Agenda City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Ken McClure, Mayor

Zone Councilmembers	**General Councilmembers**
Monica Horton, Zone 1	Heather Hardinger, General A
Abe McGull, Zone 2	Craig Hosmer, General B
Mike Schilling, Zone 3	Andrew Lear, General C
Matthew Simpson, Zone 4	Richard Ollis, General D

Upcoming Council Meeting Agenda
September 19, 2022 6:30 p.m.

Speakers must sign up with the City Clerk to speak to a Council Bill on the agenda.

Speakers must sign up with the City Clerk no later than 5:00 p.m. the Friday before the meeting to speak to an issue not on the agenda. Citizens wishing to submit comments to City Council may do so using the citizen comments form.

Speakers are to limit their remarks to three to five minutes based on City Council's policy regarding the number of speakers.

Note: Sponsorship does not denote Council member approval or support.

1. **ROLL CALL.**
2. **APPROVAL OF MINUTES. SEPTEMBER 6, 2022, CITY COUNCIL MEETING.**

Documents:

09-06-22.PDF

3. **FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.**

4. **CEREMONIAL MATTERS.**

5. **CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETING.**

6. **SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On.**

7. **Council Bill 2022-228 (Schilling)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.4 acres of property generally located at 817 West El Camino Alto Drive from R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 200, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 214; establishing Conditional Overlay District No. 214; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: The Ridge HZ 55+ LLC; 817 W. El Camino Alto Drive; Z-12-2022 w/ Conditional Overlay District No. 214.)

Documents:

2022-228.PDF

8. **Council Bill 2022-229 (Schilling)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8 acres of property generally located at 2801 West Bennett Street from GM, General Manufacturing District, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 215; establishing Conditional Overlay District No. 215; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Wood Irrevocable Trust; 2801 West Bennett Street; Z-15-2022 w/COD #215.)

Documents:

2022-229.PDF

9. **Council Bill 2022-230 (McGull)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.19 acres of property generally located at 610 North Prospect Avenue from Planned Development District No. 292 to HC, Highway Commercial District, with Conditional Overlay District No. 217; establishing Conditional Overlay District No. 217; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: The Sisters, LLC; 610 N. Prospect Avenue; Z-17-2022 w/COD #217.)

Documents:

2022-230.PDF

10. **Council Bill 2022-231 (Horton)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.8 acres of property generally located at 2645 West Kearney Street from R-TH, Residential Townhouse District, and HC, Highway Commercial District, to HC, Highway Commercial District, with Conditional Overlay District No. 218; establishing Conditional Overlay District No. 218; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: EM & KM Investments LLC; 2645 West Kearney Street; Z-19-2022 w/COD #218.)

Documents:

2022-231.PDF

11. **Council Bill 2022-232 (Ollis)**

A special ordinance authorizing a budget adjustment to amend the budget of the Department of Environmental Services for Fiscal Year 2022-2023 in the amount of $900,000 to appropriate retained earnings of the Clean Water Fund for construction of the Chestnut South Lift Station Relief Sewer capital improvement project.

Documents:

2022-232.PDF

12. **Council Bill 2022-233 (Hosmer)**

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with Greene County, Missouri, to outline use parameters and accept $1,450,000 for construction of the City's animal shelter; and amending the Springfield-Greene County Health Department's Fiscal Year 2022-2023 budget in the amount of $1,450,000 to appropriate the funds.

Documents:

2022-233.PDF

13. **Council Bill 2022-234 (Hardinger)**

A general ordinance adopting Park and Recreation Regulations pertaining to the governing and operation of park and recreation areas and facilities by City Utilities and the use thereof by the public.

Documents:

2022-234.PDF

14. **Council Bill 2022-235 (Hardinger)**

A general ordinance approving the City Utilities' Fiscal Year 2023 Operating Budget for its Fiscal Year ending September 30, 2023.

Documents:

2022-235.PDF

15. **Council Bill 2022-236 (Lear)**

A general ordinance authorizing revisions to water rates charged by City Utilities of Springfield, Missouri and related terms and conditions.

Documents:

2022-236.PDF

16. **Council Bill 2022-237 (Hardinger)**

A general ordinance authorizing revisions to the Curtailable Gas Service Rate (Gas Rates Sheet No. 3 of General Ordinance 6319) of City Utilities of Springfield, Missouri.

Documents:

2022-237.PDF

17. **Council Bill 2022-238 (Hosmer)**

A general ordinance authorizing revisions to the Private Outdoor Lighting Service Rate of City Utilities of Springfield, Missouri.

Documents:

2022-238.PDF

18. **Council Bill 2022-239 (Lear)**

A special ordinance approving the plans and specifications for the Fassnight Creek Greenway Trail improvements; accepting the bid of Radmacher Brothers Excavating Co., Inc., in the amount of $459,895 for said improvements; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Documents:

2022-239.PDF

19. **RESOLUTIONS. Citizens May Speak. May Be Voted On.**

20. **Council Bill 2022-242 (Ollis)**

A resolution authorizing the City Manager, or his designee, to apply for a Land & Water Conservation Fund grant from the Missouri Department of Natural Resources, Division of State Parks, to support construction of urban greenspace and trails for the Renew Jordan Creek project.

Documents:

2022-242.PDF

21. **EMERGENCY BILLS.**

22. **PUBLIC IMPROVEMENTS.**

23. **GRANTS. Citizens May Speak. May Be Voted On.**

24. **Council Bill 2022-243 (McGull)**

A special ordinance authorizing the City Manager, or his designee, to accept $1,500,000 in grant funds from the Economic Development Administration and the United States Department of Commerce for the purpose of upgrading LeCompte Road from the intersection of East Division Street north to the BNSF Railroad and to enter into necessary agreements to carry out the grant; amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of $1,500,000 to appropriate the grant funds; and declaring this bill qualifies for approval in one reading.

Documents:

2022-243.PDF

25. **AMENDED BILLS.**

26. **COUNCIL BILLS FOR PUBLIC HEARING. Citizens May Speak. Not Anticipated To Be Voted On.**

27. **Council Bill 2022-244 (Horton)**

A special ordinance granting Conditional Use Permit No. 465 for the purpose of permitting construction of a development project greater than 10,000 square feet of total building floor area as a conditional use within the COM-1 – Commercial Street District, generally located at 425 East Commercial Street and 1824 North Lyon Avenue. (Planning and Zoning Commission and staff recommend approval.)

Documents:

2022-244.PDF

28. **FIRST READING BILLS. Citizens May Speak. Not Anticipated To Be Voted On.**

29. **Council Bill 2022-245 (Lear)**

A special ordinance authorizing the City Manager, or designee, to enter into an Amended and Restated Lease Agreement with the Greene County Agricultural and Mechanical Society of Springfield, Missouri.

Documents:

2022-245.PDF

30. **PETITIONS, REMONSTRANCES AND COMMUNICATIONS.**

31. **NEW BUSINESS.**

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.

32. **UNFINISHED BUSINESS.**

33. **MISCELLANEOUS.**

34. **CONSENT AGENDA – FIRST READING BILLS.**

35. **CONSENT AGENDA – ONE READING BILLS. See Item #3.**

36. **Council Bill 2022-246 (Hosmer)**

A resolution confirming the appointment of Travis Tindall to the Commercial Street Community Improvement District Board of Directors. (Staff and the Commercial Street Community Improvement District Board of Directors recommend approval.)

Documents:

2022-246.PDF

37. **CONSENT AGENDA – SECOND READING BILLS. See Item #3.**

38. **Council Bill 2022-240 (McGull)**

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 Cherry Glen, generally located at 600 South Glenstone Avenue, 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.)

Documents:

2022-240.PDF

39. **Council Bill 2022-241 (Lear)**

A special ordinance authorizing the City Manager, or his designee, to accept grant funds from the Walmart Community Grant Program in the amount of $5,000 to be utilized to improve the community for the benefit of low-income individuals and families; enter into necessary agreements to carry out the grant; and amend the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of $5,000 to appropriate the grant funds.

Documents:

2022-241.PDF

40. **BOARD CONFIRMATIONS.**

Confirm the following appointment to the Landmarks Board: Jason Nunn with term to expire November 1, 2022.

Confirm the following appointment to the Personnel Board: J. Miles Sweeney with term to expire March 1, 2023.

Confirm the following appointment to the Planning and Zoning Commission: Andrew Doolittle with term to expire January 1, 2024.

41. **END OF CONSENT AGENDA.**

42. **ADJOURN.**

Persons addressing City Council are asked to step to the microphone and clearly state their name and address before speaking.

All meetings are recorded.

In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 864-1651 at least three days prior to the scheduled meeting.

September 6, 2022
Springfield, Missouri

The City Council met in regular session September 6, 2022, in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Ken McClure.

Roll Call

Present: Monica Horton, Abe McGull, Mike Schilling, Matthew Simpson, Craig Hosmer, Richard Ollis, Heather Hardinger, and Ken McClure. Absent: Andrew Lear.

Minutes

The minutes of the August 22, 2022, City Council Meeting and the August 30, 2022, Special City Council Meeting were considered. Mayor Pro Tem Simpson moved to approve the minutes as presented. The motion was seconded by Councilwoman Hardinger and approved by the following vote: Ayes: McGull, Schilling, Simpson, Hosmer, Ollis, Hardinger, Horton, and McClure. Nays: None. Absent: Lear. Abstain: None.

Consent Agenda

Councilman Hosmer asked if the appropriate time to remove a board recommendation from the Consent Agenda is at the next City Council meeting. Jan Millington, Deputy City Attorney, answered affirmatively.

The consent agenda was approved as presented by the following vote: Ayes: Schilling, Simpson, Hosmer, Ollis, Hardinger, Horton, McGull, and McClure. Nays: None. Absent: Lear. Abstain: None.

The following item appeared on the agenda under Ceremonial Matters.

City Manager Report

Jason Gage, City Manager, noted Bill Darr will receive the Key to the City Monday, September 19, 2022, during a ceremony and reception at 5:00 p.m in the Councilman Denny Whayne Conference Room and lobby at the Busch Municipal Building. Mr. Darr is a humanitarian, child advocate, entrepreneur, and higher education champion. Over the years, he has continually given back to his alma mater, Missouri State University, particularly the Darr College of Agriculture, aptly named after him.

Mr. Gage noted the City Clerk's Office and Department of Public Information & Civic Engagement have teamed up for a new initiative to encourage citizens to apply for Boards and Commissions. More information about this be provided in the coming weeks. A Welcome Reception for new members of our boards and commissions will take place at 5:30 p.m. on Thursday, September 22, 2022, in the Councilman Denny Whayne Conference Room.

Mr. Gage noted the City of Springfield is working with the Hatch Foundation and other partners on an initiative created by Erin Danastasio called Celebrate Springfield. For the month of September, Celebrate Springfield is working with area businesses and fellow community members to remove the barriers that exist in our city so that everyone has a chance to experience the attractions, amenities, and resources in Springfield. The focus of this year's Celebrate Springfield is on providing access to the outdoors - to experience Springfield by trail, water, and/or through our parks. The Hatch Foundation is partnering with a few community events during the month of September to help reduce ticket costs while being an easy resource to learn about each activity. For

more information, visit celebratesgf.com. A family friendly party at Jordan Valley Park will conclude this year's Celebrate Springfield. On October 2, 2022, from 12 to 4, attendees can enjoy live music and other fun activities for the whole family.

Mr. Gage noted the Springfield Sister Cities Association, in partnership with the Springfield-Greene County Park Board, will present the 26th Japanese Fall Festival on Friday-Sunday, September 9-11, 2022, in the Mizumoto Japanese Stroll Garden located within the Springfield Botanical Gardens at Nathanael Greene/Close Memorial Park, 2400 South Scenic Avenue. For more information, visit peacethroughpeople.org.

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

Employee Positions: Department of Workforce Development

Sponsor: Hardinger. Council Bill 2022-212

A general ordinance amending the Fiscal Year 2022-2023 budget of the City of Springfield to adjust the authorized employee positions in the Department of Workforce Development to add six full-time equivalent positions.

Council Bill 2022-212. General Ordinance 6747 was approved by the following vote: Ayes: Simpson, Hosmer, Ollis, Hardinger, Horton, McGull, Schilling, and McClure. Nays: None. Absent: Lear. Abstain: None.

Schedule of Equipment No. 5

Sponsor: Hardinger. Council Bill 2022-213

A special ordinance authorizing the City Manager, or his designee, to enter into Schedule of Equipment No. 5, which will become a part of its existing Master Equipment Lease Purchase Agreement, the proceeds of which will be used to pay the costs of acquiring and installing equipment for the City's Parks Department and 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 2022-2023 in the amount of $645,000.

Council Bill 2022-213. Special Ordinance 27749 was approved by the following vote: Ayes: Hosmer, Ollis, Hardinger, Horton, McGull, Schilling, Simpson, and McClure. Nays: None. Absent: Lear. Abstain: None.

Donation Agreement: Nestle Purina : Paper and roll-off Truck

Sponsor: Ollis. Council Bill 2022-214

A special ordinance authorizing the City Manager, or his designee, to enter into Donation Agreements with Nestle Purina Petcare Company to accept a donation of 15 paper recycling bins and a 2012 Freightliner roll-off truck, valued in total at $130,000, to be used by the Environmental Services Department to provide paper and other recycling services in the community.

Council Bill 2022-214. Special Ordinance 27750 was approved by the following vote: Ayes: Ollis, Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, and McClure. Nays: None. Absent: Lear. Abstain: None.

Municipal and Cost Agreement: Battlefield Road and US Route 65

Sponsor: Simpson. Council Bill 2022-215

A special ordinance authorizing the City Manager or his designee to enter into a Municipal and Cost Apportionment Agreement with the Missouri Highways and Transportation Commission to share costs associated with pavement resurfacing of Battlefield Road near the US Route 65 interchange.

Council Bill 2022-215. Special Ordinance 27751 was approved by the following vote: Ayes: Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, Ollis, and McClure. Nays: None. Absent: Lear. Abstain: None.

Olsson: Cooper Park and Sports Complex

Sponsor: McGull. Council Bill 2022-216

A special ordinance approving Olsson as the consultant to provide professional services for improvements at City's Cooper Park and Sports Complex (also known as Cooper Soccer Complex), in the amount of $915,660, as an approved project for use of American Rescue Plan Act Funds received by City; and authorizing the Park Board Chair, or their designee, to enter into a contract with Olsson for these purposes.

Council Bill 2022-216. Special Ordinance 27752 was approved by the following vote: Ayes: Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, Ollis, and McClure. Nays: None. Absent: Lear. Abstain: None.

Salary Ordinance: Professional, Administrative, and Technical Schedule

Sponsor: Ollis. Council Bill 2022-217

A general ordinance amending the Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' relating to salary grades for various job titles within the City service as contained in the Professional, Administrative and Technical Schedule by making provision for three new job titles and deleting one job title; and amending the Fiscal Year 2022-2023 budget of certain City departments to transition five temporary positions to four regular part-time positions (each a .5 Full-Time Equivalent) and one regular full-time position (a 1.0 Full-Time Equivalent) and adjusting the authorized employee positions.

Council Bill 2022-217. General Ordinance 6748 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Hardinger, and McClure. Nays: None. Absent: Lear. Abstain: None.

The following items appeared on the agenda under Resolutions.

Short-Term Rental Type 2 Permit: 1951 South Roanoke

Sponsor: Simpson. Council Bill 2022-158 (Tabled at the June 27, 2022, meeting)

A resolution granting a Short-Term Rental Type 2 Permit for the property located at 1951 South Roanoke Street for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed is for a short-term rental type 2 located at 1951 South Roanoke. The proposed failed to obtain all signatures necessary to be granted a short-term rental so the

matter is before City Council for appeal. Ms. Istenes further noted no protest petitions were submitted, and the property is non-owner occupied.

Mayor Pro Tem Simpson asked if the neighbors were sent a form for consent. Ms. Istenes answered affirmatively.

Councilman McGull expressed his belief citizens should participate and voice their opinion if not in favor of short-term rentals.

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

Council Bill 2022-158. Resolution 10652 was approved by the following vote: Ayes: McGull, Horton, Simpson, Ollis, and Hardinger. Nays: Hosmer, Schilling, and McClure. Absent: Lear. Abstain: None.

Jefferson Avenue Footbridge Rehabilitation Project

Sponsor: Horton. Council Bill 2022-224

A resolution authorizing the City Manager or his designee, to apply for up to $5,600,000 in grant funds from the United States Department of Transportation Federal Railroad Administration to support construction of the Jefferson Avenue Footbridge Rehabilitation Project.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Smith noted the department continues to look for grant opportunities. He explained the proposed is a grant to improve rail crossing safety for pedestrians. Mr. Smith noted the grant is an 80/20 grant with 80% covered by federal funds and 20% by local funds.

Councilman Schilling asked if the last grant applied for was not received. Mr. Smith responded the Raise grant was a competitive grant, and the City did not receive that grant.

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

Council Bill 2022-224. Resolution 10653 was approved by the following vote: Ayes: Schilling, Simpson, Hosmer, Ollis, Hardinger, Horton, McGull, and McClure. Nays: None. Absent: Lear. Abstain: None.

EMERGENCY BILLS.

PUBLIC IMPROVEMENTS.

The following items appeared on the agenda under Grants.

Show-Me Heroes MDHE grant

Sponsor: Ollis. Council Bill 2022-225

A special ordinance authorizing the City Manager, or his designee, to accept grant funds from the Missouri Department of Higher Education and Workforce Development Show-Me Heroes program, in the amount of $10,000, to provide job support services for veterans and to enter into

necessary agreements to carry out the grant; amending the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of $10,000 to appropriate the grant funds; and declaring that this bill qualifies for approval in one reading.

Sally Payne, Director of Workforce Development, provided a brief overview of the proposed. Ms. Payne noted the Show-Me Heroes fund was currently in the budget, and the proposed is for additional funds available. Ms. Payne further noted the proposed would provide additional funding for veterans and includes transportation services.

Councilman Hosmer asked if Workforce Development works with local agencies to assist homeless veterans. Ms. Payne responded affirmatively and added the department has staff at the O'Reilly Center for Hope to assist the homeless population.

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

Council Bill 2022-225. Special Ordinance 27754 was approved by the following vote: Ayes: Simpson, Hosmer, Ollis, Hardinger, Horton, McGull, Schilling, and McClure. Nays: None. Absent: Lear. Abstain: None.

SkillUP program: TANF Missouri Department of Social Services grant

Sponsor: Hardinger. Council Bill 2022-226

A special ordinance authorizing the City Manager, or his designee, to accept grant funds from the United States Department of Agriculture Temporary Assistance for Needy Families Food and Nutrition Service SkillUP program, through the Missouri Department of Social Services, in the amount of $40,000 to be utilized to provide job support services for program participants and to enter into necessary agreements to carry out the grant; amending the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of $40,000 to appropriate the grant funds; and declaring that this bill qualifies for approval in one reading.

Sally Payne, Director of Workforce Development, provided a brief overview of the proposed. Ms. Payne noted the funding provides support to individuals that receive Temporary Assistance for Needy Families Food and Nutrition Services.

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

Council Bill 2022-226. Special Ordinance 27755 was approved by the following vote: Ayes: Hosmer, Ollis, Hardinger, Horton, McGull, Schilling, Simpson, and McClure. Nays: None. Absent: Lear. Abstain: None.

Department of Higher Education and Workforce Development grant

Sponsor: Hosmer. Council Bill 2022-227

A special ordinance authorizing the City Manager, or his designee, to accept grant funds from the Office of Workforce Development of the Department of Higher Education and Workforce Development in the amount of $10,000 to be utilized to provide employment and training services to individuals residing in the Ozark Workforce Development Region, and to enter into necessary agreements to carry out the grant; amending the budget of the Department of Workforce

Development for Fiscal Year 2022-2023 in the amount of $10,000 to appropriate the grant funds; and declaring that this bill qualifies for approval in one reading.

Sally Payne, Director of Workforce Development, provided a brief overview of the proposed. Ms. Payne noted the funds from the Office of Workforce Development are the result of acceptance of a challenge to enroll participants in free online training. Ms. Payne further noted 206 individuals were enrolled. The grant provides an additional $10,000 in funding to provide employment and training services to individuals in the Ozark Workforce Development Region.

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

Council Bill 2022-227. Special Ordinance 27756 was approved by the following vote: Ayes: Ollis, Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, and McClure. Nays: None. Absent: Lear. Abstain: None.

AMENDED BILLS.

The following items appeared on the agenda under Public Hearing.

Amending the Springfield Land Development Code: 817 West El Camino Alto Drive

Sponsor: Schilling. Council Bill 2022-228

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.4 acres of property generally located at 817 West El Camino Alto Drive from R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 200, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 214; establishing Conditional Overlay District No. 214; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: The Ridge HZ 55+ LLC; 817 W. El Camino Alto Drive; Z-12-2022 w/ Conditional Overlay District No. 214.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed is for approximately 5.4 acres to be rezoned from Low density MF Residential to R-LD with COD No. 214. The property has a height limit of three stories, must provide an entrance on ground level, and no unit can be located over another unit.

Mayor McClure noted the neighborhood is in agreement with the conditions of the development.

An opportunity was given for citizens to express their views.

Derek Lee, a representative of the developer, spoke in support of the proposed.

Mayor McClure asked if the developer and the neighborhood were in agreement. Mr. Lee answered affirmatively.

Councilwoman Horton asked what steps were taken to settle issues between the neighborhood and the developer. Mr. Lee responded the first meeting with the neighborhood had forty participants and the meeting was primarily negative. He noted the developer decided to then work with the

committee for the homeowner's association who would address the neighborhood. He further noted the neighborhood made suggestions, and the developer implemented these suggestions. Ms. Horton asked if the privacy concerns were resolved. Mr. Lee answered affirmatively.

With no further appearances, the public hearing was declared closed.

Amending the Springfield Land Development Code: 2801 West Bennett Street

Sponsor: Schilling. Council Bill 2022-229

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8 acres of property generally located at 2801 West Bennett Street from GM, General Manufacturing District, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 215; establishing Conditional Overlay District No. 215; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Wood Irrevocable Trust; 2801 West Bennett Street; Z-15-2022 w/COD #215.)

Susan Istenes, Director of Planning & Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed is to rezone to develop a multi-family apartment complex with approximately eleven units per acre. Staff finds the location to be appropriate despite the conflicting land use designation. Ms. Istenes further noted Bennett Street is a collector roadway, and the property is located near recreational opportunities.

An opportunity was given for citizens to express their views.

Joe Carmichael, a representative of the owner, spoke in support of the proposed. Mr. Carmichael noted he has an option to buy the property. He expressed his appreciation for City Council's consideration. Mr. Carmichael noted he is a joint owner of the adjoining property. He expressed his belief the proposed would be a beneficial add-on to the adjoining property.

With no further appearances, the public hearing was declared closed.

Amending the Springfield Land Development Code: 610 North Prospect

Sponsor: McGull. Council Bill 2022-230

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.19 acres of property generally located at 610 North Prospect Avenue from Planned Development District No. 292 to HC, Highway Commercial District, with Conditional Overlay District No. 217; establishing Conditional Overlay District No. 217; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)(By: The Sisters, LLC; 610 N. Prospect Avenue; Z-17-2022 w/COD #217.)

Susan Istenes, Director of Planning & Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would rezone property located at 610 North Prospect Avenue. She further noted the property has existing abandoned mills and silos. The property is near a major intersection and is appropriate for retail.

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

Amending the Springfield Land Development Code: 2645 West Kearney Street

Sponsor: Horton. Council Bill 2022-231

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.8 acres of property generally located at 2645 West Kearney Street from R-TH, Residential Townhouse District, and HC, Highway Commercial District, to HC, Highway Commercial District, with Conditional Overlay District No. 218; establishing Conditional Overlay District No. 218; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: EM & KM Investments LLC; 2645 West Kearney Street; Z-19-2022 w/COD #218.)

Susan Istenes, Director of Planning & Development, provided a brief overview of the proposed. Ms. Istenes noted the proposed would allow rezoning for property at 2645 West Kearney to allow for commercial zoning which is consistent with the existing commercial zoning adjacent to the property. She further noted a conditional overlay district was submitted to mitigate potential negative impacts to nearby residential.

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

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

Amend the budget: Department of Environmental Services: Chestnut South Lift Station Relief Sewer

Sponsor: Ollis. Council Bill 2022-232

A special ordinance authorizing a budget adjustment to amend the budget of the Department of Environmental Services for Fiscal Year 2022-2023 in the amount of $900,000 to appropriate retained earnings of the Clean Water Fund for construction of the Chestnut South Lift Station Relief Sewer capital improvement project.

Ron Petering, Assistant Director of Environmental Services, provided a brief overview of the proposed. Mr. Petering noted the proposed would authorize a budget adjustment to appropriate retained earnings of the Clean Water Fund for construction of the Chestnut South Lift Station project. He further noted the proposed would construct gravity sewer to the south and allow the lift station to be de-commissioned. Mr. Petering added a branch off the north-south main would add sewer availability to previously un-sewered areas.

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

Animal Shelter Agreement

Sponsor: Hosmer. Council Bill 2022-233

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with Greene County, Missouri, to outline use parameters and accept $1,450,000 for construction of the City's animal shelter; and amending the Springfield-Greene County Health Department's Fiscal Year 2022-2023 budget in the amount of $1,450,000 to appropriate the funds.

Collin Quigley, Deputy City Manager, provided a brief overview of the proposed. Mr. Quigley noted the proposed would allow funds to be accepted to construct a new City animal shelter. He further noted the funding is out of the City's Level Property Tax Fund, and construction would begin by approximately next summer.

Councilman McGull expressed his opinion the new shelter would be an improvement. He noted the range behind the old property may want to expand and would be a use for that property.

Katie Towns, Director of Public Health and Welfare, welcomed and introduced Animal Control Officers and staff in attendance. Ms. Towns introduced Kit Baumgartner, Heather Kellough, Josh Doss, Angel Foster, Lauran Layne, Carson Howald, Dax Dye, Arika Jurgle, and Colby Jones. Ms. Towns recognized the team and expressed her appreciation for their willingness to work through difficult situations. She noted the team reunited 360 dogs and 200 cats with their owners last year and worked with the community to make more than 500 animals available for adoption.

Mayor McClure thanked the team members for their attendance and for the work they do on behalf of the community.

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

City Utilities: Park and Recreation Regulations

Sponsor: Hardinger. Council Bill 2022-234

A general ordinance adopting Park and Recreation Regulations pertaining to the governing and operation of park and recreation areas and facilities by City Utilities and the use thereof by the public.

Jennifer Wilson, Board Chair for the Board of Public Utilities, provided a brief overview of the City Utilities proposed bills for the evening. Ms. Wilson noted a comprehensive review of park rules was conducted.

Steve Stodden, Vice President and Chief Natural Gas and Water Operations Officer for City Utilities, provided a brief overview of the proposed. Mr. Stodden noted the lake rules and regulations govern all water bodies which include Lake Springfield, Fellows Lake, McDaniel Lake, and Valley Water Mill. Mr. Stodden added there is an increase in silent sports. The proposed changes to the rules are to allow paddleboarding with a non-motorized permit, remove the ability to water ski on Fellows Lake, modify hunting regulations to follow Missouri Department of Conservation rules, and to ban alcohol in the rule book except for permitted events. They would also remove the firearms ban to be consistent with state law, continue a ban on overnight camping, follow trail rules established by City Utilities and Ozark Greenways, and allow the Park Board to establish rules at Lake Springfield and Valley Water Mill.

Mayor Pro Tem Simpson thanked Mr. Stodden and noted the Fellows Lake Fun Day which occurs September 25, 2022. He asked if education will be provided for paddleboarding and other water sports. Mr. Stodden responded the Watershed Committee handles that resource.

Councilman Schilling asked why the firearms regulation was removed. Mr. Stodden responded the rule was changed to be consistent with state law, and hunting is offered through the conservation department.

An opportunity was given for citizens to express their views.

Christina Angle, a board member of Ozark Greenways, spoke in support of the proposed. Ms. Angle expressed her favor for silent sports and connecting individuals with the outdoors. She thanked City Council for their consideration.

Mike Kromrey, Director of the Watershed Committee of the Ozarks, spoke in support of the proposed. Mr. Kromrey noted their focus is on education and water safety. He further noted the committee is a community partner that supports the proposed changes.

With no further appearances, the public hearing was declared closed.

City Utilities: 2023 Operating Budget

Sponsor: Hardinger. Council Bill 2022-235

A general ordinance approving the City Utilities' Fiscal Year 2023 Operating Budget for its Fiscal Year ending September 30, 2023.

Amy Derdall, Vice President - Chief Financial Officer for City Utilities, provided a brief overview of the proposed. Ms. Derdall noted the energy sources that serve the City Utilities (CU) load as 43.2% coal, 42.2% renewable energy, 4% natural gas, and 10.6% market purchases. Ms. Derdall gave examples of active energy services programs including heating tune-up, smart thermostat rebate, residential insulation rebate, high efficiency toilet rebate, HVAC rebates, Ozarks Area Community Action Corporation, commercial energy audits, Electric Vehicle charging rebates, and commercial lighting rebate. The electric rate comparison showed CU as having lower rates than the overall state or national averages. Ms. Derdall noted natural gas rates have been increasing, and the costs are a direct pass-through. Ms. Derdall further noted receipts totaled approximately $607 million with approximately half of that coming from electric. She added the infrastructure initiatives for the year are natural gas main renewals, water main renewals, pole replacements, and substation transformers. The cycle is a 100-year replacement. $604 million is budgeted for expenditures in fiscal year 2023 which is lower due to the fiber expansion project being primarily completed in 2022.

Ms. Derdall noted the total amount being requested is $656,398,687, which includes a $55,000,000 business volatility and fuels contingency. Community Services provided total approximately $46 million.

Mayor McClure noted City Utilities Fiscal Year begins October 1, 2022. He asked how the 42.2% renewable energy use of CU compares to other municipalities in the state. Ms. Derdall responded investor-owned utilities in the state of Missouri are mandated to have 15% in renewable energy and most adhere closely to this requirement. Mayor McClure asked how reliable renewable energy is. Ms. Derdall responded they have proven to be reliable.

Mayor McClure noted the importance of infrastructure improvements and asked what the community needs to know in concerning water. Ms. Derdall responded the focus is on infrastructure to ensure water is safe and reliable.

Councilman Hosmer asked how the rebates are refunded. Ms. Derdall responded dollars were initially set aside for the rebates. Mr. Hosmer asked the demographics for rebates noting people living in poverty have issues with higher rates. Ms. Derdall responded she would have to get the information regarding demographics. She noted funds are provided each year to OACAC for weatherization.

Councilman Hosmer asked about changing the rate structure for bus services. Ms. Derdall responded they are currently conducting a transit study which will review this issue.

Councilman Schilling asked if use of rebate programs has increased over time. Ms. Derdall responded the use of technology has increased and older programs do taper over time. The heating system tune-up rebate is a new item on the City Utilities homepage to encourage individuals to tune-up their furnaces.

Councilman Schilling asked how the metering system works. Ms. Derdall responded the automatic metering which was installed communicates electronically for readings. If customers choose to have their meter manually read, there is a charge to cover costs.

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

Anita Cotter, City Clerk, read Council Bills 2022-236, 2022-237, and 2022-238 together.

City Utilities: Water Rates

Sponsor: Lear. Council Bill 2022-236

A general ordinance authorizing revisions to water rates charged by City Utilities of Springfield, Missouri and related terms and conditions.

City Utilities: Curtailable Gas Service Rate

Sponsor: Hardinger. Council Bill 2022-237

A general ordinance authorizing revisions to the Curtailable Gas Service Rate (Gas Rates Sheet No. 3 of General Ordinance 6319) of City Utilities of Springfield, Missouri.

City Utilities: Private Outdoor Lighting Service Rate

Sponsor: Hosmer. Council Bill 2022-238

A general ordinance authorizing revisions to the Private Outdoor Lighting Service Rate of City Utilities of Springfield, Missouri.

Krista Shurtz, Director of Rates and Fuels for City Utilities, provided a brief overview of the proposed. Ms. Shurtz noted the water rate increase proposal rates should be simple and feasible to implement and customers should cover their own costs to discourage wasteful use of natural resources. She further noted water usage is seasonal, being higher in the summer months. Ms. Shurtz explained the rate increase proposal would increase rates by approximately $5.25 over three years and provide $8.2 million dollars in revenue to support the water system. Ms. Shurtz noted the

focus for water renewals is on infrastructure. The last water rate increase was in 2020. She added contingency projects are not included in the water rate increases.

Councilman Ollis asked how contingency projects are funded. Ms. Shurtz responded other funding options are sought out, including grants. Councilman Ollis expressed his appreciation for the focus on aging infrastructure.

Ms. Shurtz provided an overview of revisions to the Curtailable Gas Service Rate. She noted customers on curtailable service use backup fuel when required, and a fee is charged if they use gas during the unauthorized use period. The proposed change would allow a one-time variance with a minimum cost of $60 per Dth. The charge would be tied to the City Utilities highest market gas cost during the curtailment period.

Councilman Hosmer asked what the motivation is for a customer to use curtailable gas. Ms. Shurtz responded curtailable gas customers use a large volume, have a lower rate, do not use transportation or storage, and have a back-up system.

Councilman McGull asked what back-up systems customers may use. Ms. Shurtz responded they may use propane or oil. She noted customer education has been increased to prepare customers for curtailment periods.

Councilman Horton asked if City Utilities had to use financial reserves in response to the last weather event. Ms. Shurtz responded City Utilities has a fuel contingency that was utilized for the event.

Ms. Shurtz provided an overview of revisions to Private Outdoor Lighting. She noted the rate will be updated to reflect new light-emitting diode (LED) street lighting options for standard and decorative street lighting, and there will be no new high pressure sodium (HPS) installations.

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

Fassnight Creek Greenway Trail improvements

Sponsor: Lear. Council Bill 2022-239

A special ordinance approving the plans and specifications for the Fassnight Creek Greenway Trail improvements; accepting the bid of Radmacher Brothers Excavating Co., Inc., in the amount of $459,895 for said improvements; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Smith noted the proposed would allow the department to accept a bid and enter into an agreement with Radmacher Brothers Excavating Co., Inc., for work on the Fassnight Creek Greenway Trail. He further noted there were four bidders, bids continued to be high, and it is difficult to estimate bids. He added funding for the project is a combination of local and federal funds.

Mayor McClure added there was a gap between the engineer's estimate and the bids

Mayor Pro Tem Simpson asked how the rain event affected the creek near the Art Museum. Mr. Smith responded this area did not come up as an issue.

Councilwoman Horton asked about the local business that was outbid. Mr. Smith responded there is a great deal of work available at this time. Local businesses do often work with the City, and there is not a great concern at this time.

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

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

Michael Jacobson did not appear to address City Council.

Joseph Meierotto did not appear to address City Council.

Sally Hargis expressed her appreciation to City Council for their focus on transportation and infrastructure. Ms. Hargis expressed her support for key investments in traffic improvements and pedestrian improvements. Ms. Hargis encouraged the City to continue to focus on these key issues.

Tim Havens addressed City Council in opposition to the recommendation of Andrew Doolittle for the Planning and Zoning Commission. Mr. Havens expressed his belief Mr. Doolittle has a conflict of interest due to his interest in several properties and developments. He expressed his opinion perception is reality and the recommendation signals a poor ethics environment. Mr. Havens expressed his opinion Mr. Doolittle should decline the recommendation.

The following items appeared on the agenda under New Business.

The Public Involvement Committee recommends the following appointment to the Landmarks Board: Jason Nunn with term to expire November 1, 2022.

The Public Involvement Committee recommends the following appointments to the Personnel Board: Dr. Lance Renner and J. Miles Sweeney with terms to expire March 1, 2023.

The Public Involvement Committee recommends the following appointment to the Planning and Zoning Commission: Andrew Doolittle with term to expire January 1, 2024.

UNFINISHED BUSINESS.

MISCELLANEOUS.

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

Preliminary Plat: Cherry Glenn

Sponsor: McGull. Council Bill 2022-240
(Susan Istenes, Director of Planning & Development – if needed)

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 Cherry Glen, generally located at 600 South Glenstone Avenue, 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.)

Workforce Development: Walmart Community Grant Program

Sponsor: Lear. Council Bill 2022-241
(Sally Payne, Director of Workforce Development – if needed)

A special ordinance authorizing the City Manager, or his designee, to accept grant funds from the Walmart Community Grant Program in the amount of $5,000 to be utilized to improve the community for the benefit of low-income individuals and families; enter into necessary agreements to carry out the grant; and amend the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of $5,000 to appropriate the grant funds.

CONSENT AGENDA – ONE READING BILLS.

The following items appeared on the agenda under Consent Agenda – Second Reading Bills.

Joint Funding Agreement: Water Resource Investigations

Sponsor: Lear. Council Bill 2022-218

A special ordinance authorizing the City Manager, or his designee, to enter into a Joint Funding Agreement For Water Resource Investigations with the United States Department of the Interior for the purpose of operating and maintaining four streamgages.

Council Bill 2022-218. Special Ordinance 27753 was approved by the following vote: Ayes: Hardinger, Horton, McGull, Schilling, Simpson, Hosmer, Ollis, and McClure. Nays: None. Absent: Lear. Abstain: None.

Confirm the following appointment to the Springfield-Greene County Park Board: Dr. Dianna Parker with term to expire June 1, 2025.

Confirm the following appointments to the Mayor's Commission on Human Rights and Community Relations: Mike Garton and Jasmine Allen with terms to expire October 1, 2024.

Confirm the following appointment to the Mayor's Commission on Human Rights and Community Relations: Kimberly Pulley with term to expire October 1, 2023.

BOARD CONFIRMATIONS.

END OF CONSENT AGENDA.

Motion to Adjourn Mayor Pro Tem Simpson moved to adjourn. Councilwoman Hardinger seconded the motion, and it was approved by the following vote. Ayes: Hardinger, Horton, McGull, Schilling, Simpson, Ollis, and McClure. Nays: Hosmer. Absent: Lear. Abstain: None.

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by
Michelle Brown

One-rdg. _____
P. Hrngs. X
Pgs. 84
Filed: 08-30-22

Sponsored by: Schilling

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-228 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.4 acres of property generally located at 817 West El Camino Alto Drive from R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 200, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 214; establishing Conditional Overlay District No. 214; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

WHEREAS, an application has been filed for a zoning change of the property generally located at 817 West El Camino Alto Drive from R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 200, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 214; and

WHEREAS, Conditional Overlay District No. 214 shall modify the requirements of the Springfield Land Development Code Section 36-382, R-LD, Low-density Multifamily Residential District, by requiring that the property described in "Exhibit B" comply with the requirements described in "Exhibit A;" and

WHEREAS, following proper notice, a public hearing was held before the Planning and Zoning Commission, a copy of the Record of Proceedings from said public hearing being attached hereto and incorporated herein by this reference as "Exhibit C," and said Commission made its recommendation; and

WHEREAS, the City has reviewed the applicant's request and prepared a staff report concerning the application which is attached hereto and incorporated herein by this reference as "Exhibit D;" and

WHEREAS, proper notice was given of a public hearing before City Council, and said hearing was held in accordance with the law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The property described in "Exhibit B," which is attached hereto and incorporated herein by this reference, is hereby rezoned from R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 200, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 214. Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed and modified consistent with this Ordinance.

Section 2 – City Council hereby establishes Conditional Overlay District No. 214 which shall contain the requirements and standards provided in "Exhibit A," which is attached hereto and incorporated herein by this reference as though set forth herein. The requirements of Conditional Overlay District No. 214 shall modify the requirements of the Springfield Land Development Code Section 36-382, R-LD, Low-density Multifamily Residential District, by requiring the property described on "Exhibit B" comply with the requirements contained in "Exhibit A."

Section 3 – City Council hereby directs the City Manager, or designee, to update the City's digital zoning map to reflect this rezoning and City Council adopts the map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps and rules of interpretation.'

Section 4 – The Official Zoning Map herein adopted shall be maintained and archived in the same digital form in which this Council has approved its adoption.

Section 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

Approved for Council action: Jason A. Gage, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 228

FILED: 08-30-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.4 acres of property generally located at 817 W. El Camino Alto Drive from R-LD, Low-density Multifamily Residential District with COD No. 200 to R-LD, Low-density Multifamily Residential District and establishing COD No. 214 (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-12-2022

The applicant is requesting to rezone approximately 5.4 acres of property generally located at 817 W. El Camino Alto Drive from R-LD, Low-density Multifamily Residential District with COD No. 200 to R-LD, Low-density Multifamily Residential District and establishing COD No. 214 The applicant intends to develop multifamily housing with certain design limitations and requirements.

REMARKS:

The Planning and Zoning Commission held a public hearing on August 11, 2022, and recommended to **approve**, by a vote of 8 to 0.

The Planning and Development staff recommends the application be **approved** (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* designates this area as appropriate for low-density housing. The R-LD, Low-density Multifamily Residential District is considered an appropriate step-down or transitional zoning between single-family residential (to the west) and commercial uses (to the east).

2. The subject property has existing City Utilities and must provide public sewer to serve the property prior to development.

3. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic or impact traffic safety in the vicinity. The subject property will construct stormwater facilities or pay a fee in-lieu-of stormwater facilities to serve the property and will not substantially impact the adjacent area.

4. The proposed zoning will not correct an error in the application of this article rather provide a viable use of the property subject to the provisions of the zoning district.

5. A reasonably viable economic use of the subject property will not be precluded if the proposed zoning is denied.

Submitted by:

Kyle McGinnis, Senior Planner

Recommended by:

Susan Istenes, AICP
Director

Approved by:

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Conditional Overlay District Provisions
Exhibit B, Legal Description
Exhibit C, Record of Proceedings
Exhibit D, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments
Attachment 2: Conditional Overlay District Provisions
Attachment 3: Neighborhood Meeting Summary
Attachment 4: Public Comment

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-12-2022 & CONDITIONAL OVERLAY DISTRICT NO. 214

The requirements of Section 36-382, Low-density multifamily residential district of the Land Development Code shall be modified as set forth herein for development within this district and the rezoning contemplated by this Ordinance shall not be effective until the occurrence of the following conditions:

1. The proposed multifamily development shall have a maximum residential density of 11 dwelling units per acre for a total of 59 units on the subject property.

2. A type C bufferyard, following Section 36-482, Landscaping and bufferyards, of the Zoning Ordinance will be placed on the west property line with a six-foot wood privacy fence. This bufferyard must include an additional six evergreen trees for every 100 feet of bufferyard length, for a total of eight evergreen trees per 100 feet of length.

3. All structures within 100 feet of the west property line shall be limited to a maximum height of two stories above finished grade.

4. Unless otherwise prohibited by the requirements limitations of Conditional Overlay District No. 214 or Section 36-382, Low-denisty multifamily residential district, of the Zoning Ordinance, multifamily housing may be built up to a maximum height of three stories. Each dwelling unit must provide an entrance on the ground level, and such ground level of each dwelling unit may contain either garage or living space. No unit may be located above another unit.

5. No exterior second-floor balconies shall be permitted within 100 feet of the west property line.

6. No community amenities – including but not limited to pools, dog walks, trash dumpsters, or other common space intended for the overall residential development – shall be permitted within 100 feet of the west property line.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-12-2022 & CONDITIONAL OVERLAY DISTRICT NO. 214

ALL OF LOT THREE (3) OF THE RIDGE AT WARD BRANCH – PHASE 2, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – August 11, 2022

Z-12-2022 w/COD #214
817 West El Camino Alto Drive
Applicant: The Ridge HZ 55+, LLC

Mr. Hosmer states that this is a request to rezone approximately 5.4 acres of property generally located at 817 W. El Camino Alto Drive from R-LD, Low-density multifamily residential district, with COD No. 200 to R-LD, Low-density multifamily residential district, with COD No. 214. The Growth Management and Land Use Plan designate this area as appropriate for Low Density Housing uses. In 2014 the property was rezoned to O-1, Office district, and then in 2021, to R-LD, Low-density multifamily residential district, with COD 200 for a maximum 11 dwelling units per acre, limiting residential structures to a maximum height of one-story. The Major Thoroughfare Plan classifies El Camino Alto Drive and Buena Vista Street as collector roadways. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. Fee in-lieu of stormwater detention is allowed/proximity to floodplain. The proposed zoning and uses will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact traffic safety in the vicinity. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. The Conditional Overlay District will:

- Limit residential density to 11 dwelling units per acre for a total 59 units on the subject property.
- Bufferyard C, with a six-foot solid wood privacy fence with an additional six evergreen trees, for a total of eight evergreens for every 100 feet.
- All structures within 100 feet of the west property line shall be limited to a maximum height of two stories above finished grade.
- Multi-family housing maximum height of three stories. Each dwelling unit must provide an entrance on the ground level, and such ground level of each dwelling unit may contain either garage or living space. No unit can be located over another unit.
- Within 100 feet of the west property line; No exterior second-floor balconies shall be permitted and no community amenities – including but not limited to pools, dog walks, trash dumpsters, or other common space intended for the overall residential development.

Staff recommends approval.

Mr. Bruce Colony asked if the previous problems have been worked out.

Mr. Hosmer noted that they have.

Mr. Doennig opened the public hearing.

Mr. Derek Lee, 1200 E. Woodhurst and here to answer any questions.

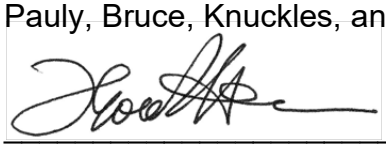
Mr. Bill Knuckles asked if they had worked out an agreement.

Mr. Lee noted that they had.

Mr. David, Hall, 4470 S. Quail Creek and neighborhood representative and have worked out the language agreement.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Colony motioned to **approve** Z-12-2022 w/COD #214 as presented by staff and excluding number 7 from the Conditional Overlay District (817 West El Camino Alto Drive). Mr. Knuckles seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: None.

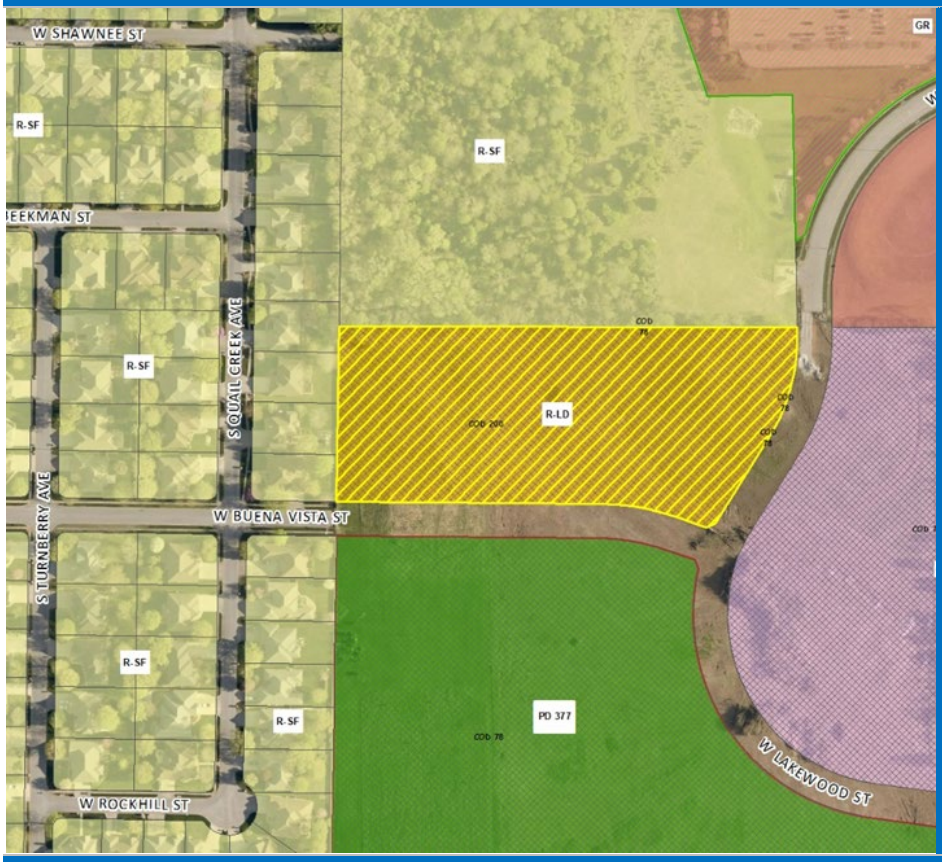


Bob Hosmer, AICP
Planning Manager

EXHIBIT D

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	AUGUST 11, 2022
CITY COUNCIL PUBLIC HEARING:	SEPTEMBER 6, 2022



CASE NUMBER:
Z-12-2022 w/Conditional Overlay District No. 214

LOCATION:
817 W. El Camino Alto Drive

ACRES:
Approximately 5.4 acres

EXISTING LAND USE:
Vacant/undeveloped

APPLICANT:
The Ridge HZ 55+ LLC

STAFF:
Kyle McGinnis, (417) 864-1615

STAFF RECOMMENDATIONS:
Approve w/Conditions

PROPOSED MOTION: Move to approve as submitted in the staff report.

REQUIRED VOTE: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 5.4 acres of property generally located at 817 W. El Camino Alto Drive from R-LD, Low-density multifamily residential district, with COD No. 200 to R-LD, Low-density multifamily residential district, with COD No. 214.

FINDINGS FOR STAFF RECOMMENDATION:

1. This application is consistent with the *Growth Management and Land Use Element* of the *Comprehensive Plan*, which designates this property as appropriate for Low Density Housing. The *Major Thoroughfare Plan* classifies W. El Camino Alto Drive and W. Buena Vista Street as collector roadways.

2. The Low-Density Multi-Family Residential District is considered an appropriate step down or transitional zoning between single-family residential (to the west) and commercial uses (to the east).

3. The previously approved Conditional Overlay District included a one-story height limitation for all residential structures, which the applicant has requested to remove as part of this rezoning. In addition, the applicant has proposed the following additional changes to the Conditional Overlay District: a bufferyard C along the west property line, including a six-foot wood privacy fence, as well as an additional six evergreen trees per 100 feet of bufferyard length for a total of eight evergreen plantings per 100 feet (as opposed to two); capping the maximum density of residential development to no more than 11 dwelling units per acre; prohibiting community amenities, including pools, dog walks, trash dumpsters or other common space elements, within 100 feet of the west property line; limiting all buildings within 100 feet of the west property line to no taller than two stories in height and all other buildings to no taller than three stories in height; prohibiting second-floor exterior balconies within 100 feet of the west property line; prohibiting the vertical stacking of dwelling units; and requiring that each ground floor, which must contain garage or living space, provide a point of entry for the dwelling unit.

4. The subject property has existing City Utilities and public sewer to serve the property.

5. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.

6. The subject property will construct or pay a fee in-lieu of stormwater facilities to serve the property and will not substantially impact the adjacent area.

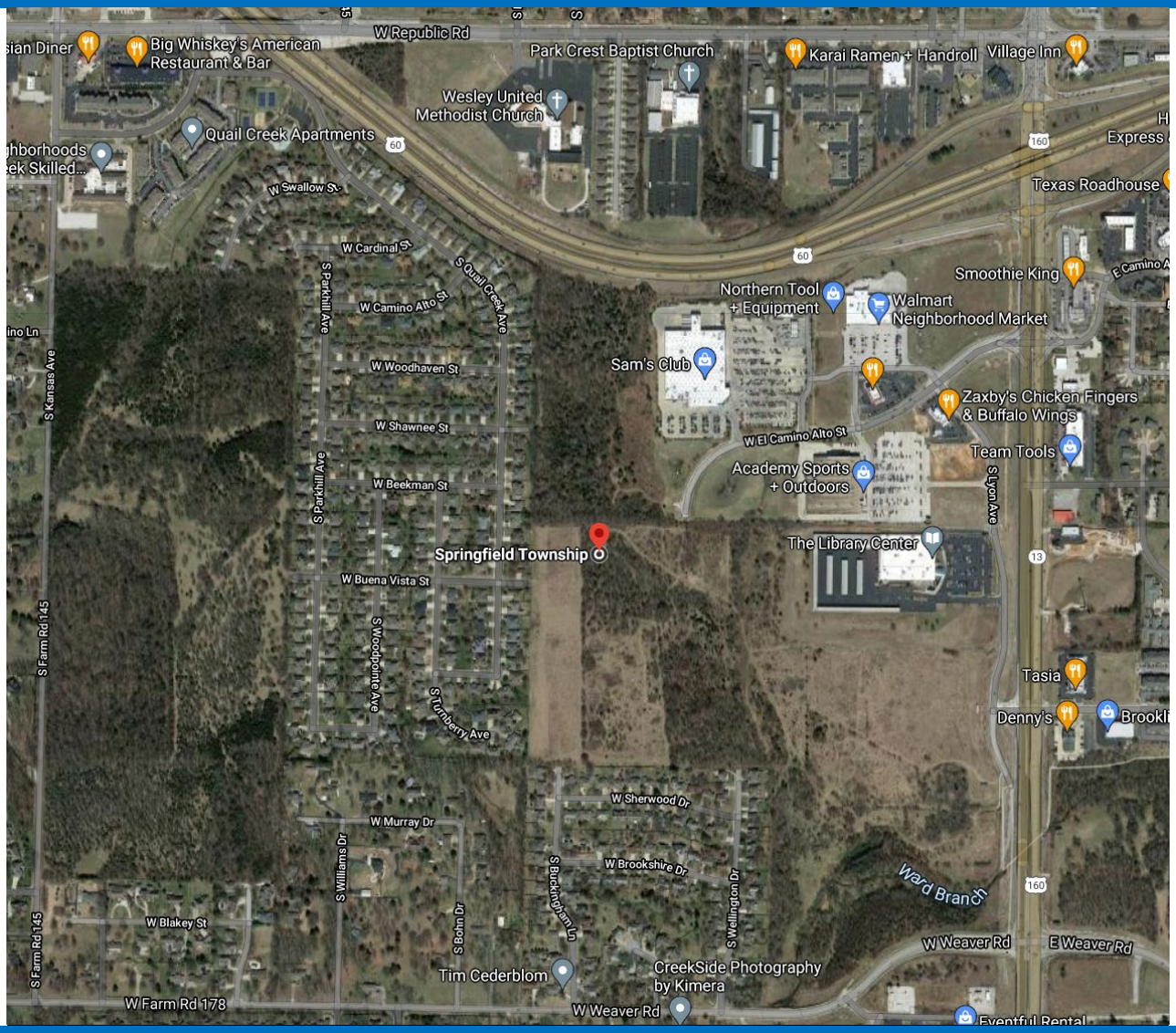
7. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

SURROUNDING ZONING AND LAND USES:

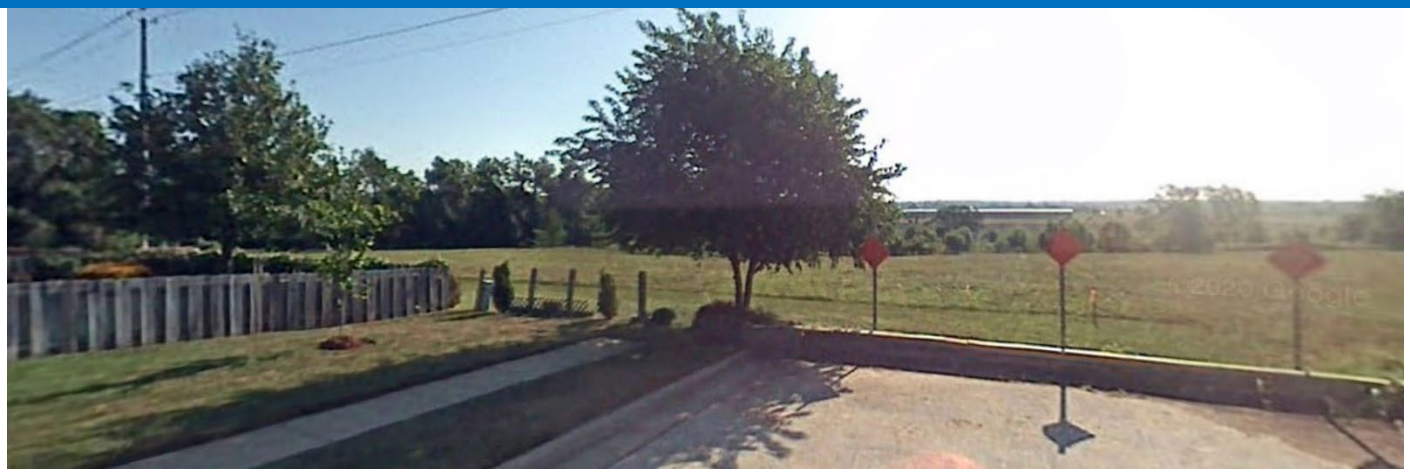
	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	O-1 COD #78	O-1 COD #78	R-SF
LAND USE	Vacant/undeveloped	Office District uses	Office District uses	Single-Family residential

Development Review Staff Report

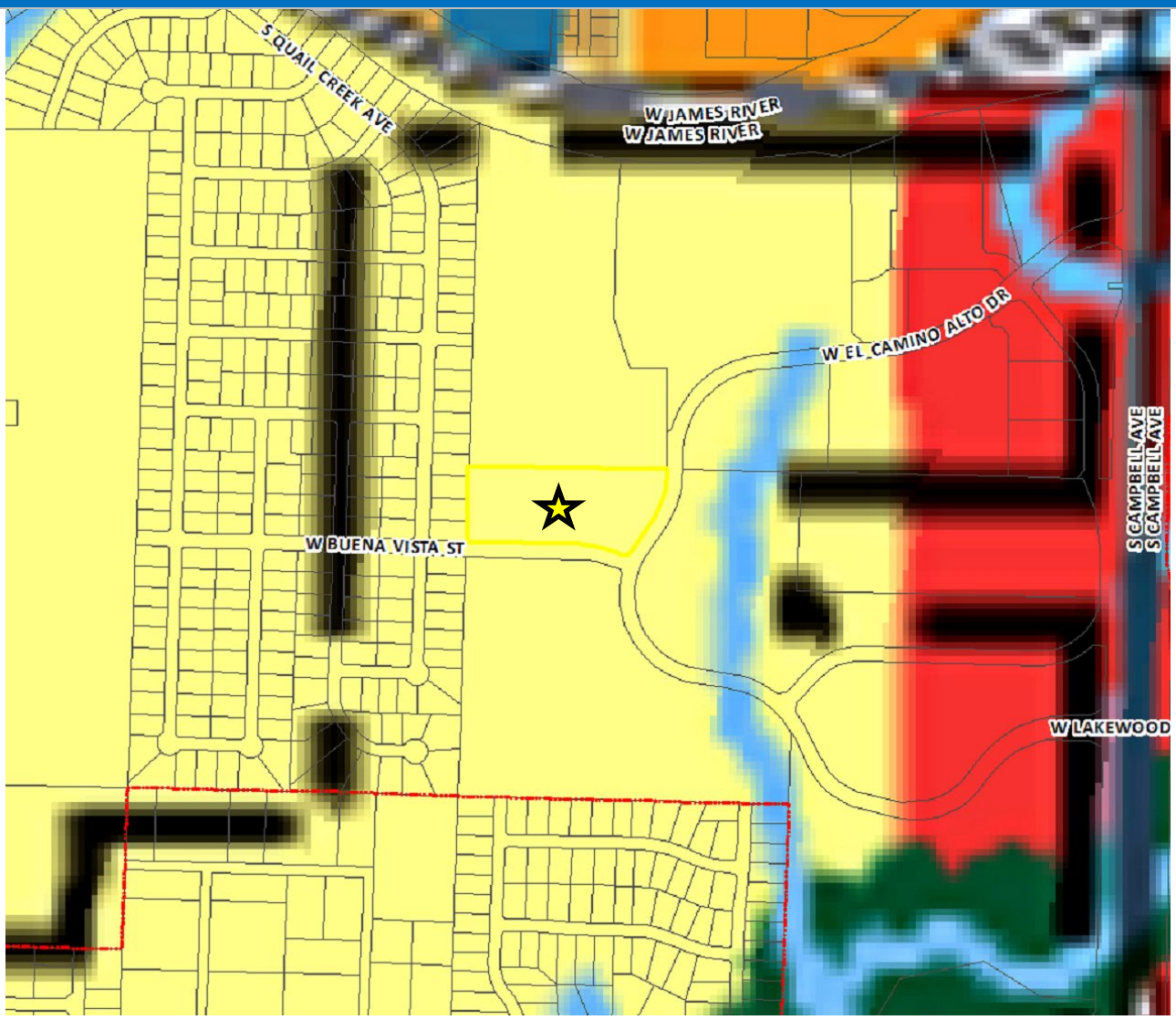
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse
- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

Development Review Staff Report

CITY OF Springfield

PROPERTY HISTORY:

The subject property was zoned R-SF, Single-family residential district, in 2003 and was rezoned to the O-1, Office district, in 2014. In July 2021, the property was rezoned to R-LD, Low-density multifamily residential district, with COD 200 implementing a maximum density not to exceed 11 dwelling units per acre, limiting residential structures to a maximum height of one-story, and requiring an increased bufferyard along the west property line. The subject property was final platted in 2020 and is Lot 3 of The Ridge at Ward Branch Phase 2.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezonings. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:

1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan;
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary.
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.
4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.
5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity.
6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property.
7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
8. Information submitted at the public hearing.

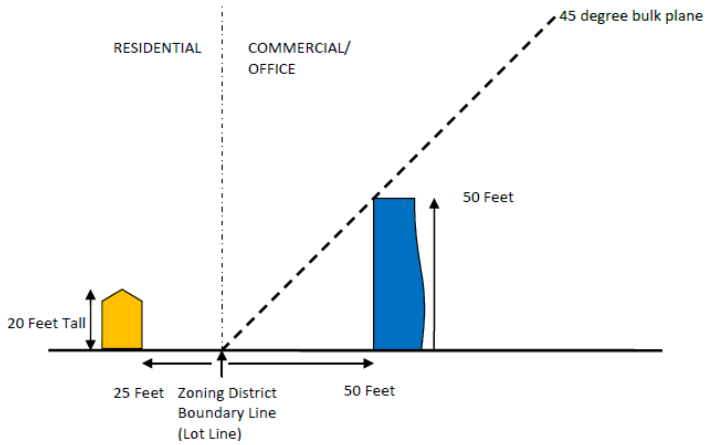
ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR R-LD
Use Limitations	(a) Single-family detached dwellings are not permitted unless they exist at the time the district is mapped.
Maximum Structure Height	1. When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. 2. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade. 3. No portion of a multifamily dwelling shall be higher than allowed by a 45-degree bulk plane where the property adjoins an R-SF district. Any multifamily dwelling for which a building permit has been issued prior to July 1, 2009, that does not conform to the 45-degree bulk plane shall be considered conforming with regard to the 45-degree bulk plane.
Front Yard Setback	25 feet along a street classified as a collector or higher or 15 feet along a street classified as a local street
Side and Rear Setbacks	*Side yard:* Six feet or as required by Section 36-453, supplemental open space and yard regulations, provided that no side yard is required for any building that has a common wall on a lot line. *Rear yards:* Ten percent of the lot depth but may not be less than ten feet nor will more than 20 feet be required.

Development Review Staff Report

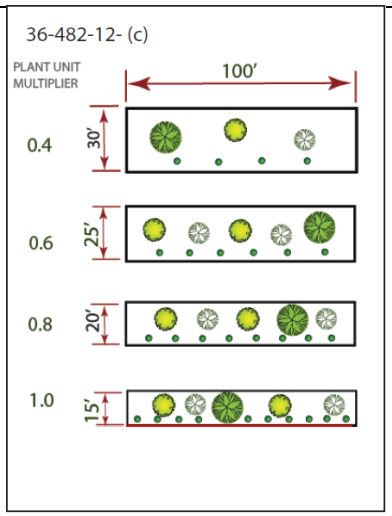
Open Space Requirement	20%
Design Requirements	Standard per code

BULK PLANE



LANDSCAPING

Bufferyard Type C:



COMPATIBILITY WITH COMPREHENSIVE PLAN:

This application is consistent with the *Growth Management and Land Use Element* of the *Comprehensive Plan*, which designates this property as appropriate for Low Density Housing; however, this area was rezoned to O-1, Office District with Conditional Overlay District No. 78 in 2014 as part of an intense commercial development plan.

The *Growth Management and Land Use Plan Element* of the *Comprehensive Plan* encourages compatibility with Single-Family Housing which includes:

1. Attached housing should be created as an attractive, compatible and acceptable alternative to conventional detached housing.
2. Attached housing should emulate single-family housing in its basic architectural elements -- pitched roofs, articulated facades, visible entrances, porches or balconies, and a maximum height of three to four stories. Attached housing should use the architectural “vocabulary” of single-family housing.
3. Attached housing should be built in small groupings so that it fits into the overall residential context rather than being sequestered into large project sites.
4. If a multifamily building or attached housing is developed near single-family detached housing, ensure that the width of the building facade facing the street is similar to that of a single-family house. Attached units should be grouped in rows of no more than four or six units to avoid a monolithic appearance.
5. Attached housing should be located in transitional spaces between commercial and single-family areas, at high-amenity locations along the Parkway and the Greenway Systems and overlooking parks.
6. Driveways and garages should be located to the rear of the lot or interior of the block. When garages cannot be located to the rear or on the interior of the block, they should be set back similar to the requirements for single-family housing. Porches and front steps should face the local street.
7. Encourage unity as well as diversity by specifying a common design vocabulary throughout the buildings, a clear pathway system and shared outdoor space that unifies and integrates the site.
8. Duplexes should be designed for visual compatibility with single-family housing, should be scattered among the neighborhood rather than concentrated, and may be used as a transitional building type near larger buildings and street intersections.

Neighborhood Protection: Springfield should work to protect residential neighborhoods from adverse impacts of proposed development and inappropriate land use changes. New development should be compatible with existing development in terms of scale, materials, rooflines setbacks and open space. Landscaped transitions should be used between sharply differing types of land use. Excessive amounts of traffic, particularly commercial traffic, should not be allowed to pass through residential areas.

This area is located near the James River Freeway and Campbell Avenue (Emerging) Activity Center as designated in the *Growth Management and Land Use Plan Element* of the *Comprehensive Plan*. Activity Centers are identified as areas of significant business and high-density housing. It is intended that additional development be concentrated in and around these activity centers to optimize transportation investments, citizen convenience, investor confidence and a compact growth pattern. Properties within Activity Centers are to be intensively and efficiently used.

The *Major Thoroughfare Plan* classifies W. El Camino Alto Drive and W. Buena Vista Street as collector roadways.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 5.4 acres of property from R-LD, Low-density multifamily residential district with Conditional Overlay District No. 200 to R-LD, Low-density multifamily residential district and establishing Conditional Overlay District No. 214. The applicant is proposing a new 55+ multi-family residential gated community similar to Tera Vera at Sunset and Jefferson.

2. The applicant is requesting a Conditional Overlay District that will limit the residential density to 11 dwelling units per acre or less. The 5.4 acres of property will allow the maximum development of 59 multi-family residential dwelling units. Since this will not exceed 11 dwelling units per acre, the development is not subject to our Multi-Family Development Location and Design Guidelines. This density limitation is equal to the maximum density permitted within the R-TH, Residential Townhouse District.

3. The Conditional Overlay District also includes additional buffering on the west property line, increasing the landscape plantings within the area and requiring the installation of a six-foot wood privacy fence within the bufferyard area. Bufferyard B is typically required between properties zoned R-SF and R-LD; however, the applicant has proposed a slightly more intense bufferyard C in this area instead. The minimum plantings for bufferyard B at a standard width of 15 feet includes one canopy tree, one understory tree, one evergreen tree, and six shrubs for every 100 feet of bufferyard length. The minimum plantings for bufferyard C at a standard width of 15 feet includes one canopy tree, two understory trees, two evergreen trees, and 10 shrubs for every 100 feet of bufferyard length. The applicant has proposed an additional six evergreen trees per 100 feet of bufferyard length, for a total of eight evergreen trees every 100 feet along the west property line.

4. The previously approved height limitation of one-story for all residential structures has been removed from the requested COD; however, the applicant has proposed a COD limitation prohibiting construction greater than two stories in height within 100 feet of the west property line. All buildings located further than 100 feet from the west property line will be capped at a maximum height of three stories or by a 45-degree bulk plane, as measured from the west and north property lines due to the adjacent R-SF zoning. In addition, the applicant has proposed COD language prohibiting exterior second-story balconies within 100 feet of the west property line, as well as language prohibiting community amenities (such as pools, dog walks, or trash dumpsters) within 100 feet of this same property line. Dwelling units will not be permitted to be vertically stacked; each ground floor level must provide a point of entry to the dwelling unit, and such ground floor levels must contain either garage or living space, or a mix of both.

5. The *Major Thoroughfare Plan* classifies W. El Camino Alto Drive and W. Buena Vista Street as collector roadways. The proposed rezoning will not increase the number of proposed trips generated along W. Camino Alto Drive and W. Buena Vista Street beyond the previously approved Traffic Study and thus does not require a new Traffic Impact Study. All infrastructure improvements are currently under construction and will be completed for this development.

6. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on May 25, 2022, regarding the initial rezoning request. A summary of the meeting is attached (Attachment 2). Neighborhood correspondence by email and comment cards are also attached (Attachment 3). Following the receipt of neighborhood feedback, the applicant chose to table their request from the June 16, 2022 Planning & Zoning Commission public hearing in order to better incorporate the feedback into the proposal,

resulting in the expanded COD requests discussed above. The Quail Creek Property Owners Association provided staff with a letter of support for this new set of COD requirements and limitations (Attachment 4).

PUBLIC NOTIFICATION:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

Notices sent to property owners within 185 feet: Mailed: 13 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with rezoning.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the rezoning. Tract is served by public sewer or will be once accepted.

FIRE DEPARTMENT:

Installation of fire hydrants & fire access lanes per 2018 IFC.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City's Transportation Plan classifies W. El Camino Alto Drive and W. Buena Vista Street as Collector Roadways. The standard right-of-way width for Collector Roadways is 30 feet from the centerline. It appears no additional right-of-way is needed along any of these streets. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. W. El Camino Alto Drive and W. Buena Vista Street are all city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING
W. El Camino Alto Drive and W. Buena Vista Streets are all under construction, therefore, there are no traffic counts. On-street parking is not allowed along W. El Camino Alto Drive or W. Buena Vista Street.

DRIVEWAY ACCESS
There are no driveway access points onto the property from W. El Camino Alto Drive or W. Buena Vista Street. Access to this property will be allowed based on existing City of Springfield standards for a Collector Roadway.

SIDEWALK
The developer is constructing sidewalk along the property frontage with the construction of W. El Camino Alto Drive and W. Buena Vista Street.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION
The Ward Branch Greenway is to the south of this development. There is one bus stop in front of the Library Center in this development. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS
All infrastructure improvements are currently under construction and will be completed for this development.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	W. El Camino Alto Drive	Collector	No	30	30
Street 2	W. Buena Vista Drive	Collector	No	30	30

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	170	220	1200	
*Proposed Trips Generated	45	55	600	
Additional Trips Generated	-125	-165	-600	

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Ward Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is** aware of flooding problems in the area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **will be allowed due to proximity to the floodplain.** The property **is not in a stream buffer area.** This property is part of the larger site master plan in which water quality was provided.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements per Chapter 4 Section 3.2.3 of the stormwater design criteria manual – https://www.springfieldmo.gov/DocumentCenter/View/36063/Flood-Control-and-Water-Quality-Protection-Manual-?bidId=

2. If disturbing 1 acre or greater, water quality will also have to be provided per Chapter 10 Section 2 of the stormwater design criteria manual.

3. Detailed stormwater calculations shall be submitted before any permits can be approved per Chapter 4 Section 3.0 of the stormwater design criteria manual.

4. A land disturbance permit will be required if disturbing 1 acre or greater per Chapter 4 Section 5 of the stormwater design criteria manual.

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2
CONDITIONAL OVERLAY DISTRICT PROVISIONS

The requirements of Section 36-382, Low-density multifamily residential district of the Land Development Codes shall be modified as set forth herein for development within this district and the rezoning contemplated by this Ordinance shall not be effective until the occurrence of the following conditions:

1. The proposed multi-family development shall have a maximum residential density of 11 dwelling units per acre for a total 59 units on the subject property.

2. A type C bufferyard, following Section 36-482, Landscaping and bufferyards, of the Zoning Ordinance will be placed on the west property line with a six-foot solid wood privacy fence. This bufferyard must include an additional six evergreen trees for every 100 feet of bufferyard length, for a total of eight evergreen trees per 100 feet of length.

3. All structures within 100 feet of the west property line shall be limited to a maximum height of two stories above finished grade.

4. Unless otherwise prohibited by the requirements and limitations of Conditional Overlay District No. 214 or Section 36-382, Low-density multifamily residential district, of the Zoning Ordinance, multi-family housing may be built up to a maximum height of three stories. Each dwelling unit must provide an entrance on the ground level, and such ground level of each dwelling unit may contain either garage or living space. No unit can be located over another unit.

5. No exterior second-floor balconies shall be permitted within 100 feet of the west property line.

6. No community amenities – including but not limited to pools, dog walks, trash dumpsters, or other common space intended for the overall residential development – shall be permitted within 100 feet of the west property line.

7. Dwelling units may not be vertically stacked.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-LD to R-LD with a COD
   (existing zoning) *(proposed zoning)*
2. Meeting Date & Time: 5/25/2022; 4-6:30 pm
3. Meeting Location: The Library Center
4. Number of invitations that were sent: 52
5. How the mailing list was generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 45
7. List the verbal comments and how you plan to address any issues:
   (City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

   Attached are the comments from the neighborhood meeting. Lee Engineering had a follow up meeting with the home owners association leadership of Quail Creek on 6/6/22 to discuss possible revisions to the Conditional Overlay District. The developer agreed to table the zoning case one month to work out the revisions to the Conditional Overlay District. Lee Engineering had another meeting with the Quail Creek home owners association leadership on 6/30/22 to discuss Conditional Overlay District revisions. Those revisions are attached to this neighborhood meeting report.

8. List or attach the written comments and how you plan to address any issues:

   See the Conditional Overlay District.

I, Martha Middleton (*print name)*, attest that the neighborhood meeting was held on 5/25/2022 (*month/date/year),* and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Martha Middleton

Signature of person completing affidavit

Martha Middleton

Printed name of person completing affidavit

Neighborhood Meeting Notice

ate of Letter 5/11/2022

DEAR PROPERTY OWNER,

You have received a notice of a “Neighborhood Meeting” since all development applications involving an advertised public hearing require that a developer hold a neighborhood meeting and invite the property owners within 500 feet of the property and the officers of any neighborhood associations on file with the City of Springfield.

The applicant or representative below has filed an application with the City of Springfield for a change in land use, zoning or street vacation in your neighborhood.

APPLICANT CONTACT INFORMATION

Applicant/Representative Name: Lee Engineering & Associates, LLC

Address: 1200 E Woodhurst Dr, Suite D200

City, State and Zip: Springfield, MO 65804

Phone Number: 417-886-9100 E-mail: dlee@leeengineering.biz

PROJECT LOCATION: The Ridge at Ward Branch, at W. El Camino Alto Dr.

PROPOSED CHANGES:
Provide details of the existing zoning and proposed zonin (planned development, conditional use pe mit, conditional overlay district or vacation of roadways).

The current zoning is R-LD, the proposed zoning is R-LD with a conditional overlay district to remove the one story building restriction.

The intent is to allow a low density residential development.

PUBLIC NEIGHBORHOOD MEETING

Date of Meeting: 5/25/2022

Location of Meeting: The Library Center, Community Room B
4653 S Campbell Ave, Springfield, MO 65810

Time of Meeting: ● 4:00pm to 6:30pm

We look forward to seeing you at this meeting! Thank You!

