill.

Kirkland Preston, Stormwater Engineer provided a brief overview of the proposed. Mr. Preston noted objectives the are to modify the channel for flood control and naturalize the channel for urban habitat and water quality benefits.

Councilman McGull asked if rehabilitation of the waterway would change its character. Mr. Preston affirmed it would and noted it would be a pervious surface.

Councilman Ollis asked about the scope of the project. Mr. Preston did not have the information to quantify the linear feet but reported the total estimated cost of the project is \$1.8 million. Councilman Ollis asked about timeframes for completion. Mr. Preston noted the scope of the project has a design contract and schematics can be provided. Councilman Ollis noted his support for the project.

Jason Gage, City Manager noted staff would be coming back with further information pertaining to funding options.

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

Council Bill 2019-227. Special Ordinance 27241 was approved by the following vote:
Ayes: Hosmer, Ollis, Lear, McGull, Schilling, Ferguson, Fisk, and McClure. Nays:
None. Absent: Simpson. Abstain: None.

**SkillUp Program
Grant**

Sponsor: Hosmer. Council Bill 2019-234. A special ordinance authorizing the City Manager, or his designee, to accept funding from the Missouri Department of Social Services in the amount of \$484,000.00 for the SkillUp Program to provide assistance with job skills and trainings to individuals receiving Supplemental Nutrition Assistance Program Benefits; and amending the budget for the Department of Workforce Development for Fiscal Year 2019-2020 in the amount of \$484,000.00; and declaring that this Ordinance qualifies as a one-reading bill.

Mary Ann Rojas, Director of Workforce Development provided a brief overview of the proposed. Mrs. Rojas noted the funding would provide training for 75 individuals with the contract ending on May 31, 2020. Ms. Rojas noted the proposed grant is dedicated to individuals receiving Supplemental Nutrition Assistance Program Benefits.

Councilman McGull asked how many people the funding would assist. Mary Ann Rojas replied 75 people.

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

Council Bill 2019-234. Special Ordinance 27242 was approved by the following vote:
Ayes: Hosmer, Ollis, Lear, McGull, Schilling, Ferguson, Fisk, and McClure. Nays:
None. Absent: Simpson. Abstain: None.

AMENDED BILLS

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

**Rezoning 852
and 906 S
National and
1224 and 1234 E
Page**

Sponsor: McGull. Council Bill 2019-228. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 2.2 acres of property, generally located at 852 and 906 South National Avenue and 1224 and 1234 East Page Street, from R-HD, High-Density Multifamily Residential District and R-SF, Single-Family Residential District within Urban Conservation District No. 2, Areas A and D, to Planned Development No. 372; and adopting an updated Official Zoning Map. (Planning and Zoning Commission and Staff recommend approval.) (By: Board of Missouri General Baptist Association and Wenping Qui Etal; 852 & 906 South National Avenue and 1224 & 1234 E. Page Street; Planned Development No. 372.)

Mary Lilly Smith, Director of Planning and Development provided a brief overview of the proposed. Ms. Smith noted the rezoning has a proposed use of mixed-use development, multi-family residential, Baptist Student Union, offices, and retail uses.

She added a traffic impact study would be required and additional right-of-way would be required on National and page. She noted Staff and Planning & Zoning Commission (7-0) recommend approval.

Councilman Lear asked about parking access. Ms. Smith stated access is currently from National but would then be moved to Page Street. She also noted a traffic study would be required.

An opportunity was given for citizens to express their views.

Billy Kimmons spoke in support of the proposed. Mr. Kimmons, Principal Architect spoke on behalf of the applicant. He noted the Roundtree Neighborhood Plan was being developed around the same time, so they were mindful of their recommendations. They met with the Roundtree Neighborhood Association and listened to their input.

Councilman McGull applauded Mr. Kimmons for taking time to meet with the Neighborhood Association and working with the community.

Councilman Ollis asked about the pedestrian bridge and potential accidents. Mr. Kimmons stated they have been a proponent of pedestrian safety despite it not being a requirement in their plans.

Mayor McClure asked if there have been discussions with Missouri State University. Mr. Kimmons said there have been some discussions, but more would be required. Mayor McClure asked if Mr. Kimmons was aware of a study regarding an underpass. Mr. Kimmons said he was aware of the study.

Chris Wilson spoke in support of the proposed. Mr. Wilson wanted members of council to put a face to name as the BSU Director. He noted the social plaza will be a nice addition and will allow for tough conversations to take place. Mr. Wilson noted he wants the area to be place people want to live.

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

Kansas & Kearney CID

Sponsor: Ferguson. Council Bill 2019-229. A special ordinance approving a Petition to Re-establish the Kansas and Kearney Community Improvement District; authorizing the City Manager to execute a Cooperative Agreement between the City, the District, and the Kansas & Kearney Intersection Center, LLC; and directing the City Clerk to notify the Missouri Department of Economic Development and the Greene County Clerk of the creation of the District. (Staff recommends approval.)

Sarah Kerner, Director of Economic Development provided a brief overview of the proposed. Ms. Kerner noted the CID organizers were required to execute a cooperative agreement within six months. The organizers inadvertently failed to meet that deadline, requiring the issue return to council for approval. Ms. Kerner discussed the proposed projects and the make up of the CID.