ATTACHMENTS Notice Lette from City with Comment Card attached to this letter

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits an application for a change in land use or zoning, the property will be posted and there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

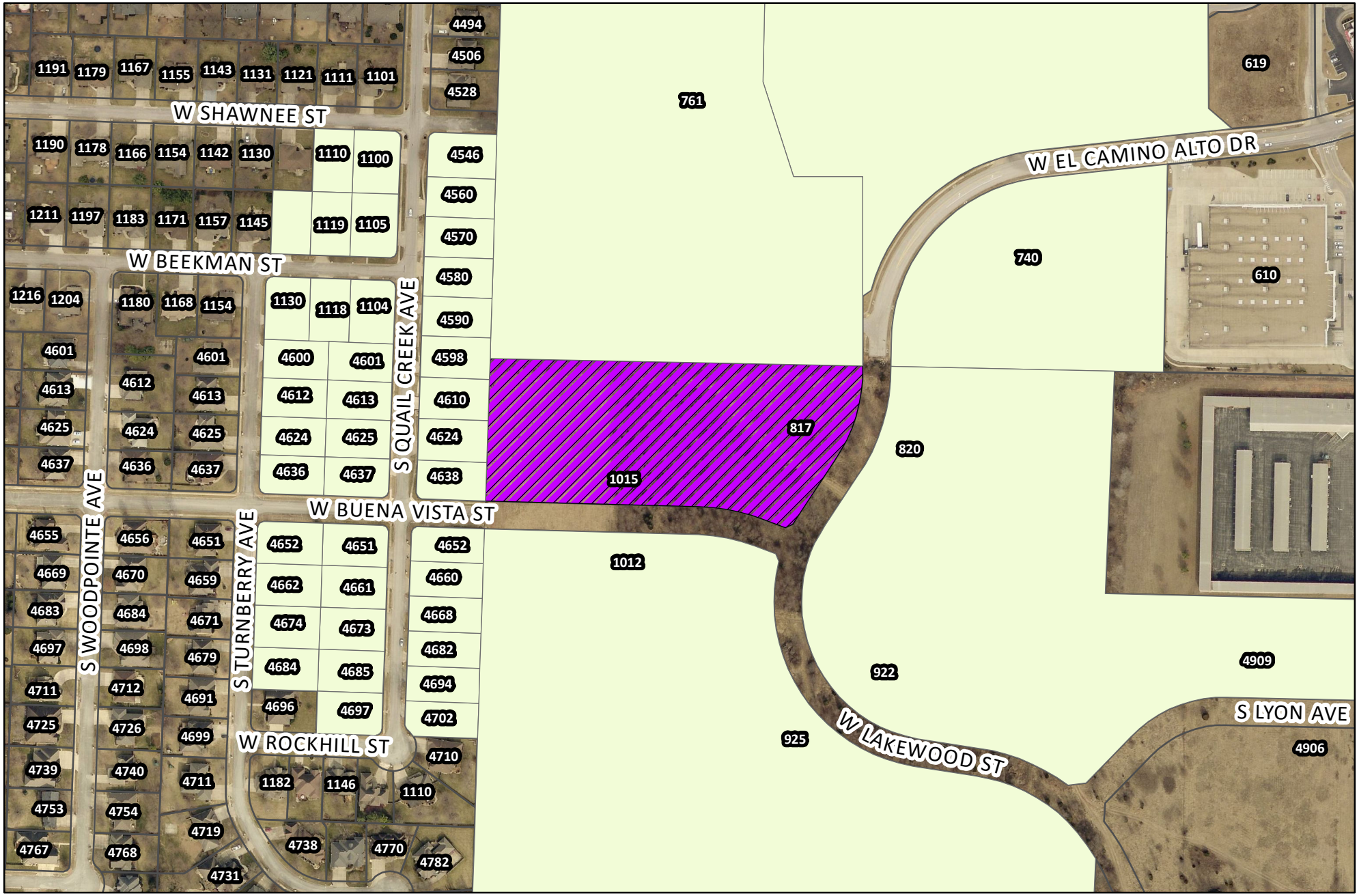
Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

Comment Card: Mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:		**Telephone No.**	
YOUR NAME:			
YOUR ADDRESS:			
PROJECT ADDRESS:			

COMMENTS:

500'



CITY OF Springfield

0 80 160 320 480 640 Feet

SCALE:

DISCLAIMER: All information included on this map or digital file is provided "as-is" for general information purposes only. The City of Springfield, and all other contributing data suppliers, make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the data for any particular use. Furthermore, the City of Springfield, and all other contributing data suppliers, assume no liability whatsoever associated with the use or misuse of the data.

OWN1	OWN_ADDR	CITYNAME	STATECODE	ZIP1
SAMS, REAL EST BUSINESS TRUST	2001 SE 10TH ST	BENTONVILLE	AR	72712
JAMES RIVER COMMONS COMMUNITY	PO BOX 1017	COLUMBIA	MO	65205
QUAIL CREEK VII LLC	5051 S NATIONAL AVE	SPRINGFIELD	MO	65810
STORMZAND, SCOTT	4546 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
PEARSON, JAMES R II	4560 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
PATTERSON, JOHN D	1100 W SHAWNEE ST	SPRINGFIELD	MO	65810
QUINBY, JOHN R JR	3302 WINGED FOOT DR	NIXA	MO	65714
KASTLER, WILLIAM P & JOYCE A TRUST	1131 W BEEKMAN ST	SPRINGFIELD	MO	65810
ANDERSON, STEPHEN R	1119 W BEEKMAN ST	SPRINGFIELD	MO	65810
BARBER, RONALD J	1105 W BEEKMAN ST	SPRINGFIELD	MO	65810
DETRICK, LOIS W	4570 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
SMITH, JACOB	4580 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
SHIRATO, VIRGINIA M ET AL LIVING TRUST	4590 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
MCCOY, GERALD R	1104 W BEEKMAN ST	SPRINGFIELD	MO	65810
PARSONS, SAMUEL E & LAURA TRUST	1118 W BEEKMAN ST	SPRINGFIELD	MO	65810
PEABODY, CRAIG ET AL	1130 W BEEKMAN ST	SPRINGFIELD	MO	65810
STAINBROOK, DON J	4636 S TURNBERRY AVE	SPRINGFIELD	MO	65810
LEE, ROBERT E IV	4624 S TURNBERRY AVE	SPRINGFIELD	MO	65810
SMITTLE, BETTIE L TR	378 TIMBER VIEW RD	HIGHLANDVILLE	MO	65669
REDDING, JACK	4600 S TURNBERRY AVE	SPRINGFIELD	MO	65810
BLACKWELL, JAMES L	4601 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
RAIDER REVOCABLE TRUST	4613 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
LEE, ROBERT CORWIN JR ETAL TR	4625 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
RN FAMILY HOME PLACE FOUNDATION	4637 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
STECK, RYAN	4638 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
HOYT, WILLIS HADLEY IV	4624 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
KILMER FAMILY TRUST	3530 S BROADWAY AVE	SPRINGFIELD	MO	65807
CASSITY, JULIE E ET AL	4598 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
STEVENS, MARK	1129 HUMMINGBIRD LN	NIXA	MO	65714
INMON, DAVID LEE	4694 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
BROOKS, ROBERT	4682 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
MACLACHLAN, WILLIAM GALE TRUST	4668 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
DAILEY, MICHAEL J	4660 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
GILBERT, PEGGY SUE TRUST	4652 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
COBB, DAVID E	4651 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
UMBARGER, RICHARD ETAL TR	4661 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
BANNERMAN QTIP TRUST	4673 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
PECK, DAVID K	4685 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
MERRITT, CHARLES E JR	4697 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
GLADMAN, KENNETH O	4684 S TURNBERRY AVE	SPRINGFIELD	MO	65810
LIGHTLE, RONALD L	4674 S TURNBERRY AVE	SPRINGFIELD	MO	65810
PENN, ARTHUR D	4662 S TURNBERRY AVE	SPRINGFIELD	MO	65810
PHILLABAUM, SANDRA	4652 S TURNBERRY AVE	SPRINGFIELD	MO	65810
RIDGE HZ LLC	431 S JEFFERSON	SPRINGFIELD	MO	65806
RW DEVELOPMENTS LLC ET AL	1414 E PRIMROSE ST	SPRINGFIELD	MO	65804
CURRENT RESIDENT/BUSINESS OWNER	745 W EL CAMINO ALTO DR	SPRINGFIELD	MO	65810
CURRENT RESIDENT/BUSINESS OWNER	1110 W SHAWNEE ST	SPRINGFIELD	MO	65810
CURRENT RESIDENT/BUSINESS OWNER	4612 S TURNBERRY AVE	SPRINGFIELD	MO	65810
CURRENT RESIDENT/BUSINESS OWNER	4610 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810

CURRENT RESIDENT/BUSINESS OWNER	4702 S QUAIL CREEK AVE	SPRINGFIELD	MO	65810
CURRENT RESIDENT/BUSINESS OWNER	1012 W BUENA VISTA ST	SPRINGFIELD	MO	65810
CURRENT RESIDENT/BUSINESS OWNER	820 W EL CAMINO ALTO ST	SPRINGFIELD	MO	65810

SIGN IN SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Bonnie Johnson	4624 S. Woodpointe Ave	417-350-7365
Drue Johnson	" " "	417-234-0739
Gene Wolfe	4601 S Turnberry	4178851323
Howard Bannerman	4673 S Quail Creek.	417-860-7597
TIM BERTHOLD	1110 W. ROCKHILL	417-848-1266
DON + JUDY STAINBROOK	4636 S. TURNBERRY	417-340-6320
Beverly Barnett	1122 W Woodhaven Spgfld Mo	417-576-5799
Sandy Villarreal	1223 W Swallow St "	816-830-2323
Ray Temple	4695 S. Parkhill Ave Spfld Mo	417-908-6039
Rod Quimby	4386 Quail Creek 1110 Stanmar Springs Parkhill	417-522-9994
Manny Broderson	4637 S turnberry Ave	419839 4998
Judy Tomlin	4421 S. Parkhill	417-861-6056
Eddie Tomlinson	4401 S. Parkhill	417-860-5650
PAM Roger Hailey	4612 S. Turnberry Ave Spg Mo	417.839-8188
D VERONA	4595 S PARKHILL	
Julie Cassity	4598 S. Quail Creek Spfld	417-861-7345
DIANA SATTERFIELD	4598 S QUAIL CREEK SPFLD	4172344357
Shea Ramey	4365 S. Newton Ave	417 824-0878
Sara Broderson	4637 S Turnberry Spfld	417-840-4105
Phil RAIDER	4613 S. QUAIL CREEK AVE	417-7663196
ROD SMITH	4610 S. QUAIL CREEK	417-844-3073
SHARON KIMER	4610 S. QUAIL CREEK	805895-2385
MARY LANGSETH	1149 W. CARDINAL	816-585-6662
Mark Langseth	SAME	SAME

SIGN IN SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Ralph Ernst	1214 W. Swallow St	417-425-4225
Glen Dietrich	4570 S. Quail Creek Ave	417-818-8267
Harry Mattson	4585 S. Parkhill Ave	417-209-4790
Willis Hoyt	4524 S Quail Creek Ave	443 691 9126
[illegible]	4659 S Turnberry Ave	417-890555[illegible]
[illegible] Barber	4656 S. Woodpointe Ave	417 353 6131
Tom Cox	4572 S Parkhill Ave	479-857-2033
Kyle Vesel	4771 S Turnberry Ve	417-861-5147
Jake Smith	4580 S Quail Creek Ave	417-416-3106
Ryan Steck	4638 S Quail Creek Ave	417-536-3524
PATTI HUDGINS	1126 W CARDINAL	417 839-3955
Scott Bottorf	4723 S. Parkhill Ave	417-861-4091
Carl Jackie Christina	1244 W. Lakewood St.	417-988-4188
Dave Maness	1236 W. Cardinal St.	417-299-1995
Donna Hawkins	1182W Rockhill Spgfd. MO	417.890 8601
Mary Bair	4679 S Turnberry - Spg. Mo.	417-883-1885
Gayle Lee	4625 S. Quail Creek, Spgfd. Mo	417-890-5518
Doug Stevens	4636 S. Woodpointe Ave	417-425-7299
Jack & Cind Redding	4600 S. Turnberry	417-861-8640
Gerald & Theresa McCoy	1104 W Beckman	417-343-1376
David Hall	4470 S. Quail Creek Ave	417-839-2091

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Doug Stevens	4636 S. Woodpointe Ave	417 425-7299

V.P. QCPOA

COMMENTS:

To Whom,

As a member of the Quail Creek Property Owners Association I leave this comment to express my extreme displeasure of the change from single level to Multi level. We within Quail creek have a wonderful neighborhood and have one of the nicest old neighborhood in Springfield. We will stand Quail Creek strong and United as we move forward Please consider driving through our neighborhood and talk to some residents and Understand how the development impacts our great place we call home

Best Regards
Doug Stevens
V.P. QCPOA.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Jack Redding	4600 S. Turnberry AVE 65810	417-883-6307

COMMENTS:

We do Not want Apartments. Multilevel
We want it kept single level only residences.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Cynthia Reddig	4600 S. Turnberry Ave	417-861-8640

COMMENTS:

We do not want apartments. Multi-Level -

We want single level only residences.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Gaye Lee	4625 So Quail Creek	417890-5518

COMMENTS: I am opposed to changing the current zoning from one story to two story Buildings

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Donna Howerton	1182 W. Rockhill Spgfd MO	417 890 8601

COMMENTS:

I am opposed to changing the current zoning from one story to two story buildings.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Mary Brien	4679 S Fanbery	417-883-1885

COMMENTS:

opposed to change from one to two stories!

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Ryan Steck	4638 S. Quail Creek Ave	417-536-3524

COMMENTS:

The wood privacy fence needs to be taller than 6ft
The proposed vegetative buffering ~~no~~ needs to include
balled and burlaped root for evergreens and
2 inch Caliper on decidious trees.
With that being said, we disagree and disapprove
of a 2 Story rezoning and ~~we demand this~~
~~to be~~ if this has to pass we demand it ~~be~~ to be
reinstated to 55 and older demographic for
obvious safety ~~and clean~~ reasons. We do not
want to look out our backyard and see tall
townhomes or apartments, We don't want others to be
able to look into our backyard, we like our privacy,
we like our neighborhood being private, clean, safe,
We like the field the way it is. Thank you

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

Scott Bottoff 4723 S. Parkhill Ave 417-861-4091

NAME	ADDRESS	PHONE

COMMENTS:

I have concerns with what is being proposed, versus what can happen. The Quail Creek subdivision home owners are opposed to lifting the restriction from a one level development. It is our understanding that the Rezoning would allow for multi level not just two level. That will disrupt privacy to the homes directly adjacent. Not to mention the light and noise pollution that would occur ~~with~~ with a development of this nature.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
PATTI HUDGINS	1126 W CARDINAL ST	417 839-3955

COMMENTS:

WE WERE TOLD THIS PROPERTY WAS TO RESEMBLE "TERRA VERA", SUNSET ST. BE A GOOD NEIGHBOR AND KEEP TO THE ORIGINAL PLAN — ONE STORY ONLY! TERRA VERA IS GATED AND 55+. NOW YOU ARE TELLING US NEITHER IS GOING TO HAPPEN. I VOTE NO ON 45' BUILDING. HOW WOULD YOU LIKE SOMEONE LOOKING INTO YOUR BACKYARD? RENTALS DEVALUE PROPERTY ADJACENT TO TH RENTALS. BE A GOOD NEIGHBOR AND KEEP TO THE 2ND ORIGINAL PLAN = TERRA VERA.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Dave + Stacy Maness	1236 W. Cardinal St.	417-299-1495

COMMENTS: We vote NO to removing the one story building restriction

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Mary Barber	4656 S. Woodpointe Ave	417-889-2304

COMMENTS: From Quail Creek Property Owners Assn — we are not in favor of increasing height from one story. Quail Creek is a very well kept neighborhood and houses right by this development do not want people looking down + into their homes. We were expecting this to be similar to Vera Vera 55+ development.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
John BARBER	4656 S Woodpoint	417-353-5131

COMMENTS:

The concern is the two storage buildings. It was set in the last meeting to one level homes. Like to see the new development maintained.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Harry M. Mattson	4505 S. Parkhill Ave. 65810	417-209-4790

COMMENTS:

The proposed rezoning is contrary to what was originally provided to the Quail Creek Neighborhood. Now they are asking for an unlimited height restriction. The proposal does not address the additional traffic which may arise from two or more stories in the proposal.

Each time the neighborhood gets very little cooperation from the developers and from the Zoning Committee.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Lois Detrick	4570 S Quail Creek Ave	417-816-8267

COMMENTS:

We were told, when this was first proposed the addition would be 1 story only. I did not voice objection. But I am now! I am sure the builder had this planned all the time. When you are building what amounts to an addition to the existing community I would have hoped they would have been up front to begin with. How loud can I say NO!!!

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE

COMMENTS:

1 STORY ONLY

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Mary Langseth	1149 W Cardinal	816-585-6662

COMMENTS:

Limit construction to 1 story if built

No opening of the gate at W. Buena Vista St.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Ralph Ernst	1214 W. Swallow St	417-425-4225

COMMENTS:

I story only

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Phil Reider	4613 S. Quail Creek	417-766-3196

COMMENTS:

No multi story Apartment type dwellings

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
DIANA SATTERFIELD	4598 S. QUAIL CREEK AVE SGF MO	417 234 4357

COMMENTS:

Please limit building height to only 1 (one) story.

Don't remove the #3 item on Exhibit A regarding story height.

We do not want to lose property value due to multilevel buildings being adjacent to our neighborhood.

No apartment type buildings

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Julie Cassity	4598 S Quail Creek Ave	417-861-7345

COMMENTS:

Please limit story to only 1 (one) story!
We do not want to lose property value due to multi level living adjacent to our neighborhood!

Would be opposed to apartment type building.

~~Would be okay with single family townhouse style units.~~

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits an application for a change in land use or zoning, the property will be posted and there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. lanning and Zoning Commission ublic Hearing (185 feet notification from subject property)
4. 1st City Council ublic Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the lanning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. lease include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AIC Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri 65801

Comment Card: Mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	5-22-2022	**Telephone No.**	417-425-4225
YOUR NAME:	Ralph Ernst		
YOUR ADDRESS:	1214 W. Swallow St Spfd MO 65810		
PROJECT ADDRESS:	The Ridge at Wind Branch at W. Bi Comment to be		

COMMENTS: I oppose the change in zoning - I dont want multi-story housing behind our neighborhood

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Danielle Lee	4724 Tiernberry	417-300-3433

COMMENTS:

only one story

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Rod Quinby	4366 Quail Creek	417 521 7994
	1110 Shawnee, 4405 Parkhill	

COMMENTS:

All property owners are primarily concerned about a decrease in property values.

Also property owners are very concerned about traffic through the neighborhood.

We all agree that the structures should remain limited to single story.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
ROD SMITH	4610 QUAIL CREEK	417-844-3093

COMMENTS:

PREFER MAX. STRUCTURE HEIGHT OF 1 STORY

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Gene Wolf	4601 S Tamberry	4178851333

COMMENTS:

Do not want 2 story change. This leads to multi family units i.e. apartments etc. Do not change the zoning if they build apartments this leads to crime in our neighborhood.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Pam & Roger Hailey	4612 S. Turnberry	417-839-8188

COMMENTS:

We totally oppose the zoning change and do not want any change

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Phil & Nancy Raider	4613 S Quail Creek	417 766-3196

COMMENTS:

1 story only.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Sandy Villarreal	1223 W Swallow ST	816-830-2323

COMMENTS: Do not want more than one story in the Miller project. Apartments draw residents not always compatible with home owners. Our safety is being compromised with the new road coming through Quail Creek to Ks Expwy

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
D VERMA	4595 S PARKHILL	—

COMMENTS:

only 1 storey development.

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
B Barnett	1122 W Woodhaven St	417-576-5799

COMMENTS:

PER FVR NOT TO HAVE 2 STORIES! > this was someone else

No two stories! ~~Beverly Barnett~~ 1122 W Woodhaven Springfield Mo 65

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Chris Cassity	4598 S. Quail Creek	417 8617345

COMMENTS:

I Story Nothing More!!!

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Ramey	4365 S. Newton Ave	824-0878

COMMENTS: I feel one story level apartments would be of a greater benefit for all

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Harold Kilmer	4610 S. Quail Creek	1-805-895-2385

COMMENTS:

Only one story

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
[illegible]	4659 S. Tumbleweed	417 890-5559

COMMENTS:

I STORY NOTHING MORE!!

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Howard Bannerman	4673 S Quail Creek Ave	417-860-7597

COMMENTS: We only want a 1 Story Bldg.

And there should be some sort of a buffer between this Bldg & the Subdivision for the homes that back up to this

COMMENT SHEET

Neighborhood Meeting

Wednesday, May 25, 2022

Re: Proposed Rezone
The Ridge at Ward Branch, at W. El Camino Alto Dr.
Springfield, Missouri

NAME	ADDRESS	PHONE
Gary Tombridge	4421 S. Parkhill	417-861-6056

COMMENTS:

We do not want multi-story low density multi-family development abutting our neighborhood.

GT

May 25, 2022

Comment By:
Don and Judith Stainbrook
4636 S. Turnberry Avenue
Springfield, MO 65810
417-340-6320 508-274-1594 cell

Regarding: **The Ridge at Ward Branch at W. El Camino Alto Drive**

We strongly disagree with the proposed change to an already approved zoning for this project.

We ask that this zoning change application be **WITHDRAWN**.

This is nothing more than a proverbial 'camel's nose under the tent' situation. A request for this project was submitted and **approved with a SINGLE-STORY BUILDING RESTRICTION**. Now, after having accepted that restriction, you are requesting the restriction be removed.

Our answer to that request is an emphatic NO!

Either go with the **ORIGINAL** approval or don't build the development. You do not get to change the rules in the middle of the game.

From: Page Malone <pagemalone@yahoo.com>
Sent: Tuesday, May 24, 2022 4:15 PM
To: Zoning@springfieldmo.gov
Cc: dlee@leeengineering.biz
Subject: Conditional Overlay at The Ridge, Ward Branch at W. Camino Alto.

We were alarmed and disappointed to learn about a proposed change to add a conditional overlay to the one-story building restriction, changing it to multi-level, at The Ridge, Ward Branch at West Camino Alto.

This is a terrible idea and will negatively affect the property values as well as invade the privacy of our neighbors in the 4500 and 4600 blocks of Quail Creek Avenue. Multi-story units will look right down into these backyards and into their windows. Would you want that in your backyard? Would you want that for your family dwelling?

Please halt this proposed change from R-LD to R-LD with a conditional overlay district to remove the one-story restriction. It's a bad plan and has the potential of putting our whole Quail Creek community at odds with Lee Engineering & Associates and our Springfield City Council, if it passes. Quail Creek is a close community, and we want to be good neighbors, so please do your part as well.

Sincerely,
Page and Jim Malone
1171 W Beekman St
Springfield, MO 65810
417-849-5879
417-849-3422

From: willis hoyt <willishoyt@gmail.com>
Sent: Saturday, May 21, 2022 8:30 PM
To: Derek Lee <dlee@leeengineering.biz>;
zoning@springfieldmo.gov; A Clark! <autumnclarkdo@gmail.com>
Subject: Fwd: The Ridge at Ward Branch proposed rezoning from O-1 to R-LD

Here we go again.
As the co-owners of 4624 S Quail Creek Ave, Springfield, MO 65810, Dr Clark and I need to object to the further adjustment to the Ridge at Ward Branch zoning to allow construction of buildings over one story in height. The area directly to the east of our home was re-zoned to R-LD, a year ago, with the promise that they'd be the same design as the Tera Vera development on Sunset and Kimbrough, which are single story patio homes. Our neighbors and we asked for assurances to not further lower our home values and provide some privacy (see my 5/2/2021 e-mail, below). The city of Springfield and Lee construction did not provide any commitment to our request before or after rezoning the area last year, So in response to the new proposal to remove the one story building restriction, our answer is "absolutely not" and we will be retaining a lawyer to ensure we don't have further tort damages.
Sincerely,
Dr Willis H Hoyt, IV (and Dr Autumn Clark)

From: Luke Malone <lucascreations@yahoo.com>
Sent: Saturday, June 4, 2022 7:57 PM
To: zoning@springfieldmo.gov
Cc: Derek Lee <dlee@leeengineering.biz>
Subject: Conditional Overlay at The Ridge, Ward Branch at Camino Alto.

I am completely against the proposed change to add a conditional overlay to the one story building restriction, changing it to multi level. This will hurt our neighbors on Quail Creek Ave and our entire neighborhood.
Luke Malone
4443 S Quail Creek Ave Springfield Missouri 65810
1 417 234-5909

Sent from my iPhone

From: Ashleigh Kail
To: Zoning@springfieldmo.gov
Subject: Case Z-12-2021
Date: Wednesday, May 25, 2022 7:14:36 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Good evening,

My husband and I moved into the Quail Creek subdivision in October of 2021 and have learned of the plans to rezone the undeveloped area behind our subdivision to allow multi-story development. Although we have been unable to attend the in-person meetings, we wanted to share our opinions of protest as this would detract from the value of our neighborhood and our community at large.

The idea of a multi-story building being erected behind back yards in a neighborhood specifically designed to allow privacy is violating. Several of the floor plans in this area include large bay windows on the second level that are designed to be open with no curtains, making privacy impossible. Even if people were unable to see down, it means a wall would replace the natural view. Certainly not what we were looking for when we moved here, and unfair to those houses in the area's property value.

Springfield surely has other areas available that are suitable for what they're looking to build. Frankly, it would help if they knew what they wanted to build in the first place to establish a workable conversation, but either way we oppose multiple level buildings and can make that clear.

Keep our neighborhood's charm and privacy in tact and please say no to the zoning changes.

Sincerely,
Robert and Ashleigh Kail

From: Page Malone
To: Zoning@springfieldmo.gov
Cc: dlee@leeengineering.biz
Subject: Conditional Overlay at The Ridge, Ward Branch at W. Camino Alto.
Date: Tuesday, May 24, 2022 4:14:46 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

We were alarmed and disappointed to learn about a proposed change to add a conditional overlay to the one-story building restriction, changing it to multi-level, at The Ridge, Ward Branch at West Camino Alto.

This is a terrible idea and will negatively affect the property values as well as invade the privacy of our neighbors in the 4500 and 4600 blocks of Quail Creek Avenue. Multi-story units will look right down into these backyards and into their windows. Would you want that in your backyard? Would you want that for your family dwelling?

Please halt this proposed change from R-LD to R-LD with a conditional overlay district to remove the one-story restriction. It's a bad plan and has the potential of putting our whole Quail Creek community at odds with Lee Engineering & Associates and our Springfield City Council, if it passes. Quail Creek is a close community, and we want to be good neighbors, so please do your part as well.

Sincerely,
Page and Jim Malone
1171 W Beekman St
Springfield, MO 65810
417-849-5879
417-849-3422

From: Luke Malone
To: Zoning@springfieldmo.gov
Cc: dlee@leeengineering.biz
Subject: Conditional Overlay at The Ridge, Ward Branch at Camino Alto.
Date: Saturday, June 4, 2022 7:57:35 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

I am completely against the proposed change to add a conditional overlay to the one story building restriction, changing it to multi level. This will hurt our neighbors on Quail Creek Ave and our entire neighborhood.

Luke Malone
4443 S Quail Creek Ave Springfield Missouri 65810
1 417 234-5909

Sent from my iPhone

From: Sarah Mahaffey
To: Zoning@springfieldmo.gov
Subject: Quail Creek
Date: Friday, May 27, 2022 9:57:03 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

To Whom It May Concern,
I write on behalf of my fellow neighbors in opposition of the proposal to change the zoning status that would directly affect the east side of our subdivision.

I am writing to request that you NOT allow multi story housing to occur. Please do not remove any of the conditional overlay district provisions that are currently in place.

These neighbors, their property value as well as living conditions, should not be overlooked or discounted.

Our school district already doesn't have infrastructure with bus drivers, teachers, etc. etc. adding housing that would likely complicate that issue seems *very* shortsighted.

I challenge you and encourage you to figure out a better way-

Respectfully,
Sarah Mahaffey

From: Kenna Wiggins
To: Zoning@springfieldmo.gov
Subject: The Ridge at Ward Branch, at Camino Alto
Date: Sunday, May 22, 2022 9:17:40 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Dear Members of the Zoning Committee:

I have so many thoughts concerning altering the current zoning for the subject area to include multiple-storied buildings.

1. This smacks of bait-and-switch.
2. The view my neighbors have enjoyed--including full moons rising over an uncluttered horizon--will be destroyed. This will never be replaced.
3. Property values of homes whose windows would look into other windows towering above would be lowered.
3. Multiple-storied buildings can be added below the level of the hilltop.
4. I see this as one more step toward permanently opening the emergency entrance into Quail Creek. If the city can renege on one provision, why not two promises?
5. Quail Creek has a special, close character that will be damaged aesthetically and essentially by the allowing of multiple story buildings on its perimeter.

Please do not give in to the dollar sign. Please do not allow the change.

Sincerely,
Kenna W. Wiggins
May 22, 2022
1321 West Swallow Street
Springfield MO 65810

From: Lori June
To: Zoning@springfieldmo.gov
Subject: The Ridge at Ward Branch, W. El Camino Alto Dr.
Date: Sunday, May 29, 2022 10:37:58 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

To whom it may concern,

We disagree with the rezoning and do not want a change from the one story R-LD.

To change the zoning will change our neighborhood. Please do not allow this proposed change to go into affect

The current zoning is R-LD. The propose zoning is R-LD with the conditional overlay district to remove the one story building restriction.

Do not make this change!

Lori & Gary June
4372 S. Quail Creek Ave.
Springfield, MO 65810

(417)569-4961

Sent from my iPhone

From: willis hoyt
To: dlee@leeengineering.biz; Zoning@springfieldmo.gov; A Clark!
Subject: Fwd: The Ridge at Ward Branch proposed rezoning from O-1 to R-LD
Date: Saturday, May 21, 2022 8:29:43 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Here we go again.
As the co-owners of 4624 S Quail Creek Ave, Springfield, MO 65810, Dr Clark and I need to object to the further adjustment to the Ridge at Ward Branch zoning to allow construction of buildings over one story in height. The area directly to the east of our home was re-zoned to R-LD, a year ago, with the promise that they'd be the same design as the Tera Vera development on Sunset and Kimbrough, which are single story patio homes. Our neighbors and we asked for assurances to not further lower our home values and provide some privacy (see my 5/2/2021 e-mail, below). The city of Springfield and Lee construction did not provide any commitment to our request before or after rezoning the area last year, So in response to the new proposal to remove the one story building restriction, our answer is "absolutely not" and we will be retaining a lawyer to ensure we don't have further tort damages.
Sincerely,
Dr Willis H Hoyt, IV (and Dr Autumn Clark)

---------- Forwarded message ---------
From: **willis hoyt** <willishoyt@gmail.com>
Date: Sun, May 2, 2021 at 1:28 PM
Subject: The Ridge at Ward Branch proposed rezoning from O-1 to R-LD
To: <dlee@leeengineering.biz>, <zoning@springfieldmo.gov>, <jemalynn2000@yahoo.com>, <john@hankinsonline.com>, A Clark! <autumnclarkdo@gmail.com>

To: Bob Hosmer and Lee Engineering

Bottom Line Up Front- The site needs to;
1- have a barrier fence, and a strip of tall evergreen trees between the Ridge development and the homes on S Quail Creek Avenue.
2. remain gated where it joins the SQCA neighborhood at Buena Vista, allowing emergency responder access only.
3. The rezoning to R-LD needs to explicitly codify the maximum number of units remains 11 or less per acre, AND that it remains a gated community of one story residential structures for people aged 55 years old at minimum.

As the resident and co-owner of 4624 S Quail Creek Avenue, I've tolerated the development of "The Ridge" since the pandemic started, without any communication to warn me when there are planned foundation shaking blasts, or a huge dirt berm is going to be built or moved just behind our homes. I understood the proposed development could not be fully planned when the area was rezoned from low density single occupancy to the current O-1 status, but I

don't trust the developer to consider the tort damage to my neighbors and myself. I am still bothered that the original proposed buffer zone was reduced to 5 feet when The Ridge was rezoned to O-1. While a development that's just like Tera Vera on Sunset Avenue would be acceptable, I don't want the developer to have the option to build something worse than promised. And the developer needs to realize that a high quality privacy barrier would also help with filling his or her units. I understand The Ridge doesn't need to be "neighborly", but given the demonstrated lack of communication for the past year and earlier, I insist that the City of Springfield takes some action to specify how further development proceeds, to protect the property values of my and my neighbors' homes.

Sincerely,
Dr. Willis H Hoyt (and Dr Autumn Clark)
cell 443 691 9126

From: Dale Penn
To: Zoning@springfieldmo.gov
Subject: Against rezoning The Ridge at West Camino Alto
Date: Wednesday, June 1, 2022 6:59:17 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Our names are Dale & Rhonda Penn & we live at 4662 S Turnberry Ave in Quail Creek Subdivision. We received a letter to attend the zoning meeting last week but could not make it. We want to register our disappointment that you are considering allowing the change to include multi-story buildings so near our neighborhood. It was earlier presented in the City's Master plan to complete the infrastructure for single story residences. Why the sudden change?!?! This will allow many more people & increased traffic through our quiet neighborhood. We want to express our opinions and hope it is added to the other voices you have heard from who are displeased. Today's date is June 1, 2022. Our phone numbers are 417-861-6758 & 417-861-6793.

Sent from my iPhone

From: judith.stainbrook@gmail.com
To: Zoning@springfieldmo.gov
Subject: The Ridge at Ward Branch at W. El Camino Alto Drive
Date: Wednesday, June 15, 2022 3:46:36 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

The following are our comments submitted to the Representative with regard to the proposed changes at the above development.

May 25, 2022

Comment By:
Don and Judith Stainbrook
4636 S. Turnberry Avenue
Springfield, MO 65810
417-340-6320 508-274-1594 cell

Regarding: **The Ridge at Ward Branch at W. El Camino Alto Drive**

We strongly disagree with the proposed change to an already approved zoning for this project.

We ask that this zoning change application be **WITHDRAWN**.

This is nothing more than a proverbial 'camel's nose under the tent' situation. A request for this project was submitted and **approved with a SINGLE-STORY BUILDING RESTRICTION**. Now, after having accepted that restriction, you are requesting the restriction be removed.

Our answer to that request is an emphatic NO!

Either go with the **ORIGINAL** approval or don't build the development. You do not get to change the rules in the middle of the game.

June 7 2022

Re project: The Ridge at Ward Branch
at W. Camino Alto

Dear Bob Hosmer
AIC Planing Manager
City of Springfield Development Review
840 Boonville Ave
Springfield ,MO 65802

The builder of this project is requesting removal of the one story height restriction. We are opposed to this change. We are writing you to please consider how removing this restriction will affect the privacy of those Quail Creek residence living directly behind this project.
When we first heard of this development it was to be a gated 55+ community. Then it changed to office building. Now he wants height restriction changed. As large and diverse as this development appears to be , we truly hope there will be consideration of maintaining a one story height next to those living directly behind this project.

Joan M Wooten
C R Wooten

Joan and Chuck Wooten
4528 S Parkhill Ave
Springfield MO 65810

From: Gene Wolfe
To: Zoning@springfieldmo.gov
Subject: Zoning Change The Ridge at Ward Branch at W. El Camino Alto Dr.
Date: Wednesday, May 25, 2022 5:00:37 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Do not change the one story to two story R-LD.
This is a clear sign of multi family apartments that will lead to more crime in our beautiful neighborhood.
We were told at the hearing tonight that all the developer wanted was to build nicer single family homes with two or more stories. The group did not buy this. Leave it like it is.

Gene R. Wolfe, 4601 S. Turnberry Ave. Springfield,Mo. 65810 Quail Creek Subdivision

From:	Melanie Steck
To:	Zoning@springfieldmo.gov
Subject:	Zoning Change- The Ridge at Ward Branch, at W. El Camino Alto Dr.- Request to Remove Conditional Overlay Provision
Date:	Thursday, May 26, 2022 8:18:45 PM
Importance:	High

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Good morning,

I am reaching out concerning the application by Lee Engineering & Associates LLC and Miller Commerce to change the zoning and remove restrictions on the property directly behind our home. To help you find the previous zoning change I show it as Zoning Case Number Z-12-2021/Conditional Overlay District No. 200. It appears to have passed on July 12, 2021, and filed as ordinance on July 14, 2021. At that time, the land changed from being zoned as O-1 with Conditional Overlay to R-LD with Conditional Overlay. Miller Commerce stated they would like this change based on a plan to build a 55+ multi-family residential gated community similar to Tera Vera at Sunset and Jefferson. I was not at the meetings for these changes, but I can assume that homeowners in the area supported the change based off the proposed housing being built, and that it would not be a nuisance to the area, and would not be a significant change to the quiet community. It would not significantly change the landscape, views from homes, etc.

I purchased my home at 4638 S. Quail Creek Ave. in April of this year. At the time of purchase we were told of the zoning and the plans that Miller Commerce put forth less than one year ago for the land adjacent to our home. All potential homes we considered for purchase were vetted not only for the quality of the home but also the surroundings. Being aware of the plans for the 55+ community being built, we were comfortable with purchasing the home. We knew that we would still maintain a sense of privacy since it would only be one story. We also appreciated that it would be a gated area, should not invite noise or crime to an area that now is very quiet and safe. Less than one year later, Lee Engineering and Miller Commerce are now asking to remove one of the most important aspects of the conditional overlay- the height of the buildings and the one story restriction. As a homeowner, I am vehemently against this change. There are many other building sites within this area for multi-level housing as well as townhomes that would not affect current residences and their home values. The Planning and Zoning Commission had this right last year by allowing the change with the Conditional Overlays. I ask that you not allow further change to the zoning of this property, and keep all current Conditional Overlay Provisions in place.

Thank you,

Melanie Steck
4638 S. Quail Creek Ave.
Springfield, MO 65810

From: Danielle Lee
To: Zoning@springfieldmo.gov
Subject: Zoning
Date: Wednesday, May 25, 2022 8:02:06 PM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

I want to make my concerns heard regarding zoning case Z-12-2021. The plans have changed many times for the area right outside our neighborhood. We currently have a quiet, private, clean neighborhood. We take pride in our neighborhood and work hard to keep it nice. With the proposed changes, The taller structures will impose on not only the views but the privacy of the houses in our neighborhood facing the area. We did not buy houses here to soon have a big tall crowded area behind our area. Please do not allow any more changes to the development plan.

Thank you-
Danielle Lee
Quail Creek resident

Quail Creek Property Owners Association

4205 S. Quail Creek Avenue
Springfield, MO 65810

July 4, 2022

Derek A. Lee
Lee Engineering and Associates, LLC
1200 E. Woodhurst Drive, Ste. D200
Springfield, MO 65804

RE: Rezoning - The Ridge Lot 3

Mr. Lee,

The Board of Directors of the Quail Creek Property Owners Association (Board) appreciate your willingness to work with the homeowners through the rezoning process. As a result of the revised provisions within the Conditional Overlay District (COD), we support the proposed rezoning and believe the change will have a positive impact over the current zoning.

We recognize that many of our residents initially opposed the proposed change to the COD which sought to remove the one-story restriction. However, after that meeting, the Board met with you to explain our concerns and to better understand the reasoning for the proposed change. After that meeting, the Board held a special neighborhood meeting to explain zoning, the rezoning process, and the proposed changes, which was well attended. We then took input on the concerns. After which, the Board met with you to come up with mutually agreeable revisions.

Your attached letter to Kyle McGinnis at the City of Springfield Planning and Zoning dated July 1, 2022 accurately reflects the items we discussed. This revised COD is being provided to as many of the residents of the 286 homes for which we have email addresses and we will post on our internal Facebook page.

Again, we appreciate your willingness to work on a mutually acceptable rezoning and fully support this change.

Sincerely,

John D. Barber

John Barber
President

LEE ENGINEERING AND ASSOCIATES, L.L.C.
CIVIL ENGINEERING & DESIGN

1200 E. WOODHURST DRIVE., SUITE D200, SPRINGFIELD, MO 65804
TELEPHONE: (417) 886-9100 • FACSIMILE: (417) 886-9336 • dlee@leeengineering.biz

July 1, 2022

City of Springfield Planning and Zoning
Attn: Kyle McGinnis
840 N. Boonville Avenue
Springfield, MO 65802

Re: The Ridge Lot 3
Conditional Overlay District

Please add the following conditional overlay district to Lot 3 of the Ridge

1) A type C buffer yard will be placed on the west property line with a 6' wood privacy fence.
2) The type C buffer yard along the west property line will have 6 additional evergreen trees for 8 evergreen plantings total per 100'.
3) The maximum density for the subject property is eleven (11) dwelling units per acre.
4) No apartment buildings will be permitted on the site.
5) No pools, dog walk areas, trash dumpsters or other common space intended for the overall residential development to gather will be permitted within 100' of the west property line.
6) Structures will be limited to two stories in height within 100' of the west property line.
7) Structures will not be permitted to have exterior balconies on the second floor of the buildings located within 100' of the west property

If you have any questions or need further information, please contact our office. Thank you.

Sincerely,

Derek A. Lee.

One-rdg. _____
P. Hrngs. X
Pgs. 23
Filed: 08-30-22

Sponsored by: Schilling

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-229 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8 acres of property generally located at 2801 West Bennett Street from GM, General Manufacturing District, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 215; establishing Conditional Overlay District No. 215; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

WHEREAS, an application has been filed for a zoning change of the property generally located at 2801 West Bennett Street from GM, General Manufacturing District, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 215; and

WHEREAS, Conditional Overlay District No. 215 shall modify the requirements of the Springfield Land Development Code Section 36-382, R-LD, Low-density Multifamily Residential District, by requiring that the property described in "Exhibit B" comply with the requirements described in "Exhibit A;" and

WHEREAS, following proper notice, a public hearing was held before the Planning and Zoning Commission, a copy of the Record of Proceedings from said public hearing being attached hereto and incorporated herein by this reference as "Exhibit C," and said Commission made its recommendation; and

WHEREAS, the City has reviewed the applicant's request and prepared a staff report concerning the application which is attached hereto and incorporated herein by this reference as "Exhibit D;" and

WHEREAS, proper notice was given of a public hearing before City Council, and said hearing was held in accordance with the law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The property described in "Exhibit B," which is attached hereto and incorporated herein by this reference, is hereby rezoned from GM, General Manufacturing District, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 215. Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed, and modified consistent with this Ordinance.

Section 2 – City Council hereby establishes Conditional Overlay District No. 215 which shall contain the requirements and standards provided in "Exhibit A," which is attached hereto and incorporated herein by this reference as though set forth herein. The requirements of Conditional Overlay District No. 215 shall modify the requirements of the Springfield Land Development Code Section 36-382, R-LD, Low-density Multifamily Residential District, by requiring the property described on "Exhibit B" comply with the requirements contained in "Exhibit A."

Section 3 – City Council hereby directs the City Manager, or designee, to update the City's digital zoning map to reflect this rezoning, and City Council adopts the map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps and rules of interpretation.'

Section 4 – The Official Zoning Map herein adopted shall be maintained and archived in the same digital form in which this Council has approved its adoption.

Section 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

Approved for Council action: Jason A. Gage, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 229

FILED: 08-30-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8 acres of property generally located at 2801 West Bennett Street from GM, General Manufacturing District to R-LD, Low-density Multi-Family Residential District and establishing Conditional Overlay District No. 215 (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-15-2022/ CONDITIONAL OVERLAY DISTRICT NO. 215

The applicant is proposing to rezone approximately 8 acres of property generally located at 2801 West Bennett Street from GM, General Manufacturing District to R-LD, Low-density Multi-Family Residential District and establishing Conditional Overlay District No. 215. The applicant intends to develop a multi-family apartment complex.

The *Growth Management and Land Use Plan* designates this area as appropriate for Light Industrial, Office, and Office Warehouse. However, it should be noted that the *Growth Management and Land Use Plan Element* states that the *Land Use Plan* map, "should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation, Staff finds the *Comprehensive Plan* suggests the R-LD district is an appropriate location. Bennett Street is classified as a Collector roadway. The subject property is consistent with the R-LD district intent to have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods.

A Conditional Overlay District is proposed to limit the development to eleven (11) dwelling units per acre.

REMARKS:

The Planning and Zoning Commission held a public hearing on August 11, 2022, and recommended to approve, by a vote of 8 to 0.

The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* designates this area as appropriate for Light Industrial, Office, and Office Warehouse. However, it should be noted that the *Growth Management and Land Use Plan Element* states that the *Land Use Plan* map, "should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation, Staff finds the *Comprehensive Plan* suggests the R-LD district is an appropriate location. Bennett Street is classified as a Collector roadway. The subject property location is consistent with the R-LD district intent to have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. The subject property is located near recreational opportunities for residents with the Ewing Park and Jordan Creek Greenway trail area.

2. The requested R-LD zoning is consistent with the existing multi-family residential zoning adjacent to this property.

3. The subject property has existing City Utilities. Public sewer will need to be extended to serve the property and the applicant intends to make this extension.

4. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.

5. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted by:

Michael Sparlin

Michael Sparlin, Senior Planner

Recommended by:

Susan M. Istenes

Susan Istenes, AICP
Director

Approved by:

Jason A. Gage

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Conditional Overlay District Provisions
Exhibit B, Legal Description
Exhibit C, Record of Proceedings
Exhibit D, Development Review Staff Report
ATTACHMENTS:

Attachment 1: Department Comments
Attachment 2: Conditional Overlay District Provisions
Attachment 3: Neighborhood Meeting Summary

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-15-2022 & CONDITIONAL OVERLAY DISTRICT NO. 215

The requirements of Section 36-382. of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. The maximum density shall be limited to eleven (11) dwelling units per acre.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-15-2022 & CONDITIONAL OVERLAY DISTRICT NO. 215

The south 1/2 of the West 1/2 of the East 1/2 of the S.E. 1/4 of the N.E. 1/4 Sec. 28, Twp. 29, Rng. 22; also beginning at the S.E. corner of the West 1/2 of the S.E. 1/4 of the N.E. 1/4 Sec. 28, Twp. 29, Rng. 22, in Greene County, Missouri, thence North 801', thence West 163', thence South 801', thence East 163', to the place of beginning.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – August 11, 2022

Z-15-2022 w/COD #215
2801 West Bennett Street
Applicant: Wood Irrevocable Trust

Mr. Hosmer states that this is a request to rezone approximately 8 acres of property generally located at 2801 West Bennet Street from GM, General Manufacturing District to R-LD, Low-density Multi-Family Residential District and establishing Conditional Overlay District No. 215. The Growth Management and Land Use Plan designate this area as appropriate for Light Industrial, Office and Office Warehouse uses. Changes in area with MF zoning and property is located near recreational opportunities at Ewing Park and Jordan Creek Greenway trail area. Bennett Street is classified as a Collector roadway.
This is consistent with the R-LD district intent to have access from collector or higher street. A Traffic Impact Study is not required. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. Stormwater detention is required onsite. The proposed zoning and uses will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact traffic safety in the vicinity. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. The Conditional Overlay District will:

- Limit residential density to 11 dwelling units per acre.

Staff recommends approval.

Mr. Knuckles asked about the apartment complex and its density.

Mr. Hosmer noted that the applicant can answer that question.

Mr. Doennig opened the public hearing.

Mr. Joe Carmichael, representing the owner and there are 31 units next to this project.

Mr. Colony asked about the Conditional Overlay District.

Mr. Hosmer says it is to limit the density to 11 du/acre.

Mr. Pauly asked about the green buffer and its location.

Mr. Carmichael envisions both green buffers in front and back and we are happy working with 8 acres and only doing 11 du/acre for more green space.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Knuckles motioned to **approve** Z-15-2022 w/COD #215 (2801 West Bennett Street). Ms. Bruce seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: None.

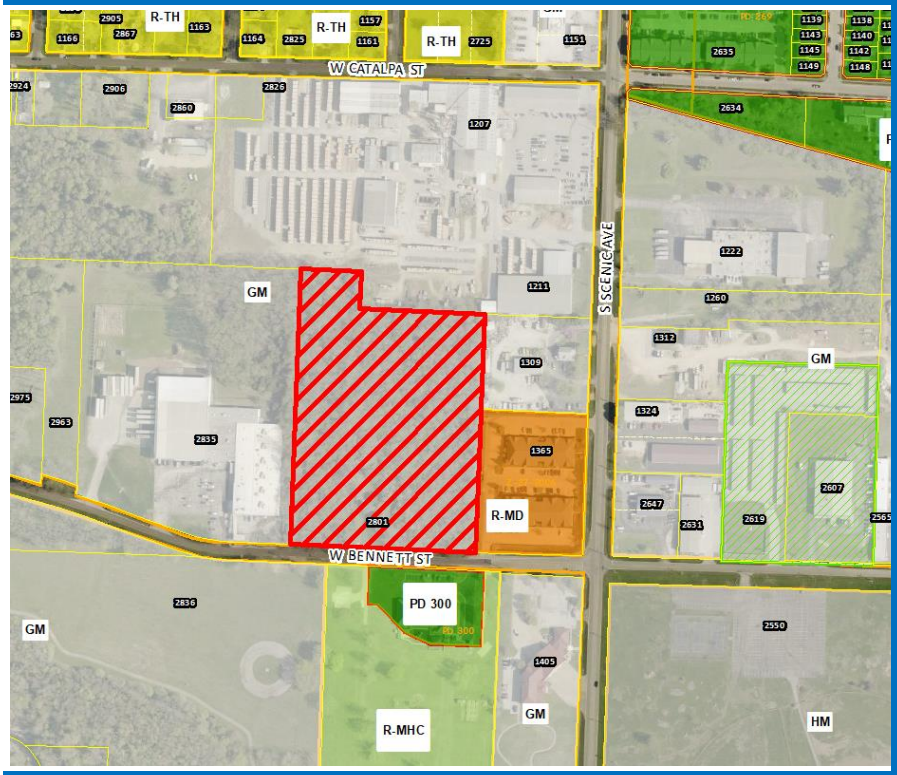
Bob Hosmer, AICP
Planning Manager

Exhibit D

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: AUGUST 11, 2022

CITY COUNCIL PUBLIC HEARING: September 6, 2022



CASE: Z-15-2022 w/COD #215

ACRES: Approximately 8 acres

LOCATION: 2801 West Bennett Street

EXISTING LAND USE: Undeveloped land

APPLICANT: Wood Irrevocable Trust

STAFF: Michael Sparlin, Senior Planner 417-864-1091

STAFF RECOMMENDATIONS: Approve w/Conditions

PROPOSED MOTION: Move to approve as submitted in the staff report.

REQUIRED VOTE: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 8 acres of property generally located at 2801 West Bennet Street from GM, General Manufacturing District to R-LD, Low-density Multi-Family Residential District and establishing Conditional Overlay District No. 215.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* designates this area as appropriate for Light Industrial, Office and Office Warehouse. However, it should be noted that the *Growth Management and Land Use Plan Element* states that the *Land Use Plan* map, "should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation, Staff finds the *Comprehensive Plan* suggests the R-LD district is an appropriate location. Bennett Street is classified as a Collector roadway. The subject property location is consistent with the R-LD district intent to have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. The subject property is located near recreational opportunities for residents with the Ewing Park and Jordan Creek Greenway trail area.

2. The requested R-LD zoning is consistent with the existing multi-family residential zoning adjacent to this property.

3. The subject property has existing City Utilities. Public sewer will need to be extended to serve the property and the applicant intends to make this extension.

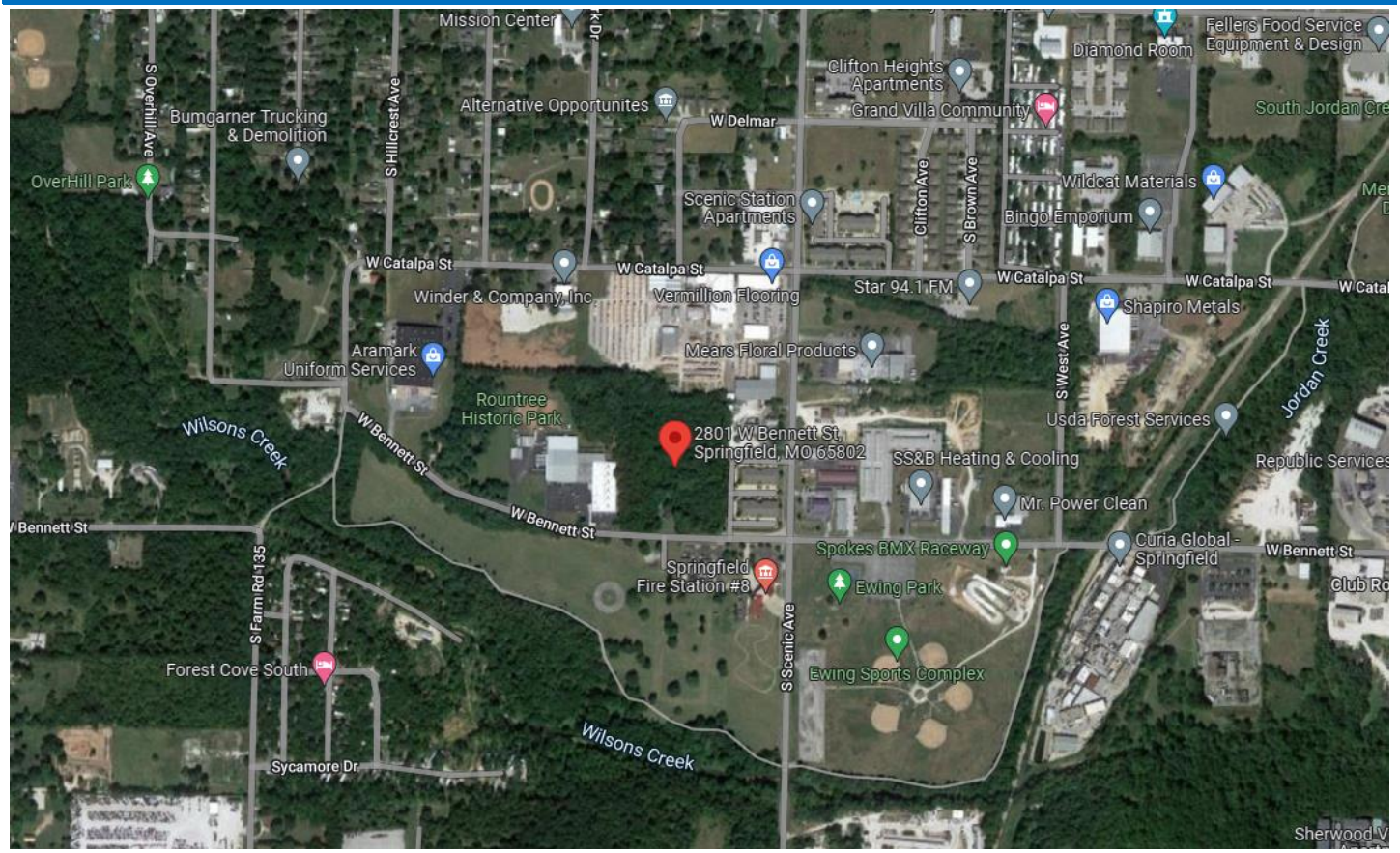
4. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.

5. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

SURROUNDING ZONING AND LAND USES:				
	NORTH	**SOUTH**	**EAST**	**WEST**
ZONING	GM	PD 300, R-MHC, GM	R-MD, GM	GM
LAND USE	Hardwood floor manufacturing	Office use, community greenspace and greenway trail	Multi-family apartment complex, Plumbing business	Manufacturing and Warehouse

Development Review Staff Report

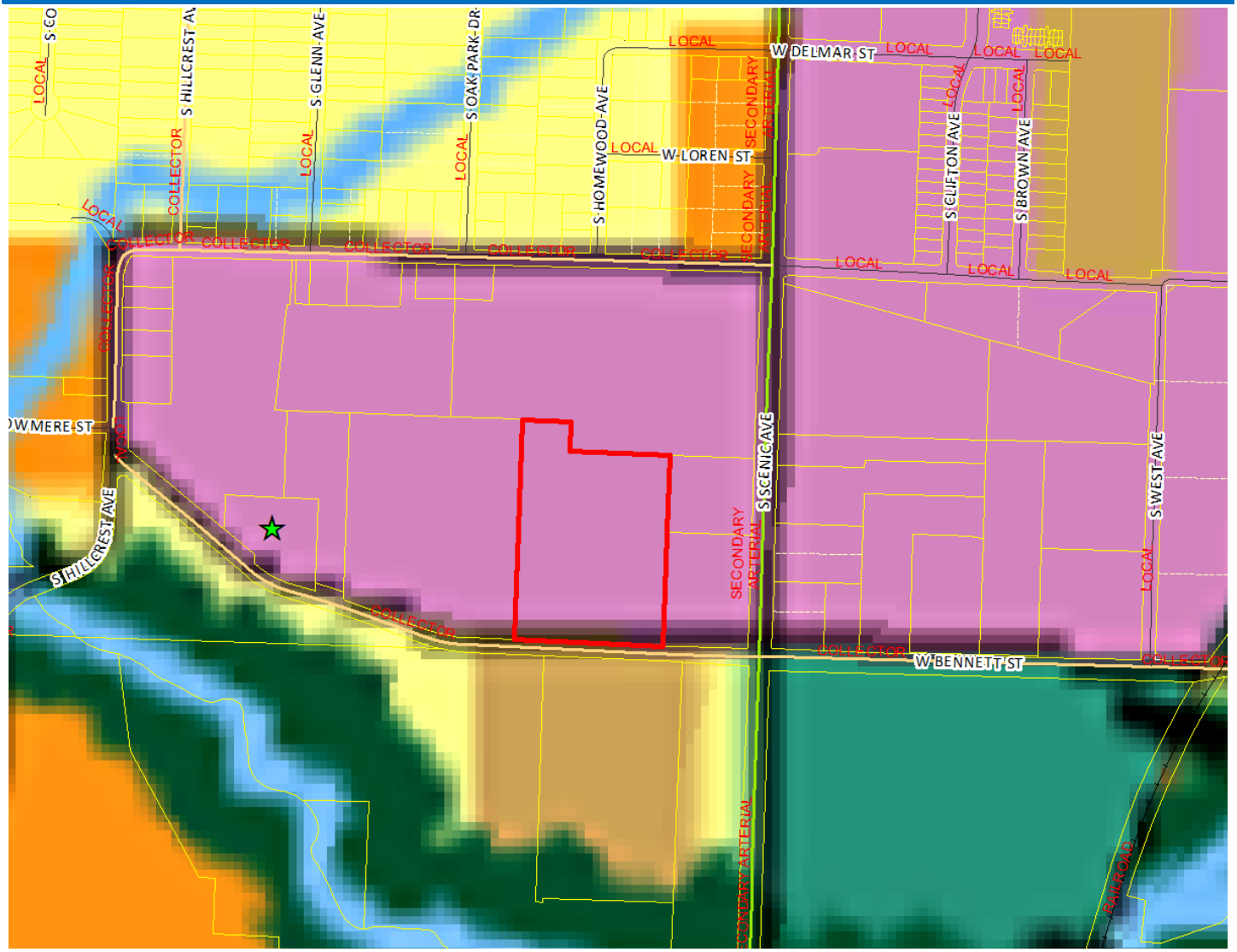
SURROUDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



GOOGLE MAPS STREET VIEW:

Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse
- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

Development Review Staff Report

PROPERTY HISTORY:

The subject property was zoned GM during the city-wide remapping in 1995.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezonings. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:

1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan;
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned;
5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity;
6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property;
7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
8. Information submitted at the public hearing.

ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR R-LD
Minimum Yard Requirements	Front yard: Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453. Fifteen feet along a street classified as a local street or as required by section 36-453 (garages shall be set back a minimum of 20 feet).
Maximum Structure Height	No portion of a multifamily dwelling shall be higher than allowed by a 45-degree bulk plane where the property adjoins an R-SF district. Any multifamily dwelling for which a building permit has been issued prior to July 1, 2009, that does not conform to the 45-degree bulk plane shall be considered conforming with regard to the 45-degree bulk plane.
Minimum Open Space	Not less than 20 percent.
BULK PLANE	**BUFFERYARD AND LANDSCAPING**
N/A	No bufferyard required. The subject property is adjacent to commercial districts that don't require a bufferyard.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* designates this area as appropriate for Light Industrial, Office and Office Warehouse.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 8 acres of property generally located at 2801 West Bennet Street from GM, General Manufacturing District to R-LD, Low-density Multi-Family Residential District and establishing Conditional Overlay District No. 215. The applicant intends to develop a multi-family apartment complex.

2. The *Growth Management and Land Use Plan* designates this area as appropriate for Light Industrial, Office and Office Warehouse. However, it should be noted that the *Growth Management and Land Use Plan Element* states that the *Land Use Plan* map, "should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation, Staff finds the *Comprehensive Plan*

suggests the R-LD district is an appropriate location. Bennett Street is classified as a Collector roadway. The subject property is consistent with the R-LD district intent to have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods.

3. The R-LD district is intended to accommodate multifamily developments at densities up to approximately 18 units per acre and is intended to serve as a transition between lower density and higher density residential districts. This district is intended for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods.

4. The subject property is located near recreational opportunities for residents with Ewing Park and Jordan Creek Greenway trail area.

5. A Conditional Overlay District is proposed to limit the development to eleven (11) dwelling units per acre.

6. Approval of this application will allow for development of this property and promote infill development where investments have already been made in public services and infrastructure.

7. The proposed rezoning was reviewed by City departments, whose comments are contained in Attachment 1.

NEIGHORHOOD MEETING:

The applicant held a neighborhood meeting on June 9, 2022, regarding the rezoning request. A summary of the meeting is attached (Attachment 3).

PUBLIC NOTIFICATIONS:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

Notices sent to property owners within 185 feet: Mailed: 6 Returned: 0

Development Review Staff Report

CITY OF Springfield

DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITIES:

No issues with proposed rezoning. Electric/Gas/Water are available to the property.

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to rezoning although the tract does not have access to public sewer. Public sewer will need to be extended to serve the property. Public improvement plans will need to be designed, submitted and constructed to city standards. The public improvements must be approved, filed and constructed or escrowed before any building permits or plats can be issued according to city code section 98-12(b)(c) Private Construction of Public Improvements and section 98-14. - Assurance for completion of Public Improvements.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Wilsons Creek** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is** aware of flooding problems in the local or downstream area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **will not be allowed and detention is required.** The property **does not have a stream buffer on site.**

Public Works Stormwater has no concerns with the proposed rezoning of the property. Please note that development of the property will be subject to the following conditions at the time of development. All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022: https://www.springfieldmo.gov/DocumentCenter/View/57515/Flood-Control-and-Water-Quality-Protection-Manual-April-2022

Detention Requirements

1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in lieu of detention may be allowed per the Director of Public Works.
    a. A fee in lieu of detention will not be permitted. Detention is required due to W Bennett St lack of curb and gutter and flood proximity the slope of Bennett St from the Bennett St and Scenic Ave.
2. City of Springfield only allows three acceptable methods of discharge for stormwater if a property has been modified to increase the amount, location, or character of discharge per Chapter 2 Sec 4.1.4.
    a. To a Public Right-of-way (1); a recorded drainage easement, continuing to a public right-of-way or public drainage system (2); or a certified natural watercourse (3)
    b. If none of the three options are available then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.

Water Quality Requirements

1. Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the city limits of Springfield that disturb 1 acre or greater. Including projects less than 1 acre that are part of a larger common plan of development or sale that will disturb 1 or more acres over the life of the project. Chapter 10 Sec. 2.0.

Additional Stormwater Standards to be met

1. A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.

2. As-builts of the detention and water quality improvements are required for the closing of a Stormwater Permit at the final inspection. We would like the following as-built notes on the plans:
"The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures."

3. Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the process and will be reviewed by ES-Water Quality per Chapter 12 Sec. 3.0.

4. Include on the Plans a calculation of the Existing Impervious Surface Area, Existing Open Space Area, Post Development Impervious Surface Area, and Post Development Open Space Area. Per Chapter 4 Sec 3.2 for Detention Summary

5. Detention must be built and approved prior to issuance of the building permit. If this is not possible submit a temporary stormwater plan with your plan submittal. If it is an above ground basin then as-builts will be required. The as-builts must be submitted and approved prior to release of the certificate of occupancy.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City's Transportation Plan classifies W. Bennett Street as a Collector roadway. The standard right-of-way width for W. Bennett Street is 30-feet from the centerline. It appears approximately 5 feet of additional right-of-way is needed along W. Bennett Street to meet this requirement. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. W. Bennett Street is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING
There most recent traffic county for this portion of W. Bennett Street is 429 vehicles per day. On-street parking is allowed along W. Bennett Street.

DRIVEWAY ACCESS
There is currently one driveway access point onto the property from W. Bennett Street. Access to this property will be allowed based on existing City of Springfield standards for a Collector roadway

SIDEWALK
There is not existing sidewalk along the property frontage of W. Bennett Street. Sidewalk must be constructed at the time of development or a fee in lieu of approved by the Administrative Review Committee. If approved, the fee must be paid prior to issuance of a building permit. The current fee is $31.46 per linear foot.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION
The Wilson's Creek Greenway Trail is located in the area of the property pertaining to this zoning. There are two bus stops along W. Bennett Street in the vicinity of this rezoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS
A Traffic Impact Study is not required.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	W. Bennett Street	Collector	Yes	25	30

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	80	80	504	
*Proposed Trips Generated	72	88	960	
Additional Trips Generated	-8	8	456	

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

FIRE DEPARTMENT:

Installation of fire hydrants & fire access lanes shall comply with 2018 IFC when developed.

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-15-2022 & CONDITIONAL OVERLAY DISTRICT NO. 215

The requirements of Section 36-382 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. The maximum density shall be limited to eleven (11) dwelling units per acre.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: GM *(existing zoning)* to R-LD *(proposed zoning)*
2. Meeting Date & Time: 6-22-22 at 4:00 PM - 6:30 PM
3. Meeting Location: 1365 S. Scenic Ave Ste 108B, 65802
4. Number of invitations that were sent: 19
5. How the mailing list was generated: city
6. Number of neighbors in attendance (attach a sign-in sheet): 4
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

Attached

8. List or attach the written comments and how you plan to address any issues:

I, Eric W. Anderson *(print name)*, attest that the neighborhood meeting was held on June 22, 2022 *(month/date/year)*, and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Eric W. Anderson
Signature of person completing affidavit

Eric W. Anderson
Printed name of person completing affidavit

Neighborhood Meeting Comments – 6/22/2022

PLN2022-00167

What are we looking to do and how many units?

> We said with the conditional overlay of 11 units per acre we could do 88 units but we anticipated less than that.

What is our plan with water detention?

> We said we would have water detention but we might also consider a buyout being close to a flood area.

Develop all at once or in phases?

> We anticipate developing all at once.

They currently have issues with crime and they thought this could help with that.

Will we keep trees/green space as a buffer?

> Any area that we don't develop we would leave the trees and clean up the area. We would also look at a fence.

Two story?

> Two story is our plan.

Multiple buildings?

> Yes

They would like to see a site plan once one is developed.

Sign-in sheet

Name	Address
Sam Wilson	1207 S Scenic Springfield, MO 65802
Art Thomas	" "
Jon Thomas	" " "
J.W. Delony	1309 S. Scenic Ave
Joe Chermichael	908 Augusta Dr 65609
Eric Anderson	2659 E Normandy St Ste100

Neighborhood Meeting Comments – 6/22/2022

PLN2022-00167

What are we looking to do and how many units?

> We said with the conditional overlay of 11 units per acre we could do 88 units but we anticipated less than that.

What is our plan with water detention?

> We said we would have water detention but we might also consider a buyout being close to a flood area.

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Two story?

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Multiple buildings?

> Yes

They would like to see a site plan once one is developed.

One-rdg. _____
P. Hrngs. X
Pgs. 18
Filed: 08-30-22

Sponsored by: McGull

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 230 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.19 acres of property generally located at 610 North Prospect Avenue from Planned Development District No. 292 to HC, Highway Commercial District, with Conditional Overlay District No. 217; establishing Conditional Overlay District No. 217; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

WHEREAS, an application has been filed for a zoning change of the property generally located at 610 North Prospect Avenue from Planned Development District No. 292 to HC, Highway Commercial District, with Conditional Overlay District No. 217; and

WHEREAS, Conditional Overlay District No. 217 shall modify the requirements of the Springfield Land Development Code Section 36-422, HC, Highway Commercial District, by requiring that the property described in "Exhibit B" comply with the requirements described in "Exhibit A;" and

WHEREAS, following proper notice, a public hearing was held before the Planning and Zoning Commission, a copy of the Record of Proceedings from said public hearing being attached hereto and incorporated herein by this reference as "Exhibit C," and said Commission made its recommendation; and

WHEREAS, the City has reviewed the applicant's request and prepared a staff report concerning the application which is attached hereto and incorporated herein by this reference as "Exhibit D;" and

WHEREAS, proper notice was given of a public hearing before City Council, and said hearing was held in accordance with the law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The property described in "Exhibit B," which is attached hereto and incorporated herein by this reference, is hereby rezoned from Planned Development District No. 292 to HC, Highway Commercial District, with Conditional Overlay District No. 217. Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed, and modified consistent with this Ordinance.

Section 2 – City Council hereby establishes Conditional Overlay District No. 217 which shall contain the requirements and standards provided in "Exhibit A," which is attached hereto and incorporated herein by this reference as though set forth herein. The requirements of Conditional Overlay District No. 217 shall modify the requirements of the Springfield Land Development Code Section 36-422, HC, Highway Commercial District, by requiring the property described on "Exhibit B" comply with the requirements contained in "Exhibit A."

Section 3 – City Council hereby directs the City Manager, or designee, to update the City's digital zoning map to reflect this rezoning, and City Council adopts the map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps and rules of interpretation.'

Section 4 – The Official Zoning Map herein adopted shall be maintained and archived in the same digital form in which this Council has approved its adoption.

Section 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Barris, Assistant City Attorney

Approved for Council action: Jason A. Gage, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 230

FILED: 08-30-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.19 acre of property generally located at 610 North Prospect Avenue from Planned Development District No. 292 to HC, Highway Commercial District and establishing Conditional Overlay District No. 217. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-17-2022/ CONDITIONAL OVERLAY DISTRICT NO. 217

The applicant is proposing to rezone approximately 0.19 acre of property generally located at 610 North Prospect Avenue from Planned Development District No. 292 to HC, Highway Commercial District and establishing Conditional Overlay District No. 217. The intent of this rezoning application is to allow for new retail and restaurant uses.

A Conditional Overlay District has been submitted to mitigate any potential impacts of the HC zoning. The applicant has requested the self-service storage facility use be prohibited on the subject property. Any additional right-of-way required for Prospect Avenue shall be dedicated prior to building permit. Sidewalk is required to be constructed along the property frontage of Prospect Avenue or a fee in lieu of request submitted and approved by the ARC.

REMARKS:

The Planning and Zoning Commission held a public hearing on August 11, 2022, and recommended to approve, by a vote of 8 to 0.

The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* of the City's *Comprehensive Plan* designates this area as appropriate for Low Density Housing; however, the existing mill and silos have been on this property since 1928 and the property is already zoned Planned Development No. 292 which allows for administrative and professional office and residential uses. The intent of this rezoning application is to allow for new retail and restaurant uses.

2. The requested HC, Highway Commercial zoning is consistent with other adjacent properties to the north, southwest and west. The property is located near a major intersection of Chestnut Expressway and National Avenue which are expressway and primary arterial classified roadways.

3. A Conditional Overlay District has been submitted with the requested rezoning to mitigate potential negative impacts of the HC District to surrounding properties.

4. This area has not changed since the adoption of the Comprehensive Plan.

5. The subject property has existing City Utilities and public sewer to serve the property.

6. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.

7. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.

8. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.

9. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted by:

Daniel Neal, Senior Planner

Recommended by:

Susan Istenes, AICP
Director

Approved by:

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Conditional Overlay District Provisions
Exhibit B, Legal Description
Exhibit C, Record of Proceedings
Exhibit D, Development Review Staff Report

ATTACHMENTS:
Attachment 1: Department Comments
Attachment 2: Conditional Overlay District Provisions
Attachment 3: Neighborhood Meeting Summary

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-17-2022 & CONDITIONAL OVERLAY DISTRICT NO. 217

The requirements of Section 36-422. of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. The following permitted uses are prohibited in this district:

    a. Self-service storage facilities

2. City's Transportation Plan classifies N. Prospect Avenue as a Local roadway. The standard right-of-way width for N. Prospect Avenue is 25-feet from the centerline. It appears no additional right-of-way is needed along N. Prospect Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. N. Prospect Avenue is a city-maintained street.

3. Per City Code Section 36-471, sidewalks are required to be constructed along the property frontage of Prospect Avenue at the time of development. If Public Improvement Plans are required for the project, the sidewalk must be included in the PIP. The developer has the option to request approval from the ARC to pay a fee in lieu of sidewalk construction. If approved, the fee must be paid prior to approval of a building permit.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-17-2022 & CONDITIONAL OVERLAY DISTRICT NO. 217

A TRACT OF LAND BEING PART OF LOTS FIVE (5), SIX (6), SEVEN (7), EIGHT (8) AND SIXTEEN (16), BLOCK FOUR (4), IN THE BOULEVARD ADDITION, A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND A PORTION OF THE NORTH ONE- HALF (N½) OF VACATED PINE STREET, AND ALSO PART O.F A VACATED ALLEY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT SIXTEEN (16); THENCE NORTH 88°52'10" EAST A DISTANCE OF 179.22 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°52'10" EAST A DISTANCE OF 20.37 FEET TO AN IRON PIN FOR CORNER, SAID POINT BEING ON THE CENTERLINE OF SAID VACATED ALLEY; THENCE NORTH 00°02'35" WEST ALONG SAID CENTERLINE A DISTANCE OF 150.03 FEET TO AN IRON PIN FOR CORNER; THENCE NORTH 88°52'12" EAST ALONG THE NORTH UNE OF SAID LOT FIVE (5), A DISTANCE OF 199.71 FEET TO AN IRON PIN FOR CORNER, SAID CORNER BEING THE NORTHEAST CORNER OF SAID LOT FIVE (5); THENCE SOUTH 00°00'00" WEST A DISTANCE OF 201.50 FEET TO AN IRON PIN FOR CORNER; THENCE SOUTH 88°57'02" WEST A DISTANCE OF 98.63 FEET TO AN IRON PIN FOR CORNER; THENCE NORTH 00°21'27" WEST A DISTANCE OF 28.66 FEET TO AN IRON PIN FOR CORNER; THENCE SOUTH 88°57'02" WEST A DISTANCE OF 54.22 FEET TO AN IRON PIN FOR CORNER; THENCE SOUTH 00°21'27" EAST A DISTANCE OF 31.41 FEET TO AN IRON PIN FOR CORNER; THENCE SOUTH 88°57'02" WEST A DISTANCE OF 66.22 FEET TO AN IRON PIN FOR CORNER; THENCE NORTH 00°58'16" WEST A DISTANCE OF 53.89 FEET TO THE POINT OF BEGINNING, ALL IN GREENE COUNTY, MISSOURI.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – August 11, 2022

Z-17-2022 w/COD #217
610 North Prospect Avenue
Applicant: The Sisters, LLC

Mr. Hosmer states that this is a request to rezone approximately 0.19 acre of property generally located at 610 North Prospect Avenue from Planned Development District No. 292 to HC, Highway Commercial District and establishing Conditional Overlay District No. 217. The Comprehensive Plan identifies this area as designates as appropriate for Low Density Housing however the existing mill/silos have been on the site since 1928 and zoned PD allows for office/ residential uses. The Transportation Plan classifies Prospect Avenue as local roadways. Sidewalks will be required. A Traffic Impact Study is not required. The property is located in a FEMA designated floodplain, but not in a stream buffer area (box culvert). There is not a sinkhole on the property. Stormwater detention will depend on more details at time of development. The proposed zoning and uses will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact traffic safety in the vicinity. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied. The COD will require sidewalks, survey of streets ROW and prohibit self-storage facilities. Staff recommends approval.

Mr. Doennig opened the public hearing.

Ms. Sheri Perkins, 6565 E. Red Oak Court, new owners of the property and looking to put in a small restaurant/retail space.

Commission members thanked the owners on taking on this development and are excited to see it get accomplished.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Knuckles motioned to **approve** Z-17-2022 w/COD #217 (610 North Prospect Avenue). Ms. Bruce seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: None.

Bob Hosmer, AICP
Planning Manager

Exhibit D

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	August 11, 2022
CITY COUNCIL PUBLIC HEARING:	September 6, 2022

CASE: Z-17-2022 w/COD #217

ACRES: Approximately 0.19 acre

LOCATION: 610 N. Prospect Avenue

EXISTING LAND USE: Abandoned mill/silos

APPLICANT: The Sisters, LLC

STAFF: Daniel Neal, Senior Planner
417-864-1036

STAFF RECOMMENDATIONS:
Approve w/Conditions

PROPOSED MOTION: Move to recommend approval as submitted in the staff report.

REQUIRED VOTE: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 0.19 acre of property generally located at 610 North Prospect Avenue from Planned Development District No. 292 to HC, Highway Commercial District and establishing Conditional Overlay District No. 217.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* of the City's *Comprehensive Plan* designates this area as appropriate for Low Density Housing; however, the existing mill and silos have been on this property since 1928 and the property is already zoned Planned Development No. 292 which allows for administrative and professional office and residential uses. The intent of this rezoning application is to allow for new retail and restaurant uses.

2. The requested HC, Highway Commercial zoning is consistent with other adjacent properties to the north, southwest and west. The property is located near a major intersection of Chestnut Expressway and National Avenue which are expressway and primary arterial classified roadways.

3. A Conditional Overlay District has been submitted with the requested rezoning to mitigate potential negative impacts of the HC District to surrounding properties.

4. This area has not changed since the adoption of the Comprehensive Plan.

5. The subject property has existing City Utilities and public sewer to serve the property.

6. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.

7. The subject property will construct stormwater facilities to serve the property and will not substantially impact the adjacent area.

8. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.

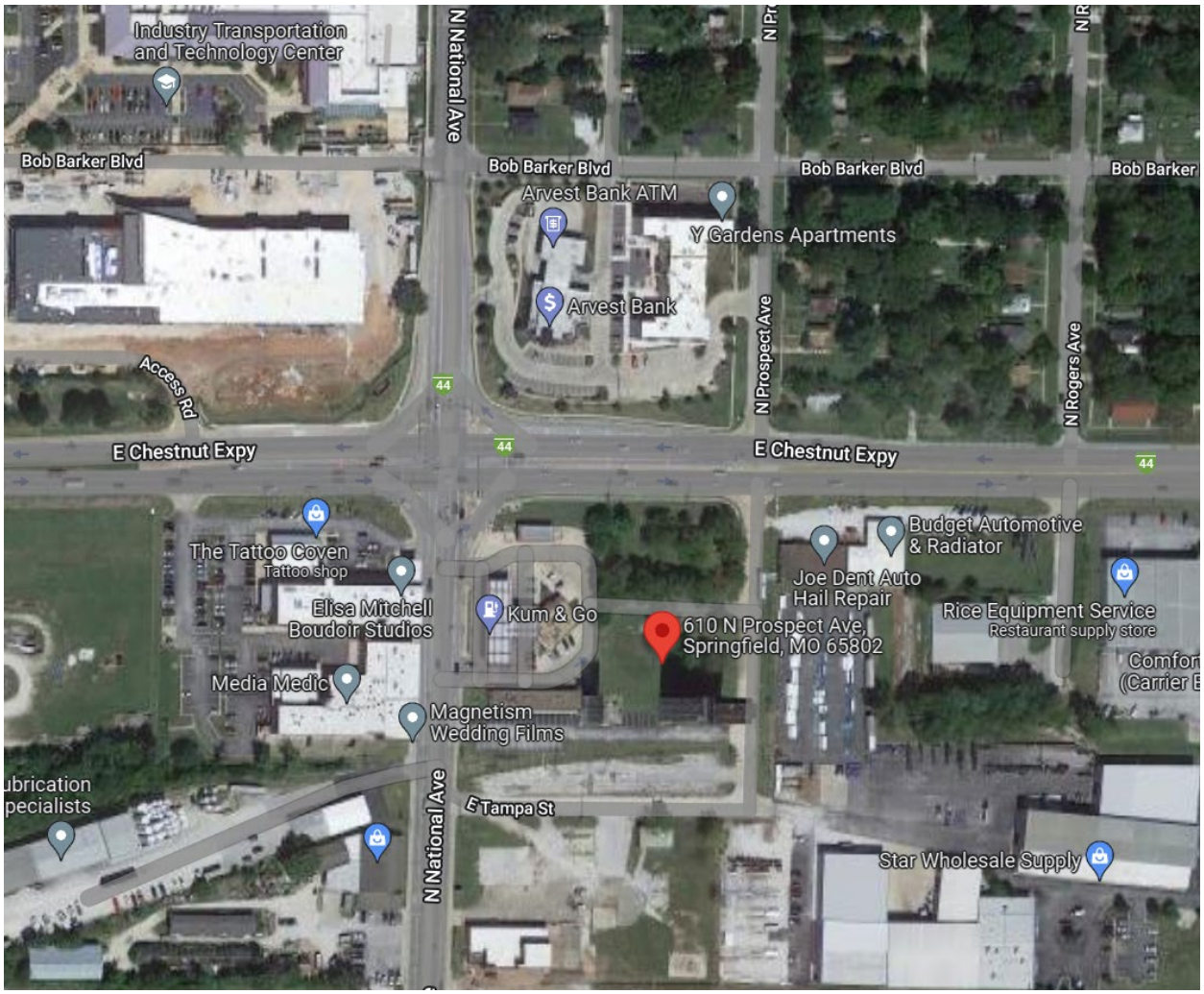
9. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	HC	GM	GM	HC
LAND USE	Vacant/undeveloped land	Off-street parking	Supplies and storage	Convenience store and shopping center

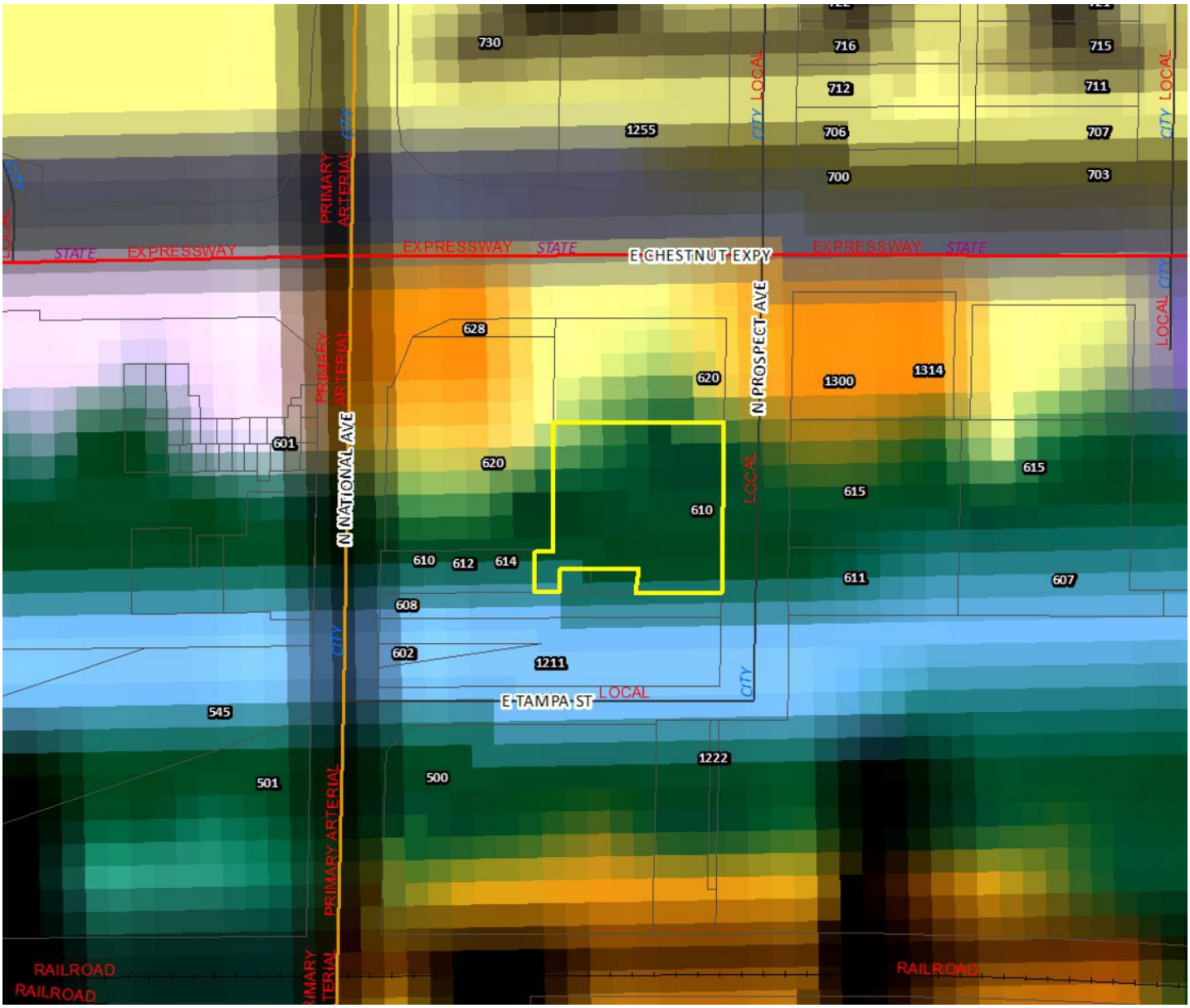
Development Review Staff Report

SURROUDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



GOOGLE MAPS STREET VIEW:

GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse
- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

PROPERTY HISTORY:

The subject property was annexed in 1910 and the mill and silo structures were constructed around 1928. The property has been zoned Planned Development No. 292 since 2006; however, it was zoned GM and HC prior to that. The current PD zoning allows for administrative and professional offices and the conversion of a portion of the silos into a single-family penthouse/dwelling.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezonings. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:

1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan.
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary.
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.
4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.
5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity.
6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property.
7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
8. Information submitted at the public hearing.

ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR HC
Minimum Yard Requirements	*Front yard:* Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space, and yard regulations.
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Minimum Open Space	Not less than 20 percent.
BULK PLANE	**BUFFERYARD AND LANDSCAPING**
N/A, the tallest silo structure is approximately 84 feet above finish grade and the closest R-SF zoning district is over 400 feet away.	The adjacent properties are all zoned HC or GM so buffer yards are not required.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the City's *Comprehensive Plan* designates this area as appropriate for Low Density Housing; however, the existing mill and silos have been on this property since 1928 and the property is already zoned Planned Development No. 292 which allows for administrative and professional office and residential uses. The Transportation Plan classifies North Prospect Avenue as a Local roadway.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 0.19 acre of property generally located at 610 North Prospect Avenue from Planned Development District No. 292 to HC, Highway Commercial District and establishing Conditional Overlay District No. 217. The intent of this rezoning application is to allow for new retail and restaurant uses.

2. The requested HC, Highway Commercial zoning is consistent with other adjacent properties to the north, southwest and west. The property is located near a major intersection of Chestnut Expressway and National Avenue which are expressway and primary arterial classified roadways.

3. The proposed General Retail zoning district is intended for commercial uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets.

4. A Conditional Overlay District has been submitted to mitigate any potential impacts of the HC zoning. The applicant has requested the self-service storage facility use be prohibited on the subject property. Any additional right-of-way required for Prospect Avenue shall be dedicated prior to building permit. Sidewalk is required to be constructed along the property frontage of Prospect Avenue or a fee in lieu of request submitted and approved by the ARC.

5. The Transportation Plan classifies N. Prospect Avenue as a Local roadway. The proposed rezoning does not trigger a Traffic Study.

6. The subject property is completely within a FEMA floodplain and any construction must receive a Floodplain Certificate.

7. The HC District has Use Limitations to limit potentially negative uses:

   (a) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.

   (b) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.

   (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

   (d) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

   (e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

   (f) Streets through an adjacent residential area shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.

8. The proposed rezoning was reviewed by City departments, these comments are contained in Attachment 1.

NEIGHORHOOD MEETING:

The applicant held a neighborhood meeting on July 21, 2022, regarding the rezoning request. A summary of the meeting is attached (Attachment 3).

PUBLIC NOTIFICATIONS:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

Notices sent to property owners within 185 feet: Mailed: 8 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1

DEPARTMENT COMMENTS

CITY UTILITIES:

No issues with the proposed rezoning.

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

This property is in the floodplain and the finished floor elevation must be built 2 Feet above the base floodplain elevation. The applicant shall contact Brock Rowe at (417) 864-1074 to inquire about building in the floodplain and how to apply for a Floodplain Certificate.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to rezoning. Public sewer currently crosses the property.

FIRE DEPARTMENT:

No comments.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Jordan Creek South Branch** drainage basin. The property **is** located in a FEMA designated floodplain. Staff **is** aware of flooding problems in the local or downstream area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **will be dependent on further analysis of the surrounding stormwater infrastructure and downstream impacts** The property **does not have a stream buffer on site because the relevant stream is maintained in an underground box culvert.**

PW Stormwater has no concerns for the proposed rezoning. Please note that development of the property will be subject to the following conditions at the time of development:

All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022.

<u>Flood Hazard Areas</u>

1. The Property is entirely within the FEMA 1% Flood Hazard Area (100yr Floodplain. Any construction work in a FEMA Floodplain requires a Floodplain (FLD) Development Permit from Building Development Services.

<u>Detention Requirements:</u>

1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in lieu of detention may be allowed per the Director of Public Works. This site is entirely within a Floodplain and detention would be unavailable. A fee in lieu of detention would be acceptable, but the site would need to connect drainage to the inlets on Prospect Ave at the Southeast side of the property.
2. City of Springfield only allows three acceptable methods of discharge for stormwater if a property has been modified to increase the amount, location, or character of discharge per Chapter 2 Sec 4.1.4.
   a. To a Public Right-of-way (1); a recorded drainage easement, continuing to a public right-of-way or public drainage system (2); or a certified natural watercourse (3)
   b. If none of the three options are available then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.

Water Quality Requirements:

1. Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the city limits of Springfield that disturb 1 acre or greater. Including projects less than 1 acre that are part of a larger common plan of development or sale that will disturb 1 or more acres over the life of the project. Chapter 10 Sec. 2.0.
   a. Water Quality will not be required

Additional Stormwater Standards to be met:

1. Include on the Plans a calculation of the Existing Impervious Surface Area, Existing Open Space Area, Post Development Impervious Surface Area, and Post Development Open Space Area. Per Chapter 4 Sec 3.2 for Detention Summary

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION
City's Transportation Plan classifies N. Prospect Avenue as a Local roadway. The standard right-of-way width for N. Prospect Avenue is 25-feet from the centerline. It appears no additional right-of-way is needed along N. Prospect Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. N. Prospect Avenue is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING
There are no recent traffic counts for N. Prospect Avenue. On-street parking is allowed along N. Prospect Avenue.

DRIVEWAY ACCESS
There is currently one driveway access point onto the property from N. Prospect Avenue. Access to this property will be allowed based on existing City of Springfield standards for a Local Roadway.

SIDEWALK
There is not existing sidewalk along the property frontage of N. Prospect Avenue. The applicant has the option to seek approval to pay a fee in lieu of sidewalk construction by applying to the ARC. If approved, the fee must be paid prior to approval of a building permit.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION
There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus along N. Prospect Avenue pertaining to this property. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS
A Traffic Impact Study was not required.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	N. Prospect Avenue	Local	Yes	40	25
		AM Peak	PM Peak	Weekday	Weekend

Existing Trips Generated	47.6	61.6	336
***Proposed Trips Generated**	22.4	91.8	1,008
Additional Trips Generated	-25.2	32.2	672

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-17-2022 & CONDITIONAL OVERLAY DISTRICT NO. 217

The requirements of Section 36-422. of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. The following permitted uses are prohibited in this district:

    a. Self-service storage facilities

2. City's Transportation Plan classifies N. Prospect Avenue as a Local roadway. The standard right-of-way width for N. Prospect Avenue is 25-feet from the centerline. It appears no additional right-of-way is needed along N. Prospect Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. N. Prospect Avenue is a city-maintained street.

3. Per City Code Section 36-471, sidewalks are required to be constructed along the property frontage of Prospect Avenue at the time of development. If Public Improvement Plans are required for the project, the sidewalk must be included in the PIP. The developer has the option to request approval from the ARC to pay a fee in lieu of sidewalk construction. If approved, the fee must be paid prior to approval of a building permit.

Attachment 3

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Planned Dev 292 to Hw Commercial
   (existing zoning) *(proposed zoning)*
2. Meeting Date & Time: 7.21.22 4:00-6:30
3. Meeting Location: Midtown Library
4. Number of invitations that were sent: 50
5. How the mailing list was generated: Planning & Development Dept
6. Number of neighbors in attendance (attach a sign-in sheet): Ø
7. List the verbal comments and how you plan to address any issues:
   (City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

   Ø

8. List or attach the written comments and how you plan to address any issues:

   Ø

I, Angela Renee Textor *(print name)*, attest that the neighborhood meeting was held on 7/21/22 *(month/date/year)*, and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Signature of person completing affidavit

Angela Renee Textor
Printed name of person completing affidavit

One-rdg. _____
P. Hrngs. X
Pgs. 20
Filed: 08-30-22

Sponsored by: Horton

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 231 GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.8 acres of property generally located at 2645 West Kearney Street from R-TH, Residential Townhouse District, and HC, Highway Commercial District, to HC, Highway Commercial District, with Conditional Overlay District No. 218; establishing Conditional Overlay District No. 218; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

WHEREAS, an application has been filed for a zoning change of the property generally located at 2645 West Kearney Street from R-TH, Residential Townhouse District, and HC, Highway Commercial District, to HC, Highway Commercial District, with Conditional Overlay District No. 218; and

WHEREAS, Conditional Overlay District No. 218 shall modify the requirements of the Springfield Land Development Code Section 36-422, HC, Highway Commercial District, by requiring that the property described in "Exhibit B" comply with the requirements described in "Exhibit A;" and

WHEREAS, following proper notice, a public hearing was held before the Planning and Zoning Commission, a copy of the Record of Proceedings from said public hearing being attached hereto and incorporated herein by this reference as "Exhibit C," and said Commission made its recommendation; and

WHEREAS, the City has reviewed the applicant's request and prepared a staff report concerning the application which is attached hereto and incorporated herein by this reference as "Exhibit D;" and

WHEREAS, proper notice was given of a public hearing before City Council, and said hearing was held in accordance with the law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The property described in "Exhibit B," which is attached hereto and incorporated herein by this reference, is hereby rezoned from R-TH, Residential Townhouse District, and HC, Highway Commercial District, to HC, Highway Commercial District, with Conditional Overlay District No. 218. Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed, and modified consistent with this Ordinance.

Section 2 – City Council hereby establishes Conditional Overlay District No. 218, which shall contain the requirements and standards provided in "Exhibit A," which is attached hereto and incorporated herein by this reference as though set forth herein. The requirements of Conditional Overlay District No. 218 shall modify the requirements of the Springfield Land Development Code Section 36-422, HC, Highway Commercial District, by requiring the property described on "Exhibit B" comply with the requirements contained in "Exhibit A."

Section 3 – City Council hereby directs the City Manager, or designee, to update the City's digital zoning map to reflect this rezoning, and City Council adopts the map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps and rules of interpretation.'

Section 4 – The Official Zoning Map herein adopted shall be maintained and archived in the same digital form in which this Council has approved its adoption.

Section 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

Approved for Council action: Jason A. Gage, City Manager

EXPLANATION TO COUNCIL BILL 2022 - 231

FILED: 08-30-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.8 acres of property generally located at 2645 West Kearney Street from R-TH, Residential Townhouse and HC, Highway Commercial to HC, Highway Commercial and establishing Conditional Overlay District No. 218 (Staff and Planning and Zoning Commission both recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-19-2022/ CONDITIONAL OVERLAY DISTRICT NO. 218

The applicant is proposing to rezone approximately 6.8 acres of property generally located at 2645 West Kearney Street from R-TH, Residential Townhouse and HC, Highway Commercial to HC, Highway Commercial and establishing Conditional Overlay District No. 218.

The *Growth Management and Land Use Plan* designates this area as appropriate for Medium or High-density housing. However, it should be noted that the *Growth Management and Land Use Plan Element* states that the *Land Use Plan* map, "should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation, Staff finds the *Comprehensive Plan* suggests the HC district is an appropriate location. The requested HC zoning is consistent with the existing commercial zoning adjacent to this property and along Kearney Street. A Conditional Overlay District has been submitted to mitigate any potential impacts of the HC zoning.

REMARKS:

The Planning and Zoning Commission held a public hearing on August 11, 2022, and recommended to approve, by a vote of 8 to 0.

The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* designates this area as appropriate for Medium or High-density housing. However, it should be noted that the *Growth Management and Land Use Plan Element* states that the *Land Use Plan* map,

"should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation, Staff finds the *Comprehensive Plan* suggests the HC district is an appropriate location. The Major Thoroughfare Plan classifies Kearney Street as a Primary Arterial roadway and Fulbright Avenue as a Secondary Arterial.

2. The requested HC zoning is consistent with the existing commercial zoning adjacent to this property and along Kearney Street.

3. A Conditional Overlay District has been submitted with the requested rezoning to mitigate potential negative impacts of the HC District to surrounding properties.

4. The subject property has existing City Utilities and public sewer to serve the property.

5. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.

6. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

Submitted by:

Michael Sparlin

Michael Sparlin, Senior Planner

Recommended by:

Susan M. Istenes

Susan Istenes, AICP
Director

Approved by:

Jason A. Gage

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Conditional Overlay District Provisions
Exhibit B, Legal Description
Exhibit C, Record of Proceedings
Exhibit D, Development Review Staff Report

ATTACHMENTS:
Attachment 1: Department Comments
Attachment 2: Conditional Overlay District Provisions
Attachment 3: Neighborhood Meeting Summary

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-19-2022 & CONDITIONAL OVERLAY DISTRICT NO. 218

The requirements of Section 36-422. of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. A bufferyard Type F with a minimum depth of forty (40) feet and a six-foot solid wood fence shall be required along the north property line adjacent to R-SF zoned properties.

2. A traffic study, in a format acceptable to the City, must be submitted at the time of development, and development shall be permitted only after this study is approved by the City's Public Works Department. The requirements of the study shall be incorporated in site plan, PIP, or other permits as applicable, and in accordance with City Code Section 36-250 and Section 9 of Public Works Design Standards. Any necessary improvements that are identified in the traffic study shall be constructed at the expense of the developer. All public improvements must be constructed and approved, or funds escrowed prior to issuance of a building permit.

3. All existing and future vehicular use areas are required to be all-weather dust-free surfacing, per Section 36-483 of the Land Development Code prior to issuance of a building permit.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-19-2022 & CONDITIONAL OVERLAY DISTRICT NO. 218

All of the south eight (8) acres of the west one-half (W 1/2) of the southwest quarter (SW 1/4) of the southwest quarter (SW 1/4), except any part thereof conveyed or now used for public highways in Section three (3), Township twenty-nine (29), Range twenty-two (22) in Greene County, Missouri, and also except a tract in the southeast corner one hundred sixty-four feet east and west by one hundred sixty-two feet north and south deeded in Book 708, Page 513, in the Greene County Recorder's Office, Greene County, Missouri, except any part deeded, taken, or used for road, street, or highway purposes.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – August 11, 2022

Z-19-2022 w/COD #218
2645 West Kearney Street
Applicant: EM & KM Investments, LLC

Mr. Hosmer states that this is a request to rezone approximately 6.8 acres of property generally located at 2645 West Kearney Street from R-TH, Residential Townhouse and HC, Highway Commercial to HC, Highway Commercial and establishing Conditional Overlay District No. 218. The Comprehensive Plan identifies this area as designates as appropriate for Medium or High-Density Housing. The COD will help mitigate. The Major Thoroughfare Plan classifies Kearney Street as a Primary Arterial and Fulbright Avenue as a Secondary Arterial roadway. A Traffic Impact Study will be submitted at time of development. The property is not located in a FEMA designated floodplain, stream buffer or sinkhole area. Stormwater detention is required. The proposed zoning and uses will not have a substantial impact on the public street system, public utilities, pedestrian traffic or impact traffic safety in the vicinity. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.
The COD will require:

- Type F bufferyard 40 feet wide with 6 ft solid fence along the north property line. Buffer E adjacent to R-TH.
- Traffic Study at time of development,
- All existing and future vehicular use areas approved surfaces; concrete, asphalt or pervious pavers.

Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Jeff Wells, 3050 E. Battlefield, representing the owner and just trying to clean up the zoning and have an expansion on the south side only.

Mr. Colony asked about the gravel lot.

Mr. Wells noted that they will have to pave where there is any vehicular use.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Jobe motioned to **approve** Z-19-2022 w/COD #218 (2645 West Kearney Street). Mr. Colony seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: None.

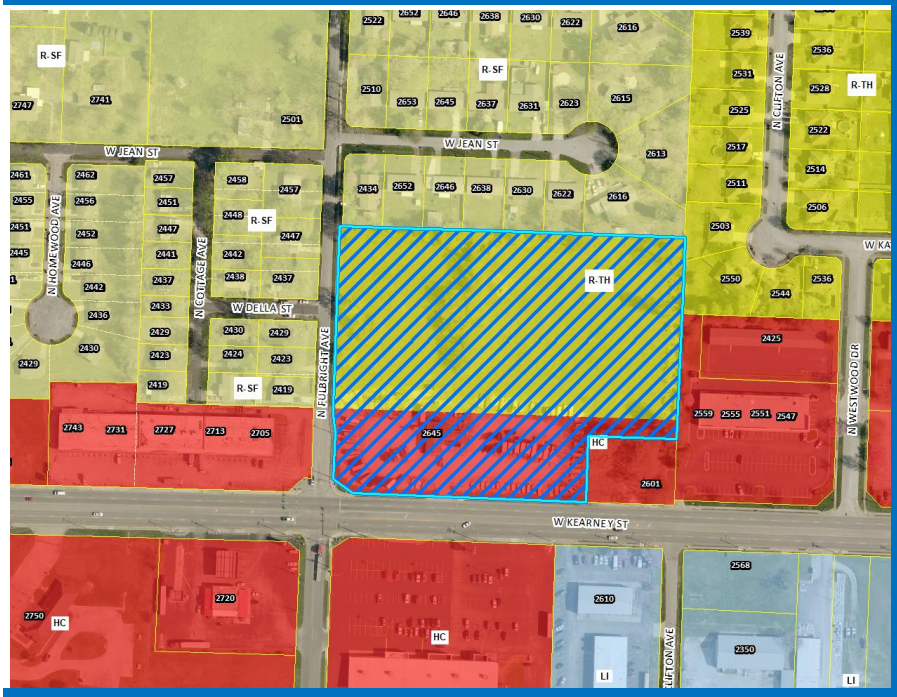
Bob Hosmer, AICP
Planning Manager

Exhibit D

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: AUGUST 11, 2022

CITY COUNCIL PUBLIC HEARING: September 6, 2022



CASE: Z-19-2022 w/COD #218

ACRES: Approximately 6.8 acres

LOCATION: 2645 West Keaney Street

EXISTING LAND USE: Undeveloped land

APPLICANT: EM & KM Investments LLC

STAFF: Michael Sparlin, Senior Planner 417-864-1091

STAFF RECOMMENDATIONS: Approve w/Conditions

PROPOSED MOTION: Move to approve as submitted in the staff report.

REQUIRED VOTE: is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

Request to rezone approximately 6.8 acres of property generally located at 2645 West Kearney Street from R-TH, Residential Townhouse and HC, Highway Commercial to HC, Highway Commercial and establishing Conditional Overlay District No. 218.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The *Growth Management and Land Use Plan* designates this area as appropriate for Medium or High-density housing. However, it should be noted that the *Growth Management and Land Use Plan Element* states that the *Land Use Plan* map, "should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation, Staff finds the *Comprehensive Plan* suggests the HC district is an appropriate location. The Major Thoroughfare Plan classifies Kearney Street as a Primary Arterial roadway and Fulbright Avenue as a Secondary Arterial.

2. The requested HC zoning is consistent with the existing commercial zoning adjacent to this property and along Kearney Street.

3. A Conditional Overlay District has been submitted with the requested rezoning to mitigate potential negative impacts of the HC District to surrounding properties.

4. The subject property has existing City Utilities and public sewer to serve the property.

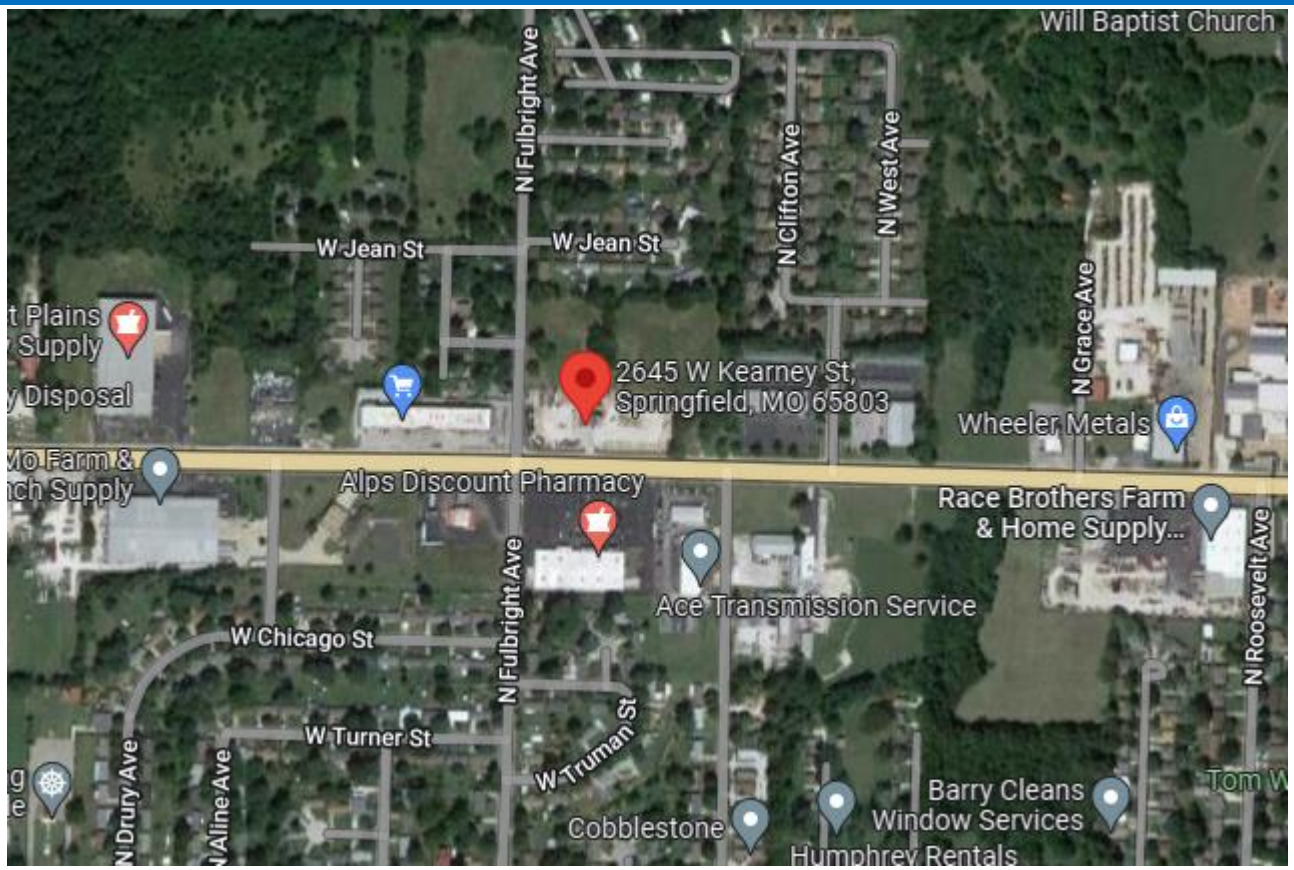
5. The proposed zoning and uses will not have a substantial impact on the public street system, pedestrian traffic, or impact traffic safety in the vicinity.

6. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

SURROUNDING ZONING AND LAND USES:				
	NORTH	**SOUTH**	**EAST**	**WEST**
ZONING	R-SF	HC	HC, R-TH	HC, R-SF
LAND USE	Single-family residences	Commercial and retail uses	Commercial use and storage facility	Commercial uses and Single-family residences

Development Review Staff Report

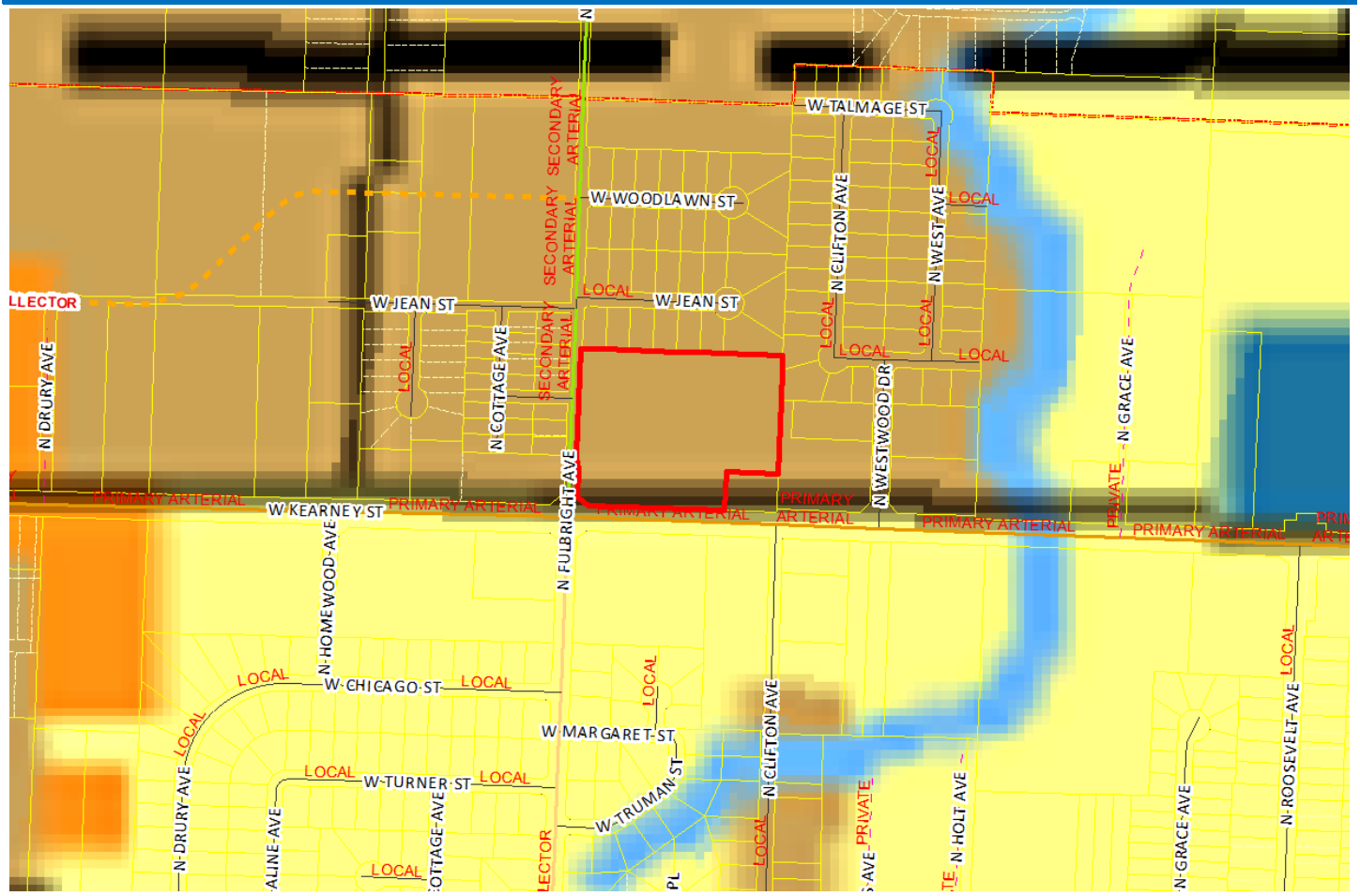
SURROUDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



GOOGLE MAPS STREET VIEW:

Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse
- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

PROPERTY HISTORY:

The subject property was zoned HC and R-TH during the city-wide remapping in 1995.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

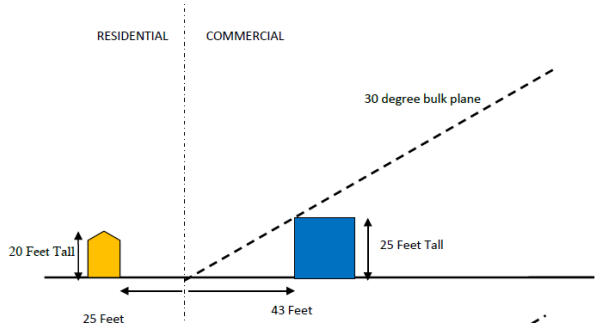
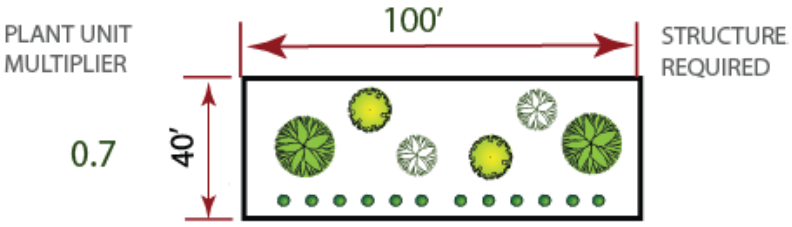
(7) Findings by the commission.

(a) Rezonings. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:

1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan;
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;

3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned;
5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity;
6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property;
7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
8. Information submitted at the public hearing.

ZONING ORDINANCE OR CODE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR HC
Minimum Yard Requirements	Front Yard: Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space, and yard regulations. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space, and yard regulations.
Use Limitations	(a) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors. (b) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district. (c) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved, or otherwise improved with an all-weather, dust-free surface. (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code. (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts.
Minimum Open Space	Not less than 20 percent.
BULK PLANE	**BUFFERYARD AND LANDSCAPING**
	A bufferyard Type F with a minimum depth of forty (40) feet and a six-foot solid wood fence shall be required along all adjacent R-SF zoned properties. 

	A bufferyard Type E is required along all adjacent R-TH zoned properties. A bufferyard Type S2 is required adjacent to the street, Fulbright Avenue, from R-SF zoned properties.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* designates this area as appropriate for Medium or High-density housing.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 6.8 acres of property generally located at 2645 West Kearney Street from R-TH, Residential Townhouse and HC, Highway Commercial to HC, Highway Commercial and establishing Conditional Overlay District No. 218.

2. The *Growth Management and Land Use Plan* designates this area as appropriate for Medium or High-density housing. However, it should be noted that the *Growth Management and Land Use Plan Element* states that the *Land Use Plan* map, "should not be taken too literally but should be used in conjunction with the guidelines from previously-prepared neighborhood plans, the growth management and community physical character policies of this plan and good judgement." Despite the conflicting land use designation, Staff finds the *Comprehensive Plan* suggests the HC district is an appropriate location. The requested HC zoning is consistent with the existing commercial zoning adjacent to this property and along Kearney Street. A Conditional Overlay District has been submitted to mitigate any potential impacts of the HC zoning.

3. The HC district is intended for commercial uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets. This district is also intended for on-site production of handcrafted items in conjunction with retail sales.

4. Kearney Street is classified as a Primary Arterial roadway and Fulbright Avenue is classified Secondary Arterial by the Major Thoroughfare Plan.

5. A Conditional Overlay District has been submitted to mitigate any potential impacts of the HC zoning. A bufferyard Type F with a minimum depth of forty (40) feet and a six-foot solid wood fence shall be required along all adjacent R-SF zoned properties. A Traffic Impact Study shall be submitted at the time of development; this study must be approved by Public Works prior to permitting of the development. Any necessary improvements that are identified in the traffic study shall be constructed at the expense of the developer.

6. The requested HC zoning is consistent with the existing commercial zoning adjacent to this property and along Kearney Street.

7. Approval of this application will allow for development of this property and promote infill development where investments have already been made in public services and infrastructure.

8. The proposed rezoning was reviewed by City departments, whose comments are contained in Attachment 1.

NEIGHORHOOD MEETING:

The applicant held a neighborhood meeting on June 23, 2022, regarding the rezoning request. A summary of the meeting is attached (Attachment 3).

PUBLIC NOTIFICATIONS:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

Notices sent to property owners within 185 feet: Mailed: 6 Returned: 0

Development Review Staff Report

CITY OF Springfield

DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITIES:

No issues with proposed rezoning. Electric/Gas/Water are available to the property.

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues with rezoning.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the Spring Branch drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of flooding problems in the local or downstream area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention will not be allowed and detention is required. The property does not have a stream buffer on site.

PW Stormwater has no concerns for the proposed rezoning. Please note that development of the property will be subject to the following conditions at the time of development:

All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022.

Detention Requirements:

1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in lieu of detention may be allowed per the Director of Public Works.
    a. Detention will be required for the site. This site drains from South to North, with majority draining to R-SF or R-TH. Draining from HC to R-SF or R-TH will require detention.
2. City of Springfield only allows three acceptable methods of discharge for stormwater if a property has been modified to increase the amount, location, or character of discharge per Chapter 2 Sec 4.1.4.
    a. To a Public Right-of-way (1); a recorded drainage easement, continuing to a public right-of-way or public drainage system (2); or a certified natural watercourse (3)
    b. If none of the three options are available then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.

Water Quality Requirements:

1. Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the city limits of Springfield that disturb 1 acre or greater. Including projects less than 1 acre that are part of a larger common plan of development or sale that will disturb 1 or more acres over the life of the project. Chapter 10 Sec. 2.0.

Additional Stormwater Standards to be met:

1. A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
2. Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the process and will be reviewed by ES-Water Quality per Chapter 12 Sec. 3.0.

3. Plans will need a calculation of the Existing Impervious Surface Area, Existing Open Space Area, Post Development Impervious Surface Area, and Post Development Open Space Area. Per Chapter 4 Sec 3.2 for Detention Summary

FIRE DEPARTMENT:

No issues with rezoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Kearney Street as a Primary Arterial roadway and N. Fulbright Avenue as a Secondary Arterial roadway. The standard right-of-way width for W. Kearney Street is 50-feet from the centerline and for N. Fulbright Avenue is 35-feet from the centerline. It appears an additional 10-feet of right-of-way is needed along W. Kearney Street and an additional 10-feet is needed along N. Fulbright Avenue to meet these requirements. A 100 X 100 foot right of way sight triangle is also needed at the intersection of W. Kearney Street and N. Fulbright Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right-of-way. W. Kearney Street is a state-maintained roadway and N. Fulbright Avenue is a city-maintained roadway.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count for W. Kearney Street is 16,260 vehicles per day and for N. Fulbright Avenue is 3,172 vehicles per day. On-street parking is not allowed along W. Kearney Street and N. Fulbright Avenue.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Kearney Street and no driveway access points onto the property from N. Fulbright Street. Access to W. Kearney Street should be a minimum of 350-feet from the required sight triangle at the intersection of N. Fulbright Avenue. The existing access does not meet this requirement. If a permit is required to do work on this driveway approach, MoDOT will determine if the approach is required to be relocated. Access to this property from N. Fulbright Avenue must be a minimum of 250-feet from the required sight triangle at the intersection of W. Kearney Street. Additional access on N. Fulbright Avenue will be allowed based on existing City of Springfield standards.

SIDEWALK

There is existing sidewalk along the property frontage of W. Kearney Street and N. Fulbright Avenue.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There is currently three bus stops in the area of the property.

IMPROVEMENTS

A Traffic Impact Study is required to be submitted at the time of development. Any improvements required by the Traffic Impact Study are required to be constructed or funds escrowed by the developer prior to approval of a building permit. Public Improvement Plans will be required.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)

Street 1	W. Kearney Street	Primary Arterial	No	40	50
Street 2	N. Fulbright Avenue	Secondary Arterial	No	25	35

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	25	30	300	
***Proposed Trips Generated**	80	335	3,600	
Additional Trips Generated	55	305	3,300	

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

MISSOURI DEPARTMENT OF TRANSPORTATION:

Approved. No comments.

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-19-2022 & CONDITIONAL OVERLAY DISTRICT NO. 218

The requirements of Section 36-422 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. A bufferyard Type F with a minimum depth of forty (40) feet and a six-foot solid wood fence shall be required along the north property line adjacent to R-SF zoned properties.

2. A traffic study, in a format acceptable to the City, must be submitted at the time of development, and development shall be permitted only after this study is approved by the City's Public Works Department. The requirements of the study shall be incorporated in site plan, PIP, or other permits as applicable, and in accordance with City Code Section 36-250 and Section 9 of Public Works Design Standards. Any necessary improvements that are identified in the traffic study shall be constructed at the expense of the developer. All public improvements must be constructed and approved, or funds escrowed prior to issuance of a building permit.

3. All existing and future vehicular use areas are required to be all-weather dust-free surfacing, per Section 36-483 of the Land Development Code prior to issuance of a building permit.

Attachment 3

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: HC and R-TH to HC
   (existing zoning) *(proposed zoning)*
2. Meeting Date & Time: July 21, 4:00pm to 6:30pm
3. Meeting Location: 2645 W Kearney
4. Number of invitations that were sent: Unknown - The City generated the mailing list
5. How the mailing list was generated: City supplied
6. Number of neighbors in attendance (attach a sign-in sheet): 4
7. List the verbal comments and how you plan to address any issues:
   (City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

Concerns and responses listed below:
Cleanliness: Site is already being cleaned up with brush and debris removal. Site is now being mowed regularly.
Homeless people: Cleaning up the site along with "No Trespassing" signs has already addressed the issue.
Access from Fulbright: No driveway onto Fulbright is proposed.
Privacy and Noise: The developed area is a long distance from the homes on the north side. A bufferyard will be provided

8. List or attach the written comments and how you plan to address any issues:

No written comments

I, Ryan Morday *(print name)*, attest that the neighborhood meeting was held on 7-27-2022 *(month/date/year)*, and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Signature of person completing affidavit

Ryan Morday
Printed name of person completing affidavit

JULY 21, 2022

SPRINGFIELD TRAILER REZONING

SIGN-IN SHEET

- Phil Monroe 2646 W. Jean St. 03
  PHIL MONROE
- PAULA FORSHEE 2522 W KATELYN 65803
- Dr Mark Bradford 2638 W. Jean St 65803 Ph 417-861-4400 cell.
- DAVID H. GABLS. 2447 N FULBRIGHT AVE

3-0235 — 50 SHEETS — 5 SQUARES
3-0236 — 100 SHEETS — 5 SQUARES
3-0237 — 200 SHEETS — 5 SQUARES
3-0137 — 200 SHEETS — FILLER
COMET

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 08-30-22

Sponsored by: Ollis

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 232 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING a budget adjustment to amend the budget of the Department of Environmental Services for Fiscal Year 2022-2023 in the amount of $900,000 to appropriate retained earnings of the Clean Water Fund for construction of the Chestnut South Lift Station Relief Sewer capital improvement project.

WHEREAS, the Chestnut South Lift Station Relief Sewer project is a capital improvement project designed to decommission an existing lift station within the Chestnut South subdivision; and

WHEREAS, the planned Lift Station will reduce the City's continual operation and maintenance costs of the current lift station, while providing the means for a future sewer district to be constructed that will provide future service to approximately 34 unsewered lots; and

WHEREAS, an amendment to the budget of the Department of Environmental Services for Fiscal Year 2022-2023 has been approved and recommended by the City Manager and the Director of Environmental Services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The City Manager, or his designee, is hereby authorized on behalf of the City of Springfield, Missouri, to approve transfer of retained earnings, in the amount of $900,000, for the purpose of construction of the Chestnut South Lift Station Relief Sewer project, including to provide for any contingencies and additional materials that may be utilized for construction.

Section 2 – The budget of the Department of Environmental Services for Fiscal Year 2022-2023 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 015, a copy of which is attached hereto and incorporated herein by reference as "Exhibit A."

Section 3 – City Council hereby finds that the budget adjustment made in Section 2 above has been recommended by the City Manager and further finds the adjustment necessary to allow the proper funding of the Chestnut South Lift Station Relief Sewer capital improvement project and any contingencies.

Section 4 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City.

Section 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-_232_____

FILED: 08-30-22

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: To approve a budget adjustment to amend the Fiscal Year 2022-2023 Budget for the Department of Environmental Services in the amount of $900,000 to appropriate retained earnings of the Clean Water Fund for the construction of the Chestnut South Lift Station Relief Sewer capital improvement project.

BACKGROUND INFORMATION: Design of the Chestnut South Lift Station Relief Sewer project, 2017PW0007, was completed in 2022. The purpose of the Chestnut South Lift Station Relief Sewer project is to decommission an existing lift station within the Chestnut South subdivision. Decommissioning the lift station will reduce the City's continual costs of operating and maintaining the sewer system. The planned relief sewer will also allow for a future sewer district to be constructed which will serve approximately 34 unsewered lots near West Mount Vernon Street and South Miller Avenue. The future district would eliminate approximately 30 septic systems from within the City.

Environmental Services is requesting funding approval prior to bidding to decrease the time between receiving bids and construction completion. The requested budget adjustment includes some contingency funding to allow for market fluctuations and all unspent contingency funding will be returned to the Clean Water Fund upon project completion.

This project is currently scheduled to bid in the fall of calendar year 2022. This budget adjustment is necessary for Environmental Services to appropriate funding for the project within this fiscal year.

REMARKS:

1. The Chestnut South Lift Station Relief Sewer project will eliminate ongoing operational costs of electrical power to run the lift station pump(s) and will eliminate maintenance costs typical of mechanical pumping equipment.
2. A portion of the costs of construction of these improvements will be recovered via a Joint District Connection Fee which will be collected at the time properties connect to this sewer. This fee will be established by council under a separate ordinance once actual construction costs are determined.
3. Plans, specifications, and cost estimates have been prepared and are on file with the Department of Environmental Services.
4. The project will be advertised through the City's Division of Purchasing.
5. Bids will be advertised, publicly opened and awarded pending a review by the City's evaluation committee.

6. The requested budget adjustment of $900,000 includes the construction, contingency, and additional materials that will be utilized for construction.

RECOMMENDATIONS: The Department of Environmental Services recommends approval of this Council bill and budget adjustment.

Recommended by:

Ron Petering
Assistant Director of Environmental Services

Submitted by:

Errin Kemper
Director of Environmental Services

Approved by:

Jason Gage
City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
015

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
Net Revenue Adjustment						$ -	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
53020	08	33520	509110	102409	00000	$ 900,000	Chestnut South Lift Station Relief Sewer Improvement
Net Expenditure Adjustment						$ 900,000	

Fund Balance Appropriation:

Fund		Title	Amount
53020		Clean Water Fund	(900,000)

Explanation: To amend the FY2022-23 budget of the Department of Environmental Services by appropriating fund balance reserves of $900,000 from the Clean Water Enterprise Fund for the Chestnut South Lift Station Relief Sewer Improvement project.

Requested By:

8-30-2022
Department Head Date

Approved By:

8-30-2022
Director of Finance Date

8-30-2022
City Manager Date

Authorization:

Council Bill No. 2022-232
Ordinance No.
1st Reading
2nd Reading
Journal Imp No.

One-rdg. _____
P. Hrngs. _____
Pgs. 10
Filed: 08-30-22

Sponsored by: Hosmer

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 233 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to enter into an Intergovernmental Agreement with Greene County, Missouri, to outline use parameters and accept $1,450,000 for construction of the City's animal shelter; and amending the Springfield-Greene County Health Department's Fiscal Year 2022-2023 budget in the amount of $1,450,000 to appropriate the funds.

WHEREAS, the original animal shelter ("Shelter") was constructed in the 1930s, with additions in the 1940s, 1970s, and early 2000s. Routine maintenance and necessary upgrades have been made since that time to ensure a safe and secure environment for housed animals, as well as for Shelter employees to perform their duties; and

WHEREAS, despite past efforts, the Shelter requires additional improvements to increase capacity, relocate from a floodplain, and meet the service demands of a large community, and a new Shelter will address the needs; and

WHEREAS, Greene County earmarked $1,500,000 to assist the City with construction of the new Shelter project. In 2018, Greene County paid $50,000 toward the project, with the remaining $1,450,000 for construction expenses to be included in the Intergovernmental Agreement (the "Agreement") as set forth in "Exhibit A;" and

WHEREAS, the Agreement further articulates the parameters of Greene County's use of the Shelter to house animals from the unincorporated areas of Greene County outside City limits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – City Council hereby authorizes the City Manager, or his designee, to enter into an agreement with Greene County, Missouri to outline use parameters and accept $1,450,000 for construction of the City's animal shelter as set forth in "Exhibit A,"

which is attached hereto and incorporated herein by this reference.

Section 2 – City Council hereby amends the budget of the Springfield-Greene County Health Department for Fiscal Year 2022-2023 in the accounts and in the amounts as shown on Budget Adjustment No. 014, a copy of which is attached hereto and incorporated herein by this reference as "Exhibit B."

Section 3 – City Council finds that the budget adjustment made above has been recommended by the City Manager.

Section 4 – City Council hereby directs the City Manager to cause the appropriate accounting entries to be made in the books and records of the City.

Section 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance _____

Approved as to form: Mary B. Bozarth, Assistant City Attorney

Approved for Council action: Jason A. Gage, City Manager

EXPLANATION TO COUNCIL BILL 2022-233

FILED 08-30-22

ORIGINATING DEPARTMENT: Health

PURPOSE: Authorizing the City Manager, or his designee, to enter into an agreement with Greene County, Missouri, to outline use parameters and accept $1,450,000 for construction of the City's animal shelter; and amending the Springfield-Greene County Health Department's Fiscal Year 2022-2023 budget in the amount of $1,450,000 for the purpose of appropriating the funds.

BACKGROUND INFORMATION: The original animal shelter ("Shelter") was constructed in the 1930s, with additions in the 1940s, 1970s, and early 2000s. Routine maintenance and necessary upgrades have been made since that time to ensure a safe and secure environment for housed animals, as well as for Shelter employees to perform their duties. Despite past efforts, the Shelter requires additional improvements.

The Shelter is in a floodplain and needs relocation. During periods of heavy rainfall, the Shelter routinely floods, creating challenges to maintain a clean, safe, and effective operating environment. The Shelter's maximum capacity is sixty dogs and eighteen cats and routinely operates at or above maximum capacity. An increased capacity is needed to accommodate veterinarian housing recommendations, address the challenges with facility operations, and meet the service demands of a large community.

The City intends to construct a new Shelter to address these issues and provide improved community service. Greene County earmarked $1,500,000 funds for the purpose of assisting the City with this project. In 2018, Greene County paid $50,000 toward the project. This remaining $1,450,000 for construction expenses is included in the intergovernmental agreement (the "Agreement") as set forth in Exhibit "A". The Agreement further articulates the parameters of Greene County's use of the Shelter to house animals from the unincorporated areas of Greene County, outside City limits. The corresponding budget adjustment marked as Exhibit "B" accepts the increase in funds and budgets the amount of $1,450,000 in expenditures in the Springfield-Greene County Health Department Fiscal Year 2022-2023.

Submitted by:

Brad Stulce, Public Health Resource Manager

Recommended by:

Katie Towns, Director of Health

Approved by:

Jason Gage, City Manager

Exhibit A

Intergovernmental Agreement between the County of Greene and the City of Springfield for Use and Funding of the Springfield-Greene County Animal Shelter

This is an Intergovernmental Agreement ("Agreement" or "IGA") between the County of Greene, Missouri (the "County") and the City of Springfield, Missouri (the "City") (collectively, the "Parties") dated _____, 2022 (the "effective date").

WHEREAS, the Greene County Commission, by Resolution dated October 2, 2017, identified a community need for a new Animal Shelter ("Shelter") to house, *inter alia*, abandoned and/or neglected animals. The Greene County Commission earmarked $1,500,000.00 for this purpose. In its Resolution, the Greene County Commission acknowledged that the existing animal shelter is located in a floodplain and needs to be relocated; and

WHEREAS, the City intends to construct a new Shelter. Construction is expected to be completed on or before _____(date). Costs of construction are estimated at more than $4,800,000.00; and

WHEREAS, the County desires to make use of the Shelter to house animals from outside of the City limits in the unincorporated areas of Greene County, Missouri; and

WHEREAS, the Parties acknowledge that constructing the Shelter is costly, and that it is appropriate for the County to contribute funds towards the construction of the Shelter as described in its October 2, 2017 Resolution.

NOW THEREFORE, in consideration of the mutual covenants as set forth herein, it is mutually agreed to as follows:

1. PURPOSE

The Parties enter into this Agreement pursuant to Section 70.220, RSMo., and Article VI, Section 16, of the Missouri Constitution, which authorize any municipality or county to contract and cooperate with other political subdivisions of this state for the construction or operation of any public improvement or facility or common service. This IGA represents an opportunity for the County and the City to work cooperatively for the purpose of defraying the costs associated with the City's construction of the Shelter.

2. DUTY OF THE COUNTY

The cost of the Shelter shall be paid by the City in amounts determined at the award of the bid to a contractor to be selected by the City. The County shall not be responsible for any costs associated with the Shelter. In 2018, the County paid $50,000 to the Springfield-Greene County Health Department toward the Shelter.

The County shall make an additional lump sum contribution in the amount of $1,450,000.00 ("Payment") to the City, in care of the Department of Finance, for the sole purpose of providing funds to be used for the construction of the Shelter. The County's payment shall be made within 30 days of the City providing written notice to the County of the City executing a contract with a general contractor for the commencement of construction of the Shelter. If any portion of the County's Payment is not utilized for construction of the Shelter, such portion shall be returned to

the County.

3. DUTY OF THE CITY

The City shall provide all engineering, plans, and specifications for the Shelter, subject to the County's right to review and approve said plans and specifications. The City shall create bid documents and bid out the work for the Shelter. The City shall be responsible for siting and paying for the construction of the Shelter. The City shall oversee the Shelter's construction and conduct necessary inspections. The City shall also obtain all necessary easements and permits necessary to complete the Shelter.

The City shall receive Payment from the County when tendered and shall keep the Payment in a segregated account managed by, and under the control of, the City's Department of Finance. Monies in this segregated account shall be used only for costs associated with the construction of the Shelter.

The City shall, upon receiving a written request from the County, deliver a report within thirty days of receiving such request to the County that describes and itemizes any and all expenditures towards the construction of the Shelter as of the date of the County's written request.

The City, as the owner and operator of the Shelter, shall be responsible for the operation and maintenance of the Shelter, including the establishment of animal census, tracking, and control. The City shall equip, operate, staff, and maintain the Shelter. Shelter space shall be made available to the County, at no additional cost, for animals found abandoned and/or neglected in the urban services or unincorporated areas of the County, including nuisance or vicious dogs taken into custody by an Animal Control Officer or a Greene County Deputy Sheriff. In most instances, all animals will be accepted to be sheltered at the Shelter. In instances where there is limited remaining capacity, animals will be accepted based on risk or need as determined by the employees of the Shelter.

4. EXPENSES

The City will pay all expenses necessary for constructing, operating, and maintaining the Shelter, subject to annual approval of the City budget.

5. FACILITIES AND EQUIPMENT

The City will be responsible for the operation and maintenance of all facilities that comprise the Shelter, as well as all Shelter equipment.

6. TERM

This Agreement shall be in full force and effect upon execution by the County and City. The initial term of this Agreement shall be until December 31, 2023. The Agreement shall renew on January 1, 2024, and will automatically renew for consecutive one-year terms unless either party withdraws or terminates this Agreement as provided herein.

7. DURATION AND TERMINATION

Except as otherwise specifically provided herein, any party to this Agreement may withdraw from or terminate this Agreement upon at least 180 days' written notice to the other party. If the County

withdraws from or terminates this Agreement, any monies it has contributed towards the construction of the Shelter shall not be reimbursed. If the City withdraws from or terminates this Agreement within 20 years of its effective date without the written consent of the County, the City shall reimburse the County for any monies the County contributed towards the construction of the Shelter.

8. INDEMNIFICATION

A. The City will require any contractor procured by the City to work under this Agreement to carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the City's and County's elected officials and employees as additional named insured in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Profession Registration, and published annually in the Missouri Register pursuant to Section 537.610 RSMo.

B. In no event shall the language of this Agreement constitute or be construed as a waiver or limitation of either party's right or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by Federal and State Constitution or law.

9. DISPUTE RESOLUTION

In the event that the Parties are unable to agree on any matter involving the City's construction or operation of the Shelter or the County's use of the Shelter, the City and County agree to mediate the dispute prior to commencing litigation. If a dispute cannot be resolved through mediation, either party can seek appropriate relief by litigation. Venue for any litigation shall only be proper in the Circuit Court of Greene County, Missouri.

10. NON-DISCRIMINATION ASSURANCE

With regard to work under this Agreement, the City agrees as follows:

A. Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination including, but not limited to, Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 USC § 2000d and § 2000e, *et seq*.). In addition, if the City is providing services or operating programs on behalf of the County or the Missouri Department of Transportation, it shall comply with all applicable provision of Title II of the "Americans with Disabilities Act".

B. Nondiscrimination: The City shall not discriminate on the grounds of the race, color, religion creed, sex, disability, national origin, age, or ancestry of any individual in the selection and retention of a contractor, including procurement of materials and leases of equipment. The City shall not participate, either directly or indirectly, in the discrimination prohibited by 49 CFR § 21.5, including employment practices.

C. Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and

suppliers of the City. These assurances apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential agreement relative to nondiscrimination on grounds of race, color, religion, creed, sex, disability or national origin, age, or ancestry of any individual.

D. Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its other contracts, orders, and instructions. Where any information required of the City is in the exclusive possession of another who fails or refused to furnish this information, the City shall so certify to the County as appropriate, and shall set forth what efforts it has made to obtain the information.

E. Anti-Discrimination Against Israel Act: The City shall ensure that in connection with this Agreement it shall not enter into any contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently engaged in and shall not, for the duration of the contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel, in accordance with RSMo. § 34.600.

11. MISCELLANEOUS

A. This Agreement shall be extended on behalf of each party by its authorized representative. The City agrees to pass such orders, ordinances, or motions as may be necessary to implement the terms and conditions of this IGA. The County Commission agrees to pass such orders, ordinances, or motions as may be necessary to implement the terms and conditions of this IGA.

B. This Agreement sets for the entire agreement between the Parties and fully supersedes any and all prior and/or other contemporaneous agreements or understandings between the Parties which pertain to the subject matter hereof.

C. This Agreement may only be modified by a written instrument executed by the Parties hereto.

D. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute on and the same document.

12. BENEFITS

This Agreement is entered into for the benefit of the Parties to this Agreement only and shall confer no benefits, direct or implied, on any third persons or entities.

13. . EFFECTIVE DATE

This Agreement shall be effective when the Parties enact ordinances, resolutions, or orders to implement said Agreement, authorizing their individual representatives to sign the Agreement and establishing therein the effective date of the agreement.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals on this _____ day of _____, 2022.

GREENE COUNTY COMMISSION

_____
Bob Dixon, Presiding Commissioner

_____
Rusty MacLachlan, 1st District Commissioner

_____
John C. Russell, 2nd District Commissioner

ATTEST:

_____
Shane Schoeller, County Clerk

AUDITOR CERTIFICATION

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of anticipated revenue appropriated for payment of same.

_____
Cindy Stein, CPA, Greene County Auditor

APPROVED AS TO FORM:

_____
County Counselor

CITY OF SPRINGFIELD, MISSOURI:

_____
City Manager or designee

ATTEST:

_____
City Clerk

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

_____
Director of Finance or Acting Director

APPROVED AS TO FORM:

_____
City Attorney or Assistant City Attorney

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
014

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
27010	11	50010	414100	102530	10736	$ 1,450,000	Greene County funds for new animal shelter
Net Revenue Adjustment						$ 1,450,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
27010	11	50010	509110	102530	10736	$ 1,450,000	Construction of new animal shelter
Net Expenditure Adjustment						$ 1,450,000	

Fund Balance Appropriation:

Fund		Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating $1,450,000 of Greene County funds for the new animal shelter.

Requested By:

8-30-2022
Department Head Date

Approved By:

8-30-2022
Director of Finance Date

8-30-2022
City Manager Date

Authorization:

Council Bill No. 2022-233
Ordinance No.
1st Reading
2nd Reading
Journal Imp No.

One-rdg. _____
P. Hrngs. _____
Pgs. 19
Filed 08-30-22

Sponsored by Hardinger

First Reading _____ Second Reading _____

COUNCIL BILL 2022- 234 GENERAL ORDINANCE _____

AN ORDINANCE

ADOPTING Park and Recreation Regulations pertaining to the governing and operation of park and recreation areas and facilities by City Utilities and the use thereof by the public.

_____

WHEREAS, pursuant to Article XVI of the Charter of the City of Springfield, Missouri, the Board of Public Utilities of the City of Springfield, Missouri (the "Board"), which operates under the name City Utilities of Springfield, Missouri ("City Utilities"), is vested with the power and authority, and is charged with the duty and obligation, of managing, controlling, and operating the public utilities owned by the City of Springfield, Missouri ("City"); and

WHEREAS, in the exercise of the powers and duties vested in and conferred upon it, including City Code Section 82-5, the Board, on August 18, 2022, adopted certain Park and Recreation Regulations pertaining to and governing the park and recreation areas and facilities operated by City Utilities.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows that:

Section 1 – The Park and Recreation Regulations pertaining to and governing the park and recreation areas and facilities operated by City Utilities shall be those adopted by the Board as provided on "Exhibit A," attached hereto and incorporated herein by this reference.

Section 2 − This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, City Attorney

Approved for Council Action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022- 234

FILED: 08-30-22

ORIGINATING DEPARTMENT: Board of Public Utilities

PURPOSE: To adopt Park and Recreation Regulations for park and recreation areas and facilities controlled by the Board of Public Utilities.

BACKGROUND INFORMATION: In recent years, the popularity and use of park and recreation areas and facilities controlled by the Board of Public Utilities have greatly increased, and requests have been made by the public for additional uses.

For the past several years, City Utilities staff has been studying the feasibility of increasing the type of uses allowed at these areas and facilities, while still protecting the critical resources located within. City Utilities staff has determined that certain additional uses would not be detrimental to those critical resources.

As a result of this study, and a review of the existing regulations, City Utilities staff identified various updates and clarifications that needed to be made. In addition to other modifications, City Utilities staff noted that these regulations should reflect that the Board of Public Utilities has turned over the operations of parts of Lake Springfield to the Springfield-Greene County Park Board.

As a result of the above, the Board approved revised Park and Recreation Regulations, which are now being submitted to City Council for approval.

Submitted by:

Robert Wilson
Director – Water Operations
City Utilities of Springfield, Missouri

Steve Stodden
Vice President – Natural Gas/Water Operations Officer
City Utilities of Springfield, Missouri

Gary Gibson
President-CEO
City Utilities of Springfield, Missouri

Approved by:

Jason Gage
City Manager

RESOLUTION

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri (the "Board"), has the power and duty to take charge of and exercise control over all public utilities owned, operated or acquired by the City of Springfield, Missouri (the "City), and all extensions thereof and appurtenances thereto belonging, under the name City Utilities of Springfield, Missouri ("City Utilities"), including the right and power to establish, maintain and operate park and recreation areas and facilities in the manner and as the Board may determine, subject to the approval of City Council, upon real estate and properties acquired or held in connection with utilities as a part of said utilities operations;

WHEREAS, the Strategic Plan adopted by the Board on May 27, 2021, states that City Utilities will maintain affordability by continually seeking opportunities to gain efficiencies and improve utilization of its resources, achieve excellence in every interaction with its customers, community and coworkers by providing positive experiences and world-class services, and reinforce its position as an industry leader through active evaluation of performance metrics, benchmarking and a commitment to continuous improvement;

WHEREAS, City Utilities' management has recommended adoption of certain revisions to City Utilities Park and Recreation Regulations in the form attached hereto as Exhibit A (the "Revised Regulations"); and

WHEREAS, the Board has determined that adoption of the Revised Regulations is in the public interest and in furtherance of the public purposes of City Utilities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SPRINGFIELD, MISSOURI, that adoption of the Revised Regulations is hereby approved in the form attached hereto as Exhibit A;

BE IT FURTHER RESOLVED, that the forms of City Council Ordinance and Explanation attached hereto as Exhibits B-1 and B-2, respectively, are approved and should be submitted to City Council for its approval, and upon such approval the Revised Regulations shall become effective on the day following approval by City Council; and

BE IT FURTHER RESOLVED, that City Utilities' President-CEO is hereby authorized and directed to file a copy of this Resolution with the City Clerk and to take such additional actions as are required or appropriate to obtain approval and enactment of the Revised Regulations by City Council or to otherwise carry out the intent and purpose of this resolution.

CERTIFICATE

The undersigned, Don Woody, Assistant Secretary of the Board of Public Utilities of the City of Springfield, Missouri, does hereby certify under his hand and the seal of the Board that the foregoing is a true and correct copy of a resolution adopted by the Board at its

regular meeting held on the 18th day of August, 2022, pursuant to notice of time and place duly given to all members of the Board, at which meeting a quorum was present and voted throughout.

Dated this 18th day of August, 2022.

Don Woody, Assistant Secretary

PARK AND RECREATION REGULATIONS

The rules in this booklet were made to help protect your health, safety and welfare while you are using **City Utilities**' park and recreation areas and facilities. These rules were adopted by the City Council of Springfield, Missouri by Ordinance No. ___.

Read the regulations carefully. Following them will make our park and recreation areas and facilities safer and more enjoyable for you and your family.

If you should have any questions concerning these regulations or our park and recreation areas and facilities, please contact **City Utilities**.

CITY UTILITIES OF SPRINGFIELD, MISSOURI

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PARK AND RECREATION REGULATIONS
OF
CITY UTILITIES OF SPRINGFIELD, MISSOURI

I. DEFINITIONS. When used in these regulations the following words shall have the meanings respectively ascribed to them in this section:

(A) **Boat** includes any structure made to float upon water for navigation, or for the carriage of persons or property.

(B) **City** shall mean the City of Springfield, Missouri, together with its officers, agents and employees.

(C) **City Utilities** shall mean the Board of Public Utilities of the City of Springfield, Missouri, operating under the name City Utilities of Springfield, Missouri, or its designee, together with its officers, agents and employees.

(D) **Fellows Lake Recreation Area** means that part or parts of the area of land and water owned by the **City** which is located in Sections Thirteen (13), Fourteen (14), Fifteen (15), Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25) and Twenty-six (26), Township Thirty (30), Range Twenty-one (21) and in Sections Nineteen (19) and Thirty (30), Township Thirty (30), Range Twenty (20), Greene County, Missouri, acquired, used and operated in connection with the waterworks and distribution plant of the **City** under control of **City Utilities** that may be from time to time designated by **City Utilities** for park or recreation uses with appropriate notices or other designations thereof delineating such areas and the uses thereof.

(E) **Fireworks** means and includes any combustible explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath and propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Dago bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "**Fireworks**" shall not include paper caps containing no more than an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy cannons, toy canes, toy guns or other devices for use of such caps.

(F) **Intake Structure** means that place in Fellows Lake where water is permitted to flow from the lake into the stream below the dam or to Fellows Lake Pump Station.

(G) **Lake Springfield Recreation Area** shall mean that part, or those parts, of the entire area of land and water owned by the **City**, which is divided into three areas, Lake Springfield, Tailwaters, and Southwood, described as follows:

Lake Springfield

All of the south half of the northwest quarter, all of the west 100 feet of the north half of the northwest quarter, all of the south half of the northeast quarter (except the east 250 feet thereof), all of the southwest quarter, all of the southeast quarter (except the east 250 feet thereof) of Section 20, Township 28, Range 21, and all of the northeast quarter of the northeast quarter of the southeast quarter, all of the southeast quarter of the southeast quarter of the northeast quarter of Section 19, Township 28, Range 21, lying north of former BNSF railway and north and east of the northerly and easterly right of way line of Kissick Avenue. Except any part thereof known as Timberlake Estates subdivision.

Tailwaters

All of the southwest quarter of Section 20, Township 28, Range 21, lying north of and including Tailwaters Access Road and south and west of Kissick Avenue.

Southwood

All of the northwest quarter of the northeast quarter of Section 21, Township 28, Range 21, lying north of the north right of way line of Overlook Road, west of the west right of way of Highway 65, and south of Lake Springfield. Except any part thereof deeded to Veteran's Cemetery.

(H) **Marginal Land** means that land owned or controlled by the **City** adjacent to the shoreline which is not flooded by waters normally impounded in a **Reservoir**.

(I) **McDaniel Lake Recreation Area** means that part or parts of the entire area of land and water owned by the **City** which is located in Sections Twenty Four (24), Twenty-five (25) and Twenty-six (26), Township Thirty (30), Range Twenty-two (22), Greene County, Missouri, and acquired, used and operated in connection with the waterworks and distribution plant of the **City** under the control of **City Utilities** that may be from time to time designated by **City Utilities** for park or recreation uses with appropriate notices or other designations thereof delineating such areas and the uses thereof.

(J) **Other Recreation Areas** means those areas of land or water, other than land or areas heretofore defined which are or may hereafter be owned by the **City**, for the use of **City Utilities** and which are under the control of **City Utilities**, and which may be designated from time to time by **City Utilities** for park or recreation uses with appropriate notices or other designations thereof delineating such areas and the uses thereof.

(K) **Person** where applicable in context, includes the feminine as well as the masculine sex, and the plural as well as the singular. It also includes a firm, corporation, association, club, organization or other artificial entity.

(L) **Recreation Areas** means the **Lake Springfield Recreation Area**, **Fellows Lake Recreation Area**, **McDaniel Lake Recreation Area**, **Valley Water Mill Recreation Area** and **Other Recreation Areas**, collectively.

(M) **Reservoir** means the artificial lake or lakes, as the context may disclose, impounded in Greene County, Missouri, by means of the Lake Springfield Dam across the James Fork of White River; the McDaniel Lake Dam across the Sac River; the Fellows Lake Dam across the Sac River; and the dam across the spring at Valley Water Mill; together with the entire area of land and water draining into such lakes or impounded waters which is owned by the **City** and under the control of **City Utilities**.

(N) **Valley Water Mill Recreation Area** means that part or parts of the entire area of land and water owned by the **City** which is located In Section Five (5), Township Twenty-nine (29), Range Twenty-one (21), Greene County, Missouri, acquired, used and operated in connection with the waterworks and distribution plant of the **City** under the control of **City Utilities** that may be from time to time designated by **City Utilities** for park or recreation uses with appropriate notices or other designations thereof delineating such areas and uses thereof.

II. APPLICABILITY. All provisions of Section III - General Regulations, shall apply to all **Recreation Areas** and, where there is any conflict between the General Regulations and the Specific Regulations, the Specific Regulations shall apply.

III. GENERAL REGULATIONS.

(A) HOURS OF OPERATION. All **Recreation Areas** shall be open from dawn to dusk except as provided in Subsection III.U - Reservation of Rights.

(B) BOATING.

1. Boating is allowed on the **Reservoirs**, subject to **City Utilities**' right to establish the hours and areas where **Boats** may be operated and to make Specific Regulations as to any **Reservoir** with regard to the **Boats** thereon.