An opportunity was given for citizens to express their views.

Patrick Baird spoke in support of the proposed. As a representative of the Kansas & Kearney LLC, Mr. Baird wanted to make himself available to council should they have any questions.

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

Rezoning 833, 911, and 921 East Division and 1500 Block of North Sherman Avenue and 824 and 826 East Locust

Sponsor: Ferguson. Council Bill 2019-230. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 3 acres of property, generally located at 833, 911, and 921 East Division Street, the 1500 Block of North Sherman Avenue, and 824 and 826 East Locust Street from R-SF, Single-Family Residential, R-TH, Residential Townhouse, and LB, Limited Business to GI, Government and Institutional Use District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: Springfield Public Schools; 833, 911 & 921 East Division Street, 1500 Block of North Sherman Avenue & 824, 826 East Locust Street; Z-20-2019.)

Mary Lilly Smith, Director of Planning and Development provided a brief overview of the proposed. Ms. Smith note the proposed use is for an elementary school. She also noted staff and Planning & Zoning Commission recommended approval (7-0).

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

Conditional Use Permit 439 - 2675 South Jefferson

Sponsor: Simpson. Council Bill 2019-231. A special ordinance granting Conditional Use Permit No. 439 for the purpose of reducing the front yard setback for structures built within the R-LD, Low-density Multifamily Residential District, generally located at 2675 South Jefferson Avenue. (Staff and Planning and Zoning Commission both recommend approval.)

Mary Lilly Smith, Director of Planning and Development provided a brief overview of the proposed. Ms. Smith noted the request reduces the required front yard setback from 25 feet to 15 feet. She noted Staff and Planning & Zoning Commission (7-0) recommend approval.

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

The following bills appeared on the agenda under First Reading Bills

Master Lease Purchase Agreement

Sponsor: Ollis. Council Bill 2019-232. A special ordinance authorizing the City of Springfield, Missouri, to enter into a Master Equipment Lease Purchase Agreement and related Schedule or Schedules of Equipment, the proceeds of which will be used to pay the costs of acquiring equipment for the City, to do all things necessary to carry out the lease-purchase transaction, including the execution of certain documents in connection therewith; and amending the budget of the City for Fiscal Year 2019-2020 in the amount of \$517,250.

David Holtmann, Director of Finance provided a brief overview of the proposed. This lease would provide equipment to be utilized by the Parks Department. Some of the equipment includes trailers, mowers, fitness equipment, radio equipment, and administrative vehicles.

Mayor Pro Tem Ferguson asked for clarification the expected lifespan of the fitness equipment going into the family centers. Mr. Holtmann replied approximately five years.

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

Salary Ordinance Sponsor: Ollis. Council Bill 2019-233. A general ordinance amending Chapter 2, Section 2-92 of the Springfield City Code, known as the ‘Salary Ordinance,’ for the purpose of adding four new job titles to the Crafts, Trades and Labor salary schedule and two new job titles to the Professional, Administrative and Technical salary schedules and adding one additional full time equivalent position for the new job title of Airport Custodian; and amending the Fiscal Year 2019-2020 budget of the Airport Board, to adjust the authorized employee positions.

Darla Morrison, Director of Human Resources provided a brief overview of the proposed. She noted the proposed would be adding four new job titles to the Crafts, Trades and Labor salary schedule and two new job titles to the Professional, Administrative and Technical salary schedules and adding one additional full time equivalent position for the new job title of Airport Custodian

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

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

The following item appeared on the agenda under New Business

The issue of an alternative to incarceration and community work service assignments was referred to the Community Involvement Committee.

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

CONSENT AGENDA FIRST READING BILLS

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

**Liquor License
for Hotel
Vandivort**

Sponsor: Lear. Council Bill 2019-235. A resolution granting a new liquor license to sell retail liquor by the drink to Hotel Vandivort Operator LLC, d/b/a Hotel Vandivort, for their location at 260 East McDaniel Street, such license to include a 3,500 square foot rooftop patio.

Council Bill 2019-235. Special Ordinance 10479 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, McGull, Schilling, Ferguson, Fisk, and McClure. Nays: None. Absent: Simpson. Abstain: None.

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

**MHTC
Agreement for
Scenic Ave
Bridge
Improvements**

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.

Council Bill 2019-222. Special Ordinance 27243 was approved by the following vote: Ayes: Hosmer, Ollis, Lear, McGull, Schilling, Ferguson, Fisk, and McClure. Nays: None. Absent: Simpson. Abstain: None.

END OF CONSENT AGENDA.

**Motion to
Adjourn**

Councilman McGull moved to Adjourn. Councilman Ollis seconded the motion, and it was approved by the following vote: Ayes: Ollis, Lear, McGull, Schilling, Ferguson, Fisk, and McClure. Nays: Hosmer. Absent: Simpson. Abstain: None. The meeting adjourned at 7:48 p.m.

Prepared by
Johnathan Saunders



Anita J. Cotter, CMC/MRCC

City Clerk