2. All **Boats** to be used on a **Reservoir** must be registered annually with **City Utilities**.
   i. Prior to registration, **City Utilities** or its designated representative must inspect all **Boats**. The inspection is required prior to registration; however, each registered **Boat** may be subject to reinspection to verify continued compliance with regulations.
   ii. The inspection process is designed to protect water quality and issuance of a registration permit shall be at the sole discretion of **City Utilities** or its designated representative.
   iii. Registration fees for all **Boats** shall be set by **City Utilities**.
   iv. Upon completion of inspection and payment of the registration fee, the inspector shall place a registration decal on the **Boat.**
   v. Individuals desiring simply to test a **Boat** may not be required to register the **Boat** if permission is given by **City Utilities**, subject to all other

regulations in effect at the time and subject to a test period not in excess of two hours.

3. All **Boats** shall be launched from areas maintained by **City Utilities** or its designee for such purpose at the **Reservoirs** and during hours designated for boating. No **Boat** shall be launched or operated on any **Reservoir** which does not possess a registration decal, except as provided in the paragraph above or as stated in the Specific Regulations for each **Reservoir**.

4. No **Boat** shall be operated upon a **Reservoir** which does not comply with the horsepower limitations in force at said **Reservoir** and all houseboats and cruisers with galley and/or toilet facilities are prohibited, excepting that by special permit issued by **City Utilities** these restrictions may be in whole or in part waived.

(C) OPERATING BOATS.

1. BOAT OPERATORS. All **Boat** operators must meet the Water Patrol Division of Missouri State Highway Patrol requirements for operating a **Boat** on a **Reservoir**.

2. WATER SAFETY. No **Boat** of any kind or character shall be operated on a **Reservoir** unless it carries for each occupant a suitably designed life preserver, in good condition and approved as adequate for that purpose by the U.S. Coast Guard, and every **Boat** of any kind or character shall have onboard oars of such size and number as required to properly operate the **Boat** regardless of the condition of the motor. While a **Boat** is on the water each occupant who is unable to swim or is ten (10) years of age or younger, whether able to swim or not, shall properly wear a life jacket at all times.

3. STEERING AND SAILING RULES. United States Coast Guard's "Steering and Sailing Rules" shall govern the use and operation of **Boats** on a **Reservoir**. However, nothing herein shall be construed as permitting any **Boat** to be operated in a manner or at a speed greater than is safe and prudent under the circumstances and the operator thereof shall observe all signs and directions placed on or near the **Reservoir** and obey all orders and regulations of the **City** or **City Utilities** and its supervisory personnel. No **Boat** propelled by an engine or motor may be used in racing or practicing racing in a **Reservoir** except at such hours on such days as **City Utilities** may from time to time specially designate therefore, and no **Boat** shall under any circumstances be operated in such a manner as to endanger the lives or property of others.

4. IMPOUNDING VESSELS ADRIFT, ETC. Any **Boat** or other property of value found abandoned, adrift or left unattended in a **Reservoir** or on **City Utilities**' property shall be taken by the **City** or **City Utilities** and removed or disposed of in accordance with law.

5. KEEPING AND STORAGE OF BOATS. No **Boat** of any kind may be stored, kept or left unattended in a **Reservoir**, at shoreline or on **Marginal Land**; provided, however, **City Utilities** shall have the right, power and authority to establish and issue rules and regulations pursuant to which persons may, by permit from or by contract with **City Utilities**, maintain **Boats** on the **Reservoir**.

(D) FISHING: LICENSES REQUIRED; OBEDIENCE TO STATE LAW. No **Person** required to be licensed by the laws of the State of Missouri now or hereafter shall take, catch, or attempt to take or catch any species of fish, frogs or turtles without having in their possession a State of Missouri fishing license issued to such **Person** which is in full force and effect; all **Persons** shall strictly adhere to and comply with the rules and regulations of the Missouri Department of Conservation. The privilege of fishing in a **Reservoir** or any part thereof may be suspended by **City Utilities** at any time, whenever such suspension shall be deemed proper to prevent any tendency to pollute the waters of a **Reservoir**, to conserve aquatic life therein, to promote the improvement or convenient maintenance thereof, or for any other purpose. The posting of a sign to that effect in any part of said **Reservoir** shall suspend the privilege of fishing at such location. In addition, bowfishing and icefishing are prohibited at all times in any **Reservoir**.

(E) USE OF ESTABLISHED TRAILS. Use of trails established for hiking and biking shall be in accordance with the rules and trail etiquette posted near each trailhead.

(F) SWIMMING, BATHING, WADING AND WATER SKIING. Swimming, bathing, wading, water skiing or otherwise intentionally entering into water is prohibited on all **Reservoirs** maintained by **City Utilities**.

(G) ICE SKATING. No **Person** shall at any time ice skate upon or venture onto the frozen surface of any **Reservoir**.

(H) SANITATION AND FIRES. Persons using any **Marginal Lands** or waters or operating any **Boat** on the waters of a **Reservoir** shall do so in such manner as not to create unsanitary conditions in or about said waters or adjacent areas. Waters and adjacent areas shall not be polluted by the discharge of oil, gasoline or other polluting liquids or solids tending to make the water or adjacent areas unwholesome or unfit for utility or designated recreation purposes or injurious to the aquatic life thereof, or to make more difficult the improvement or convenient maintenance thereof. All such polluting liquids or solids together with other debris shall be deposited in a sanitary manner in the receptacles made available therefor. Fires may be built only in grills provided by **City Utilities**, unless otherwise allowed by an event license agreement, and must be extinguished before leaving the area. In addition, **Fireworks** and open fires of any kind are strictly prohibited in **Recreation Areas**.

(I) SMOKING AND/OR TOBACCO USE. Smoking and/or tobacco use are strictly prohibited in **Recreation Areas**.

(J) PICNICKING AND CAMPING. All picnicking shall be confined to areas designated by **City Utilities** and any **Person** picnicking shall keep the premises neat and clean, pick up

and remove in a sanitary manner all paper, garbage, rubbish and debris, and deposit the same in the receptacles made available therefor, and every **Person** shall, before leaving the picnicking area in use, completely extinguish any fire within the grills provided by **City Utilities**. Camping is prohibited in **Recreation Areas**.

(K) PROTECTION OF FLORA, FAUNA, ARTIFACTS OR RESOURCES. Except as allowed within these regulations for hunting and fishing, no **Person** shall trap, catch, kill or wound, or attempt to trap, catch, kill or wound, any bird or animal, or take any bird egg; and all **Persons** shall strictly adhere to and comply with the rules and regulations of the Missouri Department of Conservation in regard to the same. Removal of plants, animals, rocks, downed timber, artifacts, relics, submerged items or any other item is prohibited without written permission from **City Utilities**.

(L) DOGS, CATS AND OTHER ANIMALS/ HORSEBACK RIDING. Except as authorized by **City Utilities**, no unleashed dog or cat or other domesticated animal shall be permitted in **Recreation Areas** unless actively engaged in authorized waterfowl hunting. Horseback riding is prohibited in **Recreation Areas**.

(M) POSSESSION OF FIREARMS OR OTHER DEADLY OR DANGEROUS WEAPONS. No **Person** within a **Recreation Area** shall brandish in a threatening manner any firearm, knife or other dangerous weapon or weapon that appears to be a dangerous weapon, including but not limited to BB, air, pellet or dart guns. This prohibition does not apply to agents of the Missouri Conservation Commission, employees of **City Utilities'** Physical Security Department, and other law enforcement officers engaged in the performance of their duties or to the hunters of waterfowl pursuant to applicable requisitions herein provided for, or to special exhibitions, contests or sports events that may be permitted in limited areas at limited times by **City Utilities**, except as provided during hunting events allowed pursuant to these regulations.

(N) HUNTING. Special managed hunts may be allowed within areas defined by **City Utilities**, consistent with rules and regulations established by the Missouri Department of Conservation and **City Utilities**.

(O) PROHIBITED AREAS. No **Person** shall go upon any portion of land where persons are prohibited by a sign or notice.

(P) PARKING. **Persons** shall only park a vehicle in areas designed for parking. No **Person** shall park any vehicle in front of or across any driveway or entranceway or within five feet of any driveway or entranceway to any picnic area or building located in any **Recreation Area**. Nor shall any **Person** park a vehicle at any place where signs prohibit parking.

(Q) MOTORIZED VEHICLES. No **Person** shall operate motor vehicles, minibikes, motorcycles, amphibious vehicles or any other type of motor vehicle in areas or on grounds other than existing roadways.

(R) DRONES. No unmanned aerial or maritime systems (drones), model rockets or propelled projectiles are allowed to be launched from any **Recreation Area**, unless special approval is granted by **City Utilities**.

(S) EXEMPTIONS OF ACTS OF THE CITY, CITY UTILITIES AND STATE. Nothing herein shall be construed as affecting or limiting the powers, duties and obligations of the **City**, **City Utilities** or the Missouri Department of Conservation in regard to constructing, operating, improving, repairing, maintaining, patrolling, policing, protecting or caring for a **Reservoir**, the aquatic life therein, the shores thereof, the bird and other natural life therein and adjacent thereto, or any part of the electric generation or distribution system, waterworks, **City** or other property of **City Utilities**.

(T) LIABILITY. The use by the public of the **Recreation Areas** shall not in any manner whatsoever render the **City** or **City Utilities** liable for injury, damage, delay or loss suffered by any **Person**, nor for loss, injury, damage or delay to the property of any **Person** arising from any cause, and even though the injury, damage, delay or loss may have been caused or contributed to by the neglect or fault of the **City's** or **City Utilities'** officers, agents or employees or of other **Persons** for whose acts the **City** or **City Utilities** would otherwise be responsible. Neither the **City** nor **City Utilities** warrants the condition of the **Recreation Areas**, the improvements thereon or furniture, fixtures or equipment added thereto, nor does the **City** or **City Utilities** undertake to supervise or maintain these areas and all persons using the **Recreation Areas** shall accept them in the condition existing at the time of use and, in consideration for the use thereof, agree to hold the **City** and **City Utilities** harmless from any injury, damage, delay or loss arising from such use both as to **Persons** and property.

(U) RESERVATION OF RIGHTS. Anything in any of these regulations to the contrary notwithstanding, **City Utilities** may in particular instances and for particular hours close designated areas for certain periods of time so that designated recreation purposes may take place and other use or uses be temporarily prohibited, and **City Utilities** may grant and give special permits for special events, contests, races, displays or sporting events at or on any **Recreation Area** or any part thereof and for such purposes for such designated dates and hours close such designated area or portion thereof to other uses. **City Utilities** may also close any **Recreation Area**, or any portion thereof, for any particular purposes and for any particular times in connection with its operation of the **City's** utilities or where in its discretion such is necessary for the preservation of the health, peace or safety of **Persons** or property. Where in the opinion and discretion of **City Utilities** the conduct of a **Person** constitutes a danger to public peace, safety or health it shall have the authority to prohibit such acts or activity and require such **Person** to leave the **Recreation Area**. In connection with special events, contests, races, displays or sporting events, **City Utilities** may permit on designated dates and during designated hours the operation of **Boats** of any kind so specially permitted in connection with such event whether otherwise prohibited by these regulations or otherwise.

(V) ADMISSION FEES, CHARGES, ETC. **City Utilities** may, directly or through agents, lessees, concessionaires or others, establish reasonable fees or charges and collect the same

from individuals or groups for whom services are performed or facilities furnished, activities allowed, or goods or articles of value delivered. Said fees or charges may include but are not limited to establishing prices for the sale of food, fishing supplies and bait, motor fuel, **Boat** launching and storage fees, and admission fees to attend or witness special events, contests, races, displays or sporting events at the various **Recreation Areas** or any part thereof.

(W) ALCOHOL. Alcohol is strictly prohibited within **Recreation Areas** unless specific approval has been granted and stipulations have been met prior to approved events. **City Utilities** may make such requirements for law enforcement or security for such events as it deems appropriate.

(X) TRASH RECEPTACLES. Trash receptacles are provided for patrons of **Recreation Areas** during facility use. Dumping trash and other items brought from outside of any **Recreation Area** is not permitted.

IV. SPECIFIC REGULATIONS IN FORCE ONLY AT LAKE SPRINGFIELD RECREATION AREA.

The **Lake Springfield Recreation Area** may be leased to the Springfield-Greene County Park Board, and if the area is so leased, such board may set such rules and regulations as it deems appropriate. Any such rules and regulations will supersede the General Regulations; however, the following rules shall still apply:

(A) BOATING. Boating is permitted on Lake Springfield in accordance with the General Regulations and the following restrictions:

a. **Boat** motor horsepower shall not exceed six (6) horsepower, as determined by the manufacturer's rating.

b. Boating is prohibited within three hundred (300) feet of the dam.

(B) LAUNCHING. All **Boats** shall be launched only at designated launching areas.

(C) FISHING. Fishing is permitted in accordance with the General Regulations and the following restriction:

a. Fishing is prohibited within three hundred (300) feet upstream of the dam.

V. SPECIFIC REGULATIONS IN FORCE ONLY AT FELLOWS LAKE RECREATION AREA.

(A) BOATING. Boating is permitted on Fellows Lake in accordance with the General Regulations and the following restrictions:

a. **Boat** motor horsepower shall not exceed forty (40) horsepower, as determined by the manufacturer's rating.

b. Boating is prohibited within sixteen hundred (1600) feet of the spillway, dam or **Inlet Structure.**

(B) FISHING. Fishing is permitted in accordance with the General Regulations and the following restrictions:

a. Fishing is prohibited within sixteen hundred (1600) feet of the spillway, dam or **Inlet Structure**.

(C) PADDLEBOARDING. Paddleboarding may be allowed with a non-motorized **Boat** permit. If any **Person** is purposefully swimming from a paddleboard, his or her permit may be revoked and the option to further allow paddleboarding to any **Person** will be at **City Utilities'** discretion.

VI. SPECIFIC REGULATIONS IN FORCE ONLY AT MCDANIEL LAKE RECREATION AREA.

(A) **FISHING**. Fishing is permitted in accordance with the General Regulations and the following restrictions:

a. Fishing is only permitted between the Grant Street Bridge and Farm Road 159. No fishing is allowed downstream of the Grant Street Bridge except from the bridge surface.

VII. SPECIFIC REGULATIONS IN FORCE ONLY AT VALLEY WATER MILL RECREATION AREA.

The Valley Water Mill Recreation Area may be leased to the Springfield-Greene County Park Board, and if the area is so leased, such board may set such rules and regulations as it deems appropriate. Any such rules and regulations will supersede the General Regulations; however, the following rules shall still apply:

(A) BOATING SWIMMING, BATHING AND WADING. All boating, swimming, bathing and wading is prohibited at Valley Water Mill.

One-rdg. _____
P. Hrngs. _____
Pgs. _____
Filed _____

Sponsored by _____

First Reading _____ Second Reading _____

COUNCIL BILL _____ GENERAL ORDINANCE _____

AN ORDINANCE

ADOPTING Park and Recreation Regulations pertaining to the governing and operation of park and recreation areas and facilities by City Utilities and the use thereof by the public.

_____

WHEREAS, pursuant to Article XVI of the Charter of the City of Springfield, Missouri, the Board of Public Utilities of the City of Springfield, Missouri (the "Board"), which operates under the name City Utilities of Springfield, Missouri ("City Utilities"), is vested with the power and authority, and is charged with the duty and obligation, of managing, controlling and operating the public utilities owned by the City of Springfield, Missouri ("City"); and

WHEREAS, in the exercise of the powers and duties vested in and conferred upon it, the Board, on August 18, 2022, adopted certain Park and Recreation Regulations pertaining to and governing the park and recreation areas and facilities operated by City Utilities.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows that:

Section 1. The Park and Recreation Regulations pertaining to and governing the park and recreation areas and facilities operated by City Utilities shall be those adopted by the Board as provided on Exhibit A.

Section 2. This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

Exhibit B-2

EXPLANATION TO COUNCIL BILL 2022-_____

FILED:

ORIGINATING DEPARTMENT: BOARD OF PUBLIC UTILITIES

PURPOSE: To adopt Park and Recreation Regulations for park and recreation areas and facilities controlled by the Board of Public Utilities.

BACKGROUND:

In recent years, the popularity and use of park and recreation areas and facilities controlled by the Board of Public Utilities have greatly increased, and requests have been made by the public for additional uses.

For the past several years, City Utilities staff has been studying the feasibility of increasing the type of uses allowed at these areas and facilities, while still protecting the critical resources located within. City Utilities staff has determined that certain additional uses would not be detrimental to those critical resources.

As a result of this study, and a review of the existing regulations, City Utilities staff identified various updates and clarifications that needed to be made. In addition to other modifications, City Utilities staff noted that these regulations should reflect that the Board of Public Utilities has turned over the operations of parts of Lake Springfield to the Springfield-Greene County Park Board.

As a result of the above, the Board approved revised Park and Recreation Regulations, which are now being submitted to City Council for approval.

Submitted by:

Robert Wilson
Director – Water Operations
City Utilities of Springfield, Missouri

Steve Stodden
Vice President – Natural Gas/Water
Operations Officer
City Utilities of Springfield, Missouri

Gary Gibson
President-CEO
City Utilities of Springfield, Missouri

Approved by:

Jason Gage
City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 78
Filed: 08-30-22

Sponsored by: Hardinger

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 235 GENERAL ORDINANCE _____

AN ORDINANCE

APPROVING the City Utilities' Fiscal Year 2023 Operating Budget for its Fiscal Year ending September 30, 2023.

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri, has prepared and submitted to the Council a proposed budget showing its estimated revenue for the coming fiscal year from all sources and its estimated expenditures for operating expenses, for depreciation, for payment of all outstanding obligations, for transfer to the City of payments in lieu of taxes, and all other estimated expenditures; and

WHEREAS, said budget has been on file with the City Clerk of the City of Springfield, Missouri, for 30 days prior to the end of the current fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The proposed budget for the fiscal year ending September 30, 2023, approved by the Board of Public Utilities of the City of Springfield, Missouri, on August 18, 2022, shall be deemed to be an appropriation of the money authorized for disbursement thereby and should be and is hereby approved.

Section 2 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022- 235

FILED: 08-30-22

ORIGINATING DEPARTMENT: City Utilities of Springfield, Missouri ("City Utilities")

PURPOSE: Approval of City Utilities' Fiscal Year 2023 Operating Budget

BACKGROUND INFORMATION: As required by the Springfield City Charter, Article 16.8: The Board of Public Utilities shall prepare and submit to the Council, not less than 30 days prior to the end of the Board's fiscal year, a budget showing its estimated revenue for the coming year from all sources and its estimated expenditures for operating expenses, for depreciation, for payment of all outstanding obligations, for transfer to the City of payments in lieu of taxes, and all other estimated expenditures.

Article 16.9 of the Springfield City Charter further states that the approval of the said budget by the Council shall be deemed to be an appropriation of the money authorized for disbursement thereby, and no further action needs to be taken by the Council.

REMARKS: The end of City Utilities' current fiscal year and budget is Friday, September 30, 2022. The period included in City Utilities' Fiscal Year 2023 Operating Budget is October 1, 2022, through September 30, 2023.

Submitted by:

Amy Derdall	Gary Gibson
Vice President – Chief Financial Officer	President – Chief Executive Officer

RESOLUTION

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri ("Board"), has the charter duty to take charge of, exercise control over and operate any public utilities owned, operated or acquired by the City of Springfield, Missouri ("City"), and all extensions thereof and appurtenances thereto belonging, under the name City Utilities of Springfield, Missouri ("City Utilities"), including the responsibility to prepare and submit to City Council an annual budget; and

WHEREAS, City Utilities' staff has presented and received input on a draft proposed Fiscal Year 2023 Operating Budget (the "Budget") from the Board and City Council, as well as the public by virtue of a public hearing opportunity, and has now presented to the Board a final proposed Budget in the form attached hereto as Exhibit A in accordance with City Charter Section 16.8, together with a form of City Council ordinance (the "Ordinance") and explanation (the "Explanation") attached hereto as Exhibits B and C, respectively, proposing disbursement authority of $656,398,687 for City Utilities' 2023 fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SPRINGFIELD, MISSOURI, that City Utilities' 2023-2027 Operating Plan incorporated herein by reference, including the Budget in the form attached hereto as Exhibit A, be approved, and the Budget, Ordinance and Explanation be submitted to City Council for approval.

CERTIFICATE

The undersigned, Don Woody, Assistant Secretary of the Board of Public Utilities of the City of Springfield, Missouri, does hereby certify under his hand and seal of the Board that the foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting held on the 18th day of August, 2022, pursuant to notice of time and place duly given to all members of the Board, at which meeting a quorum was present and voted throughout.

Dated this 18th day of August, 2022.

Don Woody, Assistant Secretary

BOARD OF PUBLIC UTILITIES
TELECOMMUNICATIONS
ELECTRIC
NATURAL GAS
WATER
TRANSIT
CITY OF SPRINGFIELD

Exhibit A

PROPOSED

City Utilities
Connecting Our Community

FY 2023
OPERATING BUDGET

City Utilities
Connecting Our Community

July 28, 2022

Memo To: Chair and Members of the Board of Public Utilities

We are pleased to present City Utilities' 2023 Operating Budget for your consideration and approval. The budget for the fiscal year beginning October 1, 2022, requires approval by the Board of Public Utilities and by City Council. The proposed budget outlines project expenditures necessary to responsibly serve our customers, and it establishes the approval of the budget and disbursement authority as required by the City Charter.

This budget is presented by functional category, with all capital, fuel, and non-capital expenditures displayed for fiscal years 2021, 2022, and 2023, respectively. Financial Statements are included in the budget document, specifically, a projected Statement of Net Position, a Statement of Revenues, Expenses and Changes in Net Position for the Utility, and Statements of Operations for the individual business units.

A special Board meeting has been scheduled for Tuesday, August 9, 2022, at 3:00 p.m. for presentation of this budget.

A public hearing for the 2023 Operating Budget followed by a joint Board/City Council study session has been scheduled for Thursday, August 11, 2022, at 5:30 p.m.

On behalf of our management team and all the employees of City Utilities responsible for producing the 2023 Operating Budget, we would like to thank you for your support of this final part of our annual planning effort. The input you provide during the year, and especially during the budget process, is invaluable. We would be pleased to answer any questions you may have or provide any additional information you would find useful. Please call Amy Derdall or me for clarification or comment while considering this budget.

Respectfully,

Gary Gibson
President - CEO

c: Mayor and Members of the City Council
CU Citizens' Advisory Council
CU Executive Committee
City Manager
City Clerk

417.863.9000 PHONE | 301 EAST CENTRAL STREET Springfield, MO 65806 | P.O. BOX 551 Springfield, MO 65801 | cityutilities.net WEB

OPERATING BUDGET

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BOARD OF PUBLIC UTILITIES

Jennifer Wilson, Chair
Nancy Williams, Vice Chair
Kristin Carter, Secretary
Donald Woody, Assistant Secretary

Scott Bratcher
Steve Edwards
Louise Knauer
Heather Ramsey
Lynn Rowe
Clif Smart
Matthew Stublefield
Jason Gage, ex-officio

CITY UTILITIES CITIZENS' ADVISORY COUNCIL

As of 6/30/2022

Mark Eck, Chair
Matt Morris, Vice Chair

David Bixler
Jerry Brierly
Roy Bright
Irwin Cohen
King Coltrin
Gordon Elliott
Mark Gambon
Jann Holland
Skip Jansen
Andrew Peters
Crystal Reynolds
Jeff Shore
William A. Smillie
Jay Titus
Phil Wannenmacher
John Whittington
Michael Zimmerman

CITY COUNCIL

Ken McClure	Mayor
Monica Horton	Zone 1
Abe McGull	Zone 2
Mike Schilling	Zone 3
Matthew Simpson	Zone 4
Heather Hardinger	General A
Craig Hosmer	General B
Andrew Lear	General C
Richard Ollis	General D

Budget Format

Pursuant to the Springfield City Charter, City Utilities is required to prepare an Operating Budget each year for consideration by the Board of Public Utilities and the City Council of Springfield, MO. Approval of the Operating Budget establishes the total amount of expenditures for that year. This amount is referred to as disbursement authority and represents the total amount of spending appropriated for the year for all purposes including the cost of fuels, labor, and all other goods and services for capital and non-capital spending.

To ensure expenditures in any year do not exceed total disbursement authority, City Utilities budgets all expenditures within eighteen functional categories, which are groups of projects. These projects may be capital related such as the construction of a water storage tank or may be related to the operations and maintenance of the Utility. Included in the 2023 Operating Budget are projects related to the purchase of fuels for natural gas and electric generation as well as projects related to the maintenance of water mains, natural gas mains, electric poles, and tree trimming. Each project includes all associated costs such as labor, contract services and purchased items. Each project is classified as capital, non-capital or fuels and is assigned to one functional category in the Operating Budget document.

Because labor expenditures are assigned to the specific projects for actual and projected expenditures for the Operating Budget, there is no single project or line item included for labor.

Planning Approach

City Utilities' planning process is deliberate with a focus on enabling sustainable financial strength while safely providing reliable services at affordable long-term costs for customers. The process is dynamic and incorporates the impact of changing variables such as customer demands, fuel prices, regulatory changes, and the economic climate.

The annual planning process begins by evaluating and projecting economic assumptions and customer usage expectations. It progresses to the identification of the operating and maintenance needs of the utility systems, ensuring consistent, safe service for our customers.

Consideration of any replacement or renewal of the equipment producing and delivering these services is then assessed. Regulatory and safety concerns are inherent throughout the process.

Ensuring quality and reliable services to meet the future needs of City Utilities' customers at competitive rates is ultimately the purpose of planning. The 2023-2027 Operating Plan provides sound guidance for the operation of a utility recognized nationally for its outstanding planning process.

Planning Process

Determine Revenue Projections	Customer Growth / Usage Fuel Prices Rates
Project Managers Submit Project Requests	Strategic Plan Objectives Operation and Maintenance of Systems Capital Improvements
Project Requests Prioritized by Business Unit to Ensure	Adequate Cash Reserves Financial Targets Satisfied

Budget Review Schedule	
July 28, 2022	Distribution of the preliminary 2023-2027 Operating Plan
August 9, 2022 (3:00 - 5:00 PM)	Presentation of the preliminary 2023-2027 Operating Plan at a special-called Board Meeting
August 11, 2022 (5:30 PM)	Public Hearing and Board/City Council Joint Study Session on the preliminary 2023 Operating Budget
August 12, 2022- August 17, 2022	Review comments, questions and/or study session with Board and City Council, as needed
August 18, 2022 (3:00 PM)	Board Approval of the 2023-2027 Operating Plan
August 19, 2022	Board-Approved 2023 Operating Budget filed with City Clerk
September 6, 2022 (6:30 PM)	First Reading and Public Hearing of Board-Approved 2023 Operating Budget by City Council
September 19, 2022 (6:30 PM)	Second Reading and Adoption of 2023 Operating Budget by City Council

Glossary

APPROPRIATION – An authorization granted by a governing body to make expenditures and incur obligations for specific purposes. An appropriation is limited in amount and time when it may be expended.

BRITISH THERMAL UNIT (BTU) - The amount of heat energy needed to raise the temperature of one pound of water by one degree. This is the standard measurement used to state the amount of energy that a fuel has.

BUILD Grant – In 2019, the City of Springfield was awarded a $21 million grant through the Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary grant program by the Federal Department of Transportation. The city will use the funds to create a multi-modal transportation improvement along Grant Avenue between Sunshine and College Streets.

CAPITAL EXPENDITURE - Expenditure on a long-term business asset, a fixed asset.

CARRY-INS - A funding process which allows for time-line movements from a previous fiscal year to the current year.

COMMUNITY SERVICES - A summary of the monetary value that City Utilities provides to the City of Springfield and the customers of City Utilities for a given time period. This value usually includes the payment in lieu of taxes, utility relocates, free utility services provided to the City, and subsidization of the Transit System.

CONTINGENCY ITEM - Potential project not included in the funding solution and which may or may not be required (e.g., dependent on other actions).

DAYS CASH - Number of days of cash on hand (working capital) available to meet daily Utility operations. Excludes restricted funds. (1 Day of Cash = Annual Operating Expense divided by 365 days).

DEBT SERVICE - The organization's obligation to pay the principal and interest of all debt instruments according to a pre-determined payment schedule.

DEBT SERVICE COVERAGE - Sum of Operating Income, excluding depreciation and amortization, and including other income divided by Total Annual Debt Service. Measures how many times Utility's annual income will cover annual debt payments.

DEBT SERVICE FUND - A fund established to account for the accumulation of resources (cash) for the payment of principal and interest on debt. This fund is often called a Sinking Fund or Bond Fund.

DEKATHERM (DTH) - Unit of energy to measure natural gas. Equivalent to one million BTUs and the energy contained in about one thousand cubic feet of natural gas.

DISBURSEMENT AUTHORITY - Amount of funds approved to be disbursed in a given year. Approved by City Council per the City Charter.

EXPENDITURE - The actual outflow of funds paid for assets, labor, goods, materials, or services. Expenditures are the accounting entry where disbursements or accruals are recognized.

EXPENSES - Expenses represent the total cost of operations during a period regardless of the timing of the disbursement.

FISCAL YEAR - A 12-month period to which the annual budget applies. Also known as the budget year. City Utilities' Fiscal Year is October 1 to September 30.

FUND BALANCE - The amount of money in a cash account at a specific point in time.

FUND DESCRIPTIONS –

OPERATING FUND - The general fund for the Utility. All receipts and disbursements, except for some specific financings and direct interest earnings, flow through the Operating Fund. Periodic transfers are made to/from other funds to settle-up on transactions incurred on behalf of the Operating Fund.

DESIGNATED IMPROVEMENT ACCOUNT (DIA) - Funds in the DIA may be used for the maintenance and repair, construction, acquisitions, extensions, and improvements to a system. DIA includes the board approved contingency, pollution, and disaster funds.

BOND FUNDS - Funds required to be set aside out of revenues to protect bondholders and City Utilities in the event of fund shortfalls. Funds for Bonded Indebtedness are required for Debt Service Reserves and Sinking Funds.

CONSTRUCTION FUNDS - These funds represent bond or financing proceeds held for construction of major capital projects. In addition to the initial bond proceeds deposited in this fund, yet-to-be consumed funds are invested, and earnings on these investments are added to help fund the overall cost of the project. Expenditures are reimbursed monthly to the Operating Fund.

GIGABIT - A gigabit is one billion bits. There are 8 bits to a byte. Generally, disk space is measured in bytes and transmission speed is measured in bits.

GIGABYTE (GB) - A unit of computer memory or data storage capacity equal to roughly a thousand megabytes or one million bytes. This also applies to data transmission quantities over broadband circuits.

HIGHWAY / BYWAY COST ALLOCATION – The cost allocation methodology for new transmission facilities in SPP based on the voltage of the facility.

INTEGRATED MARKET (IM) - In March 2014, SPP launched the IM including a consolidated balancing authority, a day-ahead energy market, a real-time energy market, an operating reserve market, and a market for Transmission Congestion Rights.

INTEGRATED TRANSMISSION PLANNING (ITP) – Iterative three-year SPP process including 20-year, 10-year, and near-term assessments of the energy transmission in SPP.

KILOWATT HOUR (kWh) - Equivalent to 1,000 watts used over one hour.

MEGAWATT HOUR (MWh) - Equivalent to 1 million watts used over one hour.

MILLER PARK – Miller Park is a 20-acre park located next to the Fellows Lake Marina. The park offers pavilions, a playground, a boat ramp, a small convenience store and rental of canoes, kayaks, and motorized boats. Miller Park is part of the Fellows Lake Recreational Area that has over 30 miles of Dirt 66 soft surface trails for hiking and mountain biking.

NON-UTILITY RECEIPTS / DISBURSEMENTS – Collections by City Utilities for the benefit of another entity. These collections or receipts, such as sales tax and sewer billings, create a non-utility disbursement when paid to the benefitting agency.

OFF-SYSTEM (ELECTRIC) SALES - Wholesale of electric power to an entity other than a City Utilities residential, commercial or industrial customer.

OPERATING EARNINGS - Operating Income excluding depreciation expense. This metric ensures that each business unit is generating enough cash flow to fund its capital improvements, common capital improvements, transit support, and debt payments.

OPERATING INCOME - The amount of profit realized from a business's operations after subtracting operating expenses and depreciation. Operating expenses are costs which are incurred from operating activities and exclude income and expenses such as interest, gain or loss on investments, extraordinary items and miscellaneous items not directly related to business operations.

RECEIPT - Funds the organization receives as income or capital contributions and are either designated or undesignated.

RESERVE - An account used to set aside a portion of a fund balance as segregated for a specific future use.

REPROJECTED BUDGET - The current year's budget updated for actual results through a portion of the year and new revenues and fuels projections for the remainder of the fiscal year.

SOUTHWEST POWER POOL (SPP) - The Southwest Power Pool, based in Little Rock, AR, oversees the bulk electric grid and wholesale power market in the central United States on behalf of a diverse group of electric utilities and transmission companies.

STATEMENT OF NET POSITION (Balance Sheet) - A financial statement presenting the assets, liabilities, reserves and balances of specific funds as of a specific date.

STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION (Income Statement) - A financial statement displaying the revenues less expenses of the organization for a given period of time, usually a month or year.

THE ENERGY AUTHORITY (TEA) – The Energy Authority (TEA) provides public power utilities with access to advanced resources and technology systems so they can respond competitively in the changing energy markets. Through partnership with TEA, utilities benefit from an experienced organization that is singularly focused on deriving the maximum value of their assets from the market. City Utilities also receives resource management services from TEA.

TRANSMISSION CONGESTION RIGHTS (TCR) – Financial rights that can be purchased or sold and are used to hedge against the Day-Ahead Market transmission congestion between two settlement locations.

WORKING CAPITAL – The funds required to cover operation and maintenance expenses, purchase fuels and materials, fund capital investments, and debt service payments.

2023
OPERATING BUDGET

EXECUTIVE SUMMARY

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City Utilities' 2023 Operating Budget is the culmination of a planning process to meet customer needs while prudently managing resources. Decisions are aligned with the goals, strategies, and objectives of the Utility's Strategic Plan.

City Utilities continues to focus on providing value to customers. The trend over the last several years of flat or declining customer usage for electric, natural gas, and water is forecasted to continue over the next five years for normal weather conditions. While many of the factors influencing last year's Operating Plan are still relevant today, the most notable difference in the 2023 Operating Plan is the substantial uncertainty associated with significant inflation and present energy price volatility, particularly higher prices for natural gas. Changes in any number of geopolitical or market factors could impact fuel prices over the planning horizon. The key to our success going forward is to continue to find ways to be more efficient in our processes and proactively find ways to mitigate customer bill impacts due to market price volatility while meeting our customers' needs for safe and reliable electric, natural gas, water, transportation, and broadband services while focusing on promoting community economic development.

These factors played a key role in the development of the 2023 Operating Budget and will continue to drive City Utilities' planning process in the future.

This section provides an overview of the 2023 Operating Budget. Included is an overview of our financial targets, a summary of the major capital expenditures, projections for customer growth and usage, and the revenue forecast for each business unit. The disbursement authority calculation based on the expenditures in this budget is also included at the end of the summary.

The accompanying sections of the Operating Budget include further detail of the revenue assumptions, planned capital improvements, and expenditures associated with the daily operation and maintenance of the Utility.

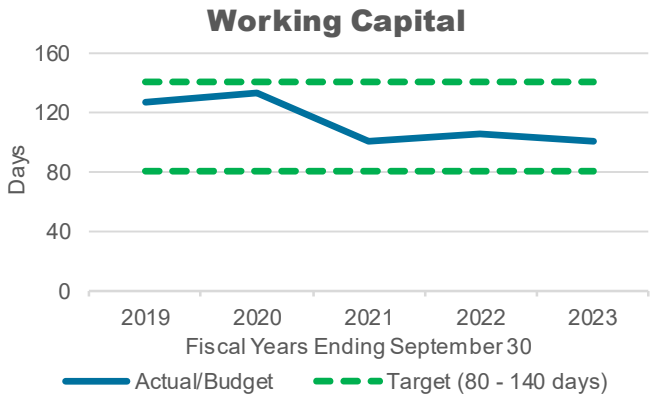
The Operating Budget is presented to the Board of Public Utilities for consideration and approval. Following approval by the Board of Public Utilities, the Operating Budget is presented to City Council for consideration and approval.

Financial Targets

Working Capital

Working capital is the cash used to meet the budgeted and operational needs of the Utility throughout the year. These are the funds required to purchase fuels and materials, to fund capital investments, to cover operation and maintenance expenses, and debt service payments. For fiscal 2023, the average daily cash requirement is projected to be $1,122,000. City Utilities' working capital target range is reviewed periodically and is based on three factors: Operational Cash Flow Model, Debt Service Adjustment, and Financial Stability. The target level is a range of 80 to 140 days of cash on hand, which aligns City Utilities' working capital target with other "AA" rated public utilities. The working capital balance is reflected on the summary of fund balances as cash, short-term investments, and working capital. Cash designated for future capital projects, contingencies, board designated reserves, or reserves required by bond ordinances is not included in working capital.

For the 2023 Operating Budget, City Utilities is projected to end the fiscal year with 100 days of working capital. Projections for the five-year Operating Plan show working capital will remain within the target range, ending 2027 at 102 days.



Operating Earnings

Operating Earnings less Operating Requirement is a calculation management uses to ensure that each business unit is generating sufficient cash flow to cover the business unit's capital improvements, common capital improvements, transit support, and debt service payments. Operating Earnings, or cash flow from operations, is calculated as Operating Income excluding depreciation expense. The Operating Requirement for Electric, Natural Gas, Water, and SpringNet® includes capital expenditures and debt service. The Operating Requirement for Electric, Natural Gas, and Water also includes support of the Transit System.

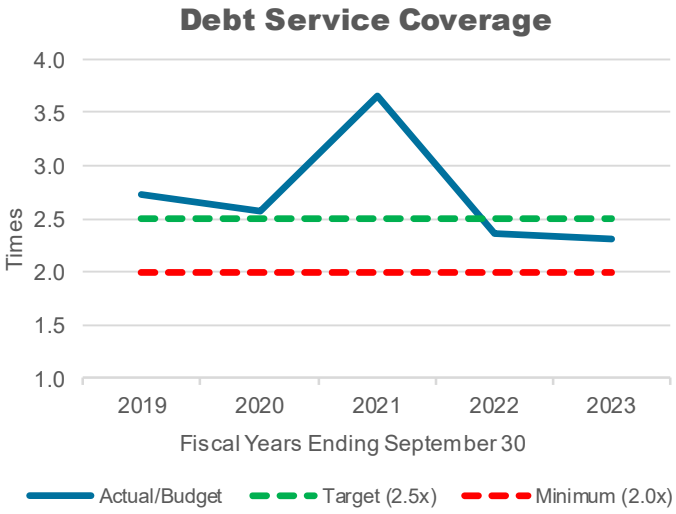
Any business unit with Operating Earnings projected to be below the Operating Requirement is scrutinized for budget reductions, additional revenue sources, or possible financing alternatives. It is common for Operating Earnings to be less than the Operating Requirement when large capital improvements are planned. This is considered acceptable if future years of the operating plan show the business unit will have Operating Earnings in excess of the Operating Requirement in order to cover the years with a shortfall.

For the 2023 Operating Budget, Natural Gas' Operating Earnings will exceed the Operating Requirement. Electric, SpringNet®, and Water Operating Earnings will be less than the Operating Requirement primarily due to large capital projects.

Debt Service Coverage

Debt Service Coverage (DSC) is the ratio of total income (excluding depreciation and amortization) to total debt service. This ratio is expressed as a measure of how many times the Utility's adjusted annual income will cover the annual debt payments.

City Utilities has set a target DSC, based on financial standards for strongly rated utilities, of 2.5 times debt service, with a minimum required level of 2.0. For the 2023 Operating Budget, DSC is projected to be 2.3.



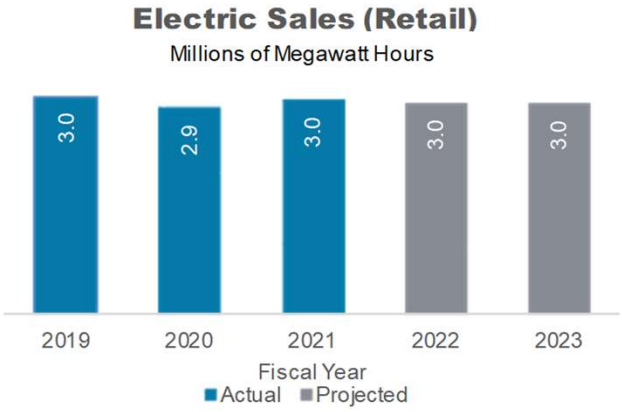
** Debt Service Coverage Ratio is higher in fiscal 2021 due to increased electric off-system revenue during the winter weather event of February 2021.*

Customer Growth and Use

Electric, Natural Gas, and Water sales demonstrate the impact of customer growth and usage projections of system sales included in the Operating Budget. Sales projections are based on normal weather and 2022 includes actual sales through February. These projections exclude interdepartmental revenues.

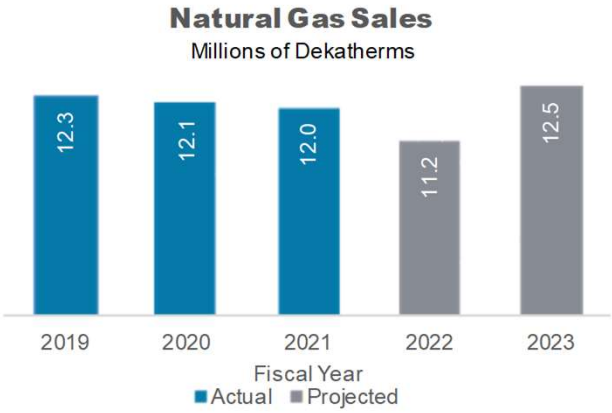
Electric

The number of electric customers is projected to increase by 773 (0.8%) new residential customers and 161 (1.0%) nonresidential customers in fiscal 2023. Use per customer in 2023 is projected to decline compared to 2022 projections.



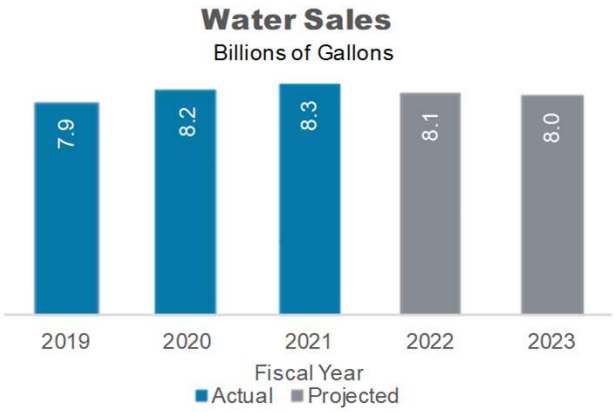
Natural Gas

The number of natural gas customers is projected to increase by 226 (0.3%) new residential customers and 35 (0.4%) nonresidential customers in fiscal 2023. Use per customer in 2023 is projected to be higher than 2022 projections due to the overall warmer winter weather in 2022.



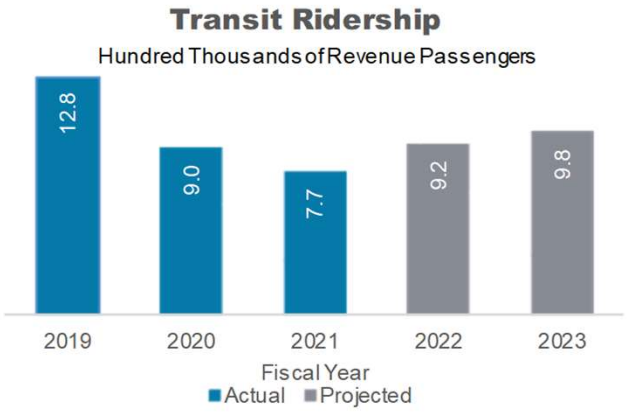
Water

The Water System continues to experience modest growth in customers. The number of water customers is projected to increase by 341 (0.5%) new residential customers and 65 (0.8%) nonresidential customers in fiscal 2023. Water use per residential customer in 2023 is projected to continue to decline with changing customer habits and efficiencies.



Transit

Transit ridership for fiscal 2023 is projected to increase slightly compared to 2022 as ridership increases towards pre-pandemic levels.



Revenue Forecast

Total receipts for the Utility are projected at $607 million for fiscal 2023, a decrease of $34 million compared to the 2022 Reprojected Budget. Most of this expected decrease is due to the receipt of financing proceeds in fiscal 2022.

Electric revenues expect to remain flat from 2022 to 2023 despite a slight decline in volumetric units sold.

Natural Gas receipts expect to remain flat from 2022 to 2023 with an increase in volumetric units sold.

Water revenues expect to remain flat in 2023 from 2022 with similar volume of sales anticipated year over year.

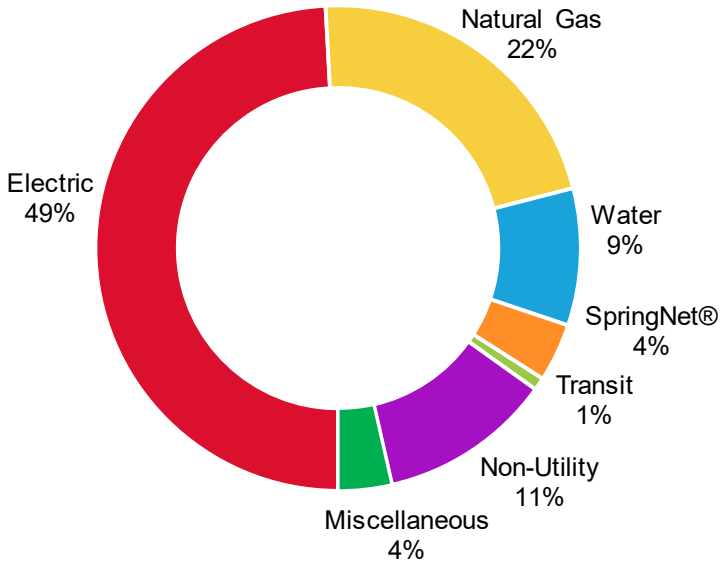
SpringNet® revenues expect to increase in fiscal 2023 due to continued growth in leasing the expanded fiber optic network as the fiber expansion project nears completion.

Transit operating revenues expect to remain flat from 2022 to 2023. Revenues from ridership and bus advertising do not include any fare increases. It is expected the Transit System will continue to receive federal and state operating subsidies, including funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act and American Rescue Plan Act of 2021 (ARPA), which are also reflected in total Transit receipts.

Non-utility receipts are items that City Utilities collects and remits to a third party. These items include sales taxes billed, wastewater billings for the City of Springfield, and donations to the Project SHARE program.

Miscellaneous billings include financing proceeds, interest income, customer contributions for service extensions, capital grants, and capital reimbursements from the Federal Transit Administration (FTA). Miscellaneous billings in fiscal 2023 are projected to decrease due to financing proceeds received in 2022.

2023 Receipts Budget



Revenues/Receipts

($ in millions)	Actual 2021	Reprojected 2022	Budget 2023
Utility Operating Revenues/Receipts:			
Electric	$ 326	$ 298	$ 298
Natural Gas	90	132	132
Water	56	55	55
SpringNet®	15	19	24
Trunked Radio	1	1	1
Transit (including subsidies)	5	5	5
Non-Utility Receipts	57	68	70
Miscelleaneous Billings	64	61	22
Total Receipts*	**$ 615**	**$ 641**	**$ 607**

* May not add due to rounding

Economic Assumptions

The 2023 Operating Budget includes economic assumptions to project expenditure levels. These include projections for inflation, fuel prices, borrowing costs, and investment returns. The assumptions for 2023 are based on the Federal Reserve's current monetary policy and target inflation rate.

The rate of inflation for operating and maintenance expenses and construction costs for the Operating Budget is 3.0% for 2023. For planning and budgeting purposes, this rate was applied to current expenditure trends to project future expenditures, except where other known variables are likely to impact costs. Inflation rates are used by project managers as a guideline to help forecast projects as accurately as possible.

Economic Assumptions

	Budget
Inflation Rate	3.0%
Interest Borrowing Rate (tax-exempt):	
15 year	2.9%
30 year	3.3%
Portfolio Interest Earnings Rate	2.5%

Fuels and Purchased Energy Assumptions

Assumptions for fuels, purchased energy costs, and purchased volumetric estimates are an integral part of the budgeting process. Fuels and purchased energy costs account for 32% of City Utilities' total 2023 budgeted expenditures. Most of these costs will be paid by City Utilities' customers through fuel cost adjustment mechanisms and impact revenues and receipts for the year.

Fuels and Purchased Energy

	2023
Coal:	
Tons Purchased	1.4 million
Cost of Coal Purchases	$51 million
Delivered Price per Ton	$35.78
Natural Gas:	
Dth Purchased	15.7 million
Cost of Natural Gas Purchases	$84 million
Average Supply Cost per DTh	$5.36
Purchased Energy:	
MWh Purchased	1.7 million
Cost of Purchased Energy	$44 million
Average Price per MWh	$26.60

Current projections reflect the assumption that coal from the Powder River Basin in Wyoming will be consumed at John Twitty Energy Center (JTEC) coal-fired generating units. The average delivered cost of coal is projected to be $2.05 per million British Thermal Units (BTU) with freight costs included.

Assuming normal weather, natural gas expenditures for 2023 are projected to be slightly lower than 2022. The 2023 budgeted cost of 16 million dekatherms of natural gas is $84 million. This includes $56 million for natural gas purchased for firm and curtailable customers and $16 million for transportation capacity. Natural Gas for power generation is budgeted at $12 million in fiscal 2023.

Purchased energy costs for 2023 budgeted at $44 million includes renewable energy purchased power agreements and purchases from the SPP integrated marketplace. Purchases from the SPP integrated marketplace are driven by economic decisions to purchase energy when it is more economical than to produce it.

Capital Improvements

Capital Improvement projects are a major component in planning for the future of City Utilities. Capital Improvements are necessary to provide safe, reliable service to customers and help ensure flexibility of supply. Capital Improvements maintain and restore aging infrastructure promoting compliance with safety and reliability standards for our customers. In recent years, City Utilities modified our planning process to better prioritize projects in a manner best serving the needs of our customers and strategic goals of the Utility. Projects are prioritized within business units in alignment with our Strategic Plan.

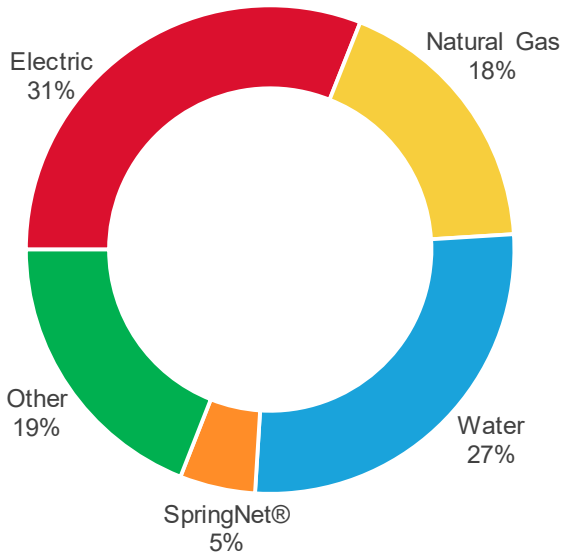
Capital expenditures for the 2023 Operating Budget have a projected cost of $62 million. This is a decrease from $115 million in the 2022 Reprojected Budget which includes $34 million for fiber expansion. Due to the ongoing process of maintaining City Utilities' infrastructure, many of the capital projects are recurring in nature. Recurring projects include such items as preventive maintenance of electric lines, water main and service renewals, and natural gas main and service renewals.

Investment in renewing and replacing aging infrastructure continues to be a priority for the Utility. Capital improvements include $9 million for water main and service renewals, $7 million for natural gas main and service renewals, $6 million for purchase and installation of distribution transformers, $3 million for electric pole maintenance and $2 million for electric infrastructure improvements for Grant Avenue Parkway.

Other planned capital spending is centered around the strategic goals of dependability, responsibility, excellence, grow, and innovate. Expenditures for other planned capital spending include $3 million for expansion for additional huts and fiber extensions to accommodate increased SpringNet® customer demands, $1 million for improvements at our water treatment plants to meet regulatory requirements, $1 million for the purchase of a backup substation transformer, and $250,000 for design of Booster III to allow for water service east of Springfield, along Highway 60.

Section C of the 2023 Operating Budget includes additional information on the capital budgeting process, descriptions of the capital projects, and the strategies that each project supports.

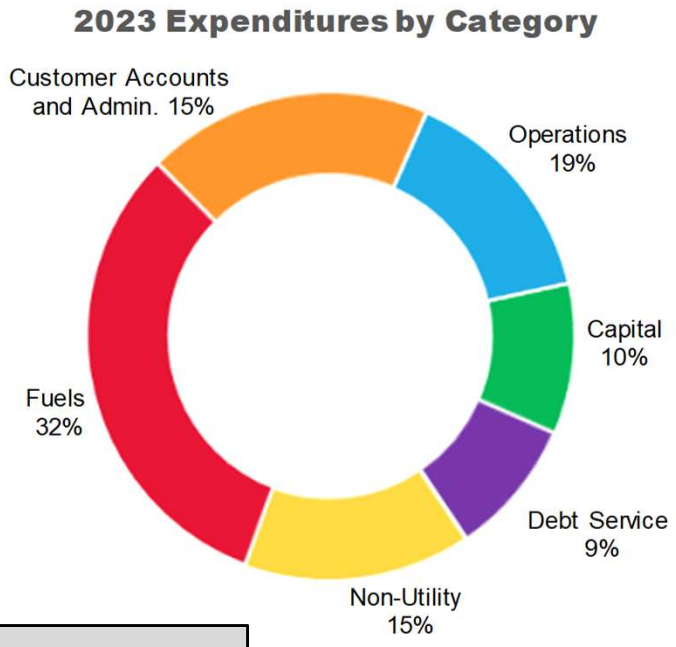
Capital Expenditures by Category



Expenditures

Total expenditures for the 2023 Operating Budget are projected at $604 million, a decrease of $47 million from the 2022 Reprojected Budget. Decreases in expenditures for capital additions and improvements and fuels account for most of this decrease in fiscal 2023 as compared to 2022.

Total Disbursement Authority for the year is presented in section E of the 2023 Operating Budget. In addition to expenditures, Total Disbursement Authority includes a Business Volatility and Fuels Contingency, net operating expenses of The Energy Authority, changes in payables balance sheet accounts, and other miscellaneous payments. For fiscal 2023, disbursement authority for all funds total $656 million.



Project Expenditures

($ in millions)	Actual 2021	Reprojected 2022	Budget 2023
Fuels	**$ 208**	**$ 198**	**$ 196**
Operations: [1]			
Power Generation	29	32	27
Electric T and D	27	28	29
Natural Gas T and D	6	6	6
Water Supply and Treatment	5	6	7
Water Distribution	5	4	5
Transit	5	5	5
Facilities	5	6	6
Vehicles and Equipment	3	3	3
SpringNet®	5	6	7
Information Technology	11	12	13
General Operations	5	6	6
Sub-total Operations	**105**	**115**	**115**
Customer Accounts and Admin.: [1]			
Human Resources	56	58	62
Finance	6	7	7
Administrative Support	5	6	6
Customer Support	12	14	13
Sub-total Customer and Admin	**79**	**85**	**89**
Capital Improvements	**112**	**115**	**62**
Debt Service	**56**	**51**	**52**
Non-Utility	**76**	**87**	**90**
Total Project Expenditures	**$ 634**	**$ 651**	**$ 604**

[1] Expenditures for "Operations" and "Customer Accounts and Admin." consist of operations, maintenance, labor, and administrative costs.

Disbursement Authority

Disbursement Authority	Reprojected 2022	Budget 2023
Total Expenditures	$654,408,829	$601,398,687
Business Volatility and Fuels Contingency [1, 2]	45,000,000	55,000,000
Total Disbursements	**$699,408,829**	**$656,398,687**

[1] This disbursement will be offset by receipts through fuel adjustment mechanisms, should an increase in fuel costs occur, or will be covered through other funding mechanisms.

[2] The Business Volatility and Fuels Contingency includes an equity membership guarantee to The Energy Authority (TEA). Although remittance is not anticipated, it is included as a component of this Contingency, should a payment be needed.

Financial Results

Operating income from the utility is projected at $36 million in 2023. This amount will be reduced by interest expense and other miscellaneous expenses and increased by interest income, net capital contributions, and miscellaneous income to arrive at the net income projection of $27 million. Adequate income is very important for the Utility to fund annual debt service payments and capital expenditures.

Electric operating income is projected to be $25 million in 2023. Operating income from the Electric System is used to meet the debt service payments on the JTEC Unit 2 debt and to fund electric capital projects.

Natural Gas operating income is projected at $9 million for fiscal 2023 based on normal weather. This is an increase from 2022 reprojected operating income which was lower due to a warm winter

The Water operating income is projected to be $11 million. This is a decrease from 2022 reprojection due to inflationary increases in operating expenses.

Operating income for SpringNet® is projected at $3 million. As a result of the fiber expansion project, SpringNet® revenues continue to increase in 2023.

Transit revenues and subsidies are expected to remain similar to 2022 reprojected levels. Transit's net loss, after operating subsidies including receipts from the CARES Act and ARPA, is expected to be $8 million in 2023.

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This section provides key information by business unit related to revenues and receipts within the Utility. A brief description is included for each section of budgeted receipts or the fiscal year beginning October 1, 2022 through September 30, 2023.

Reprojected revenues and receipts are included for the fiscal year beginning October 1, 2021 through September 30, 2022.

For comparison, actual receipts for the fiscal year beginning October 1, 2020 through September 30, 2021 are also presented.

RECEIPTS HIGHLIGHTS

Summary of Receipts by Category	1
Electric Revenues and Receipts	2
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SpringNet® Revenues	5
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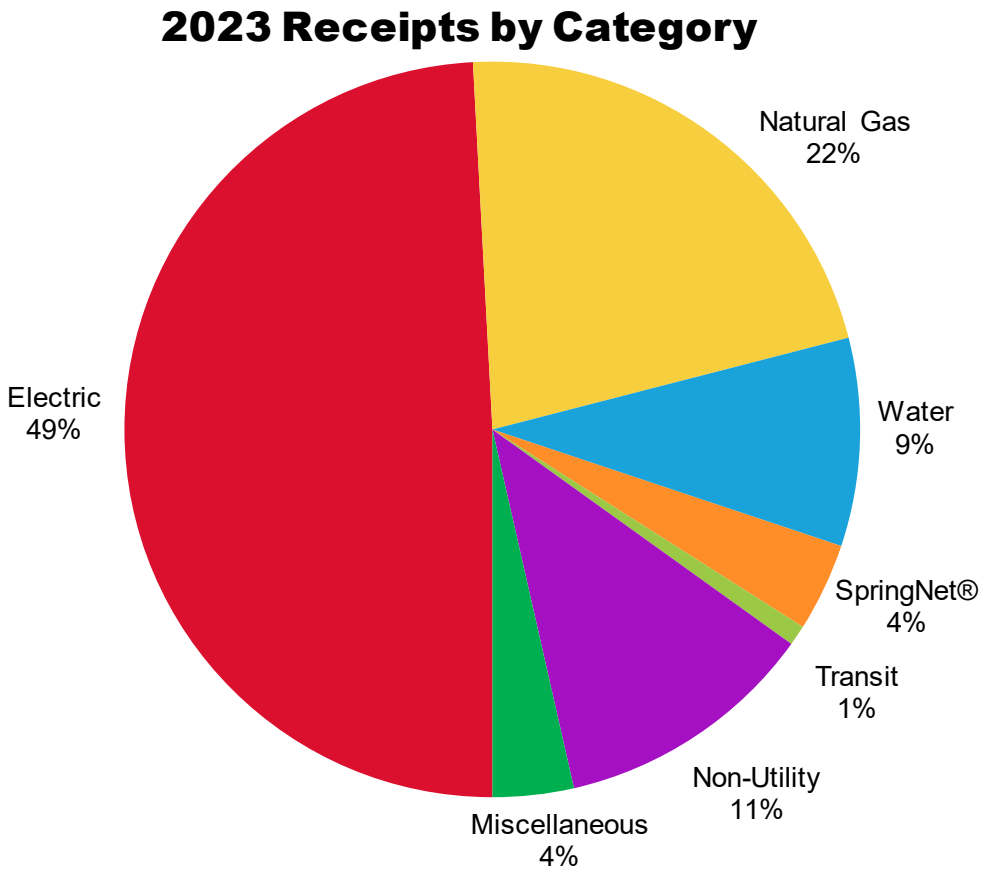
Non-Utility Receipts	8
Miscellaneous Billings and Receipts	9

Summary of Receipts by Category

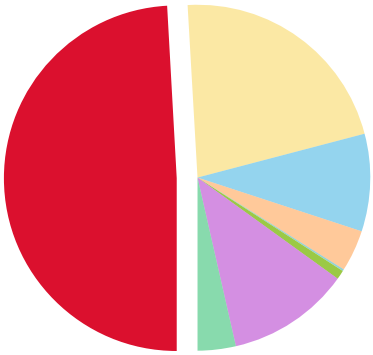
Receipts (000s)	2021 Actual	2022 Reprojected	2023 Budget
Electric Revenues and Receipts	$ 326,491	$ 298,421	$ 298,037
Natural Gas Revenues and Receipts	89,615	132,473	132,362
Water Revenues and Receipts	56,396	55,401	55,430
SpringNet® Revenues and Receipts	15,328	19,330	23,559
Trunked Radio Revenues and Receipts	679	747	995
Transit Revenues and Operating Subsidies	5,201	5,288	5,396
Non-Utility Receipts	57,139	68,110	69,930
Miscellaneous Billings and Receipts	64,178	60,906	21,596
Total Receipts	$ 615,027	$ 640,675	$ 607,304



Electric Revenues and Receipts

Receipts (000s)	2021 Actual	2022 Reprojected	2023 Budget
Sales Revenues	$ 350,391	$ 291,557	$ 293,093
Other Operating Revenues	10,875	11,181	11,241
Total Revenues	361,266	302,737	304,334
Less Non-Cash Adjustments	(34,775)	(4,316)	(6,297)
Total Receipts	$ 326,491	$ 298,421	$ 298,037
System Sales (MWh)	2,980,374	2,960,001	2,958,000
Off-System Sales (MWh)	1,330,254	1,170,744	1,059,800
Total Sales (MWh)*	4,310,628	4,130,745	4,017,800

*Excludes Interdepartmental and Net Unbilled Sales



Overview

Electric sales revenues are amounts billed to customers for the sale of electricity adjusted to recognize unbilled revenue and fuel recovery. Electric sales revenues also include interdepartmental sales charged to other operating areas of the Utility and miscellaneous service charges and rents.

Non-cash adjustments to sales revenues include unbilled revenues, interdepartmental sales, and recovery of electric fuel costs. These adjustments are included in sales revenues and are deducted to arrive at total receipts.

Reprojected Adjustment

- Fiscal 2022 reprojected electric system sales revenues and volumetric units sold are expected to be unchanged from original Operating Budget projections. The reprojected electric system sales volumes are expected to be 0.7% lower than fiscal 2021 system sales volumes.

- Off-system sales revenues for fiscal 2022 are reprojected at $25 million, which is an increase of $10 million compared to the original Operating Budget projections. This reprojection is due to an increase in both the price and volume of off-system sales.

Highlights

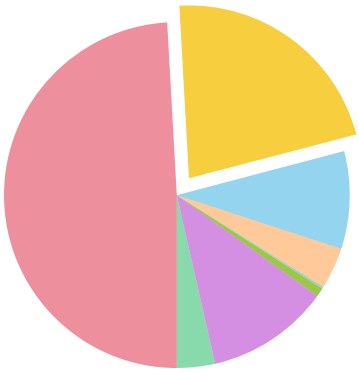
- Total residential electric customers are projected to increase 0.8% to 103,773 customers in fiscal 2023. Electric use per residential customer is projected to decrease approximately 1% with residential electric sales budgeted to decrease by 0.2% to around one million megawatt-hours (MWh) in fiscal 2023.

- The average number of nonresidential electric customers is expected to increase by 1% to 16,268 customers. Nonresidential electric use per customer is projected to decrease 1% from fiscal 2022 levels. Nonresidential electric sales are projected to remain flat at nearly two million MWh in fiscal 2023.

- Off-system sales include energy sales through The Energy Authority (TEA) and the Southwest Power Pool (SPP). Off-system sales for fiscal 2023 are forecasted at 1,059,800 MWh.

- Non-cash adjustments include interdepartmental electric sales for electricity used by other City Utilities business units, unbilled revenues, and under-recovered or over-recovered fuel costs. Electricity for interdepartmental use is budgeted at nearly $4 million in fiscal 2023.

Natural Gas Revenues and Receipts



Receipts (000s)	2021 Actual	2022 Reprojected	2023 Budget
Sales Revenues	$ 136,266	$ 126,492	$ 130,608
Other Operating Revenues	1,760	2,234	2,212
Total Revenues	138,027	128,726	132,819
Less Non-Cash Adjustments	(48,412)	3,747	(458)
Total Receipts	$ 89,615	$ 132,473	$ 132,362
Sales (DTh)*	11,986,342	11,200,000	12,495,100

*Excludes Interdepartmental and Net Unbilled Sales

Overview

Natural gas sales revenues are amounts billed to customers for the sale of natural gas, adjusted to recognize unbilled revenue and fuel recovery. Natural gas sales revenues include interdepartmental sales charged to other operating areas of the Utility. Other operating revenues include miscellaneous service charges and rents.

Non-cash adjustments to sales revenues include unbilled revenues, interdepartmental sales, and recovery of natural gas fuel costs. These adjustments are included in sales revenues and are deducted to arrive at total receipts.

Reprojected Adjustment

- Sales revenues for fiscal 2022 are expected to increase from original Operating Budget projections by $24 million primarily due to an increase in the purchase price of natural gas. Reprojected sales volumes decreased by about 1,387,000 dekatherms.

- The projected system sales volumes in fiscal 2022 are 11 million dekatherms, down about 800,000 from fiscal 2021. There was slight growth in the average number of natural gas customers, a decrease in average use per residential customer, and a slight decrease in average use per nonresidential customer compared to fiscal 2021.

Highlights

- Residential natural gas customers are projected to increase 0.3% to 76,471 customers in fiscal 2023. Weather normalized natural gas use per residential customer is projected to remain flat from fiscal 2022. Residential natural gas sales are budgeted at six million dekatherms in fiscal 2023.

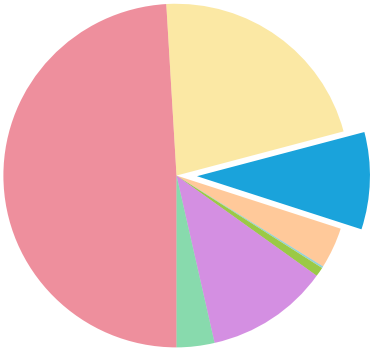
- Nonresidential natural gas customers are budgeted to increase 0.4% to 8,687 customers in fiscal 2023. Weather normalized nonresidential natural gas use per customer is budgeted to increase by 0.4% in fiscal 2023, and sales are budgeted at seven million dekatherms.

- Non-cash adjustments include interdepartmental natural gas sales for natural gas used in power generation charged to the Electric business unit, natural gas used by other City Utilities facilities, unbilled revenues, and under-recovered or over-recovered fuel costs. Natural gas for power generation is budgeted at $12 million in fiscal 2023 for approximately three million dekatherms.

Water Revenues and Receipts

Receipts (000s)	2021 Actual	2022 Reprojected	2023 Budget
Sales Revenues	$ 54,566	$ 54,131	$ 54,153
Other Operating Revenues	1,439	1,408	1,417
Total Revenues	56,005	55,539	55,571
Less Non-Cash Adjustments	392	(139)	(141)
Total Receipts	$ 56,396	$ 55,401	$ 55,430
Sales (Thousand Gallons)*	8,328,298	8,098,000	8,046,000

*Excludes Interdepartmental and Net Unbilled Sales



Overview

Water sales revenues are the amounts billed to customers for the sale of water, adjusted to recognize unbilled revenue. Water sales revenues include interdepartmental sales charged to other operating areas of the Utility. Other operating revenues include miscellaneous service charges.

Non-cash adjustments to sales revenues include unbilled revenues and interdepartmental sales which are deducted from total revenues to arrive at total receipts.

Reprojected Adjustment

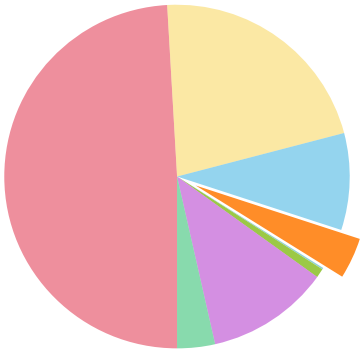
- Water sales volumes for fiscal 2022 are expected to be unchanged from original Operating Budget projections. The growth in average number of residential and nonresidential customers will be slightly more than the original Operating Budget.

Highlights

- Residential water customers are budgeted to increase 0.5% to 76,095 customers in fiscal 2023. Water use per residential customer is budgeted to decrease 1.5% with residential water sales decreasing slightly to four billion gallons in fiscal 2023.

- Nonresidential water customers are budgeted to increase 0.8% to 8,669 customers in fiscal 2023. Nonresidential use per customer is budgeted to decrease nearly 1% during fiscal 2023 with nonresidential water sales budgeted to decline slightly to four billion gallons.

SpringNet® Revenues



Receipts (000s)	2021 Actual	2022 Reprojected	2023 Budget
Sales Revenues	$ 16,505	$ 20,557	$ 24,759
Less Non-Cash Adjustments	(1,177)	(1,226)	(1,200)
Total Receipts	$ 15,328	$ 19,330	$ 23,559

Overview

SpringNet® revenues are generated from leasing fiber to broadband service providers and from external broadband services to the business community. SpringNet® offers business solutions to commercial businesses including enterprise data users such as hospitals, banking institutions, universities, local schools, local internet service providers, and small businesses.

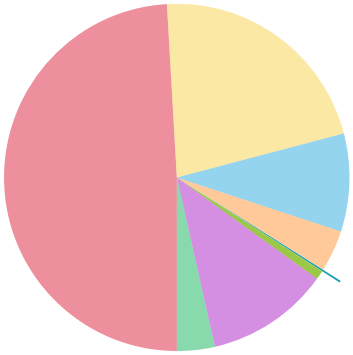
Non-cash adjustments represent interdepartmental sales. These adjustments are included in sales revenues and are deducted to arrive at total receipts.

Highlights

- External sales of SpringNet® broadband services are estimated to grow by $4 million in fiscal 2023 due to continued growth in leasing the expanded fiber optic network as the fiber expansion project nears completion. Services available to the business community include Internet-type services (NetLink), networking services (LANLink), and wireless attachment services.

Trunked Radio System Revenues

Receipts (000s)	2021 Actual	2022 Reprojected	2023 Budget
Sales Revenues	$ 2,228	$ 2,157	$ 2,405
Less Non-Cash Adjustments	(1,549)	(1,410)	(1,410)
Total Receipts	$ 679	$ 747	$ 995



Overview

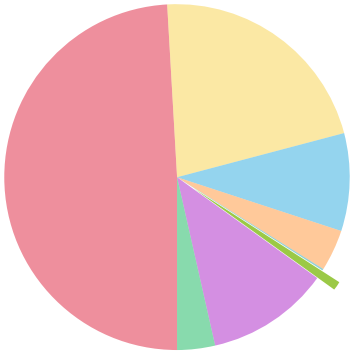
Trunked Radio System (TRS) revenues are generated primarily through reimbursements from the City of Springfield and Greene County for the costs associated with operation and maintenance of the TRS as well as system upgrades. Additional revenues are generated by providing radio services to public safety agencies and leasing tower space.

Non-cash adjustments represent interdepartmental sales. These adjustments are included in sales revenues and are deducted to arrive at total receipts.

Highlights

- External revenues from the Trunked Radio System are projected to be approximately $1 million. Revenue for fiscal 2023 was increased by $200,000 from fiscal 2022 to support system maintenance.
- Internal Trunked Radio services provided to City Utilities' operations are projected to be $1 million.

Transit Revenues and Operating Subsidies



Receipts (000s)	2021 Actual	2022 Reprojected	2023 Budget
Sales Revenues	$ 701	$ 832	$ 809
Add Operating Subsidies	4,500	4,455	4,586
Total Receipts	$ 5,201	$ 5,288	$ 5,396
Total Revenue Passengers	767,491	921,838	982,253

Overview

Transit operating revenues are the fares collected from bus passengers, the sale of bus passes and discount cards, and the revenues for advertising on transit assets.

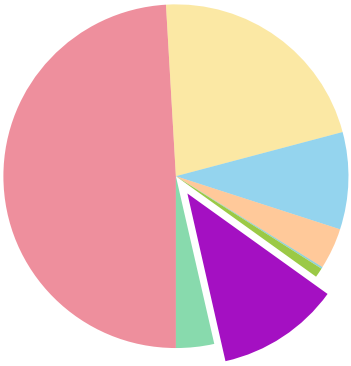
Operating subsidies from the Federal Transit Administration (FTA) and the State of Missouri provide partial funding for the operation of the transit system.

Highlights

- Advertising sales are projected at $161,000 in fiscal 2023.
- City Utilities is eligible to receive partial reimbursement from the FTA to help fund system maintenance and improvements, paratransit, and security expenses.

Non-Utility Receipts

Receipts (000s)	2021 Actual	2022 Reprojected	2023 Budget
Reimbursements	$ 1,847	$ 6,237	$ 5,000
Customer Meter Deposits	215	100	100
Project SHARE	98	94	96
Sales Tax Collections	11,751	13,228	13,216
Wastewater Revenue Billings	43,229	48,451	51,518
Total Receipts	$ 57,139	$ 68,110	$ 69,930



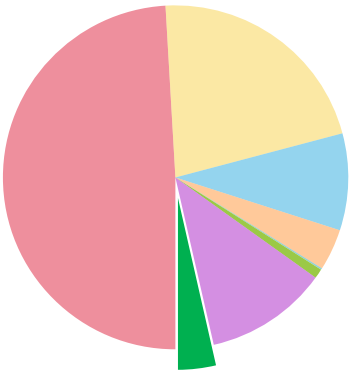
Overview

Non-Utility Receipts are funds City Utilities collects for third parties, including wastewater revenue billings, sales tax, and donations to the Project SHARE program. Upon collection, funds are subsequently remitted to the appropriate agency. Receipts of refundable customer deposits and other reimbursable items are also included in this category.

Highlights

- City Utilities provides the City of Springfield with wastewater billing services. The Operating Budget includes collecting $52 million in fiscal 2023 from customers for the Clean Water Services Division of the City of Springfield.
- The Operating Budget includes collection of $13 million during 2023 from customers for the State of Missouri for various state and local sales taxes.
- Receipts from customers for the Project SHARE program are included in the 2023 Operating Budget at $96,000. Project SHARE is a voluntary program that relies on community donations to assist City Utilities' customers with their bill.
- The 2023 Operating Budget includes $5 million for other miscellaneous reimbursable receipts.

Miscellaneous Billings and Receipts



Receipts (000s)	2021 Actual	2022 Reprojected	2023 Budget
Interest Income	$ 4,420	$ 5,009	$ 5,255
Financings	54,553	39,400	0
Capital Related Billings	4,863	2,198	3,748
Contributions in Aid of Construction	1,583	918	578
Other Receipts	(1,241)	13,380	12,015
Total Receipts	$ 64,178	$ 60,906	$ 21,596

Overview

Miscellaneous Billings and Receipts are sources of funds for City Utilities not reflected in previous revenues or receipts. Sources include financing proceeds, interest income, customer contributions for extension of the distribution systems, and other miscellaneous billings.

Highlights

- Interest income earned on City Utilities' investment portfolio is projected to be $5 million in fiscal 2023. Market value adjustments are not projected.
- Capital reimbursements for extensions and municipal improvements are budgeted at $531,000 for the Electric system, $1 million for the Natural Gas system, $2 million for the Water system, and $100,000 for SpringNet®. Capital reimbursements for municipal related projects contribute to approximately $1 million of reimbursements across Electric, Natural Gas, and Water business units in fiscal 2023.
- Contributions in Aid of Construction include capital contributions of $578,000 from the FTA in fiscal 2023. These funds are projected to cover over 80% of Transit direct capital expenditures.
- The 2023 Operating Budget includes $10 million to offset the potential purchase of financial instruments included in the expenditures budget to protect against high natural gas prices.

The Capital Improvements section provides information by functional category related to utility capital expenditures for the fiscal year beginning October 1, 2022 through September 30, 2023.

Capital project expenditures encompass all capital costs of the project, including labor. A brief description is provided for each major project, including the budgeted capital expenditures for fiscal 2023.

CAPITAL IMPROVEMENTS

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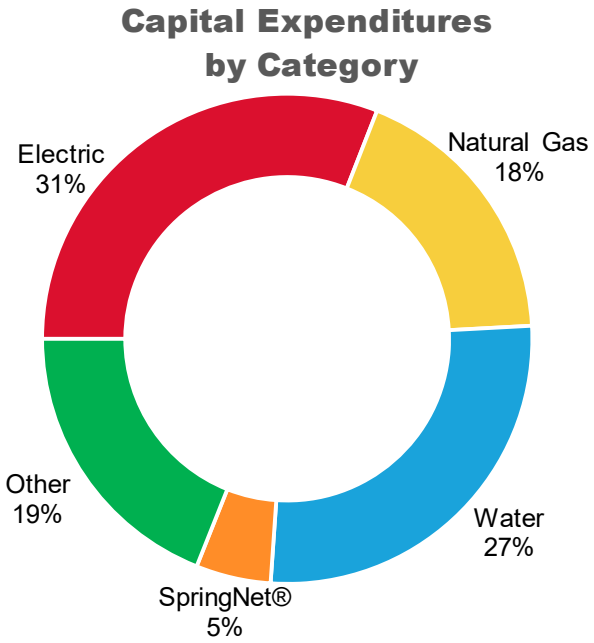
Capital Improvements Summary

Purpose

Capital budgeting is a fundamental part of the budgeting process for a utility. City Utilities uses the capital budget as a tool to manage competing demands for resources through a process of planning and prioritizing those resources. Capital improvements are necessary to maintain and rehabilitate aging infrastructure to provide safe and reliable services to our existing customers, to prepare for future demand, and to meet environmental and regulatory requirements.

This section presents an overview of City Utilities' Capital Improvement Budget, including the planning process, the funding sources, and the capital projects planned in the 2023 Operating Budget. Projects included in the 2023 Capital Improvements budget have a projected cost of $62 million. These are grouped by their functional category.



Functional Category (000s)	Major Capital	Recurring Capital	2023 Capital Budget
Electric Power Generation	$ 1,269	$ 271	$ 1,540
Electric Transmission and Distribution	12,040	5,532	17,572
Natural Gas Transmission and Distribution	8,226	2,976	11,202
Water Supply and Treatment	1,541	202	1,743
Water Distribution	10,537	4,350	14,887
Transit	506	210	716
SpringNet®	2,865	192	3,057
Information Technology	1,971	0	1,971
Facilities	1,413	629	2,042
Vehicles and Equipment	3,183	0	3,183
Other Support	0	100	100
Contingencies	0	4,340	4,340
Totals*	$ 43,551	$ 18,801	$ 62,352

*May not add due to rounding

Contingencies

A designated contingency fund has been created for Revenue Producing and Municipal Improvements projects. The level of activity in the public works, residential housing, and commercial development markets is difficult to project with a high degree of certainty. When a project exceeds the budgeted allocation within a category, funds may be transferred from the designated contingency fund to supplement the budget for the impacted project. Of the $4.3 million available in the contingencies budget for 2023, $3 million is designated for these Revenue Producing and Municipal Improvement projects.

Power Generation

(000s)	
Major Capital Projects	
NOx Emission Reduction (SCR)	$ 976
Repair and Replacement	293
Recurring/Small Capital	
JTEC - Capital	271
Totals	$ 1,540

NOx Emission Reduction (SCR)

SWMC81 Budget: $976,000
Description: Purchase and install Selective Catalytic Reduction (SCR) module layers for JTEC Unit 1.
Purpose: SCR systems reduce Nitrogen Oxide (NOx) emissions in order to comply with environmental regulations. (Strategy – Responsibility)
Duration: Ongoing

Repair and Replacement

SWMC01 Budget: $293,000
Description: Replace or upgrade systems at JTEC that have deteriorated over time.
Purpose: Replace the JTEC 1 Voltage Regulator in fiscal 2023. (Strategy – Dependability)
Duration: Ongoing

Electric Transmission and Distribution

(000s)	
Major Capital Projects	
Purchase and Install Distribution Transformers	$ 5,500
Pole Maintenance	2,500
Grant Avenue Parkway	2,400
Purchase 161kV Spare Transformer	1,000
Substation Relaying Replacements	362
Substation Circuit Breaker Replacements	278
Recurring/Small Capital	
Transmission and Distribution	2,322
Revenue Producing/Developer	1,248
Relocations and Municipal Improvements	1,000
Substations	472
Electric Measurement and Metering	461
Power Quality	29
Totals	$ 17,572

Purchase and Install Distribution Transformers

ELOC05 Budget: $5.5 million
Description: Purchase of distribution transformers.
Purpose: Each year hundreds of new transformers are installed to support new capital projects, preventative maintenance, damage repairs, and storm restoration. With increasing manufacturing lead times, it is important to maintain an adequate stock of distribution transformers to continue to meet the reliability needs of customers. (Strategy – Dependability)
Duration: Ongoing

Pole Maintenance

ELMC17 Budget: $2.5 million
Description: Replace and maintain aging pole infrastructure.
Purpose: Work completed under this project will move toward establishing a 50-year replacement cycle. Planned maintenance is more economical than reactive maintenance (replacing poles after failure) and provides increased reliability to our customers. (Strategy – Dependability)
Duration: Ongoing

Grant Avenue Parkway

ELOC38 Budget: $2.4 million
Description: Replace the electrical distribution system associated with the City's Grant Avenue Parkway project through the BUILD Grant. The primary scope is undergrounding all electrical facilities along Grant Avenue between Sunshine and College Streets.
Purpose: Support and provide resources for the City's Grant Avenue Parkway project. (Strategies – Excellence and Grow)
Duration: This project began in fiscal 2021. Design and construction are expected to be completed in fiscal 2024, and reimbursements are planned for fiscal 2025.

Purchase 161 kV Backup Transformer

ESOC47 Budget: $1.0 million
Description: Acquire a 161kV spare substation transformer to provide backup transformation services for the 63.5 square miles of feeder area and the 18,115 customers that are served by nine existing 161kV transformers.
Purpose: To reduce outage time caused by the failure of a substation transformer. Without a spare, the failure of a substation transformer can result in extended outages and replacement lead times of twelve months or more. (Strategies – Dependability and Responsibility)
Duration: Project is scheduled for delivery in fiscal 2023.

Substation Relaying Replacements

ESMC02 Budget: $362,000
Description: Replace aging substation relays. Protective relays are used to detect and locate faults on the electric transmission and distribution systems. Faults can result from a variety of causes including storms, failed equipment, and automobile accidents.
Purpose: Ensures a high level of protection is maintained at all substations to decrease system disturbances and to protect multimillion-dollar assets. (Strategies – Dependability and Responsibility)
Duration: Ongoing

Substation Circuit Breaker Replacements

ESMC20 Budget: $278,000
Description: Replace aging and obsolete substation circuit breakers.
Purpose: Parts for older power circuit breakers are difficult to find. Additionally, there have been improvements in the insulating mediums that more readily allow for compliance with the Environmental Protection Agency and Department of Energy Standards. Improvements in mechanism design also allow for longer maintenance intervals and enhanced monitoring. (Strategies – Dependability and Responsibility)
Duration: Ongoing

Natural Gas

(000s)	
Major Capital Projects	
Natural Gas Main and Service Renewals	$ 6,500
Advanced Metering Infrastructure - Natural Gas	1,507
Natural Gas Main Tie-Ins	219
Recurring/Small Capital	
Transmission and Distribution	1,318
Relocations and Municipal Improvements	898
Natural Gas Measurement	449
Revenue Producing	311
Totals	$ 11,202

Natural Gas Main and Service Renewals

GSDC04/GSDC05 Budget: $6.5 million
Description: Renewal of natural gas mains and services is necessary to ensure continuity of safe and reliable natural gas service. Natural gas mains are being renewed due to age, leak history, and risk potential.
Purpose: To address higher-risk and aging piping systems as identified in the Distribution Integrity Management Program (DIMP). (Strategy – Dependability)
Duration: Ongoing

Advanced Metering Infrastructure - Natural Gas

GSMC08 Budget: $1.5 million
Description: Install Advanced Metering Infrastructure (AMI) including meters and associated communication equipment.
Purpose: Advanced Metering Infrastructure allows for remote, two-way communication between natural gas meters and City Utilities. In addition to eliminating the need for a manual meter read, this infrastructure also enables an array of advanced services including customer interval data encouraging energy efficiencies. (Strategy – Innovate)
Duration: AMI installation will be completed in fiscal 2023.

Natural Gas Main Tie-Ins

GSDC11 Budget: $219,000
Description: Complete natural gas system improvements by tie-ins as identified through the natural gas master plan and to address risks identified from a Winter Storm Uri study.
Purpose: Natural gas tie-ins provide adequate pressure and redundancy for our customers. Significant one-way natural gas feeds increase the likelihood of customer outages due to 3rd party damages or unscheduled leak repairs. (Strategy – Dependability)
Duration: Ongoing

Water Supply and Treatment

(000s)	
Major Capital Projects	
Fulbright and Blackman Water Treatment Plant Process Improvement	$ 710
Fulbright Water Treatment Plant Filter Rehabilitation	431
Water Treatment Renewals and Replacements	300
Replace 24" Plant Raw Water Feed	100
Recurring/Small Capital	
Water Treatment and Production	165
Water Supply	37
Totals	$ 1,743

Fulbright and Blackman Water Treatment Plant Process Improvement

WTRC02 Budget: $710,000
Description: Make improvements as necessary to optimize and meet regulatory requirements. Various capital projects including a chemical storage solution at BWTP and engineering for the chemical feed building at Fellows Lake will occur in fiscal 2023.
Purpose: Process improvements enhance safety, reliability, and efficiency. (Strategy – Responsibility)
Duration: Ongoing

Fulbright Water Treatment Plant Filter Rehabilitation

WTFC12 Budget: $431,000
Description: Three of the six Fulbright Water Treatment Plant (FWTP) filters are over 40 years old and need replacement before performance degrades. A 2014 engineering study conducted by Burns and McDonnell concluded filter upgrades will be necessary to maintain expected water quality from the FWTP.
Purpose: Upgrade filters at FWTP and replace aging equipment, underdrain, and depleted filter media. (Strategy – Dependability)
Duration: This project began in fiscal 2020 and is expected to be completed in fiscal 2025.

Water Treatment Renewals and Replacements

WTRC07 Budget: $300,000
Description: Replace pumps, motors, valves, and other essential components of City Utilities' water treatment system.
Purpose: A portion of the water treatment operating equipment and infrastructure is beyond its expected useful life. This project includes the systematic replacement of these components in order to promote system reliability. (Strategies – Dependability and Responsibility)
Duration: Ongoing

Replace 24" Plant Raw Water Feed

WSSC16 Budget: $100,000
Description: The raw water main out of McDaniel Lake has been exposed due to erosion of its bank. To protect the water main the banks of the river will be secured.
Purpose: McDaniel Lake is a major source of water for the Fulbright Water Treatment Plant. If this line were to be damaged it would adversely impact the raw water supply available to the FWTP. (Strategy – Dependability)
Duration: This project will be completed in fiscal 2023.

Water Distribution

(000s)	
Major Capital Projects	
Water Main and Service Renewals	$ 8,534
Advanced Metering Infrastructure - Water	1,118
Water Main Tie-Ins	361
Water Main Extensions to Existing Neighborhoods	274
Booster III	250
Recurring/Small Capital	
Municipal Improvements	2,069
Distribution System Improvements	1,617
Revenue Producing	664
Totals	$ 14,887

Water Main and Service Renewals

WSDC05/WSDC06 Budget: $8.5 million
Description: The renewals will replace water mains that have a history of leaks or an increased risk for leaks in the future. Each year mains break from a variety of causes including age, weather, corrosion, ground movement, and third-party damage. Nearly 40 miles of water mains are over 100 years old, and 388 miles are between 50 and 100 years old. As these pipes age, they fail and result in damages and additional costs for overlying infrastructure repair, other property damage, and lost and unaccounted for water.
Purpose: Achieve and sustain a main and service renewal program that promotes value and reliability. Where applicable, water main renewal projects are coordinated with natural gas main renewals to achieve cost synergies through joint trenching. (Strategy – Dependability)
Duration: Ongoing

Advanced Metering Infrastructure - Water

WSMC06 Budget: $1.1 million
Description: Install Advanced Metering Infrastructure (AMI), including meters and associated communication equipment.
Purpose: Advanced Metering Infrastructure allows for remote, two-way communication between water meters and City Utilities. In addition to eliminating the need for a manual meter read, this infrastructure also enables an array of advanced services including customer interval data encouraging efficiencies and detection of water leaks. (Strategy – Innovate)
Duration: AMI installation will be completed in fiscal 2023.

Water Main Tie-Ins

WSDC07 Budget: $361,000
Description: This project identifies and improves areas of the water distribution system.
Purpose: Tie-ins eliminate one-way feeds to provide redundancy, better water quality, and improved fire protection. (Strategy – Dependability)
Duration: Ongoing

Water Main Extensions to Existing Neighborhoods

WSDC30 Budget: $274,000
Description: The extension of water mains to serve existing homes on wells within City Utilities' service territory.
Purpose: To meet the needs of customers who require or desire an extension of the City Utilities water system due to the endangerment of their health, safety, or welfare caused by unacceptable water quality or loss of an existing water supply at the customer's property. (Strategies – Responsibility and Grow)
Duration: Ongoing

Booster III

WSDC21 Budget: $250,000
Description: Design a booster pump station, parallel mains along US Highway 60, and a tie-in to the existing system. Design of Booster III will allow for water service along the US Highway 60 corridor east of Springfield. Due to the higher elevations of the area, it is necessary to establish a new pressure zone to serve the area.
Purpose: Expand City Utilities' water service footprint to align with City sewer and meet future customer demand within the Utility's Electric and Natural Gas service footprint. Booster III will promote economic development in this area of growing demand. (Strategy – Grow)
Duration: Easements for Booster III will be acquired in fiscal 2023.

Transit

(000s)	
Major Capital Projects	
Paratransit/Small Bus Fleet	$ 506
Recurring/Small Capital	
Transit Capital	210
Totals	$ 716

Paratransit and Small Bus Fleet

BUSC04 Budget: $506,000
Description: Purchase two paratransit buses and two paratransit hybrid minivans in fiscal 2023.
Purpose: The two paratransit buses are replacements of existing buses that have neared the end of their useful life. The two paratransit hybrid minivans will be additions to the paratransit fleet. These minivans will allow the Utility to be more efficient in transporting paratransit passengers during the off-peak hours. Paratransit ridership continues to grow and having additional small accessible vehicles will increase the scheduling flexibility for paratransit passengers. (Strategy – Dependability)
Duration: Ongoing

SpringNet®

(000s)	
Major Capital Projects	
Revenue Generation	$ 1,557
Fiber/Outside Plant Infrastructure	608
Ethernet Infrastructure	500
Network Expansion	200
Recurring/Small Capital	
Facility Relocations	192
Totals	$ 3,057

Revenue Generation

TELC05 Budget: $1.6 million
Description: Enables SpringNet® to meet customer demand for broadband services and to generate additional revenue through growth.
Purpose: Generates revenue growth and supports economic development efforts. (Strategy – Grow)
Duration: Ongoing

Fiber/Outside Plant Infrastructure

TELC19 Budget: $608,000
Description: Expands fiber optic cable assets and allows construction of outside plant infrastructure such as equipment shelters in high demand areas.
Purpose: Enables the construction of fiber optic cable extensions as well as capacity additions in order to meet growing demand. (Strategy – Grow)
Duration: Ongoing

Ethernet Infrastructure

TELC03 Budget: $500,000
Description: Supports and enhances the Ethernet infrastructure (routers, switches, optical transport equipment) of the SpringNet® broadband network. Routers and switches generally require replacement every five to six years.
Purpose: Ensures the core network infrastructure maintains adequate capacity and reliability to support growth demands from the Springfield business community. (Strategy – Dependability)
Duration: Ongoing

Network Expansion

TELC23 Budget: $200,000
Description: Enables SpringNet® to meet community demand for broadband services and support economic development by making Springfield a Gigabit city. This infrastructure project will provide the backbone network for private telecommunications providers to offer highspeed internet access to the residential, commercial, and industrial communities.
Purpose: Facilitates highspeed (Gigabit) broadband internet access to the Springfield community including residents, vital services, schools, businesses, and entertainment venues. (Strategy – Grow)
Duration: This project began in fiscal 2020 and will be completed in fiscal 2023.

Information Technology

(000s)	
Major Capital Projects	
Maintenance and Support - Enterprise Resource Planning Systems	$ 959
IT Desktop Support	400
IT Infrastructure	320
Maintenance and Support - Operational Systems	152
Maintenance and Support - Customer Systems	140
Totals	$ 1,971

Maintenance and Support - Enterprise Resource Planning Systems

ITDC27 Budget: $959,000
Description: Implement and license a new Human Capital Management solution.
Purpose: The current solution is blended between cloud and on-premise applications and does not cost-effectively scale to the needs of its users. Migration of the current system to a preferred cloud-based environment is not cost-effective. Replacement of this system with a new platform will allow for improvements to the time entry process. (Strategy – Responsibility)
Duration: Ongoing

IT Desktop Support

ITPC07 Budget: $400,000
Description: Replace desktop related technology and equipment.
Purpose: To keep desktop hardware up-to-date, reliable, and secure. The primary replacements for fiscal 2023 will be Panasonic Toughbook devices and docking stations for use inside of vehicles and in the field. (Strategies – Responsibility and Dependability)
Duration: Ongoing

IT Infrastructure

ITPC06 Budget: $320,000
Description: Routine hardware upgrades and replacements relating to network infrastructure, virtual servers, and database hardware.
Purpose: Updating critical infrastructure will decrease the loss of support as technology advances and reduce the likelihood of a system failure. (Strategies – Dependability and Responsibility)
Duration: Ongoing

Maintenance and Support - Operational Systems

ITDC28 Budget: $152,000
Description: Complete replacement of the Supply Chain Management (SCM) system.
Purpose: The SCM system supports purchasing and inventory control processes for City Utilities. (Strategy – Responsibility)
Duration: Ongoing

Maintenance and Support - Customer Systems

ITDC26 Budget: $139,000
Description: Implement Complex Billing, Time of Use (TOU) rate engine, PrePay billing, and other payment options by extending the Customer Portal.
Purpose: Complex Billing is used to bill our commercial and industrial customers. The implementation will replace the current Complex billing system (Lodestar). PrePay may provide additional options for our customers by providing flexibility for customers in budgeting and paying for utility services. (Strategy – Dependability)
Duration: Implementation is expected to be completed in fiscal 2024.

Facilities

(000s)		
Major Capital Projects		
Facilities System Improvements	$	396
Major Interior and Exterior Projects		272
Trunked Radio System		270
Major Facilities Renovations		250
Major Roof Replacements		225
Recurring/Small Capital		
Other Facilities Improvements		292
Industrial Park Infrastructure		170
Facilities Security		162
Trunked Radio and SCADA Systems		5
Totals	$	2,042

Facilities System Improvements

PBMC18 Budget: $396,000
Description: Replace and upgrade various types of heating, ventilation, and air conditioning (HVAC) equipment, air compressors, uninterruptible power source (UPS) systems, stand-by generators, controls, and other facility mechanical equipment as they reach the end of the useful lives. When applicable the replacement will be upgraded to a higher efficiency unit.
Purpose: Beginning in fiscal 2023 aging HVAC equipment at Belcrest, Prince Lane, Main Office, Meter and Service Center, and TecHouse, as well as a UPS battery replacement at Main Office will be targeted for replacement. (Strategy – Dependability)
Duration: Ongoing

Major Interior and Exterior Projects

PBMC03 Budget: $272,000
Description: Essential repair and restoration of building components.
Purpose: Repair and restore miscellaneous building exteriors (e.g., brick sealing, windows, landscape restoration), continued replacement of carpet at a few remaining facilities, and ongoing maintenance. (Strategy – Dependability)
Duration: Ongoing

City/County/CU Trunked Radio System

TELC08 Budget: $270,000
Description: Replace Trunked Radio System (TRS) tower site HVAC units. Replace eight units in fiscal 2023 and acquire improved TRS test equipment.
Purpose: The HVAC systems at the TRS tower sites were purchased in 2002 and failure rates are increasing. The units provide essential cooling for the mission critical TRS. (Strategy – Responsibility)
Duration: Ongoing

Major Facilities Renovations

PBMC37 Budget: $250,000
Description: Facilities expansions and renovations to meet operational needs of the utility.
Purpose: Design and construction of the initial improvements noted in the Fellows Lake Master Plan. The Utility will continue to seek grant opportunities to assist with Fellows Lake Master Plan Improvements. (Strategies – Dependability and Responsibility)
Duration: Ongoing

Major Roof Replacements

PBMC45 Budget: $225,000
Description: Repair, replace, and maintain building roofs and associated water-proofing elements.
Purpose: As roofs age, they require maintenance and replacement to preserve the integrity of the underlying building. Evaluations identify and prioritize roof replacement needs. (Strategy – Dependability)
Duration: Ongoing

Vehicles and Equipment

(000s)	
Major Capital Projects	
Heavy Equipment	$ 2,402
Small Vehicle and Equipment Replacement	673
Electrified Fleet Assets	108
Totals	$ 3,183

Heavy Equipment

FLMC06 Budget: $2.4 million
Description: Scheduled replacement of heavy-duty fleet assets.
Purpose: Best practices in the fleet industry indicate replacement cycles for heavy-duty assets are between 12 and 15 years. Due to normal wear and tear, heavy-duty fleet vehicles and equipment at the Utility are generally scheduled for replacement after 15 years of service. (Strategies – Dependability and Responsibility)
Duration: Ongoing

Small Vehicle and Equipment Replacement

FLMC04 Budget: $673,000
Description: Scheduled replacement of light-duty fleet assets.
Purpose: Best practices in the fleet industry indicate replacement cycles for light-duty assets are between 8 and 10 years to balance the cost of ownership and reliability. Due to normal wear and tear, light-duty fleet vehicles at the Utility are generally scheduled for replacement after 10 years of service. (Strategies – Dependability and Responsibility)
Duration: Ongoing

Electrified Fleet Assets

FLMC27 Budget: $108,000
Description: Purchase replacement fleet assets that are powered by an electrified powertrain.
Purpose: This is a strategic commitment due to the increasing affordability in the electrified vehicle (EV) segment and the environmental benefits associated with electrified assets. By purchasing EVs, the Utility will be positioned to take steps to further minimize the environmental impact of our fleet and to comply with potential future regulations. The Utility's adoption of EVs may encourage continued adoption of EVs within our service territory. (Strategies – Responsibility and Grow)
Duration: Ongoing

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City Utilities groups expenditures by functional category. Operating Expenditures are presented for the fiscal year beginning October 1, 2022 through September 30, 2023. Operating Expenditures encompass fuels, labor, operations, maintenance, and administrative costs.

For comparative purposes, actual expenditures for the year ended September 30, 2021 and reprojected expenditures for the year ending September 30, 2022 are also presented.

The Functional Responsibility sections include brief descriptions of each category and their functions.

The Reprojected Adjustment sections present significant changes to expenditures for the current fiscal year 2022.

Major Budget Initiatives encompass the major expenditures for large, nonrecurring, and new projects for fiscal year 2023.

Annual Initiatives describe the significant ongoing daily activities that are budgeted within the category.

OPERATING EXPENDITURES

Operating Expenditures by Category	1
Power Generation	2
Fuels and Purchased Energy	3
Electric Transmission and Distribution	4
Natural Gas Transmission and Distribution	4
Water Supply and Treatment	5
Water Distribution	6
Transit	6
Facilities	7
Vehicles and Equipment	8
SpringNet®	8
Information Technology	9
Finance	10
Human Resources	11
General Operations Support	12
Administrative Support	13
Customer Support	14
Debt Service	15
Non-Utility	15

Operating Expenditures by Category

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Power Generation	$ 29,018	$ 32,421	$ 27,141
Fuels and Purchased Energy	207,506	198,076	195,802
Electric Transmission and Distribution	26,994	28,141	28,904
Natural Gas Transmission and Distribution	6,183	5,885	5,940
Water Supply and Treatment	5,173	6,468	6,909
Water Distribution	4,517	4,294	4,557
Transit	4,694	4,952	5,438
Facilities	4,916	6,415	6,350
Vehicles and Equipment	2,630	2,724	2,887
SpringNet®	5,041	5,881	6,759
Information Technology	10,532	12,016	13,498
Human Resources	56,161	58,262	62,459
Finance	5,746	6,829	7,144
General Operations Support	5,237	5,871	6,217
Administrative Support	5,277	6,218	6,332
Customer Support	11,735	13,881	13,239
Debt Service	55,779	50,742	51,920
Non-Utility	75,504	87,104	89,931
Total Expenditures*	$ 522,643	$ 536,181	$ 541,427

* May not add due to rounding

Power Generation

Functional Responsibility

Power Generation includes the local generation and control of electric power through the operation of John Twitty Energy Center (JTEC), James River Power Station (JRPS), McCartney Generating Station (MGS), and Noble Hill Landfill Renewable Energy Center (NHLREC). These facilities encompass 503 MW of base load generation from two coal fired steam turbines and 359 MW of peaking capacity from six natural gas combustion turbines.

City Utilities is a member of the Southwest Power Pool (SPP), a Regional Transmission Operator (RTO) that operates a consolidated balancing authority for its members to schedule and dispatch energy resources. In conjunction with the consolidated balancing authority, SPP operates an Integrated Marketplace (IM) for SPP members to market energy to and procure energy from other SPP members.

City Utilities' Power System Control area works with SPP to ensure the City Utilities' system always operates in a prudent, reliable manner.

City Utilities' Power Marketing area works with The Energy Authority (TEA) to offer the Utility's energy resources into the SPP Integrated Marketplace. The Power Marketing area also works with TEA to import and export power (through the SPP Integrated Marketplace and other sources) in the most economical way to serve the Utility's native load customers.

The Transmission Planning area evaluates the system's future needs and develops plans necessary for the reliable delivery of bulk power to the Utility's system.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
JTEC Maintenance	$ 18,582	$ 21,210	$ 16,138
JTEC Operations	5,800	5,380	5,637
JTEC Materials	130	100	100
Sub-Total JTEC	24,512	26,690	21,876
JRPS Maintenance	517	1,251	392
JRPS Operations and Materials	101	173	177
Sub-Total JRPS	617	1,425	569
Power Generation – Other	3,889	4,306	4,696
Total Expenditures	$ 29,018	$ 32,421	$ 27,141

Major Budget Initiatives

- McCartney Generating Station plans to overhaul one power turbine and one engine in fiscal 2023. There are a total of four power turbines and engines at MGS. This planned outage work at MGS will cost approximately $5 million in fiscal 2023.

- Planned outage work at John Twitty Energy Center consists of minor outage work in fiscal 2023 for JTEC Units 1 and 2. Replacement air heater baskets for JTEC 2 will be procured in fiscal 2023 and installed during the fall outage in fiscal 2024. The total cost of fiscal 2023 JTEC outage work will be approximately $2 million.

Annual Initiatives

- Operations and Maintenance expenditures for Power Generation include labor, goods, materials, and services required to maintain the reliable operation of the local generating facilities.

Fuels and Purchased Energy

Functional Responsibility

Coal is the primary fuel used for generating electricity by the steam units at the John Twitty Energy Center. Natural gas is the primary fuel for the combustion peaking turbines.

In March 2014, City Utilities entered the Southwest Power Pool (SPP) Integrated Marketplace. City Utilities provides generation to the market and purchases energy from the market when economical. City Utilities purchases supplemental hydroelectric energy from the Southwestern Power Administration (SWPA) when it is available. It is estimated in fiscal 2023 that the Utility will receive over 40% of its energy (as a percentage of system sales) from renewable sources.

Natural gas, for resale to customers and for electric generation, is transported to Springfield through pipelines operated by Southern Star Central Gas Pipeline, Inc. and Enable Gas Transmission, LLC. The Energy Authority (TEA), as an agent for City Utilities, purchases natural gas for City Utilities' customers. The natural gas market continues to experience significant pricing volatility.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Coal	$ 42,502	$ 50,627	$ 50,630
Natural Gas	94,301	100,625	94,325
Propane and Fuel Oil	4,284	1,590	2,863
Purchased Power	63,335	40,984	44,185
Emission Consumables	2,397	3,509	3,178
Other Electric-Fuel Handling	382	331	319
Other Natural Gas Supply	305	411	303
Total Expenditures	$ 207,506	$ 198,076	$ 195,802

Annual Initiatives

- The Operating Budget assumes that the John Twitty Energy Center will burn low-sulfur coal from the Powder River Basin in Wyoming. The 2023 Operating Budget includes the purchase of approximately one million tons of coal at a cost of $51 million or $35.78 per ton. Average delivered coal costs, including freight, are budgeted at $2.05 per million British Thermal Units (BTU). The budgeted coal inventory on September 30, 2023 is approximately 101,000 tons valued at $3 million.

- The 2023 budgeted cost of 16 million dekatherms of natural gas is $84 million or $5.36 per DTh. This includes $56 million for natural gas purchased for firm and curtailable customers, $16 million for transportation capacity, and $12 million for the purchase of three million dekatherms of natural gas used in power generation. The transportation capacity costs includes the settled rates in the Section 4 Natural Gas Act rate filing by Southern Star Central Gas Pipeline, which became effective April 1, 2022.

- The Operating Budget assumes a natural gas inventory of two million dekatherms valued at $10 million on September 30, 2022. The inventory will be withdrawn during the 2022-2023 heating season as needed to meet firm requirements for natural gas and will be replenished during the spring and summer of 2023. The budgeted natural gas inventory at September 30, 2023, is budgeted at a value at $9 million for two million dekatherms.

- In August 2008, City Utilities entered a 20-year contract to purchase energy from the Smoky Hills Wind Project near Salina, Kansas. It is estimated that this 46 MW contract will deliver 126,000 MWh in fiscal 2023.

- In October 2013, City Utilities entered a 25-year contract to purchase energy from Strata Solar. It is estimated that this 4.95 MW contract will deliver 8,300 MWh in fiscal 2023 approximately a 20% capacity factor.

- In November 2015, City Utilities entered a 22-year contract to purchase energy from Frontier Windpower, LLC, a wholly owned subsidiary of Duke Energy located near Ponca City, Oklahoma. It is estimated that this 200 MW contract will deliver 641,000 MWh in fiscal 2023.

- In January 2018, City Utilities entered a 20-year contract to purchase energy from the Diamond Vista Wind Project near Salina, Kansas. It is estimated that this 98 MW contract will deliver 375,000 MWh in fiscal 2023.

- The Operating Budget assumes the purchase of two million MWh of energy in 2023 or approximately 39% of system and off-system requirements. The budgeted cost of purchased power is $44 million. This includes $3 million for fixed capacity charges for 50 MW purchased from the Southwestern Power Administration (SWPA).

Electric Transmission and Distribution

Functional Responsibility

Electric Transmission and Distribution is responsible for the engineering, construction, operation, and maintenance of approximately 1,800 miles of overhead and underground distribution lines, 210 miles of transmission lines, and 43 substation sites. Transmission is classified as 69kV and above while distribution is 13.2 kV and below. Electric Transmission and Distribution is also responsible for street lighting in the community and the Vegetation Management Program which manages the urban forest to help prevent interference with the operation of the electric system. Approximately 120,000 customers are served.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Electric T and D	$ 22,384	$ 23,144	$ 23,049
Electric T and D Storms	994	1,376	1,340
Measuring and Metering	667	719	662
Electric Substations	2,487	2,424	3,300
Power Quality	203	269	329
Electric Materials	260	209	223
Total Expenditures	$ 26,994	$ 28,141	$ 28,904

Annual Initiatives

- System expansion and relocation of facilities requires engineers and technicians to work with developers, contractors, and other utilities to provide service quickly and efficiently to new customers.
- Vegetation Management Programs will continue to improve electric system reliability and are budgeted at $4 million in fiscal 2023.
- Given the responsibility of efficiently maintaining and operating approximately 23,000 streetlights, City Utilities has updated its lighting specifications. Moving forward, all new lighting installations will utilize LED technology and all high-pressure sodium (HPS) fixtures will be replaced with LEDs upon failure.
- Ongoing preventive and scheduled maintenance of the electric system is reflected in several budgeted projects. Overhead, underground, and substation maintenance requires a significant amount of City Utilities' labor, as well as some contract labor for specific items.

Natural Gas Transmission and Distribution

Functional Responsibility

Natural Gas Transmission and Distribution is responsible for the engineering, construction, operations, and maintenance of over 1,288 miles of natural gas mains, 49 miles of natural gas transmission pipelines, 163 district regulator stations, five city gate stations, and more than 79,000 service lines. Department of Transportation and Public Service Commission safety regulations are strictly followed to ensure the safe and efficient supply of natural gas to approximately 85,000 customers.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Nat Gas T and D Maint	$ 1,961	$ 1,953	$ 1,930
Natural Gas Measurement	2,021	2,072	2,117
Nat Gas T and D Ops	1,924	1,846	1,878
Natural Gas Materials	278	15	15
Total Expenditures	$ 6,183	$ 5,885	$ 5,940

Annual Initiatives

- Natural Gas Transmission and Distribution expenditures include the labor, goods, materials, and services necessary to operate the natural gas system and to maintain compliance with all applicable federal and state safety regulations.
- Included in these are the performance and maintenance of the leak survey and cathodic protection programs, integrity management initiatives, and purchase of odorant, as well as the operation and maintenance of the Lake Springfield Natural Gas Peaking Station.

Water Supply and Treatment

Functional Responsibility

Water Operations is responsible for providing safe drinking water to our community. That responsibility includes all phases of the treatment process, from protecting source water quality through management of our watersheds to ensuring drinking water quality by sampling our customers' water at the tap, and all steps in between. These efforts have consistently yielded excellent results that exceed regulatory requirements and have been recognized nationally through the American Water Works Association's Partnership for Safe Water program for over twenty years.

City Utilities staff operate and maintain all water treatment facilities which can produce a maximum of 75 million gallons per day. Typical daily output varies between 20 to 50 million gallons per day, depending on the season. On average, Water Treatment personnel treat and deliver 29 million gallons per day of safe drinking water.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Supply Operations	$ 737	$ 1,074	$ 1,107
Supply Maintenance	314	406	278
Treatment Operations	2,315	2,792	3,043
Production Operations	827	854	918
Production Maintenance	981	1,342	1,563
Total Expenditures	$ 5,173	$ 6,468	$ 6,909

Annual Initiatives

- Annual operating expenses at the Stockton Pump Station make up a portion of this budget category. Operating expenses includes electric power, equipment and site maintenance of assets at Stockton Lake, and City Utilities' financial obligation to the Corps of Engineers in maintaining the Stockton dam and reservoir. The Corps of Engineers determines the overall Stockton Lake and Dam maintenance needs, and the Utility pays a percentage of those expenses based on the allocation percentage.

- The Blackman and Fulbright Water Treatment Plants have extensive pumping facilities, chemical feed equipment, processing equipment, piping, valves, electrical equipment, SCADA systems, controls, storage, and mixing and settling facilities which require considerable monitoring and maintenance. Recurring projects in this category include funding for these needs and includes chemicals to treat the water to drinking water standards to meet all state and federal regulations.

- Funding in the amount of $205,000 per year for the Watershed Committee of the Ozarks to support watershed protection, management, and education.

- Funds to operate the certified water quality laboratory are included in this budget category. City Utilities' lab performs over 80,000 analyses on water samples each year for regulatory compliance and operational optimization. Lab personnel also carry out a lakes management program that is a benchmark for the Midwest region in managing surface water sources for taste and odor.

- Each year, all Missouri water systems are required to pay the Drinking Water Primacy Fee to the Missouri Department of Natural Resources (DNR). The primacy fee provides funding for services and activities the state must perform to keep oversight of the federal drinking water program. The payment for City Utilities' drinking water system, based on the number of customers served, has been relatively consistent for several years at approximately $135,000 per year. An increase to this fee has been approved by Missouri State Legislature and beginning January 1, 2022, City Utilities' primacy fee increased to approximately $425,000 per year. This cost will be passed directly to the Utility's customers beginning October 2023.

Water Distribution

Functional Responsibility

Water Distribution maintenance and operations expenditures cover the activities associated with maintaining and operating more than 1,250 miles of transmission and distribution water mains, 8,600 fire hydrants, and 30,200 valves. The reliable delivery of safe drinking water to approximately 85,000 customers is performed in compliance with the rules and regulations of the Missouri Department of Natural Resources (MoDNR).

Water Measurement and Metering functions include the purchase, installation, and maintenance of water meters as well as disinfection of new mains, flushing, and chlorine testing for the distribution system. The personnel responsible for these functions also monitor private backflow prevention and respond to individual customer requests for water leaks, low pressure, water connects, and disconnects.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Distrib. Maintenance	$ 2,507	$ 2,381	$ 2,656
Distrib. Operations	804	977	942
Measuring and Metering	918	928	951
Water Materials	288	8	8
Total Expenditures	$ 4,517	$ 4,294	$ 4,557

Annual Initiatives

- Water distribution expenditures include the labor, equipment, and materials necessary to respond to main and service breaks, conduct a flushing program to maintain drinking water quality, systematically maintain customer meters in service, and monitor the timely testing of customers' backflow prevention assemblies.

Transit

Functional Responsibility

Transit is responsible for the operation and maintenance of the public transportation system for the City of Springfield. City Utilities offers Fixed Route and Paratransit bus services. These systems provide transportation for those who have no other means of transportation, wish to reduce motor vehicle emissions, or avoid traffic congestion. The Fixed Route program includes the operation of accessible buses on a fixed route schedule. The Paratransit program called Access Express, operates on a demand-responsive, origin-to-destination basis which transports disabled passengers on accessible coaches using a call-in reservation system.

A portion of operational funding is provided by the Federal Transit Administration (FTA). Transit is responsible for compliance with regulations from FTA, Title VI, and the Americans with Disabilities Act (ADA).

Major Budget Initiatives

- Transit Operations includes $300,000 for the Fixed Route Study to be conducted in fiscal 2023. This study is fully funded through the American Rescue Plan Act (ARPA).

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Transit Operations	$ 3,553	$ 3,808	$ 4,242
Transit Maintenance	1,142	1,144	1,196
Total Expenditures	$ 4,694	$ 4,952	$ 5,438

Annual Initiatives

- Transit operations and maintenance expenditures include the labor, maintenance, fuel, and other ongoing expenses of daily Transit operations.

Facilities

Functional Responsibility

The Facilities Category is responsible for the maintenance, repair, remodeling, construction, and security of City Utilities' buildings and properties. The acquisition and maintenance of office furnishings and equipment, property acquisition, and internal mail services are also included in the Facilities category. Key functions include architectural services, engineering and design services, property management, and maintenance of facility records. Overall goals are to provide employees with a safe, clean, and productive work environment.

The Trunked Radio System division operates and maintains a complex, computer-controlled two-way radio system that facilitates efficient sharing of scarce radio frequency channels among a large group of users. City Utilities, City of Springfield, and Greene County are partners in the county-wide system that serves 4,200 users in multiple government and vital non-profit agencies. The system is strictly utilized for public safety, emergency response, and operations of critical services. This system is integrated with the Missouri Statewide Wireless Interoperability Network (MOSWIN) which extends radio services throughout the state of Missouri. The system includes a hardened central electronics facility, seven radio tower sites, and sixteen consoles at the E911 Center. The division also provides wireless communications to support 165 natural gas and water Supervisory Control and Data Acquisition (SCADA) sites.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Facilities and Grounds Maintenance	$ 2,780	$ 3,354	$ 3,295
Office Services	161	145	136
Property Maintenance	5	5	5
Security	1,508	1,884	1,858
Trunked Radio System	462	1,028	1,057
Total Expenditures	$ 4,916	$ 6,415	$ 6,350

Annual Initiatives

- Facilities and Grounds Maintenance will support a broad spectrum of ongoing planned and anticipated maintenance and repairs to City Utilities' facilities. These include maintaining roofs, building exteriors, electrical, plumbing, HVAC systems, fire suppression and alarm systems, stand-by generators, elevators, uninterruptible power supply (UPS) systems, and air compressors. Also included are the costs for minor maintenance of building interiors, exteriors, and grounds.

- Security includes the cost of contract security services for primary facilities and the 24/7 operation of the Security Operations Center (SOC).

- The Trunked Radio System is maintained by an in-house staff, along with electric and technical service contractors, ensuring this system operates at the highest level of reliability. The operations and maintenance budget for 2023 remains elevated from previous year's spending to enhance cybersecurity and fund a System Upgrade Agreement (SUA) to prepay future system upgrades. This will ensure continued compatibility with MOSWIN for the life of the system.

Vehicles and Equipment

Functional Responsibility

Fleet Management maintains all aspects of City Utilities' fleet. This includes purchasing new assets; optimizing replacement cycles to maximize useful life; maintaining, repairing, and rebuilding various components and sub-systems of fleet assets; and overseeing the surplus process to sell assets that have been retired. The Utility has a fleet of 728 assets including bucket trucks, heavy duty trucks, passenger vehicles, light duty trucks, mowers, forklifts, boats, cranes, backhoes, trailers, and much more. Expenditures related to buses are included in the Transit category

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Vehicle Operations	$ 673	$ 667	$ 706
Vehicle Maintenance	1,855	2,052	2,177
Vehicle Materials	102	5	5
Total Expenditures	$ 2,630	$ 2,724	$ 2,887

Annual Initiatives

- Operations and Maintenance expenditures in this category include Fleet Management labor, parts, fleet equipment testing, shop tools, general operating expenses, fuel, and tire repair for all fleet assets.

SpringNet®

Functional Responsibility

The SpringNet® network maintains two focuses: internally provided services and an external business unit operated under the SpringNet® trademark. SpringNet® has provided external broadband services since 1997. It currently offers two distinct Ethernet high speed broadband services, NETLink (Internet access) and LANLink (business to business private networks). Additionally, SpringNet® provides dark fiber leases and wireless carrier pole attachments including small cells.

SpringNet®'s internal services include dark fiber resources to the Electric system as well as LANLink and NETLink to the Utility for multiple locations. In addition to providing these services to City Utilities, LANLink and NETLink services are also provided to the City of Springfield where competitively requested.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
SpringNet® Operations	$ 5,127	$ 5,867	$ 6,745
SpringNet® Materials	(86)	14	14
Total Expenditures	$ 5,041	$ 5,881	$ 6,759

Annual Initiatives

- SpringNet®'s operational expenses are necessary for support, maintenance, and operations of the SpringNet® broadband network. Major elements include interconnection fees, equipment maintenance, and right of way fees paid to The City of Springfield.

Information Technology

Functional Responsibility

Information Technology (IT) has core functions: implementing new technology, the maintenance of existing technology, internal customer support for technology, securing systems/information, and delivering analytical reporting products and business transformation services. IT maintains eleven mission critical systems and nearly ninety departmental systems. The mission critical systems are the Customer Information System (CIS), Financial Supply Chain Management System (FSCM), Financial Management Information System (FMIS), Job Order Tracking System (JOTS), City Utilities Employee System (CUES), Energy Management System (EMS), Mobile Work Management, Outage Management System, Geographical Information System (GIS), Exchange (Email), and SharePoint.

Telecommunications Operations is responsible for the operation and maintenance of a Voice Over Internet Protocol (VOIP) system providing dial tone, automated voice services, and call center (Nice InContact) operations as well as operation of an Interactive Voice Response (IVR) system providing Customer Account Information and Phone Pay services.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
IT Administration	$ 5,541	$ 5,292	$ 6,036
IT Applications Maintenance	3,999	5,173	6,060
Desktop Support	407	577	543
IT Infrastructure	377	474	408
IT Maintenance and Support	209	501	452
Total Expenditures	$ 10,532	$ 12,016	$ 13,498

Annual Initiatives

- Hardware and software maintenance of $6 million is included in the Information Technology budget. These funds are contractual obligations for maintenance agreements and services to support the hardware and software for the Utility. This budget increases with each additional software purchase.

- Expansion and upgrades to existing infrastructure and applications are critical to delivering secure and reliable technology solutions. IT is projecting a budget of $1 million for expansion and replacement efforts for infrastructure and applications. Infrastructure includes desktop hardware, servers, storage, storage area network equipment, and networking equipment. Applications are focused on the periodic application upgrades and periodic maintenance releases required by the vendor on products like the Energy Management System and the PeopleSoft suite of applications for Finance and Human Resources.

- Labor is a significant portion of the Information Technology budget and is dedicated to developing and supporting the technology in use at City Utilities. The budgeted labor provides ongoing technical support, training, hardware management, software maintenance, and software development. Combined, these efforts total $6 million for 2023.

- VOIP Operations supports voice and call center services for City Utilities.

Finance

Functional Responsibility

Financial Operations is responsible for the preparation and presentation of the Utility's financial statements, the Operating Plan, the Operating Budget, asset management, Integrated Marketplace settlements, financial technology, and internal control policies. Financial Operations also includes Treasury, which is responsible for cash management, payments for bonded indebtedness and financing agreements, accounts payable, accounts receivable, and payroll processing. Risk Management efforts include business continuation planning, risk assessments and other loss control activities, third party risk control, and Enterprise Risk Management process development. Financial Technology is responsible for assisting with reporting solutions and process improvements through technology optimization.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Financial Operations	$ 2,387	$ 2,800	$ 2,899
Risk Management and Insurance	3,161	3,809	4,032
External Fees	197	220	214
Total Expenditures	$ 5,746	$ 6,829	$ 7,144

Annual Initiatives

- For fiscal 2023, external fees are budgeted at $214,000. External fees include the annual independent audit, outside financing fees, banking fees, and investment manager fees.

- City Utilities' risk management and insurance program is budgeted at $4 million for fiscal 2023, which includes risk management initiatives and property, casualty, financial lines, workers' compensation, and cyber other industry-appropriate insurance coverages. The Utility's focus on risk management aims to prevent and mitigate the potential impact of catastrophic losses and liabilities related to Utility operations. The hardening commercial insurance markets continue to drive significant premium increases across all property and casualty lines. To mitigate the budgetary impact, the Utility partners with utility-experienced brokers to seek innovative approaches in this insurance marketplace, including the use of industry mutuals, alternative risk transfer options, high deductibles and excess lines, and substantial reserves.

Human Resources

Functional Responsibility

Human Resources administration functions include workers' compensation, health management, benefits, employee labor relations, safety and training, recruitment, human resources information systems, and compensation. Benefits includes the costs of employee-related insurance, employee sick and vacation, paid holidays, City Utilities' contributions for employment taxes, retirement contributions to the Missouri Local Government Employees Retirement System (LAGERS), and employee directed benefits.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Benefits	$ 53,693	$ 54,841	$ 58,832
Admin. and Operations	2,469	3,421	3,627
Total Expenditures	$ 56,161	$ 58,262	$ 62,459

Annual Initiatives

- Health, life, and long-term disability insurance are projected at $8 million. City Utilities promotes wellness within its workforce to help maintain high productivity and to help manage healthcare costs. The Health Management team encourages our employees to participate in an annual Health Risk Assessment and to engage in regular exercise and healthy lifestyles.

- City Utilities is committed to maintaining highly skilled and knowledgeable employees. Toward this goal, the 2023 Operating Budget includes $842,000 to provide various types of training. This training includes technical and professional development, regulatory compliance, safety, and an education assistance program.

- LAGERS contributions are projected at $22 million. FICA employer taxes, unemployment, and employee-owned and directed benefits are projected at $12 million while vacation, sick leave, and holiday pay is budgeted at $15 million.

- The 2023 Operating Budget for City Utilities' workers' compensation program includes for medical treatment and indemnity payments that may be incurred as a result of workplace injuries and illnesses.

- Proactive safety programs focus on reducing the occurrence of workplace accidents and injuries. Employees are afforded a safe work environment through assistance in the design of equipment and facilities, development of safe work procedures, safety training, and providing necessary personal protective equipment. The 2023 Operating Budget includes $1 million for these programs.

General Operations Support

Functional Responsibility

General Operations Support includes logistical operations such as Geographic Information System (GIS), operation of the AMI (Advanced Metering Infrastructure) system, damage prevention of underground utility facilities, purchasing, and inventory control. Primary GIS functions include maintenance of permanent map records for the electric, natural gas, water, and SpringNet® infrastructure. AMI operations ensure the efficient operation of the AMI system and components. Purchasing is responsible for the procurement of equipment, materials, supplies, and services to support the Utility within governing rules and regulations. Inventory Control provides physical storage and distribution services in six major storeroom locations, two material yards, and five unmanned locations. This area is also responsible for the storage and recording of hazardous materials and acts as a backup if the primary cleanup contractor is unavailable.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Customer Engineering/ Contract Inspection	$ 243	$ 241	$ 258
Drafting, Surveying, and Technical	1,235	1,318	1,452
Damage Prevention	2,123	2,145	2,245
Purchasing and Inventory Control	1,635	2,168	2,262
Total Expenditures	$ 5,237	$ 5,871	$ 6,217

Annual Initiatives

- The Drafting, Surveying, and Technical line summarizes costs necessary for the GIS area to administer and maintain electric, natural gas, water, and SpringNet® fiber asset data in the GIS. Also included is support and administration of GIS data used on laptops in the field. This area includes the migration of SpringNet®'s legacy fiber mapping and management tool to a GIS based tool that can handle the increased data related to the Fiber Expansion Project. AMI Operations is now included in this expense line and includes costs necessary to monitor the AMI system, ensure its accurate functioning, and collaborate with customers on AMI inquiries.
- Damage Prevention expenditures represent location and notification costs necessary for City Utilities to comply with state law. Missouri Statute 319 requires all underground facility owners to locate and mark their underground facilities before any known excavation within their service territory. Due to synergies, City Utilities also administers this function for the City of Springfield's sanitary sewer and traffic signal systems. The associated costs for the City of Springfield are budgeted in the Non-Utility category and billed to the City. Damage Prevention also investigates damages to the Utility's infrastructure.
- Purchasing and Inventory Control expenditures include labor for buyers, storeroom, and administrative personnel. Additionally, advertising costs, training, and other goods and services to support these functions are also included in this budget.

Administrative Support

Functional Responsibility

Administrative Support includes multiple administrative and general departments and the senior management administration of several City Utilities' areas including General Management, Legal, Internal Auditing, Records Management, Public Policy/Governmental Relations, Environmental Affairs, Economic Development, and Rates and Fuels.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Total Expenditures	$ 5,277	$ 6,218	$ 6,332

Annual Initiatives

- Legal advises management and the Board of Public Utilities on issues concerning Utility rights and obligations. Legal is also responsible for defending and paying claims arising from personal injuries, property damage, contract and warranty disputes, workers' compensation settlements, employment disputes, environmental regulatory or legal challenges, and Utility territorial issues. Legal assists Risk Management and system claims in collecting payment on damages caused to Utility property.

- Economic Development works to attract new industrial and commercial businesses to the area, to help existing utility business customers grow, and to positively influence Springfield's quality of life. Economic Development also provides administrative support and oversight for the Partnership Industrial Center-West industrial park. Economic Development works closely with the Springfield Business Development Corporation (SBDC), the Springfield Area Chamber of Commerce, the City of Springfield, and Greene County. City Utilities has a contract with the SBDC for Economic Development Services in the amount of $165,000 for fiscal 2023. The SBDC provides resources and assistance to new and existing businesses seeking to create jobs within City Utilities' service territory. The SBDC engages with site location consultants, the Missouri Partnership, and the Missouri Department of Economic Development to recruit new industry, jobs, and capital investment to Springfield and Greene County.

- The areas of Public Policy/Governmental Relations and Environmental Affairs represent the Utility in state and national legislative and regulatory processes and monitor compliance with environmental policy.

- Records Governance assists the Utility with the administration of its records. This includes the proper retention, protection, access, disposition, and dissemination of records.

- Internal Auditing assists management in the review of controls and processes throughout the Utility and presents an annual audit plan for approval by the Board's Audit Committee. The external audit firm relies on testing performed by internal audit as it aligns with the external audit plans and procedures based on their risk assessment. In addition, Internal Auditing coordinates their procedures with the external auditors for the annual financial audit.

Customer Support

Functional Responsibility

Customer Support includes Communications and Community Relations, Customer Services, Field Services, Meter Reading, Developer Support, Energy Services and Renewables, and other services provided to the community.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Communications and Energy Services	$ 2,630	$ 4,098	$ 3,090
Customer Services and Collections	6,852	7,351	7,728
Field Services and Developer Support	2,253	2,432	2,420
Total Expenditures	$ 11,735	$ 13,881	$ 13,239

Major Budget Initiatives

- From the recommendation made by the Power Supply Community Task Force, City Utilities continues implementation of cost-effective programs to encourage customers to use energy and water wisely. These dollars are a product of the rate increase packages passed by the Board of Public Utilities and City Council in 2006.

Annual Initiatives

- Customer Services establishes customer accounts, bills, processes payments, and is responsible for Contact Center, Lobby, Remittance, Billing, Credit and Collections, and Field Scheduling. These departments provide services to customers via customer portal, app, phone, email, and walk-in lobby.

- Communications and Energy Services builds awareness of Utility programs and services and provides educational information to help customers do business with the Utility, save energy and water, and access resources about electric, natural gas, water, transit, and broadband. The Energy Services efforts stem from the recommendations from the Power Supply Community Task Force and provide solutions to help delay or avoid the need for additional capacity projects in electric, natural gas and water.

- Energy Services programs provide cost effective solutions to encourage customers to efficiently manage their energy and water use. This is done by offering rebates to customers for the purchase and installation of energy and water efficient appliances and products and by providing customer education through Utility communications and community outreach. Energy and water efficiency, rebates and incentives, customer services programs, and consumer safety are among the issues communicated through traditional media and online through the Utility's website, social media, and email communications.

- Ongoing customer research facilitates planning, development, implementation, and evaluation of Utility communications by providing insights into customer priorities and opinions. The research also measures key customer opinions about the Utility's performance. Surveys completed by J.D. Power provide benchmark comparisons to utilities across the nation using key performance indicators and is part of our strategic planning. Research is also used to guide the development of efficiency and renewable energy programs offered to customers.

Debt Service

Functional Responsibility

The debt service category funds timely debt service payments of principal retirements and interest on City Utilities' outstanding revenue bonds and lease obligations.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Total Expenditures	$ 55,779	$ 50,742	$ 51,920

Annual Initiatives

- Debt service for the Series 2014 Certificates of Participation will be $3 million in 2023. This debt provided funds for the Environmental Regulatory Compliance Project, Rail Unloading Improvements Project at the John Twitty Energy Center, and Blackman Water Treatment Plant Clearwell Project. (Matures August 2029).

- Debt service for the Series 2015 Public Utility Refunding Revenue Bonds will be $39 million in 2023. This debt was issued for the purpose of refunding the Series 2006 Public Utilities Revenue Bonds, which were used for the construction of JTEC Unit 2. (Matures July 2036).

- Debt service for the Series 2021 Certificates of Participation will be $10 million in 2023. This taxable debt was issued for the purpose of expanding the fiber network in Springfield. (Matures October 2036).

Non-Utility

Functional Responsibility

Non-Utility represents disbursements to third parties, including meter deposit and credit balance refunds to customers, reimbursement items, sales tax remitted to the State of Missouri, wastewater revenues collected on behalf of the City of Springfield, and payments in lieu of taxes.

Remittance items are expenditures that City Utilities must make on behalf of another party and will receive reimbursement for the expenditure.

Expenditures (000s)	2021 Actual	2022 Reprojected	2023 Budget
Third Party Payments	$ 75,504	$ 86,729	$ 88,491
Non-Capital Contingencies	0	375	1,440
Total Expenditures	$ 75,504	$ 87,104	$ 89,931

Annual Initiatives

- On behalf of the City of Springfield, wastewater charges are billed and collected by City Utilities. These revenues, less an administrative fee, are remitted monthly to the City of Springfield. For fiscal 2023, wastewater remittances are estimated at $52 million.

- Sales taxes are collected from customers for utility usage and are remitted to the State of Missouri less a 2% processing discount. This project is based on budgeted revenues and the various tax rates for each taxing jurisdiction served by City Utilities. For fiscal 2023, the projected sales tax to be remitted is $13 million.

- City Utilities pays the City of Springfield a percentage of gross external revenues in lieu of taxes. In accordance with the Springfield City Charter, the rates are 3% for electric revenue, 4% for natural gas revenue, and 4% for transit revenue. By City Ordinance, the rates are 4% for water revenue. The budget for payments in lieu of taxes for fiscal 2023 is $16 million. The SpringNet® right of way fees to The City of Springfield are included in the SpringNet® Category.

The Financial Statements show the projected results of anticipated operational and financial decisions made during the budget year.

The Statement of Net Position (Balance Sheet), reflects the projected financial position of the Utility. The Statement of Revenues, Expenses and Changes in Net Position (Income Statement) is provided for the Total Utility as well as Statements of Operations for the individual business units: Electric, Natural Gas, Transit, SpringNet®, Trunked Radio System, and Water. The individual Statements of Operations reflect the impact of the allocation of budgeted expenditures and receipts.

Actuals for 2021 benefitted from a favorable pension adjustment at year end. These costs are based on labor and accordingly reduced labor associated expenses for each business unit.

The All Funds Summary of Cash Receipts and Disbursements report summarizes the budgeted receipts, expenditures, and transfers for the Utility funds. This report reflects the timing differences between billing of revenues and cash receipts as well as between project charges and cash payments for those charges.

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STATEMENT OF NET POSITION

Fiscal Years Ending September 30

(000s)	Actual 2021	Reprojected 2022	Budget 2023
Utility Plant, At Cost			
Plant In Service	$ 2,460,627	$ 2,528,768	$ 2,548,401
Less Accumulated Depreciation	988,004	1,036,990	1,022,756
Net Plant In Service	1,472,623	1,491,778	1,525,645
Construction Work In Progress	105,727	153,132	122,446
Net Utility Plant	1,578,350	1,644,910	1,648,091
Funds For Bonded Indebtedness	6,421	6,422	6,422
Designated Improvement Account	173,198	147,779	155,953
Working Capital - Other	56,059	81,053	76,844
Price Risk Management Assets	4,661	4,661	4,661
Equity Interest In Partnership Industrial Center	1,890	1,631	1,834
Equity Interest In Prepaid Gas Service	90	90	90
Equity Interest In The Energy Authority	4,016	6,476	6,436
Equity Interest In TEA Solutions	0	115	115
Regulatory Assets - Asset Retirement Obligations	1,417	1,446	1,476
Regulatory Assets - Property, Plant, and Equipment	21,348	18,652	15,955
Net Pension Asset	104,035	104,035	104,035
Other Noncurrent Assets	7,446	7,322	8,171
Total Noncurrent Assets	1,958,929	2,024,591	2,030,083
Current Assets			
Cash, Cash Equivalents and Short-term Investments	51,658	35,000	35,500
Accounts Receivable			
Customers, Less Allowance For Doubtful Accounts	29,399	30,614	30,024
Unbilled Revenues	14,514	15,068	15,650
Other	5,105	2,415	2,467
Recoverable Fuel Costs	28,446	7,367	0
Inventories			
Materials and Supplies	32,222	33,140	33,914
Coal	3,509	2,841	3,259
Natural Gas	5,941	10,054	9,142
Emission Consumables	153	162	163
Prepayments	1,838	1,838	2,213
Total Current Assets	172,785	138,498	132,331
Total Assets	2,131,714	2,163,089	2,162,414
Deferred Outflows of Resources			
Unamortized Loss on Reacquired Debt	13,278	12,372	11,477
GASB 68 Expected Vs. Actual Experience	13,091	13,091	13,091
Total Deferred Outflows of Resources	26,369	25,463	24,568
Total Assets and Deferred Outflows	$ 2,158,083	$ 2,188,552	$ 2,186,982

STATEMENT OF NET POSITION

Fiscal Years Ending September 30

(000s)	Actual 2021	Reprojected 2022	Budget 2023
Net Position (Equity)	$ 1,383,365	$ 1,412,947	$ 1,440,195
Long-term Obligations			
Total Long-term Obligations Outstanding	518,690	525,945	492,385
Unamortized Premium (Discount)	30,440	27,566	25,420
Total Long-term Obligations	549,130	553,511	517,805
Asset Retirement Obligations	1,417	1,446	1,476
Other Noncurrent Liabilities	19,695	19,500	20,768
Total Noncurrent Liabilities	570,242	574,457	540,049
Current Liabilities			
Current Portion of Long-term Obligations	30,610	32,145	33,560
Accounts Payable			
Trade	28,285	25,054	25,824
Other Accounts Payable	6,465	7,084	7,091
Customer Deposits	5,109	5,081	5,165
Accruals			
Interest	3,146	3,819	3,611
Salaries and Wages	2,429	1,138	1,144
Payment In Lieu Of Taxes	1,392	1,399	1,354
Fuel Adjustments and Natural Gas Refunds	0	0	4,108
Purchased Power	3,040	2,829	3,457
Purchased Fuels	7,263	6,811	5,600
Current Portion of Sick and Vacation	10,585	10,585	10,585
Other	3,476	2,526	2,562
Total Current Liabilities	101,800	98,471	104,062
Total Net Position and Liabilities	2,055,407	2,085,875	2,084,306
Deferred Inflows of Resources			
GASB 68 Expected Vs. Actual Experience	102,676	102,676	102,676
Total Deferred Inflows of Resources	102,676	102,676	102,676
Total Net Position, Liabilities, and Deferred Inflows	$ 2,158,083	$ 2,188,552	$ 2,186,982

STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION

Fiscal Years Ending September 30

(000s)	Actual 2021	Reprojected 2022	Budget 2023
Operating Revenue	$ 574,731	$ 510,548	$ 520,698
Operating Expense			
Production Fuel and Purchased Power	128,651	114,563	114,875
Natural Gas Purchased	92,928	86,675	85,320
Other Production	12,896	18,917	20,003
Distribution and Transmission	28,701	40,146	40,784
Bus and Garage Operations	3,470	6,336	7,069
Other Services	5,082	6,626	7,880
Customer Accounts	8,689	13,291	15,261
Administrative and General	35,840	40,366	47,196
Maintenance	41,404	58,958	53,867
Depreciation and Amortization	68,345	71,419	75,259
Payment In Lieu Of Taxes	16,639	16,501	16,485
Other Taxes	686	633	816
Total Operating Expense	443,331	474,431	484,813
Operating Income (Loss)*	131,400	36,117	35,884
Other Income (Expense)			
Interest Income	4,420	5,009	5,255
Market Value Adjustment	(6,519)	0	0
Gain Or (Loss) On Investments	1,778	2,000	(1,500)
Interest Expense	(20,508)	(20,805)	(19,567)
Allowance For Funds Used During Construction	1,035	1,732	1,236
Operation Of Recreational Facilities	(207)	(334)	(317)
Long-Term Obligations Related Amortization	2,354	306	1,002
Transit Contributions In Aid of Construction	1,583	918	578
Miscellaneous Income (Expense)	4,232	4,639	4,676
Total Other Income (Expense)	(11,832)	(6,534)	(8,637)
Change in Net Position (Equity)	119,568	29,582	27,247
Net Position (Equity) At Beginning Of Period	1,263,797	1,383,365	1,412,947
Net Position (Equity) At End Of Period	$ 1,383,365	$ 1,412,947	$ 1,440,195

*Actual fiscal 2021 Operating Income excluding the GASB68 Pension adjustment is $95.4 million.

STATEMENT OF OPERATIONS - ELECTRIC

Fiscal Years Ending September 30

(000s)	Actual 2021	Reprojected 2022	Budget 2023
Operating Revenue			
Sales			
Customer	$ 251,193	$ 262,020	$ 263,853
For Resale	91,225	25,221	22,943
Interdepartmental	3,148	3,623	3,695
Under (Over) Recovered Fuel Cost	4,492	172	1,788
Unbilled	332	521	815
Total Sales	350,391	291,557	293,093
Other Operating Revenue	10,875	11,181	11,241
Total Operating Revenue	361,266	302,737	304,334
Operating Expense			
Production Fuel and Purchased Power	128,651	114,563	114,875
Other Production	7,222	10,592	11,602
Distribution and Transmission	20,059	26,211	26,149
Customer Accounts	3,859	6,039	6,793
Administrative and General	20,674	22,917	26,734
Maintenance	31,798	44,031	38,505
Depreciation and Amortization	44,976	45,476	46,084
Payment In Lieu Of Taxes	10,734	8,953	8,941
Total Operating Expense	267,973	278,782	279,683
Operating Income (Loss)*	$ 93,293	$ 23,955	$ 24,652

*Actual fiscal 2021 Operating Income excluding the GASB68 Pension adjustment is $74.9 million.

STATEMENT OF OPERATIONS - NATURAL GAS

Fiscal Years Ending September 30

(000s)	Actual 2021	Reprojected 2022	Budget 2023
Operating Revenue			
Sales			
Customer	$ 87,854	$ 130,239	$ 130,150
Interdepartmental	13,991	17,492	13,974
Under (Over) Recovered Fuel Cost	33,583	(21,251)	(13,262)
Unbilled	838	12	(254)
Total Sales	136,266	126,492	130,608
Other Operating Revenue	1,760	2,234	2,212
Total Operating Revenue	138,027	128,726	132,819
Operating Expense			
Natural Gas Purchased	92,928	86,675	85,320
Distribution and Transmission	5,705	9,054	9,562
Customer Accounts	2,334	3,712	4,326
Administrative and General	4,856	5,118	5,792
Maintenance	3,831	5,538	5,100
Depreciation and Amortization	7,698	7,410	7,924
Payment In Lieu Of Taxes	3,621	5,299	5,294
Other Taxes	9	15	14
Total Operating Expense	120,982	122,822	123,333
Operating Income (Loss)*	$ 17,044	$ 5,903	$ 9,486

*Actual fiscal 2021 Operating Income excluding the GASB68 Pension adjustment is $11.1 million.

STATEMENT OF OPERATIONS - TRANSIT

Fiscal Years Ending September 30

(000s)	Actual 2021	Reprojected 2022	Budget 2023
Operating Revenue			
Sales			
Passenger Fare	$ 600	$ 665	$ 648
Advertising	101	167	161
Total Operating Revenue	701	832	809
Operating Expense			
Bus and Garage Operation	3,470	6,336	7,069
Administrative and General	2,009	1,906	2,746
Maintenance	1,094	1,697	1,777
Depreciation and Amortization	2,170	2,177	2,217
Payment In Lieu Of Taxes	28	33	32
Total Operating Expense	8,771	12,149	13,841
Operating Income (Loss)*	$ (8,070)	$ (11,317)	$ (13,032)
Transit Subsidies	4,500	4,455	4,586
Net Amount Funded by Electric, Natural Gas, and Water Customers	$ (6,890)	$ (6,862)	$ (8,446)
Transit Contributions in Aid of Construction	$ 1,583	$ 918	$ 578

*Actual fiscal 2021 Operating Income (loss) excluding the GASB68 Pension adjustment is ($11.4 million).

STATEMENT OF OPERATIONS - SPRINGNET

Fiscal Years Ending September 30

(000s)	Actual 2021	Reprojected 2022	Budget 2023
Operating Revenue			
Customer	$ 15,331	$ 19,357	$ 23,559
Interdepartmental	1,174	1,200	1,200
Total Operating Revenue	16,505	20,557	24,759
Operating Expense			
Other Services	4,500	5,539	6,556
Customer Accounts	15	28	14
Administrative and General	2,249	3,128	3,660
Depreciation and Amortization	5,312	8,069	10,240
Other Taxes	678	618	802
Total Operating Expense	12,753	17,381	21,271
Operating Income (Loss)*	$ 3,752	$ 3,176	$ 3,487

*Actual fiscal 2021 Operating Income excluding the GASB68 Pension adjustment is $2.2 million.

STATEMENT OF OPERATIONS - TRUNKED RADIO

Fiscal Years Ending September 30

(000s)	Actual 2021	Reprojected 2022	Budget 2023
Operating Revenue			
Customer	$ 679	$ 747	$ 995
Interdepartmental	1,549	1,410	1,410
Total Operating Revenue	2,228	2,157	2,405
Operating Expense			
Other Services	582	1,088	1,324
Administrative and General	223	575	500
Depreciation and Amortization	436	590	600
Total Operating Expense	1,242	2,253	2,423
Operating Income (Loss)*	$ 986	$ (96)	$ (18)

*Actual fiscal 2021 Operating Income excluding the GASB68 Pension adjustment is $0.8 million.

STATEMENT OF OPERATIONS - WATER

Fiscal Years Ending September 30

(000s)	Actual 2021	Reprojected 2022	Budget 2023
Operating Revenue			
Sales			
Customer	$ 54,958	$ 53,992	$ 54,013
Interdepartmental	129	118	120
Unbilled	(521)	21	21
Total Sales	54,566	54,131	54,153
Other Operating Revenue	1,439	1,408	1,417
Total Operating Revenue	56,005	55,539	55,571
Operating Expense			
Production	5,674	8,325	8,401
Distribution and Transmission	2,937	4,880	5,073
Customer Accounts	2,480	3,511	4,128
Administrative and General	5,829	6,722	7,765
Maintenance	4,680	7,692	8,485
Depreciation and Amortization	7,753	7,698	8,193
Payment In Lieu Of Taxes	2,256	2,216	2,217
Total Operating Expense	31,610	41,044	44,261
Operating Income (Loss)*	$ 24,394	$ 14,495	$ 11,310

*Actual fiscal 2021 Operating Income excluding the GASB68 Pension adjustment is $17.8 million.

STATEMENT OF CASH FLOWS

Fiscal Years Ending September 30

(000s)	Actual	Reprojected	Budget
Reconciliation of Net Operating Income to	**2021**	**2022**	**2023**
Net Cash Provided by Operating Activities			
Net Operating Income (Loss)	$ 131,400	$ 36,117	$ 35,884
Adj to Reconcile Net Opr Inc to Net Cash Provided by Opr Activities			
Depreciation expense and amortization	68,345	71,419	75,259
Auto depreciation included in vehicle expense	2,370	2,477	2,202
Miscellaneous Income (Expense)	98	185	90
Operation of Recreational Facilities	(207)	(334)	(317)
Change in Assets and Liabilities			
Accounts Receivable	(4,427)	1,475	539
Unbilled Revenues	(649)	(554)	(582)
Price Risk Management Assets	(4,771)	0	0
Recoverable Fuel Costs	(34,011)	21,079	11,475
Inventories	2,063	(4,372)	(281)
Prepayments	(55)	(0)	(375)
Other Noncurrent Assets	2,930	(268)	(1,216)
Accounts Payable	(65)	(2,612)	778
Customer Deposits	197	(28)	84
Accrued Liabilities	5,797	(2,897)	(586)
GASB 68 Net Pension Liability	(35,599)	0	0
Other Noncurrent Liabilities	674	(196)	1,269
Net Cash Provided From (Used for) Operating Activities	134,091	121,493	124,222
Cash Flows from Noncapital Financing Activities			
Receipts from Federal and State Grants	4,386	4,454	4,586
Cash Flows from Capital Financing Activities			
Proceeds from issuance of capital obligations	54,553	39,400	0
Transfer of financing proceeds to Construction Funds	0	(38,014)	0
Debt Issuance Costs	0	(1,386)	0
Transfer of financing proceeds from Construction Funds	0	38,014	0
Capital Grants and Contributions	5,646	3,116	4,326
Additions to Utility Plant, net of removal	(133,870)	(138,110)	(80,341)
Repayment of LT Capital Obligation	(34,875)	(30,610)	(32,145)
Interest Paid	(20,904)	(20,132)	(19,775)
Net Cash Provided from (Used for) Capital Financing Activities	(129,450)	(147,722)	(127,935)
Cash Flows from Investing Activities			
Sale and maturities of investment securities	65,992	424	0
Purchase of investment securities	(69,900)	0	(3,965)
Interest Received	5,256	5,009	5,255
Equity interest in The Energy Authority	737	(460)	(1,460)
Equity interest in TEA Solutions	0	(115)	0
Equity interest in Partnership Industrial Centers	(5)	0	(204)
Distribution from Partnership Industrial Centers	0	259	0
Net Cash Provided from (Used for) Investing Activities	2,080	5,117	(374)
Net Increase (Decrease) in Cash and Equivalents	11,107	(16,658)	500
Cash and Cash Equivalents at Beginning of Period	40,551	51,658	35,000
Cash and Cash Equivalents at End of Period	$ 51,658	$ 35,000	$ 35,500

ALL FUNDS SUMMARY OF CASH RECEIPTS AND DISBURSEMENTS

Fiscal Years Ending September 30

(000s)	Actuals 2021	Reprojected 2022	Budget 2023
Receipts			
Total Revenues and Other Billings	$ 615,027	$ 630,675	$ 597,304
Natural Gas Hedging Receipts	0	10,000	10,000
Total Revenues and Other Receipts	615,027	640,675	607,304
Receivable and Other Balance Sheet Accounts			
Change In Accounts Receivable	(10,272)	(3,349)	(1,440)
Business Volatility and Fuels Contingency	0	45,000	55,000
Total Receipts	604,755	682,326	660,864
Disbursements			
Non-capital and Capital Project Expenditures	427,500	453,765	408,598
Fuels and Purchased Power	206,818	197,335	195,180
Total Project Expenditures	634,318	651,099	603,778
Business Volatility and Fuels Contingency	0	45,000	55,000
Loss(Gain) on Investments	(1,526)	0	0
SPP IM Purchases Net of Sales (Non-Cash)	(27,298)	0	0
Change In Payables Balances	(8,398)	3,309	(2,380)
Total Disbursements	597,095	699,409	656,399
Receipts Net Of Disbursements	7,660	(17,082)	4,465
Beginning Balance All Funds	279,676	287,336	270,253
Ending Balance All Funds	$ 287,336	$ 270,253	$ 274,719

SUMMARY OF FUND BALANCES

Fiscal Years Ending September 30

(000s)	Actual 2021	Reprojected 2022	Budget 2023
Cash and Short-term Investments	$ 47,492	$ 35,000	$ 35,500
Market Value Adjustment	4,166	0	0
Working Capital - Other	56,059	81,053	76,844
Funds For Bonded Indebtedness	6,421	6,422	6,422
Designated Improvement Account			
Funds For Electric Clean Air Compliance-NHLREC	455	0	0
Reserves and Current Funding Requirements			
Disaster Recovery Fund	24,591	27,071	29,208
Contingency Fund	12,105	21,011	28,638
Pollution Reserve Fund	34,485	36,520	36,520
Fuel Over Recovery	2,779	2,607	819
Trunked Radio System Capital Reserve	1,000	1,000	1,000
Trunked Radio Operations and Maintenance Reserve	75	75	75
Capital Reserves - Electric	56,241	22,408	22,408
Capital Reserves - Natural Gas	232	663	810
Capital Reserves - SpringNet®	5,618	618	618
Capital Reserves - Water	2,904	3,093	3,143
Capital Reserves - Common	32,714	32,714	32,714
Total Designated Improvement Account	173,198	147,779	155,953
Total Fund Balances	$ 287,336	$ 270,253	$ 274,719

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City Utilities

Connecting Our Community

Photo Credit: SpringfieldMO.org

One-rdg. _____
P. Hrngs. _____
Pgs. _____
Filed: _____

Sponsored by: _____

First Reading: _____ Second Reading: _____

COUNCIL BILL NO. 2022- GENERAL ORDINANCE NO. _____

AN ORDINANCE

APPROVING: The City Utilities' Fiscal Year 2023 Operating Budget for its Fiscal Year ending September 30, 2023.

_____

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri, has prepared and submitted to the Council a proposed budget showing its estimated revenue for the coming fiscal year from all sources and its estimated expenditures for operating expenses, for depreciation, for payment of all outstanding obligations, for transfer to the City of payments in lieu of taxes, and all other estimated expenditures; and

WHEREAS, said budget has been on file with the City Clerk of the City of Springfield, Missouri, for 30 days prior to the end of the current fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The proposed budget for the fiscal year ending September 30, 2023, approved by the Board of Public Utilities of the City of Springfield, Missouri, on August 18, 2022, be deemed to be an appropriation of the money authorized for disbursement thereby and should be and is hereby approved.

Section 2 – This ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

Exhibit C

EXPLANATION TO SPRINGFIELD CITY COUNCIL BILL NO: 2022-_____

FILED: _____, 2022

ORIGINATING DEPARTMENT: City Utilities of Springfield, Missouri ("City Utilities")

PURPOSE: Approval of City Utilities' Fiscal Year 2023 Operating Budget

BACKGROUND INFORMATION: As required by the Springfield City Charter, Article 16.8: The Board of Public Utilities shall prepare and submit to the Council, not less than 30 days prior to the end of the Board's fiscal year, a budget showing its estimated revenue for the coming year from all sources and its estimated expenditures for operating expenses, for depreciation, for payment of all outstanding obligations, for transfer to the City of payments in lieu of taxes, and all other estimated expenditures.

Article 16.9 of the Springfield City Charter further states that the approval of the said budget by the Council shall be deemed to be an appropriation of the money authorized for disbursement thereby, and no further action needs to be taken by the Council.

REMARKS: The end of City Utilities' current fiscal year and budget is Friday, September 30, 2022. The period included in City Utilities' Fiscal Year 2023 Operating Budget is October 1, 2022, through September 30, 2023.

Submitted by:

Amy Derdall
Vice President – Chief Financial Officer

Gary Gibson
President – Chief Executive Officer

One-rdg. _____
P. Hrngs. _____
Pgs. 25
Filed: 08-30-22

Sponsored By: Lear

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-236 GENERAL ORDINANCE_____

AN ORDINANCE

AUTHORIZING revisions to water rates charged by City Utilities of Springfield, Missouri and related terms and conditions.

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri (the "Board") did, on the 18th day of August, 2022, by resolution approve certain amendments to water rates and general terms and conditions referred to therein as the "Residential Water Service Rate," "General Water Service Rate," "Emergency Conservation Water Service Rate," and "General Terms and Conditions Governing Water Service;" and

WHEREAS, the City Charter of the City of Springfield, Missouri requires approval by the City Council of rates which have been fixed by the Board; and

WHEREAS, said resolution has been on file with the City Clerk of the City of Springfield, Missouri, for two weeks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 - The rate sheets and general terms and conditions set out in the resolution passed by the Board on the 18th day of August, 2022 as "Residential Water Service Rate," "General Water Service Rate" and "Emergency Conservation Water Service Rate" and "General Terms and Conditions Governing Water Service" and now on file for public inspection with the City Clerk of the City of Springfield, Missouri, should be and are hereby approved.

Section 2 - Said "Residential Water Service Rate," "General Water Service Rate" and "General Terms and Conditions Governing Water Service" are effective for bills prepared with the first regular billing cycle for October 2023 or the day following approval by City Council, whichever is later, and the "Emergency Conservation Water Service Rate" shall supersede previously established "Emergency Conservation Water

Service Rate" on October 1, 2023, or the day following approval by City Council, whichever is later.

Section 3 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022- 236

FILED: 08-30-22

ORIGINATING DEPARTMENT: City Utilities of Springfield, Missouri ("City Utilities")

PURPOSE: To establish new water rates and general terms and conditions.

BACKGROUND INFORMATION:

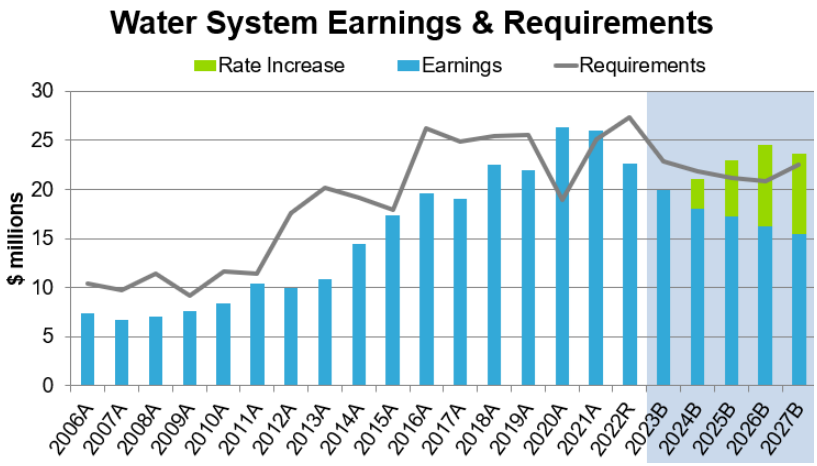
Summary of Change

The water rates proposed in this Ordinance consist of three annual rate increases proposed to be implemented in City Utilities' fiscal years 2024, 2025 and 2026. Percentage increases are approximately 5.3%, 4.7% and 4.0%, respectively. Rate increases are staged to minimize immediate customer impact. Proposed rates retain the existing water rates structure and continue to implement efficiency-oriented pricing signals.

Rate schedule component changes are proposed for the *Residential Water Service Rate,* the *General Water Service Rate*, and the *Emergency Conservation Water Service Rate. General Terms and Conditions Governing Water Service* contains changes to update the title of General Manager to President-CEO and add information about the pass-through billing of the Missouri Drinking Water Primacy Fee.

Reason for Change

Operating earnings for the water system have remained below adequate levels in all years except fiscal year 2020 and 2021. Operating earnings are needed to operate the water system, enable the water system to pay its debt, and support system replacements and other improvements, shared subsidization of City Utilities' transit system, and common capital and operating costs. Water rates should recover all water system costs; otherwise, electric and natural gas customers (who are not necessarily the same customer base) will subsidize water customers. Over the last ten years, earnings requirements have exceeded system earnings by $32.7 million. Without the proposed rate increase, costs to serve water customers are forecasted to continue exceeding water revenues.



In addition to ongoing inflationary increases in operations and maintenance expenses for the water system, infrastructure replacement continues to be a focus for City Utilities' water system, which has 1,211 miles of distribution mains in service. Thirty-eight miles of mains were installed over 100 years ago and 388 miles were installed between 50 and 100 years ago. City Utilities' main replacement program has a 100-year replacement cycle goal, with a target of 12 miles of main replacements per year. Over the next five years, City Utilities expects to spend about $48 million on water main and service renewal projects.

These rate changes are necessary for City Utilities to meet key financial targets and operating objectives. As part of the overall strategy described in the Operating Plan, these rate changes are necessary to enable continued achievement of fundamental water system requirements to safely and reliably meet customer needs.

In addition to the proposed rate changes, information has been added to the *General Terms and Conditions Governing Water Service* to state that the Missouri Drinking Water Primacy Fee will be billed separately from City Utilities service charges each month. The fees will be billed in accordance with Missouri law. Historically, these fees have been recovered through City Utilities' base rates and remitted to the State of Missouri by City Utilities. It is the expectation of the State that utilities treat this fee as a "pass-through" charge billed directly to customers, so City Utilities is making this change effective in fiscal year 2024. The fee is dependent on the customer's meter size.

REMARKS:

The estimated average impact for residential customers shown below was calculated using average residential usage of 5 CCF in the winter months and 7 CCF in the summer months. Actual customer impact is dependent on customer usage.

Customer Impact - Residential

Impact depends upon usage

Fiscal Year	Monthly Bill	Increase
2023	$ 35.54	
2024	$ 37.48	$ 1.94
2025	$ 39.26	$ 1.78
2026	$ 40.79	$ 1.53

The estimated average impact for nonresidential customers shown below was calculated using the rate for nonresidential customers with a meter size of less than one-inch, which represents approximately 56% of all nonresidential customers. Average usage for this group of nonresidential customers is 8 CCF in the winter months and 11 CCF in the summer months. These usage assumptions were used in the estimated impact calculations below. Actual customer impact is dependent on customer usage.

Customer Impact - Nonresidential

Impact depends upon meter size and usage

Fiscal Year	Monthly Bill	Increase
2023	$ 63.98	
2024	$ 66.66	$ 2.68
2025	$ 69.90	$ 3.24
2026	$ 73.14	$ 3.24

Customers outside the city limits of Springfield pay 10% more for all water charges.

If this ordinance is passed, the *Residential Water Service Rate,* the *General Water Service Rate,* and the *General Terms and Conditions Governing Water Service* will become effective October 2023. The rates will not be prorated but will be fully effective for the first regular billing cycle of the month, with changes occurring in October 2023, October 2024, and October 2025.

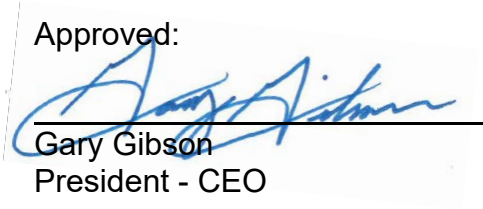
If this ordinance is passed, the *Emergency Conservation Water Service Rate* will become effective October 1, 2023.

Submitted by:

Krista Shurtz
Director – Rates & Fuels

Amy Derdall
VP – Chief Financial Officer

Approved:



Gary Gibson
President - CEO

RESOLUTION

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri (the "Board") has the power and duty to take charge of and exercise control over all public utilities, including water systems and all plants, apparatus, equipment and distribution facilities related to any such system, owned, operated or acquired by the City of Springfield, Missouri (the "City"), and all extensions thereof and appurtenances belonging thereto, under the name City Utilities of Springfield, Missouri ("City Utilities"), including the fixing of rates to be charged for services and facilities furnished by such utilities, subject to the approval of City Council;

WHEREAS, the Strategic Plan adopted by the Board on May 27, 2021 states that City Utilities will maintain affordability by continually seeking opportunities to gain efficiencies and improve utilization of its resources, and maintain a steadfast focus on infrastructure investment to increase resiliency and ensure the safe and reliable delivery of its services to its customers;

WHEREAS, the Board, consistent with City Utilities Policy 5.25 - Rate Policy Standards (the "Rate Policy Standards"), desires to implement water rates that yield the revenue necessary to provide the level of services required by City Utilities' customers;

WHEREAS, the Board, also consistent with the Rate Policy Standards, desires to implement water rates which send appropriate pricing signals, and such rates should be fair, taking into consideration the health and welfare of the inhabitants of the community, and avoid inequities in the allocation of costs among customer classes;

WHEREAS, the Board, through prior resolution, has recognized that City Utilities' water system requires continuing and current investment in infrastructure to secure the enduring ability of the water system to provide necessary and high-quality water to City Utilities' customers, and as a consequence of this recognition, is willing to consider adjustments to rates, as needed, to support these responsible investments;

WHEREAS, the Board, through thoughtful contemplation of all applicable factors, has carefully chosen to adjust water rates to levels intended to enable such infrastructure investments, and now the Board intends to continue these adjustments such that these investments are sustainable and consistent with the Board's fundamental interest to provide safe, reliable and high-quality water services to the community served by City Utilities;

WHEREAS, the Board has directed City Utilities' staff to develop and implement a formal water main renewal program to address the interest of the Board in replacing aging infrastructure, and expects that increased funding will enable City Utilities to achieve the Board's goals in this regard;

WHEREAS, the Board has requested the development of a water rate proposal to address the need for additional water system revenue;

WHEREAS, the Board requested the review of the resulting rate proposal by the City Utilities Citizens Advisory Council;

WHEREAS, on August 10, 2022, City Utilities Citizens' Advisory Council met and considered, conducted a hearing to accept public input with regard to, and voted to support such rate proposal;

WHEREAS, the Board, on October 27, 2016, approved rate sheets for the sale of water referred to therein as "Residential Water Service Rate," "General Water Service Rate," and "Emergency Conservation

Water Service Rate" and, on August 22, 2019, approved "General Terms and Conditions Governing Water Service;" and

WHEREAS, the Board, after careful consideration and public input, has determined that these water rate sheets and general terms and conditions should be revised and supplemented by the adoption of new water rate sheets and general terms and conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SPRINGFIELD, MISSOURI, that the new water rates and terms and conditions should be fixed and are hereby approved in the forms attached hereto as Exhibits A-1, A-2, A-3 and A-4, titled respectively as "Residential Water Service Rate," "General Water Service Rate," "Emergency Conservation Water Service Rate," and "General Terms and Conditions Governing Water Service";

BE IT FURTHER RESOLVED, that the forms of City Council Ordinance and Explanation attached hereto as Exhibits B-1 and B-2, respectively, are approved and should be submitted to City Council for its approval, and upon such approval said Residential Water Service Rate, General Water Service Rate and General Terms and Conditions Governing Water Service shall become effective for all City Utilities bills prepared with the first regular billing cycle for October 2023 or the day following approval by City Council, whichever is later, said Emergency Conservation Water Service Rate shall become effective on October 1, 2023 or the day following approval by City Council, whichever is later; and

BE IT FURTHER RESOLVED, that City Utilities' President-CEO is hereby authorized and directed to file a copy of this Resolution with the City Clerk and to take such actions as are required or appropriate to obtain approval and enactment of the rates described herein by City Council or to otherwise carry out the intent and purpose of this Resolution.

CERTIFICATE

The undersigned, Don Woody, Assistant Secretary of the Board of Public Utilities of the City of Springfield, Missouri, does hereby certify under his hand and seal of the Board that the above and foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting held on the 18th day of August, 2022 pursuant to notice of time and place duly given to all members of the Board, at which meeting a quorum was present and voted throughout.

Dated this 18th day of August, 2022.

Don Woody, Assistant Secretary

BOARD OF PUBLIC UTILITIES
TELECOMMUNICATIONS
ELECTRIC
NATURAL GAS
WATER
TRANSIT
CITY OF SPRINGFIELD

Exhibit A-1

Council Bill No. _____ WATER RATES
General Ordinance _____ Sheet No. 1

CITY UTILITIES OF SPRINGFIELD, MISSOURI
RESIDENTIAL WATER SERVICE RATE

Availability

Available within the corporate limits of the City of Springfield, Missouri, and the adjacent territory served by City Utilities for residential domestic housekeeping purposes, where adequate capacity is available from City Utilities' water distribution system to serve such water requirements. Availability is subject to the General Terms and Conditions Governing Water Service and the Utility Service Rules and Regulations.

Monthly Charges

The following charges are applicable to bills prepared during the months shown:

	Until 10/2024	Until 10/2025	Thereafter
Customer Charge			
Per month	$ 19.25	$ 20.25	$ 21.00
Commodity Charge			
Note: One hundred cubic feet of water equals 1 CCF of water, and 1 CCF equals 748 gallons of water.			
(Winter Period: November through May)			
Charge per CCF	$ 2.97	$ 3.10	$ 3.23
(Summer Period: June through October)			
Charge per CCF for the first 5 CCF	$ 2.97	$ 3.10	$ 3.23
Charge per CCF for the next 10 CCF	$ 3.64	$ 3.80	$ 3.96
Charge per CCF for all additional CCF	$ 4.32	$ 4.51	$ 4.70

Outside City Charge

All charges shall be ten percent (10%) more per service outside the corporate limits of the City of Springfield, Missouri.

APPROVED BY CITY COUNCIL _____ APPROVED BY BOARD OF PUBLIC UTILITIES
EFFECTIVE Cycle 1, October 2023 OF SPRINGFIELD, MO _____

Supersedes rate schedule effective Cycle 1, October 2017.

Exhibit A-2

Council Bill No. _____
General Ordinance _____

WATER RATES
Sheet No. 2
(Page 1 of 2)

CITY UTILITIES OF SPRINGFIELD, MISSOURI
GENERAL WATER SERVICE RATE

Availability

Available within the corporate limits of the City of Springfield, Missouri, and the adjacent territory served by City Utilities for nonresidential customers, where adequate capacity is available from City Utilities' water distribution system to serve such water requirements. Availability is subject to the General Terms and Conditions Governing Water Service and the Utility Service Rules and Regulations.

Monthly Charges

The following charges are applicable to bills prepared during all months:

	Until 10/2024	Until 10/2025	Thereafter
Customer Charge	Per Month	Per Month	Per month
5/8 or 3/4-inch meter	$ 38.00	$ 40.00	$ 42.00
1-inch meter	$ 58.00	$ 60.00	$ 62.00
1 1/2-inch meter	$ 89.00	$ 93.00	$ 97.00
2-inch meter	$ 130.00	$ 135.00	$ 140.00
3-inch meter	$ 173.00	$ 180.00	$ 187.00
4-inch meter	$ 224.00	$ 233.00	$ 242.00
6-inch meter	$ 296.00	$ 308.00	$ 320.00
8-inch meter	$ 1,076.00	$ 1,119.00	$ 1,164.00
10-inch meter	$ 1,612.00	$ 1,676.00	$ 1,743.00

Commodity Charge

Block limits are based on the Winter Average (WA) billed monthly usage, as defined within this schedule. The following charges are applicable to bills prepared during the months shown:

Note: One hundred cubic feet of water equals 1 CCF of water, and 1 CCF equals 748 gallons of water.

	Until 10/2024	Until 10/2025	Thereafter
(Winter Period: November through May)			
Charge per CCF for WA of 400 CCF or less:	$ 2.97	$ 3.10	$ 3.23
Charge per CCF for WA greater than 400 CCF:			
Block 0, for the first 400 CCF	$ 2.97	$ 3.10	$ 3.23
Block 1, > 400 to ≤ WA	$ 1.70	$ 1.85	$ 2.00
Block 2, > WA to ≤ 3 times WA	$ 1.70	$ 1.85	$ 2.00
Block 3, > 3 times WA	$ 2.97	$ 3.10	$ 3.23

APPROVED BY CITY COUNCIL _____
EFFECTIVE Cycle 1, October 2023

APPROVED BY BOARD OF PUBLIC UTILITIES
OF SPRINGFIELD, MO _____

Supersedes rate schedule effective Cycle 1, October 2017.

	Until 10/2024	Until 10/2025	Thereafter
(Summer Period: June through October)			
Charge per CCF for WA of 400 CCF or less:			
Block 1, ≤ WA	$ 2.97	$ 3.10	$ 3.23
Block 2, > WA to ≤ 3 times WA	$ 3.64	$ 3.80	$ 3.96
Block 3, > 3 times WA	$ 4.32	$ 4.51	$ 4.70
Charge per CCF for WA greater than 400 CCF:			
Block 0, for the first 400 CCF	$ 2.97	$ 3.10	$ 3.23
Block 1, > 400 to ≤ WA	$ 1.70	$ 1.85	$ 2.00
Block 2, > WA to ≤ 3 times WA	$ 2.04	$ 2.22	$ 2.40
Block 3, > 3 times WA	$ 4.32	$ 4.51	$ 4.70

Winter Average (WA)

(a) *For existing permanent and temporary services:* The WA shall be the average of the billed monthly usages for the most recent and complete billing months November through May, rounded to the closest whole CCF. In determining WA, prorated months, months with less than one complete month of service, months prior to the initiation of service, and months with services discontinued due to non-payment shall not be included in the WA calculation.

(b) *For new permanent and temporary services, without at least one complete billing month among the most recent November through May billing months:* Initially, until a Winter Period usage occurs, the WA shall be the highest billed monthly usage, rounded to the closest whole CCF. Once an actual billed monthly usage (not an estimate) is available for a complete November through May billing month, WA shall be the same as defined for existing services, paragraph (a). *Temporary services served from permanent service equipment, which may be disconnected during portions of the year, are seasonal services, instead of temporary services, with WA determined by paragraph (c).*

(c) *Services which have been temporarily discontinued for more than 24 hours due to a customer's request, and then reconnected prior to twelve months, and which are without at least one complete billing month among the most recent November through May billing months:* The WA shall be the average of the most recent and complete November through May billed monthly usages, rounded to the closest whole CCF, setting the usage at zero for each and all months during which any portion of the month service was disconnected. This paragraph (c) is also applicable to *seasonal services, and recurrent temporary services, approved by the President-CEO without complete usage history during at least one of the most recent November through May billing months.*

Outside City Charge

All charges shall be ten percent (10%) more per service outside the corporate limits of the City of Springfield, Missouri.

APPROVED BY CITY COUNCIL _____
EFFECTIVE Cycle 1, October 2023

APPROVED BY BOARD OF PUBLIC UTILITIES
OF SPRINGFIELD, MO _____

Supersedes rate schedule effective Cycle 1, October 2017.

CITY UTILITIES OF SPRINGFIELD, MISSOURI
EMERGENCY CONSERVATION WATER SERVICE RATE

This rate is applicable during Stage One – Water Shortage, Stage Two – Water Emergency, and Stage Three – Water Crisis of the Emergency Water Conservation Plan.

Section A. Availability

Available within the corporate limits of the City of Springfield, Missouri, and the adjacent territory served by City Utilities, for all water uses, where adequate capacity is available from City Utilities' water distribution system to serve such water requirements. Availability is subject to the General Terms and Conditions Governing Water Service and the Utility Service Rules and Regulations.

Section B. Winter Average (WA)

For customers serviced by the General Water Service Rate, block limits are based on the Winter Average (WA) billed monthly usage, as defined within this rate schedule.

(a) *For existing permanent and temporary services:* The WA shall be the average of the billed monthly usages for the most recent and complete billing months November through May, rounded to the closest whole CCF. In determining WA, prorated months, months with less than one complete month of service, months prior to the initiation of service, and months with services discontinued due to non-payment shall not be included in the WA calculation.

(b) *For new permanent and temporary services, without at least one complete billing month among the most recent November through May billing months:* Initially, until a Winter Period usage occurs, the WA shall be the highest billed monthly usage, rounded to the closest whole CCF. Once an actual billed monthly usage (not an estimate) is available for a complete November through May billing month, WA shall be the same as defined for existing services, paragraph (a). *Temporary services served from permanent service equipment, which may be disconnected during portions of the year, are seasonal services, instead of temporary services, with WA determined by paragraph (c).*

(c) *Services which have been temporarily discontinued for more than 24 hours due to a customer's request, and then reconnected prior to twelve months, and which are without at least one complete billing month among the most recent November through May billing months:* The WA shall be the average of the most recent and complete November through May billed monthly usages, rounded to the closest whole CCF, setting the usage at zero for each and all months during which any portion of the month service was disconnected. This paragraph (c) is also applicable to *seasonal services, and recurrent temporary services, approved by the President-CEO without complete usage history during at least one of the most recent November through May billing months.*

Note: One hundred cubic feet of water equals 1 CCF of water, and 1 CCF equals 748 gallons of water.

CITY UTILITIES OF SPRINGFIELD, MISSOURI
EMERGENCY CONSERVATION WATER SERVICE RATE

Section C. Monthly Customer Charges

The following monthly customer charges are applicable during Stage One – Water Shortage, Stage Two – Water Emergency, and Stage Three – Water Crisis of the Emergency Water Conservation Plan.

Customers Served by Residential Water Service Rate

	Until 10/2024	Until 10/2025	Thereafter
Customer Charge	$ 19.25	$ 20.25	$ 21.00

Customers Served by General Water Service Rate

	Until 10/2024	Until 10/2025	Thereafter
Customer Charge	Per Month	Per Month	Per month
5/8 or 3/4-inch meter	$ 38.00	$ 40.00	$ 42.00
1-inch meter	$ 58.00	$ 60.00	$ 62.00
1 1/2-inch meter	$ 89.00	$ 93.00	$ 97.00
2-inch meter	$ 130.00	$ 135.00	$ 140.00
3-inch meter	$ 173.00	$ 180.00	$ 187.00
4-inch meter	$ 224.00	$ 233.00	$ 242.00
6-inch meter	$ 296.00	$ 308.00	$ 320.00
8-inch meter	$ 1,076.00	$ 1,119.00	$ 1,164.00
10-inch meter	$ 1,612.00	$ 1,676.00	$ 1,743.00

CITY UTILITIES OF SPRINGFIELD, MISSOURI
EMERGENCY CONSERVATION WATER SERVICE RATE

Section D. Monthly Commodity Charges

The following charges are applicable to usage during the customer's next complete regular billing cycle following determination and declaration by the President-CEO that **Stage One – Water Shortage** of the Emergency Water Conservation Plan is in effect:

Customers Served by Residential Water Service Rate

	Until 10/2024	Until 10/2025	Thereafter
Charge per CCF for the first 5 CCF	$ 2.97	$ 3.10	$ 3.23
Charge per CCF for the next 10 CCF	$ 3.64	$ 3.80	$ 3.96
Charge per CCF for all additional CCF	$ 11.96	$ 12.48	$ 13.01

Customers Served by General Water Service Rate

	Until 10/2024	Until 10/2025	Thereafter
Charge per CCF for WA of 400 CCF or less:			
Block 1, ≤ WA	$ 2.97	$ 3.10	$ 3.23
Block 2, > WA to ≤ 3 times WA	$ 3.64	$ 3.80	$ 3.96
Block 3, > 3 times WA	$ 11.96	$ 12.48	$ 13.01
Charge per CCF for WA greater than 400 CCF:			
Block 0, for the first 400 CCF	$ 2.97	$ 3.10	$ 3.23
Block 1, > 400 to ≤ WA	$ 1.70	$ 1.85	$ 2.00
Block 2, > WA to ≤ 3 times WA	$ 2.04	$ 2.22	$ 2.40
Block 3, > 3 times WA	$ 11.96	$ 12.48	$ 13.01

Upon determination and declaration by the President-CEO that Stage One of the Emergency Conservation Plan is no longer in effect, and depending on whether Stage One is terminated, or advanced to Stage Two, or advanced to Stage Three, the charges in the "Residential Water Service Rate" and the "General Water Service Rate" shall apply, or the charges in the "Emergency Conservation Water Service Rate" for Stage Two shall apply, or the charges in the "Emergency Conservation Water Service Rate" for Stage Three shall apply, respectively, effective the first date that bills are rendered following the declaration.

CITY UTILITIES OF SPRINGFIELD, MISSOURI
EMERGENCY CONSERVATION WATER SERVICE RATE

Section D. Monthly Commodity Charges (continued)

The following charges are applicable to usage during the customer's next complete regular billing cycle following determination and declaration by the President-CEO that **Stage Two – Water Emergency** of the Emergency Water Conservation Plan is in effect:

Customers Served by Residential Water Service Rate

	Until 10/2024	Until 10/2025	Thereafter
Charge per CCF for the first 5 CCF	$ 2.97	$ 3.10	$ 3.23
Charge per CCF for the next 10 CCF	$ 4.62	$ 4.82	$ 5.02
Charge per CCF for all additional CCF	$ 13.64	$ 14.24	$ 14.84

Customers Served by General Water Service Rate

	Until 10/2024	Until 10/2025	Thereafter
Charge per CCF for WA of 400 CCF or less:			
Block 1, ≤ WA	$ 2.97	$ 3.10	$ 3.23
Block 2, > WA to ≤ 3 times WA	$ 4.62	$ 4.82	$ 5.02
Block 3, > 3 times WA	$ 13.64	$ 14.24	$ 14.84
Charge per CCF for WA greater than 400 CCF:			
Block 0, for the first 400 CCF	$ 2.97	$ 3.10	$ 3.23
Block 1, > 400 to ≤ WA	$ 1.70	$ 1.85	$ 2.00
Block 2, > WA to ≤ 3 times WA	$ 5.30	$ 5.76	$ 6.23
Block 3, > 3 times WA	$ 13.64	$ 14.24	$ 14.84

Upon determination and declaration by the President-CEO that Stage Two of the Emergency Conservation Plan is no longer in effect, and depending on whether Stage Two is terminated, or advanced to Stage Three, or reverted to Stage One, the charges in the "Residential Water Service Rate" and the "General Water Service Rate" shall apply, or the charges in the "Emergency Conservation Water Service Rate" for Stage Three shall apply, or the charges in the "Emergency Conservation Water Service Rate" for Stage One shall apply, respectively, effective the first date that bills are rendered following the declaration.

CITY UTILITIES OF SPRINGFIELD, MISSOURI
EMERGENCY CONSERVATION WATER SERVICE RATE

Section D. Monthly Commodity Charges (continued)

The following charges are applicable to usage during the customer's next complete regular billing cycle following determination and declaration by the President-CEO that **Stage Three – Water Crisis** of the Emergency Water Conservation Plan is in effect:

Customers Served by Residential Water Service Rate

	Until 10/2024	Until 10/2025	Thereafter
Charge per CCF for the first 5 CCF	$ 2.97	$ 3.10	$ 3.23
Charge per CCF for the next 10 CCF	$ 5.56	$ 5.81	$ 6.05
Charge per CCF for all additional CCF	$ 15.64	$ 16.32	$ 17.01

Customers Served by General Water Service Rate

	Until 10/2024	Until 10/2025	Thereafter
Charge per CCF for WA of 400 CCF or less:			
Block 1, ≤ WA	$ 2.97	$ 3.10	$ 3.23
Block 2, > WA to ≤ 3 times WA	$ 5.56	$ 5.81	$ 6.05
Block 3, > 3 times WA	$ 15.64	$ 16.32	$ 17.01
Charge per CCF for WA greater than 400 CCF:			
Block 0, for the first 400 CCF	$ 2.97	$ 3.10	$ 3.23
Block 1, > 400 to ≤ WA	$ 1.70	$ 1.85	$ 2.00
Block 2, > WA to ≤ 3 times WA	$ 6.18	$ 6.72	$ 7.27
Block 3, > 3 times WA	$ 15.64	$ 16.32	$ 17.01

Upon determination and declaration by the President-CEO that Stage Three of the Emergency Conservation Plan is no longer in effect, and depending on whether Stage Three is terminated, or reverted to Stage Two, or reverted to Stage One, the charges in the "Residential Water Service Rate" and the "General Water Service Rate" shall apply, or the charges in the "Emergency Conservation Water Service Rate" for Stage Two shall apply, or the charges in the "Emergency Conservation Water Service Rate" for Stage One shall apply, respectively, effective the first date that bills are rendered following the declaration.

CITY UTILITIES OF SPRINGFIELD, MISSOURI
EMERGENCY CONSERVATION WATER SERVICE RATE

Section E. Surcharge for Excessive Use of Water

At the effective date of Stage Three, in addition to the monthly charges in Section C., there shall be applied to each service point a monthly surcharge for excessive use of water.

Excessive use of water shall be defined as follows:

(a) *For existing service points not designated as an irrigation service:* Excessive use of water shall be defined as monthly usage in excess of the average of the most recent and complete billing months of January, February, or March, which is greater than five hundred cubic feet (5 CCF). Prorated months, or months with less than one complete month of service, shall not be included in the average calculation. The average calculation shall be based on one, two, or all three of these months depending on whether or not the service was provided for the complete month.

(b) *For all service points designated as irrigation service:* Excessive use of water shall be defined as all billed monthly usage.

(c) *For new residential service points, without complete usage history during at least one of the most recent January, February, or March billed months:* Excessive use of water shall be defined as monthly usage in excess of the system-wide average residential class usage per billing period in the most recent January, February, and March billing months, which is greater than five hundred cubic feet (5 CCF).

(d) *For new nonresidential service points, without complete usage history during at least one of the most recent January, February, or March billed months:* No surcharge for excessive use of water shall be applied.

The surcharge for excessive use of water shall be:

	Until 10/2024	Until 10/2025	Thereafter
Charge per CCF for all additional CCF	$ 11.88	$ 12.40	$ 12.92

Section F. Outside City Charge

All charges, except the surcharge for excessive use of water, shall be ten percent (10%) more per service outside the corporate limits of the City of Springfield, Missouri.

CITY UTILITIES OF SPRINGFIELD, MISSOURI
GENERAL TERMS AND CONDITIONS GOVERNING WATER SERVICE

1. City Utilities of Springfield, Missouri ("City Utilities") will not furnish free water for any private use.

2. City Utilities will not furnish seasonal water service except as approved by the President and Chief Executive Officer of City Utilities or designee (the "President-CEO").

3. When permanent (continuous, auxiliary, standby or seasonal) service is temporarily discontinued for more than 24 hours and then reconnected prior to twelve months, each due to a customer's request, a reconnect charge of the monthly customer charge applicable for each billing month or part thereof that the disconnection is in effect during all billing months of that twelve months shall be charged to such customer. Payment of such charge is a condition for the reconnection of the service and is in addition to the applicable account entry fee.

4. Water service is furnished where adequate water distribution capacity is available and the water load is approved for service by City Utilities.

5. Temporary water service may be provided where adequate capacity is available as determined by City Utilities. In addition to the cost of water used, the temporary consumer shall pay all installation and removal costs and shall be responsible for all repair or replacement cost of City Utilities' meters and attachments provided for the temporary water service. Water service which is served by permanent service equipment is permanent water service (not temporary service), with conditions of service specifically described in Section 3. Temporary water service may be terminated by City Utilities at any time.

6. Water service is furnished for the sole use of the customer or its tenant(s) at the premise(s) described in the service application. Additionally, water service shall not be submetered for the purpose of reselling or redistributing the charges rendered for such service, except as otherwise approved by separate written agreement with City Utilities, as set forth in the Service Rules and Regulations, and as agreed to by each such tenant in a separate written agreement with the customer.

7. A separate billing shall be rendered for each point of service, and water metered to the same customer through two or more points of service at the same premise address shall not be added or cumulated for billing purposes, except where necessary, in the opinion of the President-CEO, for the convenience of City Utilities. In no case shall water metered to the same customer at different premise addresses be added or cumulated for billing purposes.

8. Water service may be temporarily limited or suspended to any or all classes of customers in emergencies. Water service is not guaranteed as to be available or continuous, whether under special contract or not, and may be temporarily or permanently modified, limited or discontinued as supply or delivery conditions dictate or at any time as may be deemed necessary in the sole judgment of City Utilities, without liability whatsoever on the part of City Utilities for any loss, damage, expense or detriment thereby caused or claimed to be caused.

9. The RESIDENTIAL WATER SERVICE RATE shall be applicable to residential customers in separately metered dwellings for domestic housekeeping purposes. Existing master-metered, multiple tenancy dwellings of not more than two (2) dwelling units, one of which is owner-occupied, may be served under this rate. Dwellings also used as places of business requiring a license or registration to operate may be served under this rate only where necessary, in the opinion of the President-CEO, for the convenience of City Utilities.

10. The GENERAL WATER SERVICE RATE shall be applicable to customers for nonresidential purposes and for non-owner occupied, master-metered, multiple tenancy dwellings of more than two (2) dwelling units.

11. A pass-through Primacy Fee shall be charged to the customer as mandated by the State of Missouri. City Utilities collects and remits the Primacy Fee to the Department of Natural Resources for the Public Drinking Water Program. The fee is based on meter size.

Exhibit B-1

One-rdg. _____
P. Hrngs. _____
Pgs. _____
Filed: _____

Sponsored By: _____

First Reading: _____ Second Reading: _____

COUNCIL BILL_____ GENERAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING Revisions to water rates charged by City Utilities of Springfield, Missouri, and related terms and conditions.

_____

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri (the "Board") did, on the 18th day of August, 2022, by resolution approve certain amendments to water rates and general terms and conditions referred to therein as the "Residential Water Service Rate," "General Water Service Rate," "Emergency Conservation Water Service Rate," and "General Terms and Conditions Governing Water Service;" and

WHEREAS, the City Charter of the City of Springfield, Missouri requires approval by the City Council of rates which have been fixed by the Board; and

WHEREAS, said resolution has been on file with the City Clerk of the City of Springfield, Missouri, for two weeks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 - The rate sheets and general terms and conditions set out in the resolution passed by the Board on the 18th day of August, 2022 as "Residential Water Service Rate," "General Water Service Rate," and "Emergency Conservation Water Service Rate," and "General Terms and Conditions Governing Water Service" and now on file for public inspection with the City Clerk of the City of Springfield, Missouri, should be and are hereby approved.

Section 2 - Said "Residential Water Service Rate," "General Water Service Rate," and "General Terms and Conditions Governing Water Service" are effective for bills prepared with the first regular billing cycle for October 2023 or the day following approval by City Council, whichever is later, and the "Emergency Conservation Water Service Rate" shall supersede previously established "Emergency Conservation Water Service Rate" on October 1, 2023 or the day following approval by City Council, whichever is later.

Exhibit B-1

Section 3 – This ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

Exhibit B-2

EXPLANATION TO COUNCIL BILL NO. 2022-
FILED:

ORIGINATING DEPARTMENT: City Utilities of Springfield, Missouri ("City Utilities")

PURPOSE: To establish new water rates and general terms and conditions.

BACKGROUND :

Summary of Change

The water rates proposed in this Ordinance consist of three annual rate increases proposed to be implemented in City Utilities' fiscal years 2024, 2025 and 2026. Percentage increases are approximately 5.3%, 4.7% and 4.0%, respectively. Rate increases are staged to minimize immediate customer impact. Proposed rates retain the existing water rates structure and continue to implement efficiency-oriented pricing signals.

Rate schedule component changes are proposed for the *Residential Water Service Rate,* the *General Water Service Rate*, and the *Emergency Conservation Water Service Rate. General Terms and Conditions Governing Water Service* contains changes to update the title of General Manager to President-CEO and add information about the pass-through billing of the Missouri Drinking Water Primacy Fee.

Reason for Change

Operating earnings for the water system have remained below adequate levels in all years except fiscal year 2020 and 2021. Operating earnings are needed to operate the water system, enable the water system to pay its debt, and support system replacements and other improvements, shared subsidization of City Utilities' transit system, and common capital and operating costs. Water rates should recover all water system costs; otherwise, electric and natural gas customers (who are not necessarily the same customer base) will subsidize water customers. Over the last ten years, earnings requirements have exceeded system earnings by $32.7 million. Without the proposed rate increase, costs to serve water customers are forecasted to continue exceeding water revenues.

In addition to ongoing inflationary increases in operations and maintenance expenses for the water system, infrastructure replacement continues to be a focus for City Utilities' water system, which has 1,211 miles of distribution mains in service. Thirty-eight miles of mains were installed over 100 years ago and 388 miles were installed between 50 and 100 years ago. City Utilities' main replacement program has a 100-year replacement cycle goal, with a target of 12 miles of main replacements per year. Over the next five years, City Utilities expects to spend about $48 million on water main and service renewal projects.

These rate changes are necessary for City Utilities to meet key financial targets and operating objectives. As part of the overall strategy described in the Operating Plan, these rate changes are necessary to enable continued achievement of fundamental water system requirements to safely and reliably meet customer needs.

In addition to the proposed rate changes, information has been added to the *General Terms and Conditions Governing Water Service* to state that the Missouri Drinking Water Primacy Fee will be billed separately from City Utilities service charges each month. The fees will be billed in accordance with Missouri law. Historically, these fees have been recovered through City Utilities' base rates and remitted to the State of Missouri by City Utilities. It is the expectation of the State that utilities treat this fee as a "pass-through" charge billed directly to customers, so City Utilities is making this change effective in fiscal year 2024. The fee is dependent on the customer's meter size.

REMARKS:

The estimated average impact for residential customers shown below was calculated using average residential usage of 5 CCF in the winter months and 7 CCF in the summer months. Actual customer impact is dependent on customer usage.

Customer Impact - Residential

Impact depends upon usage

Fiscal Year	Monthly Bill	Increase
2023	$ 35.54	
2024	$ 37.48	$ 1.94
2025	$ 39.26	$ 1.78
2026	$ 40.79	$ 1.53

The estimated average impact for nonresidential customers shown below was calculated using the rate for nonresidential customers with a meter size of less than one-inch, which represents approximately 56% of all nonresidential customers. Average usage for this group of nonresidential customers is 8 CCF in the winter months and 11 CCF in the summer months. These usage assumptions were used in the estimated impact calculations below. Actual customer impact is dependent on customer usage.

Customer Impact - Nonresidential

Impact depends upon meter size and usage

Fiscal Year	Monthly Bill	Increase
2023	$ 63.98	
2024	$ 66.66	$ 2.68
2025	$ 69.90	$ 3.24
2026	$ 73.14	$ 3.24

Customers outside the city limits of Springfield pay 10% more for all water charges.

If this ordinance is passed, the *Residential Water Service Rate,* the *General Water Service Rate,* and the *General Terms and Conditions Governing Water Service* will become effective October 2023. The rates will not be prorated but will be fully effective for the first regular billing cycle of the month, with changes occurring in October 2023, October 2024, and October 2025.

If this ordinance is passed, the *Emergency Conservation Water Service Rate* will become effective October 1, 2023.

Submitted by:

Krista Shurtz
Director – Rates & Fuels

Amy Derdall
VP – Chief Financial Officer

Approved:

Gary Gibson
President - CEO

One-rdg. _____
P. Hrngs. _____
Pgs. 14
Filed: 08-30-22

Sponsored By: Hardinger

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 237 GENERAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING revisions to the Curtailable Gas Service Rate (Gas Rates Sheet No. 3 of General Ordinance 6319) of City Utilities of Springfield, Missouri.

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri (the "Board") did, on the 18th day of August, 2022, by resolution approve certain amendments to the curtailable natural gas rate schedule of City Utilities of Springfield, Missouri ("City Utilities"), referred to therein as the "Curtailable Gas Service Rate;" and

WHEREAS, the City Charter of the City of Springfield, Missouri requires approval by the City Council of rates which have been fixed by the Board; and

WHEREAS, said resolution (the "Resolution"), including the above referenced revised rate schedule (the "Rate Schedule"), has been for two weeks and is now on file for public inspection with the City Clerk of the City of Springfield, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 - The Rate Schedule attached to the Resolution should be and is hereby approved, shall become effective with City Utilities' first regular billing cycle for October 2022 or the day following approval by City Council, whichever is later, and shall supersede previously established versions of the Rate Schedule.

Section 2 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022- 237

FILED: 08-30-22

ORIGINATING DEPARTMENT: City Utilities of Springfield, Missouri ("City Utilities")

PURPOSE: To update City Utilities' Curtailable Gas Service Rate.

BACKGROUND INFORMATION:

Summary of Change

City Utilities' Curtailable Gas Service rate ("Rate Schedule") provides a natural gas service option for nonresidential customers ("Curtailable Customers") that have agreed by contract to discontinue natural gas use when City Utilities imposes volumetric limitations. City Utilities is proposing to modify the unauthorized use charge defined in this Rate Schedule. The unauthorized use charge is assed when a Curtailable Customer receives natural gas in excess of the quantity authorized or allocated without prior approval from City Utilities.

The revisions to the unauthorized use charge proposed in the accompanying Ordinance changes the amount charged from the greater of *"ten (10) time the average Gas Daily Index for Southern Star Central Gas Pipeline, Inc. or $1.50 per therm"* to *"the greater of 150% of the highest market natural gas cost paid by City Utilities during the curtailment period or $6.00 per therm, plus any pipeline penalties and other charges incurred by City Utilities which are attributable to the overrun natural gas"*. The proposed changes also specify that the unauthorized use charges may be a credit to the Purchased Gas Cost Dollars for City Utilities' natural gas customers not served under this Rate Schedule ("Firm Customers").

This proposal is in line with peer utilities in the region.

Reason for Change

Winter Storm Uri in February 2021 and the resulting increases in daily natural gas prices revealed that the *"…ten (10) times the average Gas Daily Index for Southern Star Central Gas Pipeline, Inc…"* component of the current unauthorized use charge can result in excessive financial burdens on Curtailable Customers who use even relatively moderate volumes of natural gas during a curtailment when daily natural gas prices spike to exorbitant levels, as they did in February 2021.

For instance, if a Curtailable Customer used 50 DTH of natural gas during one day of the February 2021 curtailment, their unauthorized use charge would have been nearly $165,000 if the multiplier had not been reduced to 1.5 times the index price

through the one-time variance approved by the Board and City Council. Although such daily index prices had not previously reach triple digit levels before, it is now a known possibility, and therefore prudent to change the multiplier from 10x to 1.5x. By lowering the multiplier from 10x to 1.5x, City Utilities reduces the risk of creating an excessive burden on Curtailable Customers, while maintaining a strong financial incentive for Curtailable Customers to discontinue all-natural gas usage when City Utilities imposes volumetric limitations

Changing the benchmark price from the Gas Daily Index to the highest natural gas cost paid by City Utilities ensures the unauthorized use charge is more aligned with the actual natural gas prices City Utilities pays during a curtailment period. So, if the highest natural gas cost paid by City Utilities during the curtailment period is higher than the index price, the penalty will reflect that accordingly. Additionally, by adding *"plus any pipeline penalties and other charges incurred by City Utilities which are attributable to the overrun natural gas"* to the charge, City Utilities ensures it will be made whole for any other costs incurred because of Curtailable Customers not complying with a curtailment.

Upon further evaluation, the *"$1.50 for each therm of overrun gas delivered"* component that is effectively the minimum unauthorized use charge is noticeably too low considering fuel prices in recent decades. Curtailable Customers typically employ propane, diesel or fuel oil as their required backup fuel source. In the past twenty years, the peak monthly cost per therm for propane, diesel and fuel oil has been $4.03, $3.42 and $3.04, respectively. Changing this component to $6 per therm provides a more effective financial incentive for Curtailable Customers to switch to a backup fuel source during a curtailment because the cost of their backup fuel should be lower than the $6 per therm of natural gas minimum unauthorized use charge, plus actual purchased natural gas costs. The consideration of not curtailing based solely on anticipated financial savings should be eliminated since Curtailable Customers should know ahead of time that they will undoubtedly pay more if they do not curtail, even if natural gas prices are very low during a curtailment period.

<u>REMARKS</u>:

There are no base rate increases included in the proposed changes to the Rate Schedule. The proposed changes create an unauthorized use charge that is significant enough to deter Curtailable Customers from using natural gas when City Utilities imposes volumetric limitations, while not being excessive in an event like Winter Storm Uri in February 2021.

If this ordinance is passed, the revised Rate Schedule, Curtailable Gas Service Rate shall become effective for all City Utilities bills prepared with its first regular billing cycle for October 2022 or the day following approval by the City Council of Springfield, Missouri, whichever is later.

Submitted by:

Krista Shurtz.
Vice President - CFO

Amy Derdall

Approved:

Gary Gibson
President-CEO

RESOLUTION

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri (the "Board") has the power and duty to take charge of and exercise control over all public utilities, including natural gas systems and all plants, apparatus, equipment and distribution facilities related to any such system, owned, operated or acquired by the City of Springfield, Missouri (the "City"), and all extensions thereof and appurtenances thereto belonging, under the name City Utilities of Springfield, Missouri ("City Utilities"), including the fixing of rates to be charged for services and facilities furnished by such utilities, subject to the approval of City Council;

WHEREAS, the Strategic Plan adopted by the Board on May 27, 2021 states that City Utilities will maintain affordability by continually seeking opportunities to gain efficiencies and improve utilization of its resources, ensure customer confidence through stability, performance, availability and communication, and secure stable, affordable and sustainable long-term access to utility supply resources for its community;

WHEREAS, the Board, consistent with City Utilities Policy 5.25 - Rate Policy Standards (the "Rate Policy Standards"), desires to implement natural gas rates which send appropriate pricing signals by revising the Unauthorized Use Charge imposed by City Utilities to customers receiving overrun gas after notice and without prior approval, each as described or defined in City Utilities' Curtailable Gas Service Rate (Gas Rates Sheet No. 3 of General Ordinance 6319) (the "Curtailable Gas Service Rate");

WHEREAS, on August 10, 2022, City Utilities Citizens' Advisory Council met and considered, conducted a public hearing to accept public input with regard to, and voted in favor of certain proposed revisions to City Utilities' Curtailable Gas Service Rate (the "Proposed Revisions");

WHEREAS, since implementation of any or all of the Proposed Revisions will not increase the rates or costs for any of City Utilities' customers, and to delay would offer no value but could instead impede reasonable progress, after careful consideration and public input, the Board has determined that it is reasonable to waive the six-month delay in rate implementation stated in the Rate Policy Standards; and

WHEREAS, the Board, after careful consideration and public input, has determined that the Proposed Revisions should be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SPRINGFIELD, MISSOURI, that the Proposed Revisions should be fixed and are hereby approved in the form attached hereto as Exhibit A (the "Rate Schedule");

BE IT FURTHER RESOLVED, that the forms of City Council Ordinance and Explanation attached hereto as Exhibits B-1 and B-2, respectively, are approved and should be submitted to City Council for its approval, and upon such approval the Rate Schedule shall become effective for all City Utilities bills prepared with its first regular billing cycle for October 2022 or the day following approval by City Council, whichever is later; and

BE IT FURTHER RESOLVED, that City Utilities' President-CEO is hereby authorized and directed to file a copy of this resolution with the City Clerk and to take such actions as are required or appropriate to obtain approval and enactment of the Rate Schedule by City Council or to otherwise carry out the intent and purpose of this resolution.

CERTIFICATE

The undersigned, Don Woody, Assistant Secretary of the Board of Public Utilities of the City of Springfield, Missouri, does hereby certify under his hand and seal of the Board that the foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting held on the 18th day of August, 2022, pursuant to notice of time and place duly given to all members of the Board, at which meeting a quorum was present and voted throughout.

Dated this 18th day of August, 2022.

Don Woody

Don Woody, Assistant Secretary

BOARD OF PUBLIC UTILITIES
TELECOMMUNICATIONS
ELECTRIC
NATURAL GAS
WATER
TRANSIT
CITY OF SPRINGFIELD

CITY UTILITIES OF SPRINGFIELD, MISSOURI
CURTAILABLE GAS SERVICE RATE

Availability

Service under this rate shall be available within the corporate limits of the City of Springfield, Missouri, and the adjacent territory served by City Utilities, to nonresidential customers whose use at a single address or location is, or is estimated to be, 30,000 therms or more per month. Service under this rate is interruptible and customers must agree to curtail natural gas service as provided under special contract with City Utilities. Availability is subject to the General Terms and Conditions Governing Gas Service and the Utility Service Rules and Regulations.

Monthly Charges

	Until 10/2018	Until 10/2019	Thereafter
Customer Charge			
Per month.....	$875.00	$925.00	$950.00
Commodity Charge			
For all therms.....	$0.0440 per therm Plus Curtailable Purchased Gas Cost	$0.0420 per therm Plus Curtailable Purchased Gas Cost	$0.0400 per therm Plus Curtailable Purchased Gas Cost

Curtailable Purchased Gas Cost

Each month the Curtailable Purchased Gas Cost shall be determined in accordance with the following formula:

	Cost of Natural Gas, including transmission services, purchased for resale to curtailable customers
DIVIDED BY:	therms of Natural Gas sold to curtailable customers
PLUS:	4% for Payment to the City in Lieu of Taxes and
	2% for Natural Gas which is Lost and Unaccounted for

The Curtailable Purchased Gas Cost shall be rounded to the nearest hundredth of a cent and expressed as dollars per therm.

CITY UTILITIES OF SPRINGFIELD, MISSOURI
CURTAILABLE GAS SERVICE RATE

Any customer receiving service under this rate and contracting with City Utilities for additional service available from City Utilities' natural gas and/or pipeline suppliers, shall pay the cost of such service plus 4% for Payment to the City in Lieu of Taxes.

Unauthorized Use Charge

During any period that City Utilities, or its natural gas suppliers, allocates natural gas or imposes volumetric limitations upon the amount of natural gas to be served to a customer or customers under this rate, any customer receiving a volume or volumes of natural gas in excess of the quantity authorized or allocated to such customer, hereinafter called "overrun natural gas," without prior approval from City Utilities, shall be subject to notice from City Utilities and, after notice once given, to the imposition of an unauthorized use charge. The unauthorized use charge shall be the greater of 150% of the highest market natural gas cost paid by City Utilities during the curtailment period or $6.00 for each therm of overrun natural gas delivered, plus any pipeline penalties and other charges incurred by City Utilities which are attributable to the overrun natural gas. Such charge shall be in addition to any charges otherwise payable to City Utilities for such overrun natural gas, including purchased natural gas costs as specified within this rate. The payment of an unauthorized use charge for unauthorized overrun natural gas deliveries shall not under any circumstances be considered as a substitute for any other remedy available to City Utilities, including, but not limited to, termination or reduction of service. Unauthorized use charges billed may be credited to the Purchased Gas Cost Dollars applicable to City Utilities' firm natural gas service customers.

Outside City Charge

All charges shall be ten (10) percent more per service outside the corporate limits of the City of Springfield, Missouri.

Exhibit B-1

One-rdg. _____
P. Hrngs. _____
Pgs. _____
Filed: _____

Sponsored By: _____

First Reading: _____ Second Reading: _____

COUNCIL BILL NO.: 2022-____ GENERAL ORDINANCE NO.: _____

AN ORDINANCE

AUTHORIZING: Revisions to the Curtailable Gas Service Rate (Gas Rates Sheet No. 3 of General Ordinance 6319) of City Utilities of Springfield, Missouri.

_____

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri (the "Board") did, on the 18th day of August, 2022, by resolution approve certain amendments to the curtailable natural gas rate schedule of City Utilities of Springfield, Missouri ("City Utilities"), referred to therein as the "Curtailable Gas Service Rate;" and

WHEREAS, the City Charter of the City of Springfield, Missouri requires approval by the City Council of rates which have been fixed by the Board; and

WHEREAS, said resolution (the "Resolution"), including the above-referenced revised rate schedule (the "Rate Schedule"), has been for two weeks and is now on file for public inspection with the City Clerk of the City of Springfield, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 - The Rate Schedule attached to the Resolution should be and is hereby approved, shall become effective with City Utilities' first regular billing cycle for October 2022 or the day following approval by City Council, whichever is later, and shall supersede previously established versions of the Rate Schedule.

Section 2 – This ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____

35 Mayor

36 Attest: _____, City Clerk

37 Filed as Ordinance: _____

38 Approved as to form: _____, Assistant City Attorney

39 Approved for Council action: _____, City Manager

Exhibit B-2

EXPLANATION TO COUNCIL BILL NO. 2022- _____

FILED: _____

ORIGINATING DEPARTMENT: City Utilities of Springfield, Missouri ("City Utilities")

PURPOSE: To update City Utilities' Curtailable Gas Service Rate.

BACKGROUND:

Summary of Change

City Utilities' Curtailable Gas Service rate ("Rate Schedule") provides a natural gas service option for nonresidential customers ("Curtailable Customers") that have agreed by contract to discontinue natural gas use when City Utilities imposes volumetric limitations. City Utilities is proposing to modify the unauthorized use charge defined in this Rate Schedule. The unauthorized use charge is assed when a Curtailable Customer receives natural gas in excess of the quantity authorized or allocated without prior approval from City Utilities.

The revisions to the unauthorized use charge proposed in the accompanying Ordinance changes the amount charged from the greater of *"ten (10) time the average Gas Daily Index for Southern Star Central Gas Pipeline, Inc. or $1.50 per therm"* to *"the greater of 150% of the highest market natural gas cost paid by City Utilities during the curtailment period or $6.00 per therm, plus any pipeline penalties and other charges incurred by City Utilities which are attributable to the overrun natural gas"*. The proposed changes also specify that the unauthorized use charges may be a credit to the Purchased Gas Cost Dollars for City Utilities' natural gas customers not served under this Rate Schedule ("Firm Customers").

This proposal is in line with peer utilities in the region.

Reason for Change

Winter Storm Uri in February 2021 and the resulting increases in daily natural gas prices revealed that the *"…ten (10) times the average Gas Daily Index for Southern Star Central Gas Pipeline, Inc…"* component of the current unauthorized use charge can result in excessive financial burdens on Curtailable Customers who use even relatively moderate volumes of natural gas during a curtailment when daily natural gas prices spike to exorbitant levels, as they did in February 2021.

For instance, if a Curtailable Customer used 50 DTH of natural gas during one day of the February 2021 curtailment, their unauthorized use charge would have been nearly $165,000 if the multiplier had not been reduced to 1.5 times the index price through the one-time variance approved by the Board and City Council. Although such daily index prices had not previously reach triple digit levels before, it is now a known possibility, and therefore prudent to change the multiplier from 10x to 1.5x. By lowering the multiplier from 10x to 1.5x, City Utilities reduces the risk of creating an excessive burden on Curtailable Customers, while

maintaining a strong financial incentive for Curtailable Customers to discontinue all natural gas usage when City Utilities imposes volumetric limitations

Changing the benchmark price from the Gas Daily Index to the highest natural gas cost paid by City Utilities ensures the unauthorized use charge is more aligned with the actual natural gas prices City Utilities pays during a curtailment period. So, if the highest natural gas cost paid by City Utilities during the curtailment period is higher than the index price, the penalty will reflect that accordingly. Additionally, by adding *"plus any pipeline penalties and other charges incurred by City Utilities which are attributable to the overrun natural gas"* to the charge, City Utilities ensures it will be made whole for any other costs incurred because of Curtailable Customers not complying with a curtailment.

Upon further evaluation, the *"$1.50 for each therm of overrun gas delivered"* component that is effectively the minimum unauthorized use charge is noticeably too low considering fuel prices in recent decades. Curtailable Customers typically employ propane, diesel or fuel oil as their required backup fuel source. In the past twenty years, the peak monthly cost per therm for propane, diesel and fuel oil has been $4.03, $3.42 and $3.04, respectively. Changing this component to $6 per therm provides a more effective financial incentive for Curtailable Customers to switch to a backup fuel source during a curtailment because the cost of their backup fuel should be lower than the $6 per therm of natural gas minimum unauthorized use charge, plus actual purchased natural gas costs. The consideration of not curtailing based solely on anticipated financial savings should be eliminated since Curtailable Customers should know ahead of time that they will undoubtedly pay more if they do not curtail, even if natural gas prices are very low during a curtailment period.

REMARKS:

There are no base rate increases included in the proposed changes to the Rate Schedule. The proposed changes create an unauthorized use charge that is significant enough to deter Curtailable Customers from using natural gas when City Utilities imposes volumetric limitations, while not being excessive in an event like Winter Storm Uri in February 2021.

If this ordinance is passed, the revised Rate Schedule, Curtailable Gas Service Rate shall become effective for all City Utilities bills prepared with its first regular billing cycle for October 2022 or the day following approval by the City Council of Springfield, Missouri, whichever is later.

Submitted by:

Krista Shurtz.
Director – Rates and Fuels

Amy Derdall
Vice President - CFO

Approved:

Gary Gibson
President-CEO

One-rdg. _____
P. Hrngs. _____
Pgs. 12
Filed: 08-30-22

Sponsored By: Hosmer

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 238 GENERAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING revisions to the Private Outdoor Lighting Service Rate of City Utilities of Springfield, Missouri.

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri (the "Board") did, on the 18th day of August, 2022, by resolution approve certain amendments to the electric rate schedule of City Utilities of Springfield, Missouri ("City Utilities") referred to therein as the "Private Outdoor Lighting Service Rate;" and

WHEREAS, the City Charter of the City of Springfield, Missouri requires approval by the City Council of rates which have been fixed by the Board; and

WHEREAS, said resolution (the "Resolution"), including the above-referenced revised rate schedule (the "Rate Schedule") has been for two weeks and is now on file for public inspection with the City Clerk of the City of Springfield, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The Rate Schedule attached to the Resolution should be and is hereby approved, shall become effective with City Utilities' first regular billing cycle for October 2022 or the day following approval by City Council, whichever is later, and shall supersede previously established versions of the Rate Schedule.

Section 2 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Rhonda Lewsader, City Attorney

Approved for Council action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2022- 238

FILED: 08-30-22

ORIGINATING DEPARTMENT: City Utilities of Springfield, Missouri ("City Utilities")

PURPOSE: To update City Utilities' Private Outdoor Lighting Service Rate.

BACKGROUND INFORMATION:

Summary of Change

City Utilities' Private Outdoor Lighting Service Rate provides electric service options for customers with private outdoor security lighting and the lighting of private streets. City Utilities has transitioned to installing light emitting diode (LED) lamps for new and replacement private outdoor lighting service options, instead of installing High Pressure Sodium (HPS) lamps. City Utilities is proposing five additional LED streetlight options. The monthly charge for the LED streetlight options is comparable to the present monthly charge of the HPS streetlight options, which has not been adjusted for cost-to-serve since 2015. The HPS lamps will be replaced with LED lamps over time; therefore, for rate stability, no change to the HPS streetlighting monthly charge is proposed.

Reason for Change

LED lamps are more energy efficient than HPS lamps and the lifecycle is forecasted to be longer. Therefore, City Utilities has transitioned away from installing HPS lamps for private security lighting and private streetlighting.

REMARKS:

There are no base rate increases included in the proposed changes to the Rate Schedule. Five additional electric service options are proposed for private LED streetlighting.

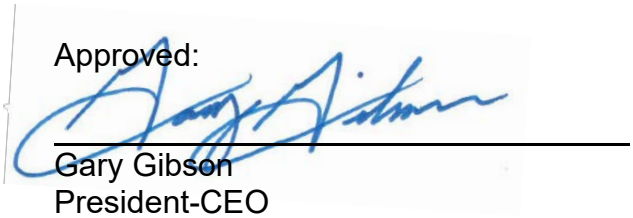
If this ordinance is passed, revised Rate Schedule, Private Outdoor Lighting Service Rate shall become effective for all City Utilities bills prepared with its first regular billing cycle for October 2022 or the day following approval by the City Council of Springfield, Missouri, whichever is later.

Submitted by:

Krista Shurtz
Director – Rates and Fuels

Amy Derdall

Approved:



Gary Gibson
President-CEO

RESOLUTION

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri (the "Board"), has the power and duty to take charge of and exercise control over all public utilities, including electric systems and all plants, apparatus, equipment and distribution facilities related to any such system, owned, operated or acquired by the City of Springfield, Missouri (the "City"), and all extensions thereof and appurtenances thereto belonging, under the name City Utilities of Springfield, Missouri ("City Utilities"), including the fixing of rates to be charged for services and facilities furnished by such utilities, subject to the approval of City Council;

WHEREAS, the Strategic Plan adopted by the Board on May 27, 2021, states that City Utilities will maintain affordability by continually seeking opportunities to gain efficiencies and improve utilization of its resources, and reinforce its position as an industry leader through active evaluation of performance metrics, benchmarking and a commitment to continuous improvement;

WHEREAS, the Board, consistent with City Utilities Policy 5.25 - Rate Policy Standards (the "Rate Policy Standards"), desires to revise service options for private outdoor lighting to better reflect the more efficient electric service options City Utilities provides;

WHEREAS, on August 10, 2022, City Utilities Citizens' Advisory Council met and considered, conducted a public hearing to accept public input with regard to, and voted in favor of certain proposed revisions to City Utilities' Private Outdoor Lighting Service Rate (the "Proposed Revisions");

WHEREAS, since implementation of any or all of the Proposed Revisions will not increase the rates or costs for any of City Utilities' customers, and to delay would offer no value but could instead impede reasonable progress, the Board has determined that it is reasonable to waive the six-month delay in rate implementation stated in the Rate Policy Standards; and

WHEREAS, the Board, after careful consideration and public input, has determined that the Proposed Revisions should be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SPRINGFIELD, MISSOURI, that the Proposed Revisions should be fixed and are hereby approved as rates in the form attached hereto as Exhibit A (the "Rate Schedule");

BE IT FURTHER RESOLVED, that the forms of City Council Ordinance and Explanation attached hereto as Exhibits B-1 and B-2, respectively, are approved and should be submitted to City Council for its approval, and upon such approval the Rate Schedule shall become effective for all City Utilities bills prepared with its first regular billing cycle for October 2022 or the day following approval by City Council, whichever is later; and

BE IT FURTHER RESOLVED, that City Utilities' President-CEO is hereby authorized and directed to file a copy of this resolution with the City Clerk and to take such actions as are required or appropriate to obtain approval and enactment of the Rate Schedule by City Council or to otherwise carry out the intent and purpose of this resolution.

CERTIFICATE

The undersigned, Don Woody, Assistant Secretary of the Board of Public Utilities of the City of Springfield, Missouri, does hereby certify under his hand and seal of the Board that the foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting held on the 18th day of August, 2022, pursuant to notice of time and place duly given to all members of the Board, at which meeting a quorum was present and voted throughout.

Dated this 18th day of August, 2022.

Don Woody, Assistant Secretary

BOARD OF PUBLIC UTILITIES
TELECOMMUNICATIONS
ELECTRIC
NATURAL GAS
WATER
TRANSIT
CITY OF SPRINGFIELD

CITY UTILITIES OF SPRINGFIELD, MISSOURI
PRIVATE OUTDOOR LIGHTING SERVICE RATE

Availability

Service under this rate shall be available within the corporate limits of the City of Springfield, Missouri, and the adjacent territory served by City Utilities for residential, commercial, and industrial private outdoor lighting. Availability is subject to the General Terms and Conditions Governing Electric Service and the Utility Service Rules and Regulations.

Monthly Charges

Private Security Lighting

175 Watt, Mercury Vapor (No new installations allowed) ..... $12.00 per lamp
100 Watt, High Pressure Sodium (No new installations allowed) ..... $ 9.00 per lamp
150 Watt, High Pressure Sodium (No new installations allowed) ..... $12.00 per lamp
250 Watt, High Pressure Sodium (No new installations allowed) ..... $15.50 per lamp
100 Watt, Solar ..... $44.00 per lamp
LED comparable to a 100 Watt, High Pressure Sodium ..... $ 9.00 per lamp
LED comparable to a 150 Watt, High Pressure Sodium ..... $11.50 per lamp
LED comparable to a 250 Watt, High Pressure Sodium ..... $13.00 per lamp

Private Street Lighting

Standard Streetlight: 150 Watt, High Pressure Sodium (No new installations allowed) ..... $12.50 per lamp
Standard Streetlight: 250 Watt, High Pressure Sodium (No new installations allowed) ..... $17.75 per lamp
Decorative Streetlight: 100 Watt, High Pressure Sodium (No new installations allowed) ..... $12.25 per lamp
Decorative Streetlight: 150 Watt, High Pressure Sodium (No new installations allowed) ..... $14.00 per lamp
Decorative Streetlight: 400 Watt, High Pressure Sodium (No new installations allowed) ..... $22.75 per lamp
Standard Streetlight: LED comparable to a 150 Watt, High Pressure Sodium ..... $12.50 per lamp
Standard Streetlight: LED comparable to a 250 Watt, High Pressure Sodium ..... $17.75 per lamp
Decorative Streetlight: LED comparable to a 100 Watt, High Pressure Sodium ..... $12.25 per lamp
Decorative Streetlight: LED comparable to a 150 Watt, High Pressure Sodium ..... $14.00 per lamp
Decorative Streetlight: LED comparable to a 400 Watt, High Pressure Sodium ..... $22.75 per lamp

Outside City Charge

All monthly charges shall be five (5) percent more for service outside the corporate limits of the City of Springfield, Missouri.

Special Rules

1. This rate is available subject to the customer's payment of the Construction "make ready" Charges, if applicable, and the Connect Charge as determined by the Board of Public Utilities.

2. The utility pole and power supply attached thereto must be approved by City Utilities prior to the rendering of service under this rate.

3. Lighting provided hereunder is for the nightly period of dusk to dawn and is not furnished for intermittent, temporary, auxiliary, standby or seasonal service, except as approved by the President-CEO of City Utilities.

4. City Utilities will not install Mercury Vapor or High Pressure Sodium lamps for new or replacement lights.

Exhibit B-1

One-rdg. _____
P. Hrngs. _____
Pgs. _____
Filed: _____

Sponsored By: _____

First Reading: _____ Second Reading: _____

COUNCIL BILL: 2022-___ GENERAL ORDINANCE: _____

AN ORDINANCE

AUTHORIZING: Revisions to the Private Outdoor Lighting Service Rate of City Utilities of Springfield, Missouri.

_____

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri (the "Board") did, on the 18th day of August, 2022, by resolution approve certain amendments to the electric rate schedule of City Utilities of Springfield, Missouri ("City Utilities") referred to therein as the "Private Outdoor Lighting Service Rate;"

WHEREAS, the City Charter of the City of Springfield, Missouri requires approval by the City Council of rates which have been fixed by the Board; and

WHEREAS, said resolution (the "Resolution"), including the above-referenced revised rate schedule (the "Rate Schedule") has been for two weeks and is now on file for public inspection with the City Clerk of the City of Springfield, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 - The Rate Schedule attached to the Resolution should be and is hereby approved, shall become effective with City Utilities' first regular billing cycle for October 2022 or the day following approval by City Council, whichever is later, and shall supersede previously established versions of the Rate Schedule.

Section 2 – This ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

Exhibit B-2

EXPLANATION TO COUNCIL BILL NO. 2022- _____

FILED: _____

ORIGINATING DEPARTMENT: City Utilities of Springfield, Missouri ("City Utilities")

PURPOSE: To update City Utilities' Private Outdoor Lighting Service Rate.

BACKGROUND:

Summary of Change

City Utilities' Private Outdoor Lighting Service Rate provides electric service options for customers with private outdoor security lighting and the lighting of private streets. City Utilities has transitioned to installing light emitting diode (LED) lamps for new and replacement private outdoor lighting service options, instead of installing High Pressure Sodium (HPS) lamps. City Utilities is proposing five additional LED streetlight options. The monthly charge for the LED streetlight options is comparable to the present monthly charge of the HPS streetlight options, which has not been adjusted for cost-to-serve since 2015. The HPS lamps will be replaced with LED lamps over time; therefore, for rate stability, no change to the HPS streetlighting monthly charge is proposed.

Reason for Change

LED lamps are more energy efficient than HPS lamps and the lifecycle is forecasted to be longer. Therefore, City Utilities has transitioned away from installing HPS lamps for private security lighting and private streetlighting.

REMARKS:

There are no base rate increases included in the proposed changes to the Rate Schedule. Five additional electric service options are proposed for private LED streetlighting.

If this ordinance is passed, revised Rate Schedule, Private Outdoor Lighting Service Rate shall become effective for all City Utilities bills prepared with its first regular billing cycle for October 2022 or the day following approval by the City Council of Springfield, Missouri, whichever is later.

Submitted by:

Krista Shurtz
Director – Rates and Fuels

Amy Dardall
Vice President-CFO

Approved:

Gary Gibson
President-CEO

One-rdg. _____
P. Hrngs. _____
Pgs. 13
Filed: 08-30-22

Sponsored by: Lear

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 239 SPECIAL ORDINANCE _____

AN ORDINANCE

APPROVING the plans and specifications for the Fassnight Creek Greenway Trail improvements; accepting the bid of Radmacher Brothers Excavating Co., Inc., in the amount of $459,895 for said improvements; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

_____

WHEREAS, Radmacher Brothers Excavating Co., Inc., is the lowest responsive and responsible bidder for the Fassnight Creek Greenway Trail project, STBG-5901(817), Plan No. 2022PW0027 (the "Project"); and

WHEREAS, the Project will replace the existing asphalt trail across Phelps Grove Park between Clay Avenue and Virginia Ave with a 10-foot wide concrete trail, construct a new 10-foot wide concrete trail from Virginia Avenue along Fassnight Creek to the Springfield Art Museum, and complete a new pedestrian bridge across Fassnight Creek by adding the bridge deck and handrail to the recently constructed bridge footings, as depicted on "Exhibit A," which is attached hereto and incorporated herein by this reference; and

WHEREAS, bids for this Project were solicited by advertisement in *The Daily Events* from June 17, 2022, to June 21, 2022. Bids were opened on July 19, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – City Council hereby approves the plans and specifications for the Fassnight Creek Greenway Trail project, STBG-5901(817), Plan No. 2022PW0027, and accepts the bid of Radmacher Brothers Excavating Co., Inc., for said Project, at the price and sum of $459,895, except as said sum may be lawfully increased or decreased by the actual quantities of work units involved.

Section 2 – The City Manager, or his designee, is hereby authorized to enter into a contract with said bidder for such work, said contract to be in substantially similar form

to the document attached hereto, and incorporated herein by this reference, as “Exhibit B,” and in accordance with the terms of the bid, the plans and the specifications.

Section 3 – All workers performing work under the contract attached hereto as “Exhibit B,” shall be paid a wage of no less than the prevailing hourly rate of wages for work of a similar character in this locality or the public works contracting minimum wage, whichever is applicable. Contractor shall fully comply with the provisions and requirements of the Missouri State Prevailing Wage Law. Contractors and any subcontractor performing work under this contract must provide a 10-hour OSHA construction safety training program, or similar program approved by the Department of Labor, for on-site employees, unless employees demonstrate they previously completed the program.

Section 4 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-239

FILED: 08-30-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Approving the plans and specifications for the Fassnight Creek Greenway Trail improvements, STBG-5901(817), accepting the bid of Radmacher Brothers Excavating Co., Inc, and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

BACKGROUND INFORMATION: The Fassnight Creek Greenway Trail improvements ("Exhibit A") will remove the existing asphalt trail across Phelps Grove Park between Clay Avenue and Virginia Ave and replace it with 10-foot-wide concrete trail, construct a new 10-foot wide concrete trail from Virginia Avenue along Fassnight Creek to the Springfield Art Museum and complete a new pedestrian bridge across Fassnight Creek by adding the bridge deck and handrail to the recently constructed bridge footings.

Bids were solicited for this project by advertising in the *Daily Events* from June 17, 2022, to June 21, 2022. Bids were opened on July 19, 2022, at 10:30 a.m., with the following bids received:

Contractor	Bid Amount
Radmacher Brothers Excavating Co., Inc.	$459,895.00
D&E Plumbing & Heating, Inc.	$470,880.00
KCI Construction Company	$494,880.00
Hunter Chase & Associates	$573,065.00
Engineer's Estimate	$316,715.00

The low bid, if accepted, will be funded by a Surface Transportation Block Grant through MoDOT ($217,461) with the remaining amount ($242,434) funded by the 1/4-Capital Improvement Sales Tax, and both funding sources are already budgeted.

This project was preliminary designed and estimated in 2019. Public Works awaited final design and bidding to allow for the Art Museum parking lot and Fassnight Creek projects to be completed. Market, inventory and inflation issues across the industry have resulted in a different cost market since this project was originally estimated. The bridge and handrail items necessary to complete the bridge specifically came in significantly higher than the original engineer's estimate. However, the bids received for these items were within 1.7% ($3,900) of one another. Due the existing footings of the bridge already being in place, there is extremely limited opportunity for redesign to pursue cost savings. Public Works advises that re-bidding the project would not result in lower bids and cost would likely increase. Also, potential time to re-bid could jeopardize the Federal Funding for the project.

Supports the following City Council Priorities:

- Quality of Place
- Economic Vitality
- Public Safety

REMARKS: Public Works recommends acceptance of the bid by Radmacher Brothers Excavating Co., Inc. as the lowest responsive bid and passage of this ordinance.

Submitted by:

Martin Gugel, Assistant Director of Public Works

Recommended by:

Dan Smith, Director of Public Works

Approved by:

Jason Gage, City Manager

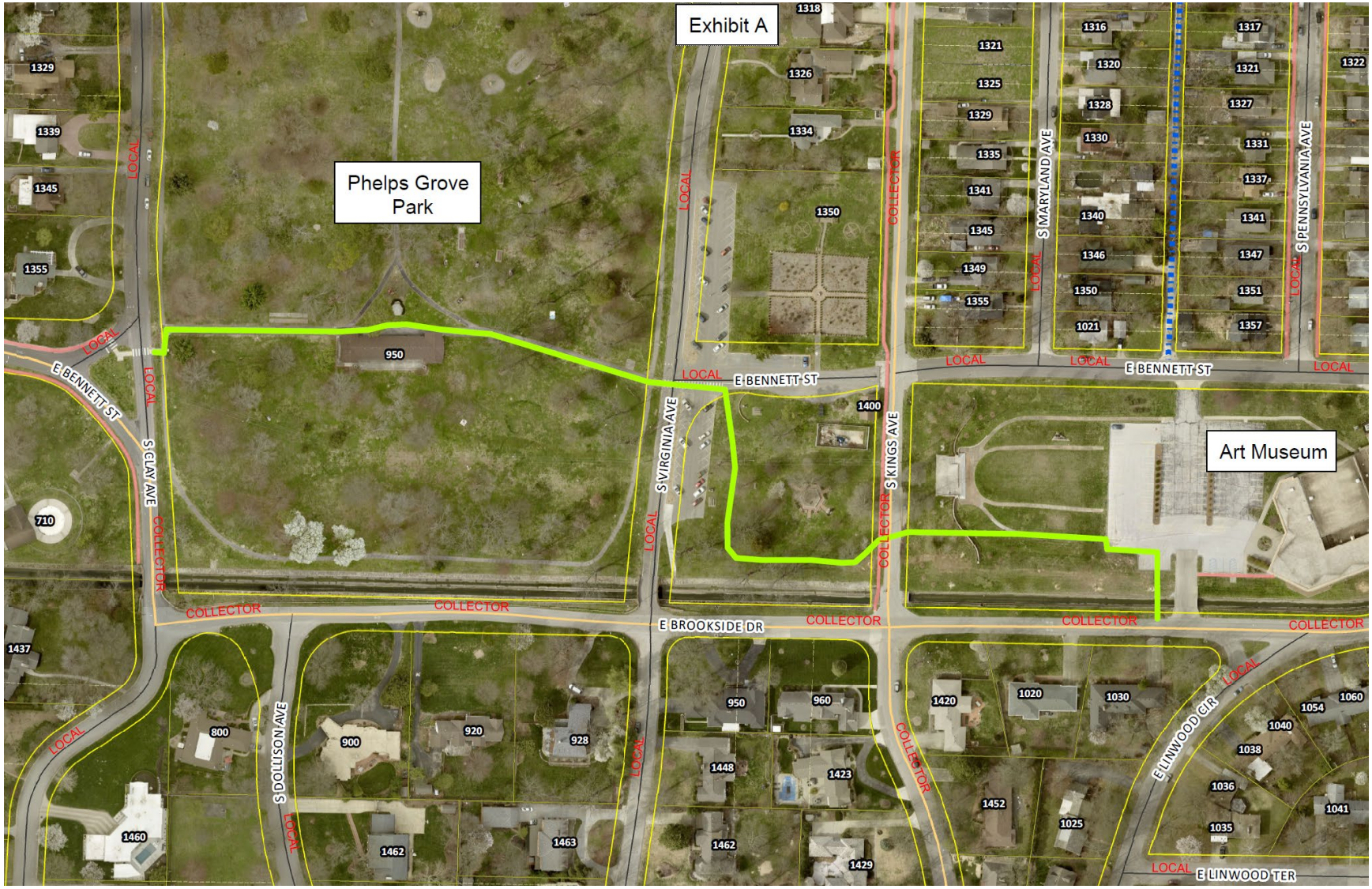


Exhibit A
Phelps Grove Park
Art Museum
E BENNETT ST
S CLAY AVE
S VIRGINIA AVE
S KINGS AVE
S MARYLAND AVE
S PENNSYLVANIA AVE
E BROOKSIDE DR
S DOLLISON AVE
E LINWOOD CIR
E LINWOOD TER
LOCAL
COLLECTOR

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) CONTRACTOR	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	**TERMINATION DATE**	**CONTRACT NUMBER:**	

CITY	**CONTRACTOR**
CITY OF SPRINGFIELD	**NAME:** **RADMACHER BROTHERS EXCAVATING CO., INC.**
840 BOONVILLE, P.O. BOX 8368	**ADDRESS:** **2201 NORTH 7 HIGHWAY, SUITE B**
SPRINGFIELD, MO 65802	**PLEASANT HILL, MO 64080**
PHONE: (417) 864-1930 **FAX: (417) 864-1983**	**PHONE:** **816-535-6111**
ATTN: **JOE HAMP**	**FAX:**
DEPT.: **PUBLIC WORKS**	**ATTN:** **BEN CUMMINGS**

AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 20____, by the parties identified above.

WITNESSETH: That whereas, the Contractor has become the lowest responsible bidder for furnishing the supervision, labor, tools, equipment, materials and supplies and for constructing the following City improvements:

Fassnight Creek Greenway Trail STBG-5901(817) 2022PW0027

The City and Contractor agree to the following:

1. Manner and Time for Completion. The Contractor will furnish all supervision, labor, tools, equipment, materials and supplies necessary to perform, and to perform said work at Contractor's own expense in accordance with the contract documents and any applicable City ordinances and state and federal laws within 120 calendar days from the date Contractor is ordered to proceed, which order shall be issued by the Director of Public Works within 30 days after the date of this contract.

2. Prevailing Wages. All labor utilized in the construction of the aforementioned improvements shall be paid a wage of no less than the "prevailing hourly rate of wages" for work of a similar character in this locality or the public works contracting minimum wage, whichever is applicable, as set out in the Wage Order attached to and made part of the specification for work under this Contract, or by the U.S. Secretary of Labor in accordance with the Federal Davis-Bacon Act (Title 40 U.S.C. Chapter 31, subchapter IV), whichever wage is applicable. Contractor shall pay wages not less than once a week. At any time the Contractor is found to not have paid prevailing wages, the Contractor shall forfeit as a penalty to the City one hundred dollars for each underpaid worker employed, for each calendar day, or portion thereof such worker is paid less than the said stipulated rates for any work done under this contract. Notwithstanding the foregoing, if the engineer's estimate of the total project cost or the bid accepted by the City is $75,000.00 or less, then all labor utilized in the construction of the improvements shall not be required to pay the "prevailing rate of wages" or the public works minimum wage. However, if the project becomes subject to a change order that increases the total project cost to more than $75,000.00, a "prevailing hourly rate of wages" or the public works contracting minimum wage, whichever is applicable, shall be paid for all labor utilized in the construction of the improvements but only for that portion of the project which exceeds $75,000.00.

3. Insurance Requirements. Without limiting any of the other obligations or liabilities of the Contractor, the Contractor shall secure and maintain at its own cost and expense, throughout the duration of this Contract and until the work is completed and accepted by the City of Springfield, insurance of such types and in such amounts as may be necessary to protect it and the interests of the City of Springfield against all hazards or risks of loss as hereunder specified or which may arise out of the performance of the Contract Documents. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Springfield. Regardless of such approval, it shall be the responsibility of the contractor to maintain adequate

insurance coverage at all times during the term of the Contract. Failure of the Contractor to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability in general or under the Contract Documents.

The certificates of insurance, including evidence of the required endorsements hereunder or the policies, shall be filed with the City within ten (10) days after the date of the receipt of Notice of Award of the Contract to the Contractor and prior to the start of work. All insurance policies shall require that the insurance company in question provide thirty (30) days written notice prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to:

City of Springfield - Public Works, P.O. Box 8368, Springfield, MO 65801-8368; and

Such policies shall name the City, MoDOT/MHTC/employees as an additional insured, with limits of liability not less than the sovereign immunity limits for Missouri public entities calculated by the Missouri Department of Insurance as of January 1 each calendar year and published annually in the Missouri Register pursuant to Section 537.610, RSMo.
(See, http://insurance.mo.gov/industry/sovimmunity.php

As of January 1, 2022, the minimum coverage for the insurance referred to herein shall be as set out below:

a. Workers' Compensation…. Statutory coverage per RSMo 287.010 et seq
Employer's Liability……. $1,000,000.00

b. Commercial General Liability Insurance, including coverage for Premises, Operations, Products and Completed Operations, Contractual Liability, Broad Form Property Damage, Independent Contractors, Explosion, Collapse, and Underground Property Damage and endorsed for blasting if blasting required. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least Three Million and 00/100 Dollars ($3,000,000) for all claims arising out of a single accident or occurrence. Contractor agrees that the proceeds of such insurance policy shall first be used to pay any award, damages, costs, and/or attorneys' fees incurred by or assessed against City, its employees, officers and agents, before payment of any award, damages, costs or attorneys fees of Contractor, its employees, officers or agents. Contractor agrees to cause its insurer to name City as an additional insured on such insurance policy, including the City as an additional insured for coverage under its products-completed operations hazard, and said policy shall be primary and noncontributory. Aggregate Limit must apply on a Per Project basis, and the endorsement must accompany the certificate of insurance. A Waiver of Subrogation endorsement must be provided by contractor in favor of the City**.**

c. Automobile Liability Insurance covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least Three Million and 00/100 Dollars ($3,000,000) for all claims arising out of a single accident or occurrence. Contractor agrees to cause its insurer to name City as an additional insured on such insurance policy.

d. Builders Risk Insurance for contracts involving unoccupied structures. The Contractor shall secure All Risk Builder's Risk Insurance. Unless specifically authorized by the City, the amount of such insurance shall not be less than the total contract price. The policy shall name as insured the Contractor and the City of Springfield.

e. Subcontracts. In case any or all of this work is sublet, the Contractor shall require the subcontractor to procure and maintain all insurance required in subparagraphs (a), (b) and (c) hereof and in like amounts. Contractor shall require any and all subcontractors with whom it enters into a contract to perform work on this project to protect the City of Springfield through insurance against applicable hazards or risks and shall, upon request of the City, provide evidence of such insurance.

f. Notice. The Contractor and/or subcontractor shall furnish the City prior to beginning the work, the policy as specified in subparagraph (d), and satisfactory proof of carriage of all the insurance required by this contract, with the provision that policies shall not be canceled, modified or non-renewed without thirty (30) days written notice to the City of Springfield.

g. Legislative or Judicial Changes. In the event the scope or extent of the City's tort liability as a governmental entity as described in Section 537.600 through 537.650 RSMo is broadened or increased during the term of this agreement by legislative or judicial action, the City may require Contractor, upon 10 days written notice, to execute a contract addendum whereby the Contractor agrees to provide, at a price not exceeding Contractor's actual increased premium cost, additional liability insurance coverage as the City may require to protect the City from increased tort liability exposure as the result of such legislative or judicial action. Any such

additional insurance coverage shall be evidenced by an appropriate certificate of insurance and shall take effect within the time set forth in the addendum.

4. Performance, Labor, and Materials Payment Bond: The Contractor shall furnish a Performance Bond and a Labor and Materials Payment Bond with surety approved by the City and on the forms approved by the City, each bond shall be in the amount of $459,895.00 (four hundred fifty-nine thousand eight hundred ninety-five dollars) conditioned upon the full and faithful performance of all major terms and conditions of this contract and payment of all labor and material suppliers. It is further mutually agreed between the parties hereto that if at any time after the execution of this agreement and the surety bond(s) hereto attached for its faithful performance and payment of labor and material suppliers, the City shall deem the surety or sureties upon such bond(s) to be unsatisfactory, or if, for any reason, such bond(s) ceases to be adequate to cover the performance of the work, the Contractor shall, at its expense, within five (5) days after the receipt of notice from the City to do so, furnish an additional bond or bonds, in such form and amount, and with such surety or sureties as shall be satisfactory to the City. In such event no further payment to the Contractor shall be deemed to be due under this contract until such new or additional security for the faithful performance of the work and the payment of labor and material suppliers shall be furnished in a manner and form satisfactory to the City. The corporate surety on any performance or payment bond must be licensed by the State of Missouri and if the required bond exceeds $25,000.00 must be listed in United States Treasury Circular 570.

5. Contractor's responsibility for subcontractors. The Contractor shall be as fully responsible to the City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons it directly employs. Contractor shall cause appropriate provisions to be inserted in all subcontracts relating to this work, to bind all subcontractors to Contractor by all the terms herein set forth, and insofar as applicable to the work of subcontractors and to give Contractor the same power regarding termination of any subcontract as the City may exercise over Contractor under any provisions of this contract. Nothing contained in this contract shall create any contractual relation between the subcontractor and the City or between any subcontractors.

6. General Independent Contractor Clause. This agreement does not create an employee/employer relationship between the parties. It is the parties' intention that the Contractor will be an independent contractor and not the City's employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, Missouri Revenue and Taxation laws, Missouri Workers' Compensation and Unemployment Insurance laws. The Contractor will retain sole and absolute discretion in the judgment of the manner and means of carrying out the Contractor's activities and responsibilities hereunder. The Contractor agrees that it is a separate and independent enterprise from the public employer, that it has a full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the work. This agreement shall not be construed as creating any joint employment relationship between the Contractor and the City, and the City will not be liable for any obligation incurred by the Contractor, including but not limited to unpaid minimum wages and/or overtime premiums.

7. Liquidated Damages. Time of completion of work by the Contractor is of the essence. Should Contractor, or in the case of default, the surety, fail to substantially complete the work within the time specified in the contract, or within such extra time as may be allowed, Contractor (or surety) shall be liable to the City in the amount of $700 per day for each and every calendar day that the contract remains uncompleted after the time allowed for substantial completion, as liquidated damages, and not as a penalty, it being stipulated that actual damages to the City and the public arising from Contractor's failure to timely complete the work would be difficult, if not impossible, to ascertain. The amount assessed as liquidated damages may be withheld from any moneys otherwise due to Contractor from the City. The project is not considered complete until final acceptance by the City. After substantial completion, liquidated damages for failure to complete the remaining work shall be in the amount specified in the General Conditions, unless an amount is provided in the Job Special Provision, in which case, the Job Special Provision amount will apply.

8. Termination for Cause. The City reserves the right to terminate this contract by giving at least five (5) days prior written notice to the Contractor, without prejudice to any other rights or remedies of the City should the Contractor be adjudged a bankrupt, or if Contractor should make a general assignment for the benefit of its creditors, or if a receiver should be appointed for Contractor or for any of its property, or if Contractor should persistently or repeatedly refuse or fail to supply enough properly skilled workmen or proper material, or if Contractor should refuse or fail to make prompt payment to any person supplying labor or materials for the work under the contract, or persistently disregard instructions of the City or fail to observe or perform any provisions of the contract.

9. City's Right to Proceed. In the event this contract is terminated pursuant to Paragraph 8, then the City may take over the work and prosecute the same to completion, by contract or otherwise, and Contractor and its sureties shall be liable to the City for any costs over the amount of this contract thereby occasioned by the City. In any such case, the City may take possession of, and utilize in completing the work, such materials, appliances and structures as may be on the work site and are necessary for completion of the work. The foregoing provisions are in addition to, and not in limitation of, the rights of the City under any other provisions of the contract, city ordinances, and state and federal laws.

10. Termination for Convenience of City. The City shall have the right at any time by written notice to Contractor to terminate and cancel this contract, without cause, for the convenience of the City, and Contractor shall immediately stop work. In such event City shall not be liable to Contractor except for payment for actual work performed prior to such notice in an amount proportionate to the completed contract price and for the actual costs of preparations made by Contractor for the performance of the cancelled portions of the contract, including a reasonable allowance of profit applicable to the actual work performed and such preparations. Anticipatory profits and consequential damages shall not be recoverable by Contractor.

11. Guards and Lights. The Contractor agrees that during the performance of said work, adequate barricades, guards and warning signs, lights or devices consistent with the requirements contained in the Manual on Uniform Traffic Control Devices shall be provided by Contractor during construction.

12. Liability and Indemnity.

a. In no event shall the City be liable to the Contractor for special, indirect, or consequential damages, except those caused by the City's gross negligence or willful or wanton misconduct arising out of or in any way connected with a breach of this contract. The maximum liability of the City shall be limited to the amount of money to be paid or received by the City under this contract.

b. The Contractor shall defend, indemnify and save harmless the City, its elected or appointed officials, agents and employees from and against any and all liability, suits, damages, costs (including attorney fees), losses, outlays and expenses from claims in any manner caused by, or allegedly caused by, or arising out of, or connected with, this contract, or the work or any subcontract thereunder (the Contractor hereby assuming full responsibility for relations with subcontractors), including, but not limited to, claims for personal injuries, death, property damage, or for damages from the award of this contract to Contractor, notwithstanding any possible negligence, whether sole or concurrent, on the part of the City, its officials, agents and employees.

c. The Contractor shall indemnify and hold the City harmless from all wages or overtime compensation due any employees in rendering services pursuant to this agreement or any subcontract, including payment of reasonable attorneys' fees and costs in the defense of any claim made under the Fair Labor Standards Act, the Missouri Prevailing Wage Law or any other federal or state law.

d. The indemnification obligations of Contractor hereunder shall not be limited by any limitations as to the amount or type of damages, compensation or benefits payable by or for the Contractor, under any federal or state law, to any person asserting the claim against City, its elected or appointed officials, agents and employees, for which indemnification is sought.

e. The indemnification obligations herein shall not negate, abridge or reduce in any way any additional indemnification rights of the City, its elected or appointed officials, agents and employees, which are otherwise available under statute, or in law or equity.

f. Contractor affirms that it has had the opportunity to recover the costs of the liability insurance required in this agreement in its contract price. Contractor's obligation under this agreement to defend, indemnify, and hold harmless any person from that person's own negligence or wrongdoing is limited to the coverage and limits of the applicable insurance required of the Contractor under this agreement.

g. The Contractor shall indemnify and hold the City harmless for any penalties, fines, fees or costs, including costs of defense, which are charged or assessed by any Federal, state or local agency including, but not limited to, Environmental Protection Agency or Department of Natural Resources.

13. Attorney Fees. In the event of any litigation arising from breach of this Agreement the City shall be entitled to recover from the Contractor all reasonable costs incurred for such litigation, including staff time, court costs, attorney fees, and all other related expenses incurred in such litigation.

14. Payment for Labor and Materials. The Contractor agrees and binds itself to pay for all labor done, and for all the materials used in the construction of the work to be completed pursuant to this contract.

15. Payment. The City will pay the Contractor in accordance with the rate set forth in the contract documents on file in the Public Works Department and by this reference made a part hereof, which shall constitute full and complete compensation for the Contractor's work provided hereunder. It is expressly understood that in no event will the total compensation and reimbursement to be paid to the Contractor under the terms of this contract exceed the sum of $459,895.00 (four hundred fifty-nine thousand eight hundred ninety-five dollars) unless specifically and mutually agreed to in writing by both the City and the Contractor. No partial payment to the Contractor shall operate as approval of acceptance of work done or materials furnished hereunder. Such compensation will be paid in progress payments, as established by the City, subject to receipt of a requisition for payment and a statement of work provided by the Contractor and agreement by both the City and the Contractor that the Contractor has fully performed the work to be paid for in such progress payments in conformance with the contract.

16. Contract Documents. The contract documents shall consist of the following:

- **a.** This Contract
- **b.** All Change Orders
- **c.** Bid Plans and Specifications
- **d.** City of Springfield Standard General Conditions and Technical Specifications for Public Works Construction (most recent edition as of this project's first date of advertisement)
- **e.** Special Conditions & Provisions
- **f.** Required Federal Contract Provisions
- **g.** Proposal
- **h.** Statement of Bidder's Qualifications
- **i.** Acknowledgment
- **j.** Performance Bond and Payment and Material Bond
- **k.** Instructions to Bidders
- **l.** Anti-collusion Affidavit
- **m.** Notice to Proceed
- **n.** Notice to Contractors

This contract, together with the other documents enumerated in this paragraph, forms the contract between the parties. These documents are as fully a part of the contract as if attached hereto or repeated herein.

17. Subsurface Conditions. Contractor agrees that information contained in the published reports and public actions of the Missouri Division of Geology and Land Survey shall be conclusive and binding upon the Contractor as to what subsurface conditions at the job site are reasonably anticipated or reasonably foreseeable.

18. Conflict of Interest. In accepting this contract, Contractor certifies that no member or officer of its firm or corporation is an officer or employee of the City of Springfield, Missouri, or any of its boards or agencies, and further that no officer or employee of the City has any financial interest, direct or indirect, in this contract. All applicable federal regulations and provisions of RSMo. Section 105.450 et seq. shall not be violated.

19. Assignment. The Contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the City thereto, provided, however, that claims for money due or to become due to the Contractor from the City under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of such assignment or transfer shall be furnished in writing promptly to the City and the bond surety. Any such assignment is expressly subject to all rights and remedies of the City under this agreement, including the right to change or delete activities from the Contract or to terminate the same as provided herein, and no such assignment shall require the City to give any notice to any such assignee of any actions which the City may take under this agreement.

20. Nondiscrimination. The Contractor agrees in the performance of this Contract not to discriminate on the ground or because of race, color, religion, sex, sexual orientation, gender identity, national origin, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee of Contractor or applicant for employment and shall

include a similar provision in all subcontracts let or awarded hereunder. The parties hereby incorporate the requirements of 41 C.F.R. §§ 60-1.4(a)(7), 29 C.F.R. Part 471, Appendix A to Subpart A, 41 C.F.R. § 60-300.5(a) and 41 C.F.R. § 60-741.5(a), if applicable.

a. This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-300.5(a). This regulation prohibits discriminations against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.

b. This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.

21. Nonresident/Foreign Contractors. The Contractor shall procure and maintain during the life of this contract:

a. If the Contractor is a foreign corporation, a certificate of authority to transact business in the State of Missouri from the Secretary of State, unless exempt pursuant to the provisions of Section 351.570 RSMo.

b. A certificate from the Missouri Director of Revenue evidencing compliance with the transient employer financial assurance law, unless exempt pursuant to the provisions of Section 285.230 RSMo.

22. Notices. All notices required or permitted hereinunder and required to be in writing may be given by FAX or by first class mail addressed to City and Contractor at the addresses shown above. The date of delivery of any notice given by mail shall be the date falling on the second full day after the day of its mailing. The date of delivery of notice by FAX transmission shall be deemed to be the date transmission occurs, except where the transmission is not completed by 5:00 p.m. on a regular business day at the terminal of the receiving party, in which case the date of delivery shall be deemed to fall on the next regular business day for the receiving party.

23. Occupational License: The Contractor shall obtain and maintain an occupational license with the City of Springfield, Missouri, if required by city code and any required state or federal license. The cost for this occupational license shall be borne by the Contractor. No contract will be executed by the City until this occupational license has been obtained and that the Contractor is current on any City taxes is verified.

24. Safety Training. Pursuant to Missouri Revised Statute Section 292.675, Contractors and subcontractors who sign a contract to work on public works projects must provide a 10-hour OSHA construction safety program, or similar program approved by the Department of Labor and Industrial Relations, to be completed by their on-site employees, unless such employees hold documentation of prior completion of the program, within sixty (60) days of beginning work on the construction project. The Contractor shall provide an acceptable notarized affidavit stating that Contractor has verified the completion of a 10-hour construction safety program with respect to the employees working in connection with the contracted services. Contractors and subcontractors in violation of this provision will forfeit to the public body $2,500 plus $100 a day for each employee who is employed without training. Public bodies and contractors may withhold assess penalties from the payment due to those contractors and subcontractors. The penalties shall not begin to accrue until the time periods in the statute have elapsed (60 days after notice to proceed and 20 days to produce documentation for employee found in violation).

25. Affidavit for Contracts Over $5,000.00. That pursuant to Missouri Revised Statute Sections 285.525 through 285.550, if this contract exceeds the amount of $5,000.00 and Contractor is associated with a business entity, Contractor shall provide an acceptable notarized affidavit stating that the associated business entity is enrolled in and participates in a federal work authorization program with respect to the employees working in connection with the contracted services, and that said business entity does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. Additionally, Contractor must provide documentation for said business entity evidencing current enrollment in a federal work authorization program.

26. Certificate of Compliance with 34.600 RSMo. (Anti-Discrimination Against Israel Act). That pursuant to Missouri Revised Statute Sections 34.600 et., seq., A Contractor must provide a written certification of compliance with the Anti-Discrimination Against Israel Act, RSMo. 34.600 et.,seq. that the contractor is not currently engaged in, and shall not, for the duration of the contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel. This section shall not apply to contracts with a total potential value of less than one hundred thousand dollars or to contractors with fewer than ten employees.

27. Compliance with Laws. Contractor agrees to comply with all applicable federal, state and local laws or rules and regulations applicable to the provision of services and products hereunder. Contractor affirmatively states that payment of all local, state, and federal taxes and assessments owed by Contractor is current.

28. Entire Agreement. This agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.

29. Jurisdiction. This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this agreement be adjudicated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

IN WITNESS WHEREOF, the parties hereto evidence their agreement to the terms of this Contract by their signatures below.

REVIEWED BY:

_____

RECOMMENDED BY:

_____
Director of Public Works or Acting Director

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

_____
Director of Finance or Acting Director

APPROVED AS TO FORM

_____
City Attorney or Assistant City Attorney

CONTRACTOR:

By: _____

Printed Name: _____

Title: _____

If Contractor is a Disadvantaged Business Enterprise (DBE), please indicate classification.
Minority Owned c Women Owned c Veteran Owned c

CITY OF SPRINGFIELD, MISSOURI

By: _____
City Manager or his/her designee

CERTIFICATION REGARDING POTENTIAL CONFLICTS OF INTEREST

The City's Charter, Sec. 19.16, prohibits any Council member or employee of the City from having a financial interest, direct or indirect, in any contract with the City and any member of a City board or commission from having a financial interest, direct or indirect, in any contract with the department or administrative agency managed or operated by the board or commission on which he or she serves.

*****If the prohibition above is violated, <u>the contract is void</u> and the Council member, City board or commission member forfeits his or her office or the employee forfeits his or her employment*****

Vendor certifies that (check all that apply):

1. ____ No City Council member, City employee, or City board or commission member is an employee, officer, partner, owner, etc., of vendor.

2. ____ No spouse or dependent child of a City Council member, City employee, or City board or commission member is an employee, officer, partner, owner, etc., of vendor.

3. ____ A City Council member or spouse <u>is</u> an employee, officer, partner, owner, etc., of vendor.

4. ____ A City employee or spouse <u>is</u> an employee, officer, partner, owner, etc., of vendor.

5. ____ A City board/commission member or spouse <u>is</u> an employee, officer, partner, owner, etc., of vendor.

If choosing 3, 4, or 5, please provide name of Council member, employee, board or commission member, or spouse:
_____

Vendor Certification:

I certify the information above is true and accurate.

_____

By: _____

Title: _____

Company: _____

Please note whether the Charter is violated is fact-specific. City staff will follow up with you for additional information.

One-rdg. X
P. Hrngs.
Pgs. 68
Filed 09-13-22

Sponsored by Ollis

COUNCIL BILL 2022-242 RESOLUTION

A RESOLUTION

AUTHORIZING the City Manager, or his designee, to apply for a Land & Water Conservation Fund grant from the Missouri Department of Natural Resources, Division of State Parks, to support construction of urban greenspace and trails for the Renew Jordan Creek project.

WHEREAS, the Land & Water Conservation Fund ("LWCF"), established by the LWCF Act in 1965, funds investment in public outdoor recreational facilities throughout the United States and is administered in Missouri by the Missouri Department of Natural Resources, Division of State Parks; and

WHEREAS, LWCF grants can award a maximum of $500,000 as a 50% local match for eligible costs related to projects creating public, outdoor recreational facilities; and

WHEREAS, a LWCF grant will supplement the City's ¼-cent Level Property Tax Funds in eligible construction of urban greenspace and multi-use trails throughout the Renew Jordan Creek project area.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The City Manager, or his designee, is hereby authorized to apply for a Land & Water Conservation Fund grant from the Missouri Department of Natural Resources, Division of State Parks, in the amount of $500,000, for the purpose of constructing urban greenspace and multi-use trails as part of the Renew Jordan Creek project.

Section 2 – This Resolution shall be effective immediately upon adoption.

Passed at meeting:

Mayor

Attest: _____, City Clerk

Filed as Resolution _____

Approved as to form: _____, Deputy City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-242

FILED: 09-13-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to apply for Land & Water Conservation Fund ("LWCF") grant from the Missouri Department of Natural Resources ("MDNR") Division of State Parks, to support construction of the urban greenspace and pedestrian trails that are integral components of the Renew Jordan Creek capital Improvement Project.

BACKGROUND INFORMATION: The LWCF was established by the LWCF Act in 1965. The funds goals are to provide federal grant assistance for public, outdoor, recreational facilities throughout the United States to help create a legacy of high-quality recreational facilities. The LWCF is overseen at the federal level by the United States Department of Interior, National Parks Services and is administered by the States. The MDNR administers the LWCF at the state level for Missouri and application will be made to MDNR. LWCF grants have a maximum award amount of up to $500,000 and are open to any local government, municipality and public school system for projects that create public, outdoor, recreational facilities.

If awarded, the LWCF grant funds will supplement the City's 1/4-Cent Level Property Tax Funds and be awarded as a 50% local match for construction costs or eligible construction related to multi-use trails and passive, park-like greenspace throughout the Renew Jordan Creek project area. The LWCF 2023 Open Project Selection Process ("OPSP") document, with details on the application process, is attached as "Exhibit A."

REMARKS: This Council Bill will authorize the City Manager, or his designee, to apply for LWCF grant funds from the Missouri Department of Natural Resources. If awarded, a separate Council Bill will be submitted to formally accept and budget the grant funds. Public Works recommends approval of this Council Bill.

Submitted by:

Martin Gugel, Assistant Director of Public Works

Recommended by:

Dan Smith, Director of Public Works

Approved by:

Jason Gage, City Manager

EXHIBIT A

Missouri Department of Natural Resources

Division of State Parks

Land & Water Conservation Fund

2023 Open Project Selection Process

PROGRAM OVERVIEW

The Land & Water Conservation Fund (LWCF) was established by the LWCF Act in 1965. The fund launched the LWCF State Assistance Program, which provides matching grants to states and local governments for the acquisition and development of public outdoor recreation areas and facilities. The program is intended to create and maintain a nationwide legacy of high quality recreation areas and facilities and to stimulate nonfederal investments in the protection and maintenance of recreation resources across the United States.

The Department of Interior's National Park Service (NPS) oversees the LWCF State Assistance Program and has delegated administration of the program to each state. In Missouri, the Department of Natural Resources (MoDNR) administers the program. Direct oversight of the program is performed by the Division of State Park's (DSP) Grants Management Section (GMS). Since the advent of the LWCF State Assistance Program in 1965, MoDNR has granted funding to more than 1,700 projects statewide, with at least one LWCF project to be found in every county in the state.

USE OF THE ANNUAL APPORTIONMENT

The LWCF program is funded through revenue from off-shore oil and gas drilling. LWCF monies are apportioned to the states by the Secretary of the Department of Interior each fiscal year in accordance with the apportionment formula contained in the LWCF Act. This formula includes a factor for equal distribution of a portion of the fund among the states, as well as factors for distribution on the basis of population and need. In recent years, Missouri's available apportionment has ranged between $4.1 and $5.4 million annually.

The Division makes every effort to fully use each year's apportionment and to avoid leaving a remaining balance of unobligated funds. Should total project expenditures be less than the annual obligated amount, the unexpended balance reverts to a "special reapportionment account" (SRA), which the Division must request from the NPS to be reapportioned back to Missouri. Annual apportionments and SRA funds not allocated each fiscal year may be applied to cost overruns on active projects. Amendments to increase federal assistance without further competition through the Open Project Selection Process may be approved in an amount not to exceed 25% of the original agreement amount and only when the increased costs are associated with project components approved in the original project scope. Requests for increased funding greater than 25% of the original request or resulting from a change in the project scope must undergo competition through the Open Project Selection Process (OPSP) during the following year's grant round.

OPEN PROJECT SELECTION PROCESS

The National Park Service requires each state to develop an Open Project Selection Process (OPSP) by which LWCF grant project proposals are prioritized and recommended for funding. Missouri's OPSP has been designed to accomplish the following federally-required goals:

a. Provide for public knowledge of and participation in the formulation and application of the project selection process used to allocate LWCF assistance;
b. Ensure all potential applicants are aware of the availability of and process for obtaining LWCF assistance, and provide opportunities for all eligible agencies to submit project applications and have them considered on an equitable basis;
c. Provide a measurable link, through published selection criteria, to the specific outdoor recreation needs and priorities identified in Missouri's Statewide Comprehensive Outdoor Recreation Plan (SCORP);
d. Ensure a fair and equitable evaluation of all applications for LWCF assistance; and
e. Assure that distribution of LWCF assistance is accomplished in a non-discriminatory manner, especially with regard to minority, elderly, disabled, and other underserved populations.

APPLICANT NOTIFICATION

To ensure that all eligible political subdivisions are informed of the availability of federal funding assistance, information is posted on the Division of State Parks' website (https://mostateparks.com/page/55065/outdoor-recreation-grants). Information posted includes a description of the LWCF program; eligibility requirements; a web link to the SCORP (https://mostateparks.com/sites/mostateparks/files/2018-2022%20Show%20Me%20the%20Great%20Outdoors_SCORP_Final.pdf) and the process for submitting a project application, including a copy of the application (Appendix A), and a copy of the LWCF Project Application Guide (Appendix B). Additionally, the Division coordinates with the Missouri Parks and Recreation Association, the Missouri Association of Council of Governments and the University of Missouri-Extension offices to disseminate information to local governments regarding the annual call for projects. A sample notification email is provided in Appendix C. Throughout the year, the Division's Grants Management Section (GMS) staff also man informational booths at various conferences in an effort to promote the funding opportunity.

PROGRAM ASSISTANCE

In addition to the LWCF Project Application Guide, GMS staff provides technical program assistance to all potential applicants via livestream webinars. The webinars assist with the grant application process by providing instruction and guidance for filling out the application and by describing supporting documentation requirements. Recordings of the webinars are subsequently made available on the division's website at: https://mostateparks.com/page/63306/grant-workshops. Additionally, GMS staff conducts courtesy reviews of draft grant applications and provides feedback to applicants regarding modifications to their applications before final submission. Applicants are also encouraged to submit their application packets prior to the deadline date. This allows GMS staff opportunity to contact the applicant if information is missing from the packet or is inaccurate, and will subsequently allow the applicant time to rectify omissions or inaccuracies. In addition, GMS

staff responds to email and phone enquiries from potential applicants regarding the application process, as well as provides critique and feedback on projects not recommended for funding, for future submissions.

Priority Ranking

Project applications for LWCF assistance are reviewed by GMS staff to ensure they meet minimum eligibility requirements. Previous history regarding project sponsor compliance with LWCF program requirements is also reviewed and factored into overall project application scores. Additionally, an application scoring matrix (Appendix D) has been developed by GMS staff to assist in the priority ranking process. Scoring criteria places emphasis on:

- the applicant's ability to complete the grant project and maintain the site in perpetuity as required under the LWCF Act;
- the site's suitability for protection under the LWCF Act;
- how well developed the project proposal is, including acquisition and scope of work;
- how the project will meet unmet recreational needs within the community or area;
- whether the project provides opportunities for underserved populations, such as elderly, minority, low-income, physically challenged or other special populations;
- how the project aligns with a priority listed in Missouri's SCORP, which is the framework for the planning, development, management and protection of Missouri's outdoor recreation resources;
- whether the project demonstrates strong public support and indication of need, solicited through public comment forums;
- the use of partnerships and donations to show project support and offset project costs;
- a detailed and complete project budget;
- what assurances the project sponsor can provide that there is adequate funding and manpower to complete the project within the established timeframe; and
- the applicant's affects on the environment as identified in the Environmental Resources Survey.

Project Selection Process

Once GMS staff reviews project applications for eligibility, the approved applications and all supporting documentation are forwarded to the LWCF Internal Advisory Committee. The committee is comprised of Division of State Parks staff with specialized knowledge of outdoor recreation needs in Missouri. The committee members review, score and rank each approved application using the application scoring matrix in Appendix D. A list of recommended projects is compiled and submitted to the State Liaison Officer (SLO) for approval. GMS staff then conducts pre-award site inspections of approved proposed projects to ensure field conditions are as described in the applications and risk assessments to evaluate the applicant's ability to successfully complete the project. Department of Natural Resources approved projects are then forwarded to the Midwest Regional Office of the National Park Service for approval and obligation for funding.

OPSP TIMELINE

The OPSP will occur annually, beginning with a call for projects that occurs in August of each year. The number of ranked projects that will be recommended for funding is determined by the state's LWCF apportionment for the current fiscal year. Below is a typical timeline for the OPSP.

August	The OPSP commences with a call for project proposals. The application and application guide are posted on the website. Notices are distributed in a variety of formats to local political subdivisions. Important upcoming dates are posted on the website, https://mostateparks.com/page/61215/land-and-water-conservation-fund-lwcf-grants.
September - October	Application webinar is offered to project applicants. Draft applications are given a courtesy review by GMS staff.
November	Final applications are due. GMS staff reviews applications for eligibility, and submits eligible applications to the LWCF Internal Advisory Committee.
December - March	The LWCF Internal Advisory Committee reviews, scores and ranks the applications. A draft list of recommended projects is submitted to the SLO for approval. GMS staff conducts risk assessments and pre-award site inspections to confirm field conditions and eligibility.
April - June	The draft application packets are submitted to the NPS for review. Any edits required by the NPS are made. All applicants will be notified of the results of the application review process.
June - December	The NPS posts a Notice of Funding Opportunity and authorizes GMS to submit approved applications through Grants.gov.
October- May	Once the NPS has obligated the funding, sponsors of approved projects will receive a notice of award and project agreement. Sponsors are then required to attend a mandatory grant administration workshop.

APPENDIX A. LWCF PROJECT APPLICATION

MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF STATE PARKS

LAND AND WATER CONSERVATION FUND CFDA 15.916 PROJECT APPLICATION (PAGE 1 of 16)

DIVISION OF STATE PARKS USE ONLY

PROJECT #

Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable? ❑ YES ❑ NO

QUESTIONS 1-8: GENERAL INFORMATION

1. NAME OF AGENCY OR ORGANIZATION REQUESTING GRANT FUNDS

ADDRESS	CITY	STATE	ZIP

RECEIVING OFFICIAL NAME AND TITLE

EMAIL ADDRESS	PHONE NUMBER

2. UNIQUE ENTITY IDENTIFIER (UEI)

3. APPLICATION PREPARER

EMAIL ADDRESS	PHONE NUMBER

4. PROJECT CONTACT PERSON	TITLE OF PROJECT CONTACT PERSON

EMAIL ADDRESS	PHONE NUMBER

5. US REPRESENTATIVE	DISTRICT

6. STATE REPRESENTATIVE	DISTRICT

7. STATE SENATOR	DISTRICT

8. REGIONAL PLANNING COUNCIL

QUESTIONS 9-11: PROJECT SPONSOR'S BACKGROUND & PRIOR PERFORMANCE [10 POINTS]

9. PROJECT APPLICANT IS: ❑ LOCAL GOVERNMENT ❑ LOCAL PARK AND RECREATION DEPARTMENT ❑ PUBLIC SCHOOL DISTRICT

10. PROJECT SPONSOR'S ORGANIZATION DETAILS: HOW LONG HAS THE ORGANIZATION BEEN IN EXISTENCE? (indicate number of years; if less than a year, give date organization was established)	WHAT IS THE ORGANIZATION'S ANNUAL OPERATING BUDGET? (Please indicate)
DOES THE ORGANIZATION EMPLOY FULL-TIME STAFF? ❑ NO ❑ YES (if yes, designate how many)	DOES THE ORGANIZATION EMPLOY PART-TIME STAFF? ❑ NO ❑ YES (if yes, designate how many)
DOES THE ORGANIZATION HAVE A BOARD WITH OVERSIGHT RESPONSIBILITIES? ❑ NO ❑ YES (if yes, designate how many members)	DOES THE ORGANIZATION HAVE VOLUNTEERS? ❑ NO ❑ YES (if yes, designate how many)

11. PRIOR PERFORMANCE- HAS THE PROJECT SPONSOR RECEIVED A GRANT FROM THE MISSOURI DEPARTMENT OF NATURAL RESOURCES (DNR) WITHIN THE LAST 10 YEARS?
❑ NO ❑ YES (if yes, designate how many)

IF YES, DOES THE SPONSOR HAVE A DNR GRANT CURRENTLY OPEN? ❑ NO ❑ YES (if yes, designate how many projects, the grant program, and project number)

WITHIN THE LAST 10 YEARS, HAS THE SPONSOR HAD TO WITHDRAW A DNR PROJECT AND DE-OBLIGATE FUNDING OR CONVERT LWCF PARK LAND? ❑ NO ❑ YES

WITHIN THE LAST 10 YEARS, HAS THE SPONSOR HAD TO ASK FOR AN EXTENSION TO COMPLETE THEIR PROJECT?
❑ NO ❑ YES (if yes, indicate how many)

IF PROJECT SPONSOR HAS HAD TO REQUEST AN EXTENSION OR WITHDRAW A PROJECT WITHIN THE PAST 10 YEARS, OR CONVERT LWCF PROPERTY, PLEASE PROVIDE AN EXPLANATION.

QUESTIONS 12-28: PROJECT LOCATION AND LWCF BOUNDARY INFORMATION [10 POINTS]

12. PARK OR SITE NAME (if different from project name)

ADDRESS/LOCATION OF THE PROPOSED PROJECT SITE

CITY	COUNTY	STATE	ZIP

TOWNSHIP, RANGE, SECTION	LATITUDE	LONGITUDE

13. LEGAL DESCRIPTION OF THE PROPOSED LWCF BOUNDARY (attach additional pages, if needed)

14. IS THE PROPOSED LWCF BOUNDARY THE SAME AS THE BOUNDARY OF THE PARK/RECREATION AREA AS IT EXISTS IN TOTALITY?
❏ NO ❏ YES (if no, please explain any area proposed for exclusion and why, and ensure that it is clearly depicted on the proposed LWCF map)

15. IS THE PROJECT LOCATION A CURRENT LWCF SITE?	IF YES, WHAT IS THE CURRENT 6(F)(3) ACREAGE FOR THE ENTIRE SITE?	IF NO, WHAT IS THE TOTAL ACREAGE THAT WILL BE ENCUMBERED UNDER 6(F)(3) IF FUNDING IS AWARDED?
❏ NO ❏ YES		

16. WILL THIS PROPOSAL CREATE A NEW PARK/RECREATION AREA WHERE NONE PREVIOUSLY EXISTED?
❏ NO ❏ YES (if yes, please explain)

17. IF THIS IS AN EXISTING LWCF SITE, HAS THE PARK NAME CHANGED SINCE THE LAST GRANT?
❏ NO ❏ YES (if yes, please explain)

18. IS THE PROJECT LOCATED IN A FLOODPLAIN (include a copy of the floodplain map to affirm your answer and include your permit if required)?
❏ NO ❏ YES (If yes, please explain and confirm that you have met applicable federal insurance requirements and include proof of insurance)

19. IS YOUR SITE CONTIGUOUS WITH OR CONNECTED TO ANY FEDERALLY OWNED RECREATION AREA?
❏ NO ❏ YES (if yes, please explain)

20. IS YOUR SITE PART OF A LARGER LAND MANAGEMENT AREA, SUCH AS A GREENWAY OR REGIONAL RECREATION AREA?
❏ NO ❏ YES (if yes, please explain)

21. DESCRIBE THE EXISTING SITE CONDITIONS. PLEASE INCLUDE PHOTOGRAPHS OF THE PROJECT AREA.

22. EXPLAIN WHY THE SITE IS SUITABLE FOR THE TYPE OF OUTDOOR RECREATION PROPOSAL BEING SUBMITTED.

23. DOES THE SITE INCLUDE ANY ELEMENTS THAT VISUALLY DETRACT FROM THE OUTDOOR RECREATION EXPERIENCE OR THAT REPRESENT A POTENTIAL PUBLIC SAFETY HAZARD?
❏ NO ❏ YES (if yes, please explain and describe whether this project will help address those concerns)

24. PLEASE PROVIDE THE NAME OF THE PROPERTY OWNER AS STATED ON THE DEED
(If there are multiple deeds associated with the property, please provide information for each parcel along with a copy of each deed.)

25. WHAT IS/WILL BE THE APPLICANT'S TYPE OF OWNERSHIP/CONTROL OF THE PROPERTY?
❏ FEE SIMPLE
❏ LESS THAN FEE SIMPLE (Explain what rights the applicant has and what agency holds the underlying fee simple ownership.)

❏ LEASE OF AT LEAST 25 YEARS (include a copy of the lease with the application)
IF YOU HAVE A LEASE, DOES THE LEASE INCLUDE A PROVISION FOR RECORDING THE RECREATION USE LEASE AMENDMENT? ❏ NO ❏ YES
(if no, please explain)

26. PLEASE LIST ALL PRESENT EXISTING AND REASONABLY ANTICIPATED LIENS OR MORTGAGES OR BOTH, ON THE PROPERTY, AND THE EFFECT ON THE RECREATIONAL EASEMENT THAT WILL BE REQUIRED.

27. ARE THERE ANY RIGHT-OF-WAY, EASEMENTS, OR REVERSIONARY INTERESTS ASSOCIATED WITH THE PROPERTY?
❏ NO ❏ YES (if yes, please explain)

28. HOW DID YOU DETERMINE IF THERE WERE ANY RIGHT-OF-WAY, EASEMENTS, LIENS/MORTGAGES, OR REVERSIONARY INTERESTS?
❏ I HAD A TITLE SEARCH CONDUCTED WITHIN THE LAST SIX MONTHS. ATTACHED IS A COPY OF THAT SEARCH.
❏ I CONTACTED THE COUNTY RECORDER OF DEEDS OFFICE TO FIND OUT WHAT WAS RECORDED. INCLUDED IN THIS APPLICATION IS A COPY OF ALL RECORDED ENCUMBRANCES; AND, I CHECKED WITH THE CITY TO FIND OUT IF THERE WERE ANY ENCUMBRANCES IN THEIR RECORDS THAT MAY NOT HAVE BEEN RECORDED (such as utility easements, road right-of-way, or liens).

QUESTIONS 29-33: PROPERTY MANAGEMENT AND STEWARDSHIP [10 POINTS]

29. WHO WILL MANAGE AND OPERATE THE SITE?

30. IS THIS A MULTI-USE SITE (for example, a school, reservoir, state wild area, etc.)?
❏ NO ❏ YES (if yes, how often will the public have access to the proposed recreation site; what kinds of restrictions to public outdoor recreation will occur)

31. ARE THERE ANY PRE-EXISTING OR PLANNED INDOOR FACILITIES ON SITE THAT WOULD NOT THEMSELVES BE ELIGIBLE FOR LWCF GRANT FUND?
❏ NO ❏ YES (if yes, describe and explain how/if the structure(s) support public outdoor recreation)

32. ARE THERE ANY PRE-EXISTING OR PLANNED RESOURCE MANAGEMENT PRACTICES (I.E. TIMBER MANAGEMENT, GRAZING, ETC.)?
❏ NO ❏ YES (if yes, describe the nature of the practice, the anticipated duration, and how the practice supports outdoor recreation)

33. ARE THERE ANY PRE-EXISTING OR PLANNED USES ON SITE THAT ARE INCOMPATIBLE WITH LWCF REQUIREMENTS THAT SHOULD BE EXCLUDED FROM THE LWCF BOUNDARY?
❏ NO ❏ YES (if yes, describe the nature of the use and ensure it is clearly depicted on the proposed LWCF boundary map; clarify whether the future intent is for the area to become subject to LWCF once the use is terminated, or if the intent is for the use to continue within the park in perpetuity)

34. PROVIDE A DETAILED POST-COMPLETION PLAN OF HOW THE PROJECT WILL BE MANAGED AND MAINTAINED IN PERPETUITY.

QUESTIONS 35-53: ACQUISITION OF REAL PROPERTY [QUESTIONS 35-59 ARE WORTH 20 POINTS]

35. WILL REAL PROPERTY BE ACQUIRED AS PART OF THIS PROJECT (including purchase or donation)?
❏ NO ❏ YES (If no, skip to question 54)

36. WHY IS THIS ACQUISITION (whether attained via purchase or donation) NEEDED?

37. DESCRIBE THE EXISTING RESOURCES AND FEATURES OF THE SITE THAT MAKE IT DESIRABLE FOR PUBLIC OUTDOOR RECREATION.

38. EXPLAIN HOW YOU ENVISION THIS ACQUISITION CONTRIBUTING TO OUTDOOR RECREATION IN THE LONG TERM.

39. PARCEL NAME	40. PARCEL SIZE
41. PARCEL VALUE	42. ANTICIPATED ACQUISITION DATE

43. ❏ A STATE-CERTIFIED REVIEW APPRAISER HAS REVIEWED THE APPRAISAL AND HAS DETERMINED THAT IT WAS PREPARED IN CONFORMITY WITH THE UNIFORM APPRAISAL STANDARDS FOR FEDERAL LAND ACQUISITIONS.
❏ A QUALIFIED PROFESSIONAL HAS PREPARED A WAIVER VALUATION FOR THIS PROPERTY IN CONFORMITY WITH 49 CFR 24.102(C)(D)(II).

44. FROM WHOM IS THE PROPERTY BEING PURCHASED?

45. ARE ANY BUILDINGS OR STRUCTURES BEING PURCHASED ALONG WITH THE PROPERTY?
❏ NO ❏ YES (if yes, please describe what is planned for these structures and whether the grant funded project includes the value of these structures)

46. HOW WILL THE SITE BE MADE OPEN AND ACCESSIBLE FOR PUBLIC OUTDOOR RECREATION USE (signage, entries, parking, site improvements, allowable activities, etc.)?

47. WHEN WILL ACCESS TO THE SITE FOR PUBLIC OUTDOOR RECREATION BECOME AVAILABLE?

48. DESCRIBE DEVELOPMENT PLANNED FOR THE SITE(S) FOR THE THREE (3) YEARS FOLLOWING ACQUISITION. AS THIS WILL IMPACT THE NATIONAL HISTORIC PRESERVATION ACT AND NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE, FOCUS ON WHAT YOU REASONABLY EXPECT TO ACCOMPLISH.

49. IF DEVELOPMENT WILL BE DELAYED BY MORE THAN THREE YEARS FROM GRANT CLOSE, EXPLAIN WHY THIS ACQUISITION IS STILL A PRIORITY FOR GRANT FUNDING AT THIS TIME AND WHAT ABILITY THE PUBLIC WILL HAVE TO USE THIS SITE IN THE INTERIM.

50. IS THIS ACQUISITION AN ADDITION TO AN EXISTING PARK OR OTHER RECREATION AREA?
❏ NO ❏ YES (if yes, how will it support and enhance that existing park)

51. IS THE PROPERTY BEING ACQUIRED UNDER THREAT OF CONDEMNATION?
❏ NO ❏ YES (if yes, please explain)

52. WAS THE PROPERTY LISTED FOR PUBLIC SALE?
❏ NO ❏ YES (if yes, please explain how the property owner was made aware of the grant sponsor's interest in the property)

53. DOES THIS PROJECT INVOLVE DONATED PROPERTY?
❏ NO ❏ YES (if yes, include evidence that the seller was offered the fair market value of the property as just compensation and willingly chose/ is choosing to donate the property instead; if the donation is subject to a waiver of retroactivity, the evidence must pre-date the donation; please explain)

QUESTIONS 54-59: PROJECT DEVELOPMENT AND SCOPE OF WORK [QUESTIONS 35-59 ARE WORTH 20 POINTS]

54. WHAT IS THE NAME OF THIS PROJECT?

55. WHAT NEW FACILITIES WILL BE CONSTRUCTED AS PART OF THE PROJECT?

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56. WHAT EXISTING FACILITIES WILL BE RENOVATED OR REPLACED (specify which) AS PART OF THE PROJECT? PLEASE INDICATE WHEN THE PROJECT WAS INITIALLY CONSTRUCTED AND WHEN IT WAS LAST RENOVATED. IF THE PROJECT WAS CONSTRUCTED OR RENOVATED USING LWCF FUNDS, PLEASE INDICATE YEAR(S) AND PROJECT NUMBER(S).

57. WHAT GENERAL SITE IMPROVEMENTS (i.e. demolition, site preparation, landscaping, utilities, habitat improvements, etc.) WILL BE COMPLETED AS PART OF THIS PROJECT?

58. WHAT IS THE ANTICIPATED LIFE SPAN OF THE FACILITIES THAT WILL BE FUNDED AS PART OF THIS PROJECT?

59. PROVIDE A DETAILED PROJECT NARRATIVE (this is your opportunity to provide a clear, detailed description of your project as a whole, including information about what is being constructed, renovated and/or acquired, how will the work be completed, as well as anticipated time frame of project from start to finish).

QUESTIONS 60-61: PROJECT NEED [UP TO 5 POINTS]

60. PLEASE DESCRIBE BOTH THE SHORT ANO LONG-TERM OUTDOOR RECREATION BENEFITS OF THIS PROJECT (include how the project is beneficial and who it benefits).

61. PLEASE INDICATE THE SERVICE AREA THIS PROJECT WILL ENCOMPASS. (select one)

❏ A SINGLE NEIGHBORHOOD ❏ AN ENTIRE COMMUNITY OR MUNICIPALITY ❏ MULTIPLE NEIGHBORHOODS ❏ MULTIPLE COMMUNITIES OR A REGION

IF THE PROJECT WILL SERVE MULTIPLE NEIGHBORHOODS OR COMMUNITIES, PLEASE DESCRIBE HOW.

QUESTIONS 62-66: PROJECT PLANNING [UP TO 10 POINTS]

62. PLEASE DESCRIBE HOW THE PROJECT ALIGNS WITH A SCORP PRIORITY

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63. IS THE PROJECT IDENTIFIED IN A LOCAL, SCHOOL, REGIONAL, COUNTY AND/OR PARKS COMPREHENSIVE PLAN, MASTER PLAN OR SPECIAL STUDY? IF SO, PLEASE INDICATE PLAN TITLE, YEAR IT WAS APPROVED AND A BRIEF DESCRIPTION OF THE PROJECT'S MENTION. DOCUMENTATION REQUIRED.

EXPLAIN HOW THIS PROJECT FITS AS PART OF ANY OTHER PROJECTS PLANNED FOR THE SAME SITE IN THE NEXT THREE YEARS

64. DESCRIBE THE PROCESS THAT LED TO THE DEVELOPMENT OF THIS PROPOSAL AND HOW THE PUBLIC WAS INVOLVED. DID YOU CONSULT WITH THE PUBLIC IN THE DEVELOPMENT OF THIS PROJECT?

❏ NO ❏ YES (If yes, describe what methodology was used and provide the documentation outlined in the Supporting Documentation Checklist)

SUMMARIZE THE FEEDBACK RECEIVED FROM THE PUBLIC AND HOW IT WAS DETERMINED THAT CONSTITUENTS WANT AND WILL USE THE PROJECT

65. WHAT DESIGN ELEMENTS ARE INCLUDED THAT CONTRIBUTE TO PRESERVING ENVIRONMENTAL RESOURCES AS PART OF ENSURING A QUALITY OUTDOOR RECREATION EXPERIENCE FOR FUTURE GENERATIONS?

66. HOW ARE ACCESS REQUIREMENTS UNDER THE AMERICANS WITH DISABILITIES ACT (ADA) AND ARCHITECTURAL BARRIERS ACT (ABA) BEING ADDRESSED IN THIS PROJECT? DOES THE PROJECT EXCEED THE MINIMUM ADA REQUIREMENTS? IF SO, PLEASE EXPLAIN HOW.

QUESTIONS 67: PARTNERSHIPS [UP TO 2 POINTS]

67. LIST ANY CONTRIBUTING PARTNERS OR DONORS INVOLVED WITH THIS PROJECT AND THEIR INTENDED CONTRIBUTIONS. [up to 2 points]
(a letter of intent to donate from each donor must accompany the application packet; see Supporting Documentation Checklist in the application guide)

PARTNERS/DONORS	CONTRIBUTION
A.	A.
B.	B.
C.	C.
D.	D.
E.	E.
F.	F.
G.	G.
H.	H.
I.	I.
J.	J.

QUESTIONS 68-75: PROJECT BUDGET AND BUDGET DETAILS [UP TO 23 POINTS]

68. WHAT ASSURANCES CAN THE PROJECT SPONSOR PROVIDE THAT THERE IS ADEQUATE FUNDING AND MANPOWER TO COMPLETE THE PROJECT WITHIN TWO YEARS?

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69. HOW WAS THE COST ESTIMATE DERIVED?

70. WHAT ASSURANCES ARE THERE THAT THE COSTS LISTED ARE REASONABLE?

71. DESCRIBE ANY PROJECT ELEMENTS OR COSTS THAT WILL IMPROVE SITE RESILIENCY AND FACILITY LONGEVITY, IF ANY.

72. FOR EACH COST CATEGORY, FILL OUT THE BELOW BUDGET TABLE WITH THE GRANT AMOUNT REQUESTED AND THE MATCHING AMOUNT PROVIDED BY THE PROJECT SPONSOR AND/OR DONOR (use whole dollar amounts only; the minimum grant request is $25,000 and the maximum grant request is $500,000; the minimum match percentage is 50%).

COST CATEGORY	GRANT REQUEST	MATCHING FUNDS		TOTAL PROJECT COST
		PROJECT SPONSOR	DONATION (by 3rd party)	
1. Planning/Engineering/Environmental Review (≤ 10% of total project cost)	$	$	$	$ 0
2. Land/Easement Acquisition	$	$	$	$ 0
3. Site Work	$	$	$	$ 0
4. Demolition and Removal	$	$	$	$ 0
5. Construction	$	$	$	$ 0
6. Equipment Use	$	$	$	$ 0
7. Signage	$	$	$	$ 0
TOTALS	$ 0 (Not to exceed $500,000)	$ 0	$ 0	$ 0
MATCHING FUNDS TOTALS		$ 0		PERCENT OF MATCHING FUNDS 0.00%

73. WHAT PERCENTAGE OF THE SPONSOR'S MATCH IS SECURED (i.e., Cash-in-hand through donations already received, or funds deposited in an account; in-kind contributions such as force account labor and/or in-house equipment usage; etc.)? AT LEAST 75 PERCENT MUST ALREADY BE SECURED TO APPLY. PLEASE INDICATE IF THERE ARE FUNDS YET TO BE RAISED AND HOW MUCH, AND DESCRIBE THE PLAN FOR FUNDRAISING. EXPLAIN ANY ALTERNATE PLANS FOR PROVIDING THE REQUIRED MATCH IF FUNDRAISING EFFORTS ARE UNSUCCESSFUL.

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74. ARE ANY ELIGIBLE PRE-AWARD COSTS INCLUDED AS PART OF THE GRANT REQUEST? ❑ NO ❑ YES

If yes, indicate the date from when those costs started being incurred, the funding category/categories, the total amount of pre-award costs anticipated to be incurred before the grant start date, and whether they are included for match purposes or for reimbursement (Note: these should also be presented in the budget narrative in question 82).

75. BUDGET NARRATIVE: PROVIDE A DETAILED ITEMIZATION OF EACH COST CATEGORY FROM THE BUDGET TABLE.

QUESTION 76-85: ENVIRONMENTAL RESOURCES SURVEY [UP TO 10 POINTS]

THE TABLES BELOW SERVES AS A RECORD OF THE ENVIRONMENTAL RESOURCES PRESENT AT THE SITE, WHETHER THE PROPOSED ACTION IS LIKELY TO HAVE A SIGNIFICANTLY NEGATIVE IMPACT ON THOSE RESOURCES, AND WHETHER FURTHER INFORMATION IS NEEDED TO DETERMINE THE POTENTIAL IMPACT. REVIEW THE LISTED RESOURCES AND IDENTIFY ANY RESOURCES THAT MAY BE SIGNIFICANTLY IMPACTED BY THE ACTION. THE ENVIRONMENTAL RESOURCES SURVEY SHOULD BE COMPLETED WITH PROFESSIONAL INPUT FROM RESOURCE EXPERTS AND IN CONSULTATION WITH RELEVANT LOCAL, STATE, TRIBAL, AND FEDERAL GOVERNMENTS, AS APPROPRIATE.

76. TABLE 1- FOR EACH RESOURCE INDICATE IF POSITIVE IMPACTS OR NEGATIVE IMPACTS ARE ANTICIPATED TO RESULT FROM THE ACTION OR IF FURTHER INFORMATION IS NEEDED TO DETERMINE THE POTENTIAL IMPACT. WRITE THE JUSTIFICATION FOR HOW THE IMPACT WAS DETERMINED.

	HOW WILL THE PROJECT AFFECT THE FOLLOWING RESOURCES?
1.	AIR QUALITY ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
2.	CIRCULATION AND TRANSPORTATION ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
3.	CLIMATE ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
4.	CONTAMINATION OR HAZARDOUS MATERIALS EVEN IF REMEDIATED (include Hazardous Waste Map) ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
5.	ENDANGERED SPECIES: (listed or proposed threatened or endangered species) INCLUDING ASSOCIATED HABITAT (include IPaC & MO Heritage Reports) ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
6.	ENVIRONMENTAL JUSTICE: MINORITY AND LOW-INCOME POPULATIONS (include census information) ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
7.	GEOLOGICAL RESOURCES: SOILS, BEDROCK, SLOPES, STREAMBEDS, LANDFORMS, ETC. ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
8.	HISTORIC OR CULTURAL RESOURCES (include application to SHPO and Letter) ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT

9.	INVASIVE SPECIES ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
10.	LAND USE PLANS OR POLICIES FROM OTHER AGENCIES ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
11.	LIGHTSCAPES, ESPECIALLY NIGHT SKY ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
12.	MIGRATORY BIRDS ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
13.	RECREATION RESOURCES ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
14.	SOCIOECONOMICS: CHANGES TO TAX BASE OR COMPETITION WITH PRIVATE SECTOR ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
15.	SOUND (NOISE IMPACTS) ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
16.	UNIQUE ECOSYSTEMS, SUCH AS BIOSPHERE RESERVES, WORLD HERITAGE SITES, OLD GROWTH FORESTS, ETC. ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
17.	WATER QUALITY AND/OR QUANTITY ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT

18.	WATER: COASTAL BARRIER RESOURCES OR COASTAL ZONES ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
19.	WATER: MARINE AND/OR ESTUARINE ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
20.	WATER: STREAM FLOW CHARACTERISTICS ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
21.	WATER: WETLANDS AND FLOODPLAIN (include Wetland and Floodplain Map) ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT
22.	PRIME FARMLAND (include Farmland Map) ❏ POSITIVE IMPACT ❏ NEGATIVE IMPACT ❏ UNKNOWN IMPACT

77. TABLE 2- THIS IS A LIST OF MANDATORY IMPACT CRITERIA THAT PRECLUDES THE USE OF A CATEGORICAL EXCLUSION. IF YOU ANSWER "YES" OR "?" TO ANY OF THE MANDATORY CRITERIA, YOU MUST DEVELOP AN ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT REGARDLESS OF YOUR ANSWERS TO TABLE 1.

	WILL YOUR PROPOSAL	**YES**	**NO**	**?**
1.	HAVE SIGNIFICANT NEGATIVE IMPACTS ON PUBLIC HEALTH OR SAFETY?			
2.	HAVE SIGNIFICANT NEGATIVE IMPACTS ON UNIQUE NATURAL RESOURCES OR GEOGRAPHIC CHARACTERISTICS SUCH AS HISTORIC OR CULTURAL RESOURCES SUCH AS HISTORIC OR CULTURAL RESOURCES; PARK, RECREATION, OR REFUGE LANDS; WILDERNESS AREAS; WILD OR SCENIC RIVERS; NATIONAL NATURAL LANDMARKS; SOLE OR PRINCIPAL DRINKING WATER AQUIFERS; PRIME FARMLANDS; WETLANDS; FLOODPLAINS; NATIONAL MONUMENTS; MIGRATORY BIRDS; AND OTHER ECOLOGICALLY SIGNIFICANT OR CRITICAL AREAS?			
3.	HAVE HIGHLY CONTROVERSIAL ENVIRONMENTAL EFFECTS OR INVOLVE UNRESOLVED CONFLICTS CONCERNING ALTERNATIVE USES OF AVAILABLE RESOURCES?			
4.	HAVE HIGHLY UNCERTAIN AND POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS OR INVOLVE UNIQUE OR UNKNOWN ENVIRONMENTAL RISKS?			
5.	ESTABLISH A PRECEDENT FOR FUTURE ACTION OR REPRESENT A DECISION IN PRINCIPLE ABOUT FUTURE ACTIONS WITH POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS?			
6.	HAVE A DIRECT RELATIONSHIP TO OTHER ACTIONS WITH INDIVIDUALLY INSIGNIFICANT BUT CUMULATIVELY SIGNIFICANT ENVIRONMENTAL EFFECTS?			
7.	HAVE SIGNIFICANT ADVERSE EFFECTS ON PROPERTIES LISTED OR ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES AS DETERMINED BY NPS?			
8.	HAVE SIGNIFICANT NEGATIVE IMPACTS TO SPECIES LISTED, OR PROPOSED TO BE LISTED, ON THE LIST OF ENDANGERED OR THREATENED SPECIES OR HAVE SIGNIFICANT IMPACTS ON DESIGNATED CRITICAL HABITAT FOR THESE SPECIES?			
9.	VIOLATE A FEDERAL, STATE, LOCAL, OR TRIBAL LAW OR REQUIREMENT IMPOSED FOR THE PROTECTION OF THE ENVIRONMENT?			
10.	HAVE A DISPROPORTIONATELY HIGH AND ADVERSE EFFECT ON LOW INCOME OR MINORITY POPULATIONS (EO 12898)?			
11.	LIMIT ACCESS TO AND CEREMONIAL USE OF INDIAN SACRED SITES ON FEDERAL LANDS BY INDIAN RELIGIOUS PRACTITIONERS OR SIGNIFICANTLY ADVERSELY AFFECT THE PHYSICAL INTEGRITY OF SUCH SACRED SITES?			
12.	CONTRIBUTE TO THE INTRODUCTION, CONTINUED EXISTENCE, OR SPREAD OF NOXIOUS WEEDS OR NONNATIVE INVASIVE SPECIES KNOWN TO OCCUR IN THE AREA OR ACTIONS THAT MAY PROMOTE THE INTRODUCTION, GROWTH, OR EXPANSION OF THE RANGE OF SUCH SPECIES?			

78. HAVE THERE BEEN ANY PREVIOUS NEPA DOCUMENTS THAT ARE RELEVANT TO THIS PROJECT OR THIS SPECIFIC SITE?

❏ NO ❏ YES (if yes, attach and summarize findings and include page number references below)

79. EXPLAIN ANY NEGATIVE OR UNKNOWN IMPACTS IDENTIFIED IN TABLE 1 OF THE ENVIRONMENTAL RESOURCES SURVEY, OR ANY BOXES MARKED "YES" IN TABLE 2.

80. HOW WAS THE INFORMATION IDENTIFIED IN THE TABLES DERIVED AND WHAT SOURCES OF DATA WERE USED TO JUSTIFY THE IMPACT SELECTION?

81. WHO CONTRIBUTED TO FILLING OUT THE ENVIRONMENTAL RESOURCE SURVEY (include name, title, agency) AND WHAT QUALIFICATIONS DO THEY HAVE THAT PROVIDE THE NECESSARY RESOURCE EXPERTISE TO DETERMINE IMPACT SIGNIFICANCE?

82. LIST ALL REQUIRED FEDERAL, STATE, AND LOCAL PERMITS/APPROVALS NEEDED FOR THE PROPOSAL AND EXPLAIN THEIR PURPOSE AND STATUS.

83. HAVE THERE BEEN ANY PREVIOUS CULTURAL AND/OR HISTORIC RESOURCE SURVEYS COMPLETED THAT INCLUDED THIS SITE WITHIN THE AREA OF POTENTIAL EFFECTS?

❏ NO - DESCRIBE ANY CONSTRUCTION PLANNED AS A RESULT OF THIS PROJECT THAT WILL EXTEND BEYOND THE PRE-EXISTING DISTURBANCE AREA (including surface area depth).

❏ YES - ATTACH SURVEY AND SUMMARIZE FINDINGS AND INCLUDE PAGE NUMBER REFERENCES BELOW.

MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF STATE PARKS

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SUPPORTING DOCUMENTATION CHECKLIST

USE THE BELOW CHECKLIST TO ENSURE THE PROJECT APPLICATION IS COMPLETE (for information specific to each item, refer to the LWCF Application Guide).

❑ LWCF BOUNDARY MAP	❑ LETTER OF INTENT TO LEASE/SELL/DONATE REAL PROPERTY
❑ RESOLUTION FROM GOVERNING BODY	❑ SCHOOL/COMMUNITY AGREEMENT (If applicable)
❑ FINANCIAL ASSURANCE LETTER	❑ DOCUMENTATION OF UNDERSERVED POPULATIONS
❑ SIGNED LETTERS OF COMMITMENT OR INTENT TO DONATE	❑ PROOF OF PUBLIC INVOLVEMENT
❑ PROOF OF LAND OWNERSHIP OR LEASEHOLDER/EASEMENT RIGHTS AND LEGAL DESCRIPTION	❑ COPY OF RELEVANT PORTION OF COMPREHENSIVE OR MASTER PLAN
❑ E-VERIFY (both state and federal)	❑ SHPO CORRESPONDENCE AND CULTURAL RESOURCE SURVEYS
❑ IPAC AND MISSOURI HERITAGE REPORTS	❑ FLOODPLAIN MAP (REQUIRED) & PROOF OF FLOOD INSURANCE (if applicable)
❑ PHOTOGRAPHS OF THE PROJECT AREA	❑ APPRAISALS, REVIEW APPRAISALS, AND/OR WAIVER VALUATION (if applicable)
❑ ENVIRONMENTAL REVIEW MAPS AND REPORTS (Wetland, Hazardous Waste, etc.)	❑ TITLE SEARCH (include copy of all easements, or encumbrances.)

CERTIFICATION OF RESPONSIBLE PERSON

A RESPONSIBLE OFFICIAL FROM THE SPONSORING AGENCY MUST SIGN AND DATE THE APPLICATION. APPLICATIONS WITHOUT SIGNATURE WILL NOT BE SCORED.

"I hereby certify that the information contained in this application packet is true and correct to the best of my knowledge. I understand that the application will be rated solely on the information provided on the application and in the enclosed supporting documentation. The submission of incorrect information and the lack of required documentation can result in this application being withdrawn from consideration for funding."

SIGNATURE	TITLE

PRINTED NAME	DATE

MAIL COMPLETED APPLICATION

Submit two (2) copies of the application and supporting documentation to the Grants Management Section (address below):

Missouri Department of Natural Resources
Division of State Parks
Grants Management Section
Attn: LWCF Planner
PO Box 176
1659 E. Elm St.
Jefferson City, MO 65102-0176

Application packets must be postmarked on or before November 16, 2022. For questions about an application packet or the process, call (573) 751-8661 or (573) 751-0848 or email mspgrants@dnr.mo.gov.

MO 780-2705 (07-22)

APPENDIX B. LWCF GRANT APPLICATION GUIDE

2023 Land & Water Conservation Fund Grant Application Guide

Grants Management Section
PO Box 176
1659 E. Elm St
Jefferson City, MO 65102-0176
573-751-8661

mspgrants@dnr.mo.gov

MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF STATE PARKS

SECTION I. LAND & WATER CONSERVATION FUND OVERVIEW

A) What is the Land & Water Conservation Fund (LWCF)?

The Land & Water Conservation Fund(LWCF) was established by the LWCF Act in 1965. The fund provides matching grants to states and local governments for the acquisition and development of public outdoor recreation areas and facilities. The program is intended to create and maintain a nationwide legacy of high quality recreation areas and facilities and to stimulate non- federal investments in the protection and maintenance of recreation resources across the United States.

The Department of Interior's National Park Service (NPS) oversees the LWCF program and has delegated administration of the program to each state. In Missouri, the Department of Natural Resources (MoDNR) administers the program. Direct oversight of the program is performed by the Division of State Park's (DSP) Grants Management Section (GMS). Projects that are recommended for funding by GMS are those that demonstrate an ability to meet the needs outlined in the 2018-2022 Statewide Comprehensive Outdoor Recreation Plan (SCORP), which is available at https://mostateparks.com/page/61215/land-and-water-conservation-fund-lwcf-grants. The SCORP serves as a framework for the planning, development, management and protection of Missouri's outdoor recreation resources.

B) How much money is available in the LWCF?

The LWCF program is funded through revenue from offshore oil and gas drilling. LWCF monies are apportioned to the states by the Secretary of the Department of Interior each fiscal year in accordance with the apportionment formula contained in the LWCF Act. This formula includes a factor for equal distribution of a portion of the fund among the states, as well as factors for distribution based on population and need. Missouri's available apportionment is typically between $4.1 million and $5.4 million each year. The maximum amount that can be requested and awarded per project is **$500,000** and the minimum is **$25,000**.

C) Who can sponsor a LWCF project?

LWCF grants are available to political subdivisions of the state and other appropriate public agencies, such as counties, municipal governments, local park and recreation departments, and public school districts. All eligible project sponsors, including those that have other than public outdoor recreation purposes, must be able to commit their resources to the perpetual stewardship of the LWCF-assisted public outdoor recreation area pursuant to the LWCF Act (see paragraph J below).

D) How does project funding work?

The LWCF is a 50-50 matching grant program, which means the project sponsor must share at least 50% of the project cost. The sponsor's match can include in-kind contributions and donations. Additionally, LWCF grants are reimbursement grants, which means the grants provide reimbursements to project sponsors after expenses have been incurred.

E) What projects are eligible for LWCF funding?

All LWCF-assisted projects must be maintained in a state of outdoor recreation and open to the public in perpetuity. No grant funding will be awarded to projects which, in whole or in part, will not be open to the public. Eligible LWCF projects include the following broad categories.

- Acquisition of land for outdoor recreation. These include the acquisition of land and waters or partial rights to them. Proposed acquisitions of interests in lands and waters of less than fee simple title, including leasehold interests, are not eligible unless such lesser rights (e.g., permanent recreation use easements or similar devices) will ensure access to the public in perpetuity.
- Development/construction of new outdoor recreational amenities and support facilities needed by the public for recreational use of an area.
- A combination of both acquisition of land and development/construction of new outdoor facilities.
- Rehabilitation, restoration, and/or repair of existing recreational amenities and support facilities. Rehabilitation means extensive repair needed to bring a facility up to standards suitable for public use, but does not mean routine maintenance.
- As required by Section 70914 of the Bipartisan Infrastructure Law, P.L. 117-58 all infrastructure (as defined by the law) projects are required to have all iron, steel, manufactured products and construction materials produced in the United States.

Below is a list of eligible project types. For a list of eligible project costs, see pages 31-32.

- Sports and playfields, courts and other outdoor spaces used in competitive and individual sports. This includes fields for baseball, softball, soccer and football, tennis courts, playgrounds and tot lots, golf courses, rifle/pistol ranges, trap/skeet fields, archery ranges, rodeo arenas, inline hockey rinks, skate parks, running tracks, and other similar facilities.
- Picnic facilities, such as picnic tables, fireplaces, shelters, and other facilities related to family or group picnic sites.

- Trails and trail amenities, such as overlooks, turnouts and trails for nature walks, hiking, bicycling, horseback riding, exercising, motorized vehicles and other trail activities.
- Swimming facilities, including swimming beaches, outdoor pools, wave-making pools, wading pools, spray pools, lifeguard towers, bathhouses and other similar facilities.
- Boating facilities. LWCF assistance maybe available for most facilities related to motor boating, sailing, canoeing, kayaking, sculling and other boating activities. These facilities include, but are not limited to, docks, berths, floating berths secured by buoys or similar services, launching ramps, breakwaters, mechanical launching devices, boat lifts, boat storage, sewage pump-out facilities, fuel depots, water and sewer hookups, restrooms, showers, electricity and parking areas. Marinas are also eligible for assistance and are subject to the following provisions regardless of when LWCF assistance was provided:
  - An equitable method of allocating berth space must be used in all marinas. Berth lease terms are not transferable to any other party. Berth space for transient boaters must be provided.
  - Commercial charter fishing or sightseeing boats are permissible marina leaseholders due to their potential for expanding public waterfront access. However, these users should not occupy a significant number of marina berths, so project sponsors should establish reasonable limits on the number of berth spaces provided for such users.
  - Marinas located in urban areas must include specific design provisions for non-boater public access, such as walkways, observation points, fishing piers and/or related facilities. Limited access to the actual marina berths may be retained.
- Fishing/hunting facilities, such as fishing piers, access trails and access points, initial clearing and planting of food and cover, stream improvements, wildlife management areas, fish hatcheries and other facilities necessary for public fishing or hunting. Fish hatcheries are eligible only if they will be open to the public for general compatible outdoor recreation, and priority will be given to hatcheries that provide urban fishing opportunities.
- Winter sports facilities, such as ski trails; jumps; lifts; slopes; and snowmaking equipment used in downhill skiing, cross country skiing, tobogganing, sledding, snowmobiling, and other winter sports. Outdoor ice-skating and ice hockey rinks are also eligible.
- Camping facilities, including picnic tables, fireplaces, restrooms, information stations, snack bars, utility outlets and other facilities needed for camping by tent, trailer or camper. Cabins or group camps of simple basic design and accessible to the general public in an equitable manner are eligible.
- Exhibit facilities, such as outdoor exhibit or interpretive facilities that provide opportunities for the observation or interpretation of natural resources located on the recreation site or in its immediate surrounding areas. This includes small demonstration farms, arboretums, outdoor aquariums, outdoor nature exhibits, nature interpretive centers and other similar facilities.
- Spectator facilities, including amphitheaters, bandstands and modest seating areas related to playfields and other eligible facilities provided the facility is not designed primarily for professional or semiprofessional arts or athletics, or intercollegiate or interscholastic sports. Seating provisions to accommodate persons with disabilities must be provided.
- Community gardens, which includes land preparation, perimeter fencing, storage bins and sheds, irrigation systems, benches, walkways, parking areas and restrooms. In such a project, community gardening must be clearly identified in the SCORP as a needed outdoor recreation activity and must be accessible to the general public in an equitable manner.
- Outdoor display facilities at zoological parks provided they portray a natural environmental setting serving the animal's physical, social, psychological and environmental needs, and is compatible with the activities of the recreationist. Basic winter/adverse weather housing quarters that are separate and distinct from enclosed viewing display areas, and used in direct support of outdoor displays may also receive assistance. Support facilities to serve the needs of the recreationist, such as walkways, landscaping, comfort facilities, parking, etc., are also eligible.
- The beautification of an outdoor recreation area, provided it is not part of a regular maintenance program and the site's condition is not due to inadequate maintenance. Beautification includes landscaping to provide a more attractive environment; the clearing or restoration of areas that have been damaged by natural disasters; the screening, removal, relocation or burial of overhead power lines; and the dredging and restoration of publicly owned recreation lakes or boat basins and measures necessary to mitigate negative environmental impacts.
- Support facilities needed by the public for outdoor recreation use of an area, such as roads, parking areas, utilities, sanitation systems, restroom buildings, simple cabins or trail hostels, warming huts, shelters, visitor information centers, kiosks, interpretive centers, bathhouses, permanent spectator seating, walkways, pavilions, snack bar stands, and equipment rental spaces. When appropriate, support facilities may be sheltered from the elements by providing a simple roof or cover. Development projects in new or previously undeveloped recreation areas may not consist solely of support facilities, unless they are required for proper and safe use of an existing viable outdoor recreation area that does not require additional outdoor recreation facilities (such as construction of restrooms at a public nature study area), or unless necessary outdoor recreation facilities are being developed concurrently with the LWCF-assisted support facilities, or unless necessary outdoor recreation facilities will be developed within a reasonable period of time. In the latter two cases, the project agreement will include a provision that the assisted outdoor recreation facilities must be completed within a certain time frame agreeable to the NPS, and if they are not, the grant funds for the support facilities will be refunded.

- Facilities that support the operation and maintenance of the recreation resource on which they are located, such as maintenance buildings, storage areas, administrative offices, dams, erosion control works, fences, sprinkler systems and directional signs. Support facilities (i.e., roads and sewers) that serve both eligible and ineligible facilities (such as indoor facilities), are eligible for assistance on a pro rata basis for that portion of the support facility that will serve the eligible facilities.
- Roads constructed outside the boundaries of the recreation area or park, only if they are access roads to a designated park and recreation area and not part of a state, county or local road system extending beyond or through the boundaries of the area. The access corridor must be owned or adequately controlled by the agency sponsoring or administering the park or recreation area and included within the project's 6(f)(3) boundary. The principal objective must be to serve the park and visitors. Any use or service to private parties must clearly be incidental to the primary use of the access road for recreation purposes.
- Equipment required to make a recreation facility initially operational, and certain supplies and materials specifically required under State Health Department regulations.
- Energy conservation elements of an eligible outdoor recreation facility and its support facilities, including solar energy systems, earth berms, window shading devices, energy lock doors, sodium vapor lights, insulation and other energy efficient design methods and materials. In addition, power systems that minimize or eliminate a facility's use of petroleum and natural gas are eligible including windmills, on-site waterpower systems, bioconversion systems, and facilities required for the conversion of existing power systems to coal, wood, or other energy efficient fuels.
- Outdoor recreation and support facilities that are located on historic sites or in conjunction with historic structures. This includes picnic areas, walkways and trails on a historic property as well as visitor centers oriented to the outdoor facilities and environment.
- Public outdoor recreation areas and facilities that are located on public school grounds, including colleges and universities, but are for the coordinated use by the general public and by the schools and are not part of the normal and usual program and responsibility of the educational institution.
- Public outdoor recreation and support facilities that are located in primary or potential tourist market areas, provided their primary purpose is for public outdoor recreation as opposed to entertainment or economic development, and provided they do not create unfair competition with the private sector.
- Multi-purpose projects that involve uses other than outdoor recreation, as long as the LWCF boundary area can incorporate a viable public outdoor recreation area that includes the grant-assisted project and the outdoor resource it complements. A careful and complete justification and explanation must be provided for a proposal of this nature. The proposal must fully disclose the nature and extent of other uses and the relationship of the proposed outdoor recreation project to the total area and development. Two general types of multiple-purpose projects are eligible for assistance:
    - Projects in which a specifically designated portion of the multiple-purpose area or facility will be used primarily for outdoor recreation and/or outdoor recreation support, such as picnicking facilities adjacent to a new public reservoir. Grant assistance is limited to the designated outdoor recreation area and/or facility and support facility.
    - Projects that will provide identifiable outdoor recreation benefits as a whole, as opposed to specific segments of it. For example, a water impoundment constructed primarily for flood control might also have important recreation benefits. In such a case, at the discretion of NPS, assistance might be made available only for the portion of the cost, on a pro rata basis, of the facility that is clearly attributable to outdoor recreation above and beyond the facility's cost for its non-recreation function. Section 6(f)(3) protection will be applied to the entire viable outdoor recreation area.

F) What projects are NOT eligible for LWCF funding?

Below is a list of ineligible project types. For a list of ineligible project costs, see page 32.

- Property condemnation (eminent domain).
- Group camps designated for specific groups or for which specific groups will be given priority access.
- Lodges, motels and luxury cabins.
- Boating equipment such as buoys, ropes, life jackets, or boats.
- Motorized trails on lands designated as federal wilderness or state wild areas.
- Exhibit areas that function primarily for academic, historic, economic, entertainment or other non-recreational purposes. This restriction includes convention facilities, livestock and produce exhibits, commemorative exhibits, fairgrounds, archeological research sites and other non-recreational facilities. The development of nature and geological interpretive facilities that go beyond interpreting the project site and its immediate surrounding area are also not eligible for assistance.
- Special event seating, if the purpose is solely to increase seating capacity for a limited number of special events.
- Fertilizer, seeds, tools, or water hoses for community gardens, nor gardens planned as commercial enterprises.
- Areas and facilities designed primarily for semi-professional or professional arts or athletics, such as professional type outdoor theaters, professional rodeo arenas and other similar facilities.

- Mobile recreation units including play mobiles, skate mobiles, swim mobiles, show wagons, puppet wagons and portable bleachers.
- Informational materials, brochures and leaflets.
- Traditional outdoor caging facilities and animal pens at zoological parks are not eligible although LWCF assistance can contribute to the renovation of such facilities to achieve a more natural environmental setting. Other enclosed or sheltered facilities at zoological parks, such as indoor displays and permanent housing, are not eligible for assistance.
- On-site employee residences, including furnishings.
- The restoration or preservation of historic structures.
- Public recreation facilities that are indoor facilities.
- Support facilities or portions thereof that contribute primarily to public indoor activities such as meeting rooms; auditoriums; libraries; study areas; restaurants; lodges; motels; luxury cabins; furnishings; food preparation equipment; kitchens; and equipment sales areas.

Acquisition projects that will not be funded by LWCF include the following:

- Acquisition of historic sites and structures, except when it is demonstrated that the acquisition is primarily for outdoor recreation purposes and the historic aspects are secondary to the primary recreation purposes.
- Acquisition of museums and sites to be used for museums or primarily for archaeological excavations.
- Acquisition of land to help meet a public school's minimum site size requirement as established by state or local regulations.
- Acquisition of areas and facilities to be used primarily for semi-professional and professional arts and athletics.
- Acquisition of areas and facilities to be used solely for game refuges or fish hatcheries. However, such areas and facilities may be eligible for LWCF assistance if they will be open to the public for compatible recreation.
- Acquisition of areas to be used mainly for the construction of indoor facilities. Also prohibited are areas where existing indoor recreation facilities, if left in place, will not leave sufficient space for the development of outdoor recreation facilities.
- Acquisition of railroad trestles, stations, yards, etc., if such are to be used for the commercial operation of railroad trains.
- Acquisition of sites containing luxury lodges, hotels, motels, restaurants and similar elaborate facilities that are to be operated by the project sponsor or a concessionaire to provide food and sleeping quarters.
- Acquisition of agricultural land primarily for the preservation of agricultural purposes.
- Acquisition of federal surplus property, unless legislatively authorized in a specific situation.

G) How does a sponsor obtain LWCF funding for a project?

To apply for a LWCF grant, local governments and public school districts must fill out a LWCF Project Application requesting funding. Download an application and Open Project Selection Process at https://mostateparks.com/page/61215/land-and-water-conservation-fund-lwcf-grants. Project proposals must be approved at both the state and federal levels. Project sponsors will be required to complete and return two copies of the LWCF Project Application, postmarked by November 16, 2022 to the address below:

Missouri Department of Natural Resources
Division of State Parks
Grants Management Section
Attn: LWCF Planner
PO Box 176
Jefferson City, MO 65102-0176

For those seeking to mail packets where a physical address is required, please use: 1659 E. Elm Street, Jefferson City, Missouri 65101. Application packets that are not signed by an authorized official and postmarked or received by November 16, 2022 will not be considered eligible for scoring. For questions about an application packet or the process, call (573) 751-8661 or email mspgrants@dnr.mo.gov.

Sponsors are strongly encouraged to attend the LWCF application webinar scheduled in August. The webinar date is listed at https://mostateparks.com/page/63306/grant-workshops . This webinar is hosted by GMS staff to assist project sponsors with the application process. GMS staff reviews the submitted applications for accuracy and completeness and may ask project sponsors to provide additional information.

Project applications are evaluated on a competitive scoring basis, with most of the application questions having a designated point value. GMS staff and an internal advisory committee composed of park and recreation professionals will evaluate the applications and assign scores to the individual responses, which are then tallied and a cumulative score given to each application. The overall application score determines the project's ranking against other proposed projects. The advisory committee then makes funding recommendations to GMS staff. GMS staff will then submit a list of the recommended projects to the DSP Director, who is also the LWCF State Liaison Officer (SLO). After the DSP Director reviews and approves the projects, GMS staff will conduct a risk assessment and pre-award site inspections of recommended projects to ensure eligibility and ability to satisfy administrative requirements. Applications that satisfy both the risk assessment and pre-award inspection criteria will then be submitted to the NPS for federal review and approval. Projects cannot begin until approval is obtained by the NPS. The number of ranked projects that will be recommended for funding is determined by the state's LWCF apportionment for the current fiscal year. All applicants will be notified of the results of the application review process, and sponsors of approved projects will receive a notice of award and project agreement. The entire process generally takes at least fourteen - twenty months, from the initial call for project applications to notice of award.

H) What are the requirements for ownership and control of the park where the project is taking place?

As part of the application process, all project sponsors must demonstrate adequate ownership and control of the project area that will be designated as the LWCF park and provide copies of all deeds, right-of-way, easements, reversionary interests, liens, or other encumbrances associated with the area included in the LWCF boundary at the time of application. This is to ensure that the project sponsor possesses sufficient title and adequate legal control of the property in order to provide reasonable assurances that a conversion pursuant to the LWCF Act (54 U.S.C. § 200305(f)(3)) will not occur without its knowledge, state review, and NPS decision. If the LWCF Boundary includes property that was acquired within the last five years, project sponsors must also demonstrate that the acquisition took place in conformance with the Uniform Relocation Assistance and Real Properties Acquisition Act of 1970, known as the Uniform Act.

Facilities may be developed on land and water owned in fee simple by the participating agency or where ownership of less-than-fee interests such as easements provides permanent control of the property commensurate with the proposed development. All less-than-fee interests must be described in the grant application and indicated on the LWCF boundary area map. No approval will be given for the development of facilities on leased land except for property either:

a. Leased from the Federal Government for a term not less than 25 years at the time the grant is awarded that is not revocable at will; or

b. Leased from one public agency to another for 25 years or more, provided that safeguards are included to adequately ensure the perpetual use requirement contained in the LWCF Act. Such safeguards will include joint sponsorship of the proposed project and a written agreement stipulating the lessor land-owning agency will assume compliance responsibility for the LWCF boundary area in the event of default by the lessee or expiration of the lease, and these assurances are explicitly reflected in the project agreement. See Chapter 3.A.8 on project sponsor ownership and control of property.

For projects that include real property acquisition as a part of the grant application, project sponsors are expected to demonstrate compliance with the Uniform Act as part of the project, some of which must be submitted as part of the grant application. Before the initiation of negotiations with the property owner, a certified general appraiser licensed in Missouri must perform an appraisal of the property in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) and Title 49 CFR part 24 (the Uniform Relocation Act). Next, a technical review of the appraisal must be performed by a qualified review appraiser pursuant to the UASFLA Section C, "Standards for the Review of Appraisals." The cost of all appraisals, review appraisals, waiver valuations and incidental real estate expenses (such as title searches and filing fees) are not eligible costs for either reimbursement or match in the LWCF program and must be bore solely by the project sponsor.

I) What is the Environmental Resources Survey?

The NPS requires sponsors to complete an Environmental Resources Survey (pages 13-15 of the LWCF Grant Application form). The intent of the form is to provide descriptive and environmental information about the proposed project for NPS review and decision. The completed Environmental Resources Survey becomes part of the "federal administrative record" in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. These regulations were enacted to protect the nation's cultural, environmental and natural resources, so all federal grant recipients must demonstrate compliance with the regulations by conducting an environmental review. As part of the review, project sponsors are required to complete the Environmental Resources Survey and provide concurrence documentation from various state and federal agencies in order for GMS and the NPS to determine if a project is classified as a Categorical Exclusion (CE) under NEPA. Projects considered CEs do not involve significant impact to the environment or any natural, cultural, recreational, or historic resources. The environmental review process should be done early because some agencies have a 30 day review process and you will need their response letter to complete the application. Resource experts should complete this section of the application form.

J) What happens after a project sponsor receives notice of award from MoDNR?

Following NPS approval, a notice of award is sent to the project sponsor along with a grant agreement between MoDNR and the sponsor that must be signed. **Sponsors cannot begin any grant-funded construction activities or property acquisition before signing the grant agreement**. Any costs incurred prior to signing the agreement will not be reimbursed; however, some costs incurred prior to signing may be used as match (see page 31-32 for eligible pre-award costs). Sponsors are **required** to attend a **mandatory** grant administration workshop or webinar, where they will receive a copy of the FY2023 LWCF Project Administration Guide and a copy of the Sub-Recipient Informational Form. The Sub-Recipient Informational Form is required in response to the Federal Funding Accountability and Transparency Act (FFATA) of 2006. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) to be made available to the public via a single, searchable website, which is https://www.usaspending.gov/.

During the workshops/webinars, GMS staff will explain the process for completing the Sub-Recipient Informational Form and the requirements for administering the LWCF grant funding. Additionally, GMS staff will help project sponsors understand the Build America, Buy America provision of the federal award. Development or renovations must begin within one year of signing the grant agreement. Sponsors have **two years** from date the project agreement is signed to complete their LWCF project.

K) What are the long-term stewardship requirements of projects funded through LWCF?

The benefits of LWCF extend beyond park and recreation facility construction and open space acquisition. The fund also plays a major stewardship role, ensuring the integrity and recreational quality of fund-assisted parks and conservation lands, now and for future generations. **Simply put, when a LWCF grant is accepted, the project must remain dedicated to public outdoor recreation use in perpetuity (forever).** LWCF's most important tool for ensuring perpetual stewardship is its "conversion protection" requirement. This protection requirement is outlined in the LWCF Act and strongly discourages casual discards and conversions of LWCF-funded park and recreation facilities to other uses. The LWCF Act specifically states, "No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location." If a LWCF-assisted park or project is "converted" from its original intent and made no longer available to the public for outdoor recreation, then an equivalent replacement must be provided by the sponsoring agency. This "anti-conversion" requirement applies to all parks and other sites that have been funded by LWCF grants of any type, whether for acquisition of parkland, development, or rehabilitation of facilities. The regulations related to project boundary include public accessibility and self-sufficiency requirements, so even a relatively small LWCF grant (e.g., for development of a picnic shelter) in a park of hundreds or even thousands of acres can result in conversion protection to the entire park site.

SECTION II. TIPS FOR PROJECT SPONSORS

A) In order to develop a sound project proposal, project sponsors should consider the following:

a. Determine outdoor recreation needs in your area.
   - Are there unmet recreation needs within your community or area? Will this project meet a need?
   - How will this project benefit the community, area or region?
   - Is this project part of the Statewide Comprehensive Outdoor Recreation Plan (SCORP) or other local, regional or park master plans?

b. Determine project viability.
   - Can this project realistically be completed within the required two-year timeframe, or should the project be developed in phases? Project sponsors can submit funding requests for multiphase projects.
   - As the project sponsor, does your agency have the funding resources and commitment to complete the proposed project and maintain it long term?
   - Are there other organizations or individuals who might assist with funding, donations and/or in-kind contributions?

c. Determine public support for the project.
   - Have you provided opportunity for stakeholders to comment on the project?
   - Have you considered various users' needs in determining what type of project to implement?
   - How have you addressed concerns or issues raised by stakeholders regarding the project?

d. For new construction, identify design considerations.
   - What are the intended uses?
   - Will the project incorporate accessible features and elements or avoid barriers that would make it difficult to use forpeople with disabilities?
   - What is the projected user capacity and will the supporting infrastructure, such as parking, restroom facilities, etc., be able to accommodate the projected use?
   - Is the project sustainable? For instance, what will be the long-term maintenance needs of the chosen project design?

B) Develop a project budget that accurately reflects the project costs, including costs associated with the environmental review and Build America, Buy America (as applicable). There may be aspects of your project that will result in unforeseen costs. It is important that you develop a budget estimate that is as accurate as possible but also allows some flexibility to cover those unforeseen costs. For instance, you may consider hiring a design or engineering consultant to assist you with developing the project design. Up to 10% of your total project cost may be used for planning, engineering and environmental review costs. Additionally, the project sponsor may use costs in these categories that are incurred up to 18 months prior to project approval and notice to proceed as match. Lastly, if a portion of the project meets the definition of Infrastructure, as defined in Section 70914 of the Bipartisan Infrastructure Law, P.L. 117-58, then project sponsors must ensure that the cost of using domestically produced materials is reflected in the budget estimate.

C) Projects are selected on the merit of their applications, so it is important for project sponsors to provide well-written and complete application packets. Project sponsors should:

- Attend the grant application workshops scheduled by GMS staff. This workshop will help project sponsors understand the application requirements. For a schedule of workshops, visit https://mostateparks.com/page/63306/grant-workshops.
- Answer each question thoroughly but concisely within the space allowed on the application. If you have questions or concerns about your application responses, GMS staff will conduct a preliminary review of your draft application as a courtesy if submitted by October 19, 2022.
- Have an independent reviewer read through the application and supporting materials to ensure the information is easily understood. It may be beneficial to have someone unfamiliar with the project review the application packet; their comments will be more objective.
- Double check the application packet to ensure it is complete and accurate; incomplete packets will not be scored and those with errors may receive lower scores.
- Use the Supporting Documentation Checklist on pages 9-10 to ensure all supporting documentations are included in the packet.
- Attempt to submit the complete application packet prior to the deadline date. This will allow GMS staff opportunity to contact you if information is missing from the packet or is inaccurate, and will subsequently allow you time to rectify omissions or inaccuracies.

SECTION III. SUPPORTING DOCUMENTATION CHECKLIST

The following items are required documents to support your application and must be included in your application packet. Project sponsors are encouraged to begin compiling this documentation as early as possible in the application process since several of the documents may take some time to secure. **An incomplete application will not be scored.** Please submit **two (2) copies** of each item, with the exception of the land deeds, leases, legal description, and cultural resource surveys (see below). Use this checklist to ensure that you've included all required documentation in your application packet, and in the order listed below.

- ❑ **LWCF Boundary Map** clearing defining the LWCF boundary of the project, including acreage and its location within an existing park or site (if the entire park or site will not be included under LWCF protection, explain why on Question #14 of the application). Refer to Section IV of this guide for instructions on developing a map.
- ❑ **Resolution** from the relevant governing body showing support of the project and ensuring commitment of the project sponsor to maintain public access to the project in perpetuity. See template on page 11.
- ❑ **Financial Assurance Letter** from the project sponsor's chief financial officer stating that your agency has the financial capability of completing the proposed project and maintaining it in perpetuity. See template on page 16.
- ❑ **Signed Letters of Commitment or Intent to Donate** from organizations or individuals who are collaborating on the project, providing work on the project, or donating time, materials or funding.
- ❑ **Proof of Land Ownership or Leaseholder/Easement Rights and Legal Description** if the project sponsor currently owns or leases the land for the project, or has a permanent easement. Only one copy of the land deed, lease or easement agreement is required. No approval will be given for the development of facilities on leased land unless the leased land is leased from the Federal Government with no less than 25 years remaining on the lease and is not revocable at will; or, leased from one public agency to another for 25 years or more, provided that safeguards are included to adequately ensure that the perpetual use requirement contained in the LWCF Act is met. Such safeguards may include joint sponsorship of the proposed project or other agreement whereby the lessor (land-owning agency) would provide assurances that it would assume compliance responsibility for the LWCF area in the event of default by the lessee or expiration of the lease,and these assurances are explicitly reflected in the project agreement. A copy of the legal description of the LWCF Boundary is also required. **Submit one copy only.**
- ❑ **Letter of Intent to Lease/Sell/Donate** for land acquisition that is part of the project. The letter must be from the landowner to the project sponsor, and must indicate whether the landowner will be selling, donating or leasing the property, or providing an easement. The letter may stipulate that the transfer of land ownership is contingent upon project funding. **All acquisition of real property with LWCF funds or as part of a LWCF project, whether through purchase, donation, easement or lease, must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs Act of 1970 (Uniform Act). Before initiating negotiation with the landowner, a yellow book appraisal and review appraisal must be completed. The cost of all appraisals, review appraisal, waiver valuation and incidental real estate expenses are not eligible costs for either reimbursement or match in the LWCF program and must be bore solely by the project sponsor. This act has additional compliance requirements, so it's important to contact GMS staff prior to beginning the acquisition process.**
- ❑ **School/Community Agreement** for projects on public school property. An agreement between the school and the community must be included in the application packet that demonstrates a commitment to allowing general public use of the project when not being used by the school. An authorized representative from the community(such as a mayor, park director, or other authorized representative) and the school (such as the superintendent, principal or other school administrator) must be included as a signatory on the agreement. A template agreement has been provided on page 17.
- ❑ **Documentation of Underserved Populations**. Underserved populations are those populations with a significant number of individuals who are economically disadvantaged, minority, elderly or disabled and who are underserved in terms of parks and other outdoor recreation areas. Use the U.S. Census Bureau's American Fact Finder search tool (https://data.census.gov/cedsci/) and other data sources to determine if your project area contains a higher than average percentage of residents who fall within any of these categories. Print off and attach a copy of your findings, highlighting the underserved population(s) your project will be serving.

- ❑ **Proof of Public Involvement** if the project sponsor hosted a public meeting or provided some other forum for public comment within the last six months regarding the proposed project. Documentation includes, but is not limited to, copy of newspaper ads or public meeting notices; copy of Facebook page, online survey or other electronic format used to solicit public opinion; and/or a copy of the relevant portion of meeting minutes, survey results or other public responses to the proposed project. Public letters of support may be submitted as well.

- ❑ **Copy of Relevant Portion of Comprehensive or Master Plan** if the proposed project has been identified in a local, school, regional, county and/or parks comprehensive or master plan. Do not submit a copy of the entire plan, only the relevant portion that references the project.

- ❑ **E-Verify (Affirmation of Enrollment and Participation in a Federal Work Authorization Program),** As a condition for the award of any grant by MoDNR to any business entity, project sponsors meeting the definition of a business entity must, by sworn affidavit and provision of documentation, affirm its enrollment and participation in a federal work authorization program with respect to employees working in connection with the project. Every such business entity shall also sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the project. Documentation shall include 1) EITHER the E-Verify Employment Eligibility Verification page listing the company name and company IDOR a page from the E-Verify Memorandum of Understanding (MOU) listing the company name and the MOU signature page completed and signed, at minimum, by the company and the Department of Homeland Security – Verification Division. If the signature page of the MOU lists the company's name and company ID, then no additional pages of the MOU must be submitted; AND 2) submit a completed, notarized Affidavit of Work Authorization(sample included on page 10-13). Should you need assistance in obtaining documentation you can contact the E-Verify federal work authorization program (Website: http://www.dhs.gov/files/programs/gc_1185221678150.shtm; Phone: 888-464-4218; Email: e-verify@dhs.gov).

- ❑ **SHPO Correspondence and Cultural Resource Surveys,** all projects are required to initiate consultation with the Missouri State Historic Preservation Office (SHPO), and in most cases, complete that consultation as part of the application. Attach copies of your application to SHPO, the SHPO response letter(s), and a copy of any cultural resource surveys performed on this site or for this project. To initiate a Section 106 Review, submit a Section 106 Project Information Form to SHPO. Instructions for completing and submitting the form are found at https://mostateparks.com/page/84261/section-106-review. **The SHPO review is a 30 day process so start early in order to have SHPO correspondence received by the time the application is due.** See Question #76-78 and #83 for additional information.

- ❑ **IPaC and Missouri Heritage Reports,** all projects are required to evaluate the impact of their projects on Threatened and Endangered Species. Please provide a copy of the Information for Planning and Conservation (IPaC) and Missouri Heritage Reports for this project. The IPaC search tool can be found at https://ecos.fws.gov/ipac/, and will require you to enter information about your project and delineate your project's boundaries on an online map. In addition to determining your project's impact on federally listed T&E species, you must also determine its impact on state-listed endangered species or species and habitats of conservation concern by entering your information into the Missouri Natural Heritage Review Website (https://naturalheritagereview.mdc.mo.gov/). See Question #76 for additional information.

- ❑ **Floodplain Map (Required) and Proof of Flood Insurance (If Applicable)** All projects are required affirm that their project is or is not located within a floodplain. To determine if your project is in a floodplain or special flood hazard area, use the FEMA Flood Map Service Center (https://msc.fema.gov/portal). A color copy of the floodplain map with the project location drawn on it is required. If the project is located within a floodplain, provide proof of flood insurance as well.

- ❑ **Photographs of the Project Area** include photographs of the project area to illustrate the existing condition of the site and any facilities that are proposed for replacement or renovation.

- ❑ **Appraisals, Appraisal Reviews, and/or Waiver Valuations (if applicable),** for projects that include real property acquisition where the cost of that acquisition will be included in the project budget, include copies of all appraisals, review appraisals, and/or waiver valuations as appropriate.

- ❑ **Environmental Review Maps and Reports,** all projects are required to evaluate the impact of their project on the environment. Please provide a copy of the maps, reports and letters used to complete the Environmental Resources Survey.

- ❑ **Title Search**, Project sponsors are required to conduct a title search or conduct their own research to identify any parties who may have a superior interest in the property. Provide a copy of the title search, or the research performed.

Template PROJECT RESOLUTION

WHEREAS, the_____*(insert name of agency)*_____is applying for federal assistance from the Land & Water Conservation Fund program for the purpose of *(indicate which of the following)* construction/renovating/acquiring *(insert project name as entered on question 9 of the project application)*,

NOW, THEREFORE, BE IT RESOLVED BY THE_____*(insert name of agency)*_____, that

1. _____*(insert name of Receiving Official))* of_____*(insert name of agency)*__is authorized to sign the application for federal assistance and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Missouri or the U.S. Department of the Interior, National Park Service.

2. The_____*(insert name of agency)*___currently has the written commitment for __(insert percentage from budget table)matching share for the project elements that are identified in the application and will allocate the necessary funds to complete the project.

3. In the event a grant is awarded, the _____*(insert name of agency)*___will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for public access in perpetuity.

4. In the event a grant is awarded, the _____*(insert name of agency)*___is prepared to complete the project within the time period identified on the signed project agreement.

5. In the event a grant is awarded, the _____*(insert name of agency)*___will comply with all rules and regulations of the Land & Water Conservation Fund program, applicable Executive Orders, all federal and state laws that govern the grant applicant during the performance of the project, and stewardship requirements when the project is complete.

PASSED AND RESOLVED BY THE_____*(insert name of agency)*___

The undersigned hereby certifies that he/she is the duly authorized Clerk and custodian of the books and records and seal of (agency)____, duly formed pursuant to the laws of the State of Missouri, and that the foregoing is a true record of a resolution duly adopted at a meeting of the (governing board of agency)____, that said meeting was held in accordance with state and local laws on___(date)___and that the said resolution is now in full force and effect without modification or rescission.

IN WITNESS WHEREOF I have executed my name as Clerk and have affixed the seal of (agency)_____, this____day of_____, 20___.

ATTEST: (Clerk)

By:_____
_____(printed name)
(SEAL)

ACKNOWLEDGED:

By: _____
_____(printed name)

EXHIBIT
BUSINESS ENTITY CERTIFICATION, ENROLLMENT DOCUMENTATION, AND AFFIDAVIT OF WORK AUTHORIZATION

BUSINESS ENTITY CERTIFICATION:

The project sponsor must certify their current business status by completing either Box A or Box B or Box C on this Exhibit.

BOX A:	To be completed by a non-business entity as defined below.
BOX B:	To be completed by a business entity who has not yet completed and submitted documentation pertaining to the federal work authorization program as described at http://www.dhs.gov/files/programs/gc_1185221678150.shtm.
BOX C:	To be completed by a business entity who has current work authorization documentation on file with a Missouri state agency including Division of Purchasing and Materials Management.

Business entity, as defined in section 285.525, RSMo, pertaining to section 285.530, RSMo, is any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood. The term "**business entity**" shall include but not be limited to self-employed individuals, partnerships, corporations, contractors, and subcontractors. The term "**business entity**" shall include any business entity that possesses a business permit, license, or tax certificate issued by the state, any business entity that is exempt by law from obtaining such a business permit, and any business entity that is operating unlawfully without such a business permit. The term "**business entity**" shall not include a self-employed individual with no employees or entities utilizing the services of direct sellers as defined in subdivision (17) of subsection 12 of section 288.034, RSMo.

Note: Regarding governmental entities, business entity includes Missouri schools, Missouri universities (other than stated in Box C), out of state agencies, out of state schools, out of state universities, and political subdivisions. A business entity does not include Missouri state agencies and federal government entities.

BOX A – CURRENTLY NOT A BUSINESS ENTITY

I certify that_____(Company/Individual Name) **DOES NOT CURRENTLY MEET** the definition of a business entity, as defined in section 285.525, RSMo pertaining to section 285.530, RSMo as stated above, because: (check the applicable business status that applies below)

- ❒ I am a self-employed individual with no employees; **OR**
- ❒ The company that I represent employs the services of direct sellers as defined in subdivision (17) of subsection 12 of section 288.034, RSMo.

I certify that I am not an alien unlawfully present in the United States and if_____(Company/Individual Name) is awarded a Land and Water Conservation Fund Grant for_____(Project Title) and if the business status changes during the project period to become a business entity as defined in section 285.525, RSMo, pertaining to section 285.530, RSMo, then, prior to proceeding with the project as a business entity, _____(Company/Individual Name) agrees to complete Box B, comply with the requirements stated in Box B and provide the Department of Natural Resources, Division of State Parks with all documentation required in Box B of this exhibit.

_____	_____
Authorized Representative's Name (Please Print)	Authorized Representative's Signature
_____	_____
Company Name (if applicable)	Date

EXHIBIT _, continued

(Complete the following if you DO NOT have the E-Verify documentation and a current Affidavit of Work Authorization already on file with the State of Missouri. If completing Box B, do not complete Box C.)

BOX B – CURRENT BUSINESS ENTITY STATUS

I certify that_____(Business Entity Name) **MEETS** the definition of a business entity as defined in section 285.525, RSMo, pertaining to section 285.530.

Authorized Business Entity Representative's Name (Please Print)	Authorized Business Entity Representative's Signature
Business Entity Name	Date
E-Mail Address	

As a business entity, the project sponsor must perform/provide each of the following. The project sponsor should check each to verify completion/submission of all of the following:

- ❒ Enroll and participate in the E-Verify federal work authorization program (Website: http://www.dhs.gov/files/programs/gc_1185221678150.shtm; Phone: 888-464-4218; Email: e-verify@dhs.gov) with respect to the employees hired after enrollment in the program who are proposed to work in connection with the services required herein; AND

- ❒ Provide documentation affirming said company's/individual's enrollment and participation in the E-Verify federal work authorization program. Documentation shall include EITHER the E-Verify Employment Eligibility Verification page listing the project sponsor's name and company ID OR a page from the E-Verify Memorandum of Understanding (MOU) listing the project sponsor's name and the MOU signature page completed and signed, at minimum, by the project sponsor and the Department of Homeland Security – Verification Division. If the signature page of the MOU lists the project sponsor's name and company ID, then no additional pages of the MOU must be submitted; AND

- ❒ Submit a completed, notarized Affidavit of Work Authorization provided on the next page of this Exhibit.

EXHIBIT _, continued

AFFIDAVIT OF WORK AUTHORIZATION:

The project sponsor who meets the section 285.525, RSMo, definition of a business entity must complete and return the following Affidavit of Work Authorization.

Comes now _____(Name of Business Entity Authorized Representative) as _____ (Position/Title) first being duly sworn on my oath, affirm_____(Business Entity Name) is enrolled and will continue to participate in the E-Verify federal work authorization program with respect to employees hired after enrollment in the program who are proposed to work in connection with the proposed Land and Water Conservation Fund project with the State of Missouri for the duration of the contract(s), if awarded in accordance with subsection 2 of section 285.530, RSMo. I also affirm that_____(Business Entity Name) does not and will not knowingly employ a person who is an unauthorized alien in connection with the proposed Land and Water Conservation Fund project for the duration of the project period, if awarded.

In Affirmation thereof, the facts stated above are true and correct. (The undersigned understands that false statements made in this filing are subject to the penalties provided under section 575.040, RSMo.)

Authorized Representative's Signature	Printed Name
Title	Date
E-Mail Address	E-Verify Company ID Number

Subscribed and sworn to before me this_____of_____. I am
(DAY) (MONTH, YEAR)

commissioned as a notary public within the County of_____, State of
(NAME OF COUNTY)

_____, and my commission expires on_____.
(NAME OF STATE) (DATE)

Signature of Notary	*Date*

EXHIBIT _, continued

(Complete the following if you have the E-Verify documentation and a current Affidavit of Work Authorization already on file with the State of Missouri. If completing Box C, do not complete Box B.)

BOX C – AFFIDAVIT ON FILE - CURRENT BUSINESS ENTITY STATUS

I certify that_____(Business Entity Name) **MEETS** the definition of a business entity as defined in section 285.525, RSMo, pertaining to section 285.530, RSMo, and have enrolled and currently participates in the E-Verify federal work authorization program with respect to the employees hired after enrollment in the program who are proposed to work in connection with the Land and Water Conservation Fund project with the State of Missouri. We have previously provided documentation to a Missouri state agency or public university that affirms enrollment and participation in the E-Verify federal work authorization program. The documentation that was previously provided included the following.

- ✓ The E-Verify Employment Eligibility Verification page OR a page from the E-Verify Memorandum of Understanding (MOU) listing the project sponsor's name and the MOU signature page completed and signed by the project sponsor's and the Department of Homeland Security – Verification Division
- ✓ A current, notarized Affidavit of Work Authorization (must be completed, signed, and notarized within the past twelve months).

Name of **Missouri State Agency** or **Public University*** to Which Previous E-Verify Documentation Submitted:

_____

(*Public University includes the following five schools under chapter 34, RSMo: Harris-Stowe State University – St. Louis; Missouri Southern State University – Joplin; Missouri Western State University – St. Joseph; Northwest Missouri State University – Maryville; Southeast Missouri State University – Cape Girardeau.)

Date of Previous E-Verify Documentation Submission: _____

Previous **Bid/Contract Number** for Which Previous E-Verify Documentation Submitted: _____
(if known)

Authorized Business Entity Representative's Name (Please Print)	Authorized Business Entity Representative's Signature
E-Verify MOU Company ID Number	E-Mail Address
Business Entity Name	Date

FOR STATE USE ONLY

Documentation Verification Completed By:

Buyer	Date

TEMPLATE FINANCIAL ASSURANCE LETTER

(This letter should be on Letterhead)

Date

LWCF Planner
Grants Management Section
Missouri State Parks
PO Box 176
Jefferson City, MO 65102-0176

RE: Financial Assurance for LWCF Proposal *(insert project name as entered on question 54 of the project application)*

To Whom It May Concern:

I, the undersigned as the Chief Financial Officer of *(insert name of agency)*, confirm that our governing body *(insert name of governing body, such as park board, county commission, etc.)* has formally committed the required matching funds for completion of the above referenced project and has made those funds available. Furthermore, I confirm that *(insert name of agency)* is committed to completing the project within the timeframe outlined by the grant agreement and maintaining the project in perpetuity for the benefit of public outdoor recreation.

OR

I, the undersigned as the Chief Financial Officer of *(insert name of agency)*, confirm that our agency has the required matching funds available for completion of the above referenced project. Furthermore, I confirm that *(insert name of agency)* is committed to completing the project within the timeframe outlined by the grant agreement and maintaining the project in perpetuity for the benefit of public outdoor recreation.

Sincerely,

(insert Chief Financial Officer's name and signature)

TEMPLATE SCHOOL/COMMUNITY AGREEMENT

We, the undersigned, representing the school district of_____*(insert name of school district)*_____located at _____*(insert address)*_____in the City/Community of_____*(insert name of community)*_____, certify that the City/Community of____*(insert name of community)*_____has been informed and is in agreement with the objectives and goals the grant project proposal of_____*(insert name of project)*_____.

We further certify that:

The undersigned city/community will be made aware of on-going planning for this project and given the opportunity for review.

The undersigned community will have an opportunity to review the plans for operation of the proposed facilities.

Every effort will be made to encourage the general public to use the facilities.

Exclusive school use of the proposed facilities for instruction and competition is permitted as long as the facilities are kept open for general public use at reasonable hours and times of the year according to the type of area and facility. The proposed schedule of hours of operation for general public use and the proposed hours scheduled for school activities is attached hereto and is hereby made part of this agreement.

The hours of operation and the hours open for general public use will be clearly posted at the facility at all times. Changes in the hours for school activities and hours open for general public use will be reviewed by the undersigned community.

School Representative Name _____
School Representative Title _____
School Representative Signature _____ Date_

Name of City/Community _____
Community Representative Name _____
Community Representative Title _____
Community Representative Signature _____ Date_

Notary Signature_____ Date_____

TEMPLATE LETTER TO USFWS

(This letter should be on Letterhead)

Date

Missouri Ecological Services Field Office
U.S. Fish & Wildlife Service
101 Park Deville Drive, Suite A
Columbia, MO 65203-0057

Subject: Request for Information
(Sponsor Name Question #1) – *(Title of Project Question #54)*
Land & Water Conservation Fund Grant Application
USFWS Consultation Code: *(Found on IPaC Report)*

Dear Field Office:

The *(Sponsor Name Question #1)* is currently preparing a grant application for the Land & Water Conservation Fund through the National Park Service administered in Missouri by the Department of Natural Resources Division of State Parks. The *(Title of Project Question #54)* is the *(brief detailed scope of work including tree removal if applicable)*. The *(Name of the Park)* located in *(Name of City)*, *(Name of County)*, Missouri. As required, the attached on-line Information, Planning and Conservation (IPaC) report was generated for the project on *(Date the IPaC Report was generated)*.

The IPaC report identifies *(state number of bats on report)* federal listed bat species that should be considered in an effects analysis including the *(list bat species from IPaC Report)*. In addition *(list all other species on IPaC and if they are threatened, endangered or a candidate species)*, was also listed in the report. *(Number of trees to be removed)* trees will need to be removed from the project area in order to construct *(list what will be constructed where trees are moved)*. To minimize potential effects to federal listed bat species, the City has committed to removing trees only during the inactive bat roosting season between November 1 and March 31. *(State if you will be replanting trees). (State how you will be affecting the other species listed on the IPaC Report).*

(*Name of City*) requests your review to determine if the proposed project may have an adverse effect of Federal listed endangered & threatened species and or designated critical habitat. If you have any questions or require additional information, please contact me at *(phone number)* or *(email address).*

Sincerely,

(insert name and signature for individual conducting environmental review)

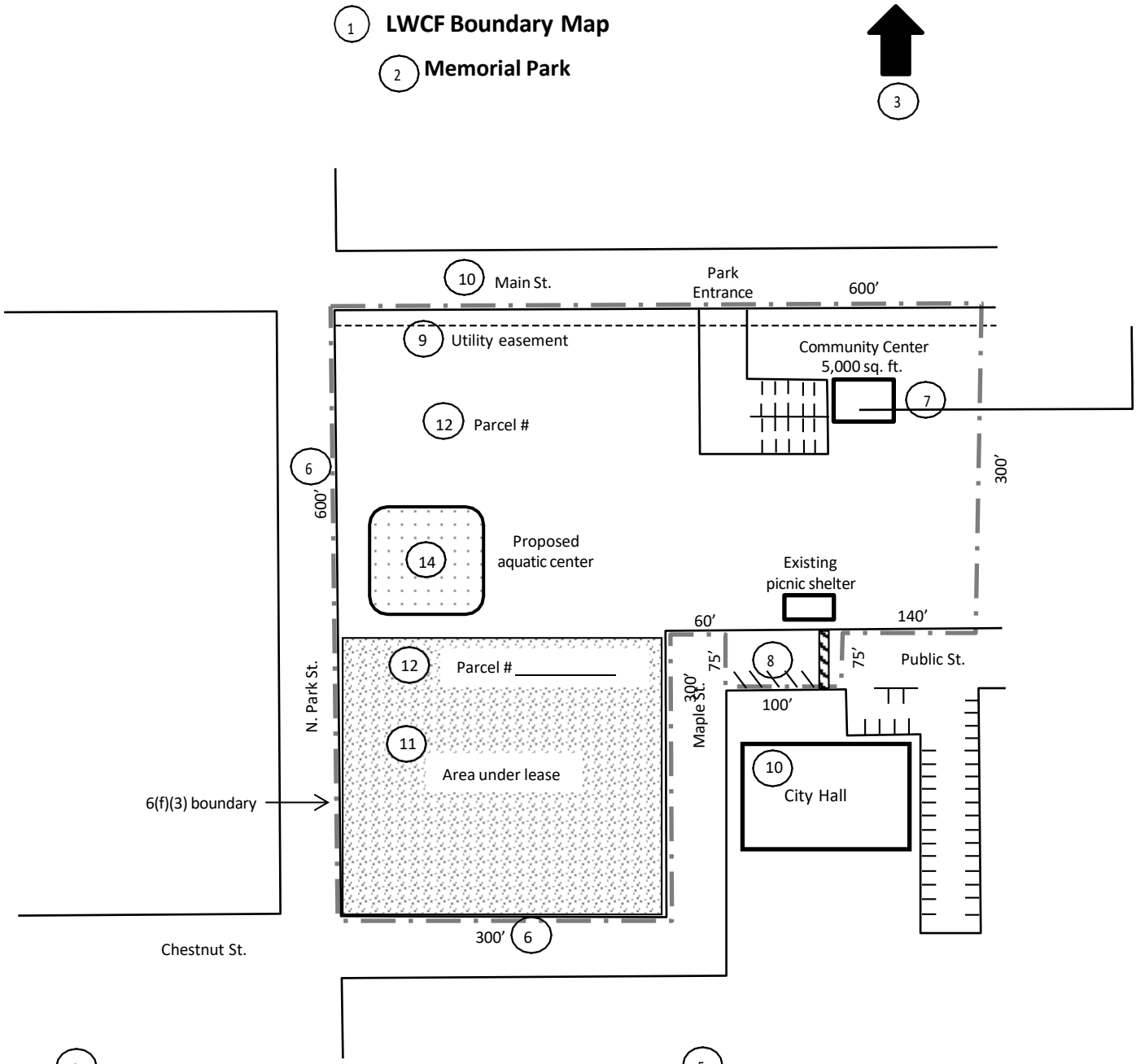
Enclosures
- *IPaC Report*
- *LWCF Boundary Map*
- *Affected Project Area that shows which trees will be removed*
- *Location Map that gives address of Park, Latitude, Longitude, Township, Range and Section)*

SECTION IV. CREATING AN LWCF BOUNDARY MAP

When applying for a LWCF grant, project sponsors must submit a signed and dated project boundary map which clearly delineates the area to be protected under the LWCF Act. **Land identified within the LWCF boundary must be retained in perpetuity for public outdoor recreation use.** Generally this area includes the entire park or project area where recreation is being developed, except in unusual cases where it can be shown that a facility within an area is clearly self-sustaining (and accessible) without reliance on the surrounding area. The project area must be readily accessible through a public corridor (i.e. parking lot, street, permanent public easement, etc.). **Maps should be no bigger than 11" x 17".** Maps may be drawn on a satellite or aerial image. **Full-color images are preferred.** Use the checklist below to ensure all the required elements have been included on your LWCF boundary map, and refer to the boundary map template on page 17 that shows a numeric legend of the corresponding elements. The numerical grid provided only as a reference to help identify each element and does not need to be reproduced on the boundary map you submit with your application.

- ❑ 1. Title the map as "LWCF Boundary Map."
- ❑ 2. Include the name of the park, site or project.
- ❑ 3. Include a north arrow.
- ❑ 4. Provide a signature and date on the map by the individual authorized in the resolution.
- ❑ 5. Include the date of map preparation.
- ❑ 6. Clearly indicate dimensions of the park area with measurements in feet on each side to effectively illustrate the area that will be under LWCF protection. The map needs to indicate entrance/access point(s).
- ❑ 7. If applicable, identify any pre-existing uses (buildings/non-outdoor recreation facilities) that do not support outdoor recreation and that should be excluded from LWCF protection. Include the square footage of the non-supporting facility orarea footprint. Subtract this square footage from the total square feet of the area to be protected under by the LWCF boundary.
- ❑ 8. If applicable, include any area or resource upon which the project is dependent, even if the area/resource was not included in the project scope. An example of this would be an existing parking lot that provides the sole access to a picnic area that is being developed with a LWCF grant. The parking lot would need to be included in the LWCF boundary and its footprint added to the total square footage.
- ❑ 9. If applicable, indicate any outstanding rights and interest in the area, including easements, deed/lease restrictions, reversionary interests, rights-of-way, utility corridors, potential mortgages, etc.
- ❑ 10. Indicate adjacent street names, bodies of water and any other features that could be used as identifying landmarks.
- ❑ 11.If applicable, indicate any areas under lease with term of at least 25 years remaining on the lease.
- ❑ 12. Indicate assessor's parcel number(s).
- ❑ 13. Provide the latitude and longitude of the project entrance. Use decimal degrees (ex: 38.5573/-92.15260)
- ❑ 14. Indicate the location of the development/renovation project in relation to existing facilities, if applicable.
- ❑ 15. Convert the total square footage to acreage and indicate total acreage within the LWCF boundary. The acreage identified on the boundary map must be consistent with the acreage identified in Question #15 on the application form.

LWCF Boundary Map Template



4 _____

Signature & date of authorized individual

5 _____

Date of map preparation

13 _____

Latitude & longitude of park entrance

15 _____

LWCF boundary acreage

SECTION V. GRANT APPLICATION INSTRUCTIONS

A) Step One: Download and complete an electronic application by answering each question as fully as possible. Try to answer the questions in the space allotted for the question (if you need to attach supplemental sheets, the application will still be accepted). An electronic application form has been created for your convenience at https://mostateparks.com/page/61215/land-and- water-conservation-fund-lwcf-grants. Project sponsors will need Adobe Acrobat Reader, which is available for free download at https://get.adobe.com/reader/. Once a project sponsor has filled out the form, he/she will need to save it to their computer and print it off. **Hand-written applications will not be accepted.** Project sponsors may email (mspgrants@dnr.mo.gov) their draft application to GMS staff for a courtesy review, if submitted by October 19, 2022.

B) Step Two: Use the Supporting Documentation Checklist on pages 9-10 and the LWCF Boundary Map Checklist on page 19 to ensure that the application packet is complete. Do not submit boundary maps larger than 11"x17." Photos should be submitted; ensure two copies are included. **No Staples or 3 ring binders, use binding clips or paperclips**. For questions about an application packet or the process, call (573)751-8661 or email mspgrants@dnr.mo.gov.

C) Step Three: Mail **two (2) copies** of the application and supporting documentation to the Grants Management Section (address below). Applications must be postmarked on or before November 16, 2022. You are encouraged to make double-sided copies to conserve on paper and space.

It is highly recommended that project sponsors submit their application packet prior to the deadline date. This will allow GMS staff opportunity to contact project sponsors if information is missing from their packet or is inaccurate, and will subsequently allow project sponsors time to rectify omissions or inaccuracies. **If the application packet arrives by the deadline date, but it is missing required documentation, or is substantially incomplete, the project will be deemed ineligible for scoring.**

Mail two hard copies of the application packets to:

Missouri Department of Natural Resources
Division of State Parks
Grants Management Section
Attn: LWCF Planner
PO Box 176
Jefferson City, MO 65102-0176

If you need a physical address to mail the application, please send it to:

Missouri Department of Natural Resources
Division of State Parks
Grants Management Section
Attn: LWCF Planner
1659 E. Elm Street
Jefferson City, MO 65101

SECTION VI. PROJECT APPLICATION QUESTIONS

The following section provides a description of the information needed for each question on the Project Application, explains the purpose of each question and indicates which questions have point values assigned to them.

Questions 1-8 are general questions pertaining to the agency (project sponsor) responsible for incurring costs and completing the project. No points have been attributed to this section.

- **Question U.S. Armed Forces -** To be filled out by the application preparer about themselves and their family members.
- **Question 1, AGENCY** – this is the name and address of the agency that is requesting grant funds and will be responsible for administering the grant, if awarded. This question also asks you to provide contact information for the receiving official, or the person who is authorized to accept grant funding on behalf of your agency. This name should be the individual that is named in the Resolution.
- **Question 2, UNIQUE ENTITY IDENTIFIER (UEI)** – all agencies that apply for federal grants are required to have a UEI number, a unique 12-character alphanumeric number assigned to that individual agency. The federal government uses this number to track how federal money is allocated. To request a UEI number, visit https://sam.gov/content/home . The process is free.
- **Question 3, APPLICATION PREPARER** – if the person who prepared the application is different from the project contact person, please provide name and contact information. If there is an issue with the application, the application preparer will be contacted.
- **Question 4, PROJECT CONTACT PERSON** – if the grant is awarded, the individual listed will be the primary contact and is expected to be aware of the LWCF grant requirements. If the contact person changes at any time during the life of the project, please contact the Grants Management Section (GMS) and provide the name of the new contact person.
- **Questions 5-7, LEGISLATIVE INFORMATION** – list the federal and state legislators and their districts in which the project is located. If the project is awarded, GMS staff will send notice to the legislators as a courtesy. For US congressional districts visit http://www.house.gov/representatives/. For state legislative districts, visit http://www.house.mo.gov/ and http://www.senate.mo.gov/.
- **Question 8, REGIONAL PLANNING COUNCIL** – GMS staff notifies the regional planning councils (RPC) when a project has been awarded funding in their respective region. To determine the appropriate RPC, visit http://macog.org/regional-council-rpcs/. The RPC can also be a source to help fill out this application and Environmental Resource Survey.

Questions 9-11, PROJECT SPONSOR'S BACKGROUNDAND PRIOR PERFORMANCE (10 POINTS). This section asks the project sponsor to provide information about its organization. The GMS uses the information to evaluate your organization's performance history. If your project is selected for a pre-award site inspection, the information will also be used to assist in the GMS's risk assessment (at that time, you will be asked to provide additional information to assess risk pursuant to 2 CFR 200.206 such as copies of your most recent audit and copies of accounting and procurement policies).

- **Question 9, PROJECT APPLICANT IS –** In order to ensure that the applicant is eligible to apply for LWCF grant funds, please indicate the category that describes your organization.
- **Question 10, DESCRIBE THE PROJECT SPONSOR'S ORGANIZATION –** Indicate in years how long your organization has been in existence. If your organization is less than one year old, please specify the date it was established. This question also asks you to indicate your organization's annual operating budget, how many full-time and part-time people are employed by the organization, if a board oversees the organization, and if you use volunteers. Please make sure to fill this information out based on the agency listed in Question 1.
- **Question 11, PRIOR PERFORMANCE-** The questions in this section ask you about your prior grant history with the Department of Natural Resources. Please answer these questions based on the last ten years of experience.

Questions 12-28, PROJECT LOCATION AND LWCF BOUNDARY INFORMATION (10 POINTS). This section asks project sponsors to provide information about the property that, if funded, will be encumbered pursuant to the LWCF Act.

- **Question 12, PARK OR SITE NAME –** What is/will be the name of the park. Provide locational information for the park, including the address, section/township/range, and latitude/longitude (should match the information on the LWCF Boundary Map).

- **Question 13, LEGAL DESCRIPTION OF THE PROPOSED LWCF BOUNDARY –** This question asks you to provide the legal description of the LWCF Boundary (the area that will be encumbered pursuant to the LWCF Act if the project is funded). This information will be used when recording the Declaration of Deed Restriction to the deed at the end of the project. If your property does not have a current legal description (for example, the original records were burned in a fire or the legal description on record references markers that no longer exist), please contact a land surveyor and have a new description prepared. Please make sure to attach the official legal description to the application.

- **Question 14, IS THE PROPOSED LWCF BOUNDARY THE SAME AS THE BOUNDARY OF THE PARK/RECREATION AREA AS IT EXISTS IN TOTALITY? -** Please answer yes or no. If you answer no, please explain why you are requesting to encumber less than the full acreage of the park. Please be sure that any area excluded from the boundary is also reflected in the LWCF boundary map.

- **Question 15, LWCF SITE HISTORY AND ACREAGE –** Indicate if this park is already a LWCF protected park. If it is, what is the current acreage for the entire site? If no, what will be the total acreage that will be encumbered under the LWCF Act if the grant is awarded? Your response should match the information on the LWCF Boundary Map.

- **Question 16, WILL THE PROPOSAL CREATE A NEW PARK/RECREATION AREA WHERE NONE PREVIOUSLY EXISTED? –** Indicate yes or no. If it will, please explain what the property is currently used for and why it was chosen for use as a park.

- **Question 17, IF THIS IS AN EXISTING LWCF SITE, HAS THE PARK NAME CHANGED SINCE THE LAST GRANT? –** Indicate yes or no. If yes, list the project numbers of the previous grants. If the name has changed since first being awarded, please provide a list of all of the park's prior names and why the name was changed.

- **Question 18, IS THE PROPOSED PROJECT LOCATED IN A FLOODPLAIN? -** To determine if your project is in a floodplain or special flood hazard area, use the FEMA Flood Map Service Center (https://msc.fema.gov/portal). Add the park address into search and click "Search." Zoom the map in or out to include the entire park on the map. Click on the red pin to move it into the project area, click a second time to add it to project area. Once the map and pin show the park, click on "Dynamic Map." Once a .pdf has been created, download and print the Floodplain Map. If you determine your project is within a floodplain or special flood hazard area, you must obtain a floodplain development permit from the local floodplain authority (i.e., community or county). For a list of communities and counties participating in the NFIP, see
- https://www.fema.gov/cis/MO.html. In some instances, the community or county may require a No-Rise Certification before a permit is issued. In the space provided, indicate if your project is in a floodplain or special flood hazard area and submit a copy of the floodplain map for your project area. If a permit is required, and it is already obtained, state the name of the permit and attach a copy. List the commitments required by the permit or, if the permit is not yet in-hand, include a commitment to obtain the permit prior to construction and to follow the conditions of the permit. If flood insurance is required, please provide proof of insurance. If a permit is required it will also need to be listed in Question 82.

- **Question 19, IS YOUR SITE CONTIGUOUS WITH OR CONNECTED TO ANY FEDERALLY OWNED RECREATION AREA?** –Indicate yes or no. If your site is located contiguous with or connected to a federally owned recreation area, please provide the name of the land managing agency and name of the federal property.

- **Question 20, IS YOUR SITE PART OF A LARGER LAND MANAGEMENT AREA, SUCH AS A GREENWAY OR REGIONAL RECREATION AREA?** – Indicate yes or no. If it is part of a larger land management area, explain its relationship to that area. For example, is it owned by the same agency? Does it share a master plan? Do the same people manage the property?

- **Question 21, DESCRIBE THE EXISTING SITE CONDITIONS, INCLUDING UNSAFE AND HAZARDOUS CONDITIONS. –** Provide a written description of the current site, include the size of the project area. Describe any unsafe and hazardous conditions with the park. To help illustrate where the project will be located, include photographs. For example, if the project is the replacement of an existing playground to improve accessibility, you could describe what the site looks like, the age and condition of the existing equipment and include photographs of the existing equipment to show that it is old/deteriorated and not accessible. You could show photographs of the playground surfacing that you plan to replace, and photographs showing the accessible route (or lack of) from the accessible parking lot to the play area.

- **Question 22, EXPLAIN WHY THE SITE IS SUITABLE FOR THE TYPE OF OUTDOOR RECREATION PROPOSAL BEING SUBMITTED. –** Explain why this site is suitable for the type of outdoor recreation proposal being submitted.

- **Question, 23, DOES THE SITE INCLUDE ANY ELEMENTS THAT VISUALLY DETRACT FROM THE OUTDOOR RECREATION EXPERIENCE OR THAT REPRESENT A POTENTIAL PUBLIC SAFETY HAZARD? –** Indicate yes or no. If yes, please explain these concerns and whether the project will address these concerns. For example, does the project area have overhead utilities? Will the utilities be placed underground as part of the project?
- **Question 24, PLEASE PROVIDE THE NAME OF THE PROPERTY OWNER AS STATED ON THE DEED. –** Provide the name as it is stated on the deed. If there are multiple parcels associated with the property located within the LWCF Boundary area, please provide information for each parcel along with a copy of each deed.

- **Question 25, WHAT IS/WILL BE THE APPLICANT'S TYPE OF OWNERSHIP/CONTROL OF THE PROPERTY? –** From the list provided, indicate if the project sponsor owns the property fee simple, less than fee simple, or if the property is being leased from another government agency. If the ownership is less than fee simple, explain what rights the applicant has and what agency holds the underlying fee simple ownership. If the property is being leased, does the lease include approval requirements related to recording the recreational use lease amendment? The landholder must be an eligible applicant, such as a government agency or school district, and the lease agreement must be for at least 25 years to qualify for LWCF grant funds.

- **Question 26, PLEASE LIST ALL PRESENT EXISTING AND REASONABLY ANTICIPATED LIENS OR MORGAGES OR BOTH, ON THE PROPERTY, AND THE EFFECT ON THE RECREATIONAL EASEMENT THAT WILL BE REQUIRED.** – Identify outstanding mortgages, loans, etc., amount still owed, and describe how these will affect the current project. If a loan will be required to complete this grant, please include how much you anticipate borrowing and for what duration.

- **Question 27, ARE THERE ANY RIGHT-OF-WAY, EASEMENTS, OR REVERSIONARY INTERESTS ASSOCIATED WITH THE PROPERTY? -** Because the property located within the LWCF Boundary will be dedicated to public outdoor recreation use in perpetuity, it is important to identify any parties who may have a superior interest. Please list all right-of-way, easements, or reversionary interests associated with the site. The easements and right-of-way should be displayed on the LWCF boundary map.

- **Question 28, HOW DID YOU DETERMINE IF THERE WERE ANY RIGHT-OF-WAY, EASEMENTS, LIENS/MORGAGES, OR REVERSIONARY INTERESTS?** – Project sponsors are required to either conduct a title search to identify these superior interests (preferred method) or research the property themselves. Please certify that a search was conducted of the property in one of the two ways indicated on the application form. Provide a copy of the title search or the research collected that helped you determine any superior interest in the property. If acquisition of land is part of the application, a title search must be conducted to fulfill the requirements of the Uniform Act.

Questions 29-34: PROPERTY MANAGEMENT ANDSTEWARDSHIP (10 POINTS). This section asks project sponsors to provide information about how the property will be managed.

- **Question 29, WHO WILL MANAGE AND OPERATE THE SITE? –** Indicate who will manage and operate the site. For example, the Missouri City Parks and Recreation Department.

- **Question 30, IS THIS A MULTI-USE SITE? –** Indicate if this site serves more than one purpose. For example, is the site also a school, reservoir, or state wild area? If the site does serve multiple purposes, explain how often the public will have access to the proposed recreation area. Explain any kinds of restrictions to public outdoor recreation that will occur.

- **Question 31, ARE THERE ANY PRE-EXISTING OR PLANNED INDOOR FACILITIES ON SITE THAT WOULD NOT THEMSELVES BE ELIGIBLE FOR LWCF GRANT FUND? –** Indicate yes or no if there are any pre-existing or planned indoor facilities on site that would not themselves be eligible for LWCF grant funds. LWCF assistance will not be provided for support facilities or portions thereof that contribute primarily to public indoor activities such as: meeting rooms; auditoriums; libraries; study areas; restaurants; lodges; motels; luxury cabins; furnishings; food preparation equipment; kitchens; and equipment sales areas. Bathhouses, public restrooms, maintenance sheds, etc., are potentially eligible for LWCF assistance since their basic function is to provide support for outdoor recreation facilities. If one of these facilities already exists or is planned, in the space below the question, please describe and explain how/if the structure(s) support public outdoor recreation.

- **Question 32, ARE THERE ANY PRE-EXISTING OR PLANNED RESOURCE MANAGEMENT PRACTICES (I.E. TIMBER MANAGEMENT, GRAZING, ETC.)? –** Indicate yes or no if there are any pre-existing or planned resource management practices, such as timber management or grazing. If yes, describe the nature of the practice, the anticipated duration, and how the practice supports outdoor recreation.

- **Question 33, ARE THERE ANY PRE-EXISTING OR PLANNED USES ON SITE THAT ARE INCOMPATIBLE WITH LWCF REQUIREMENTS THAT SHOULD BE EXCLUDED FROM THE LWCF BOUNDARY? –** Indicate yes or no if there are any pre-existing or planned uses on site that are incompatible with LWCF requirements that should be excluded from the LWCF boundary. If there are, please describe the nature of the use and ensure it is clearly depicted on the proposed LWCF map. Clarify whether the future intent is for the area to become subject to LWCF once the use is terminated, or if the intent is for the use to continue within the park in perpetuity.

- **Question 34, PROVIDE A DETAILED POST-COMPLETION PLAN OF HOW THE PROJECT WILL BE MANAGED AND MAINTAINED IN PERPETUITY. –** Project sponsors should demonstrate sufficient funding and labor to maintain public access to the project in perpetuity. Additionally, sponsors should indicate their post-completion plan for ensuring user safety and project sustainability for the life of the project and describe how routine maintenance of the project will be accomplished after project completion. Include who will perform the maintenance and necessary repairs and how often maintenance inspections will occur.

Questions 35-53: ACQUISITION OF REAL PROPERTY (QUESTIONS 35-59 ARE WORTH 20 POINTS). This section asks project sponsors to provide information about how the property that is being acquired as part of the project. If property is being acquired (whether by purchase, donation, or lease), this section must be completed. If you are not acquiring property as part of the project, you can complete question 35 and skip the rest of this section.

- **Question 35, WILL REAL PROPERTY BE ACQUIRED AS PART OF THIS PROJECT (INCLUDING PURCHASE OR DONATION)? –** Indicate yes or no if real property will be acquired as part of the project (this includes purchase, donation, or lease). If acquisition is not part of this project, indicate no, and skip to question 54.

- **Question 36, WHY IS THIS ACQUISITION (WHETHER ATTAINED VIA PURCHASE OR DONATION) NEEDED? –** Please explain why acquisition is required for this project.

- **Question 37, DESCRIBE THE EXISTING RESOURCES AND FEATURES OF THE SITE THAT MAKE IT DESIREABLE FOR PUBLIC OUTDOOR RECREATION. –** Please explain why this site is desirable for public outdoor recreation. What existing resources and features made you chose this site?

- **Question 38, EXPLAIN HOW YOU ENVISION THIS ACQUISITION CONTRIBUTING TO OUTDOOR RECREATION IN THE LONG TERM. -**Please provide an explanation of how you envision this acquisition contributing to outdoor recreation in the long term.

- **Question 39, PARCEL NAME –** What is the name of the parcel of property being acquired?

- **Question 40, PARCEL SIZE –** Please indicate the size of the parcel in acres.

- **Question 41, PARCEL VALUE –** What is the value of the land? The value should be based on an appraisal that meets the Uniform Appraisal Standards for Federal Land Acquisition (http://www.justice.gov/enrd/land-ack/Uniform-Appraisal-Standards.pdf) and Title 49 CFR Part 24 (https://www.ecfr.gov/current/title-49/subtitle-A/part-24) that was conducted by a certified general appraiser and a technical review of the appraisal has been performed by a qualified review appraiser. The appraisal should be less than six months old. If the property is valued at less than $10,000, a waiver valuation can be completed by a qualified professional and used in lieu of an appraisal. Please include a copy of the appraisal and review appraisal and/or waiver valuation with this application. For a list of certified appraisers, visit https://www.asc.gov/Pages/FindAnAppraiser.aspx.

- **Question 42, ANTICIPATED ACQUISITION DATE –** What date do you intend to acquire the property?

- **Question 43,** Please affirm which statement is true: **A STATE-CERTIFIED REVIEW APPRAISER HAS REVIEWED THE APPRAISAL AND HAS DETERMINED THAT IT WAS PREPARED IN CONFORMITY WITH THE UNIFORM APPRAISAL STANDARDS FOR FEDERAL LAND ACQUISITIONS** or **A QUALIFIED PROFESSIONAL HAS PREPARED A WAIVER VALUATION FOR THIS PROPERTY IN CONFORMITY WITH 49 CFR 24.102(C)(D)(ii).** This statement must be supported by the documentation requested in question 41.

- **Question 44, FROM WHOM IS THE PROPERTY BEING PURCHASED? –** What is the name of the seller or donor? Include their letter of intent to sell/donate/lease the property.

- **Question 45, ARE ANY BUILDINGS OR STRUCTURES BEING PURCHASED ALONG WITH THE PROPERTY? –** Indicate yes or no if there are any buildings or structures being purchased along with the property. If yes, please describe what is planned for these structures and whether the grant-funded project includes the value of these structures.

- **Question 46, HOW WILL THE SITE BE MADE OPEN AND ACCESSIBLE FOR PUBLIC OUTDOOR RECREATION USE (SIGNAGE, ENTRIES, PARKING, SITE IMPROVEMENTS, ALLOWABLE ACTIVITIES, ETC.)?** - Please explain how the site will be made open and accessible for public outdoor recreation use. Describe planned signage, entries, parking, site improvements, allowable activities, etc.

- **Question 47, WHEN WILL ACCESS TO THE SITE FOR PUBLIC OUTDOOR RECREATION BECOME AVAILABLE? –** Please provide an anticipated date for when the site will be made open and available for public outdoor recreation use.

- **Question 48, DESCRIBE DEVELOPMENT PLANNED FOR THE SITE(S) FOR THE THREE (3) YEARS FOLLOWING ACQUISITION. –** Please describe the development planned for the site(s) for the three years following acquisition. As this will affect the National Historic Preservation Act and National Environmental Policy Act Compliance, please focus on what you reasonably expect to accomplish.

- **Question 49, IF DEVELOPMENT WILL BE DELAYED BY MORE THAN THREE YEARS FROM GRANT CLOSE, EXPLAIN WHY THIS ACQUISITION IS STILL A PRIORITY FOR GRANT FUNDING AT THIS TIME AND WHAT ABILITY THE PUBLIC WILL HAVE TO USE THIS SITE IN THE INTERIM. –** If development will not be delayed for more than three years from the grant close, indicate when development will be complete. If it will not be complete in that time, explain why this acquisition is still a priority for grant funding at this time and what ability the public will have to use the site in the interim.

- **Question 50, IS THIS ACQUISITION AN ADDITION TO AN EXISTING PARK OR OTHER RECREATION AREA? –** Indicate yes or no if this acquisition is connected to an existing park or other recreation area. If yes, how will it support and enhance that existing park?

- **Question 51, IS THE PROPERTY BEING ACQUIRED UNDER THREAT OF CONDEMNATION? –** Indicate yes or no if this property is being acquired under threat of condemnation. If yes, please explain.

- **Question 52, WAS THE PROPERTY LISTED FOR PUBLIC SALE? –** Indicate yes or no if this property was listed for public sale. If yes, please explain how the property owner was made aware of the grant sponsor interest in the property.

- **Question 53, DOES THIS PROJECT INVOLVE DONATED PROPERTY? –** Indicate yes or no if this project involves donated property. If yes, include evidence that the seller was offered the fair market value of the property as just compensation andwillingly chose/is choosing to donate the property instead. If the donation is subject to a waiver of retroactivity, the evidence must pre-date the donation. Please explain your response.

Questions 54-59: PROJECT DEVELOPMENT AND SCOPE OF WORK (QUESTIONS 35-59 ARE WORTH 20 POINTS). This section asks project sponsors to provide information about the construction work taking place as part of the project.

- **Question 54, PROJECT NAME** – Provide a <u>short</u> name and include the current phase, if the project is being completed in phases; for example, "Memorial Park Aquatic Center Development, Phase I." The project name will be how the project is referred to on the project agreement, project budget, reimbursement requests, quarterly reports, and inspection reports.

- **Question 55, WHAT NEW FACILITIES WILL BE CONSTRUCTED AS PART OF THE PROJECT? –** What facilities are being constructed as part of this project? Only discuss new facilities that are being added in the project area.

- **Question 56, WHAT EXISTING FACILITIES WILL BE RENOVATED OR REPLACED (SPECIFY WHICH) AS PART OF THE PROJECT?** – If this is a renovation project, please indicate what existing facilities will be renovated or replaced (specify which) as part of the project. Indicate when the project was initially constructed and when it was last renovated. If the project was

constructed or renovated using LWCF funds, please indicate the year(s) and project number(s). The project number will be a seven-digit number beginning with the number 29 (29-xxxxx) and can be located on the project agreement. Contact GMS staff if you have difficulties determining the project number.

- **Question 57, WHAT GENERAL SITE IMPROVEMENTS (I.E. DEMOLITION, SITE PREPARATION, LANDSCAPING, HABITAT IMPROVEMENTS, ETC.) WILL BE COMPLETED AS PART OF THIS PROJECT? –** Please describe what general site improvements will take place as part of the project. This includes any demolition, site preparation or grading, landscaping, habitat improvements, utilities, or other site improvement activities. If soil is being added to the project area, where is the soil coming from? If soil is being removed, where will it be disposed at? How deep will you dig to bury utilities? How deep will you dig to prep the site for accessible routes, foundations, or playground surfacing?

- **Question 58, WHAT IS THE ANTICIPATED LIFE SPAN OF THE FACILITIES THAT WILL BE FUNDED AS PART OF THIS PROJECT? –** Please tell us what is the anticipated life span of the facilities that will be funded as part of this project.

- **Question 59, PROVIDE A DETAILED PROJECT NARRATIVE** – The project narrative is one of the most important elements in the application and is the sponsor's opportunity to explain in detail the components of the project. In the narrative, project sponsors should answer the following questions:
  - **What is being constructed, rehabilitated/repaired and/or acquired?** Describe ALL aspects of the project that this grant will be funding. Give as much detail as possible including the dimensions of facilities being constructed and the surface depths of disturbance. The answers that were given in Question #55-57 should be expanded on and great details should be given about each components. If the project is one phase of a larger project, indicate which phase and what will be accomplished during this phase only.
  - **Is everything listed in your budget narrative (Question #75), detailed out here?** Make sure that if you have costs listed in the budget narrative that you have talked about it here.
  - **What is the anticipated timeframe of this project, from start to finish?** Is this project "shovel-ready," where the planning stage is sufficiently advanced enough so that the project can begin as soon as funding is secured? Can the project realistically be completed within the required two-year timeframe?

Questions 60-62: PROJECT NEED (UP TO 5 POINTS) asks the sponsor to describe the need for this project. This section is the project sponsor's opportunity to demonstrate to the internal advisory committee the project's merit.

- **Question 60, PLEASE DESCRIBE BOTH THE SHORT AND LONG-TERM OUTDOOR RECREATION BENEFITS OF THIS PROJECT (include how the project is beneficial and who it benefits). –** The projects sponsors should detail out how this project was chosen and who will benefit from it. Project sponsors should answer the following questions.

- How is this project beneficial and what will it provide for users? Explain why this project is being proposed and how it will benefit the public. Is there a targeted group that will be most benefited? Does it fill a need for an underserved segment of the population? Priority will be given to projects located where they will serve neighborhoods with significant populations of underserved groups that are lacking in recreation opportunities. These underserved groups include the elderly, minority populations, low-income households, and those with physical or mental challenges. Low-income households are those with incomes at or below the Department of Health and Human Services poverty guidelines. Minority populations include the following five minority groups: Black, Hispanic or Latino, Asian American, American Indian and Alaskan Native, and Native Hawaiian or Pacific Islander. Use the U.S. Census Bureau's My Community Explorer tool (https://experience.arcgis.com/experience/13a111e06ad242fba0fb62f25199c7dd/page/Page-1/) to determine if the project area contains higher than average concentrations of these populations when compared to the rest of the community or county in which the project is located. Additionally, the Census Bureau collects data on disability through the American Community Survey and the Survey of Income and Program Participation (https://www.census.gov/sipp/). Other data resources include the KIDSCOUNT Data Center, which provides information about sociodemographic indicators such as households qualifying for the free and reduced lunch program, etc. (http://datacenter.kidscount.org/); and the Center for Applied Research and Environmental Systems (CARES), which provides the ability to create customized interactive maps from a wide range of economic, demographic, physical and cultural data for Missouri (https://cares.missouri.edu/). Project sponsors must include

available data/statistics about the local populations to be served by the park/recreation area. Refer to the Supporting Documentation Checklist on page 7.

- **Will this project be meeting a need that is currently unmet in the community or will it be addressing a recreational deficiency?**If so, indicate how and describe whether the project will be improving the quality of outdoor recreation experiences within the community or region by creating a new park/outdoor recreational area or by significantly enhancing the quality of an existing park/outdoor recreation area by upgrading the infrastructure. Priority will be given to projects located in areas where existing park/outdoor recreation areas are not of a comparable caliber to park/recreation areas elsewhere in the community or region; or whose park/recreation areas are otherwise inadequate to serve community needs. Also indicate if no other like recreational facilities or activities exist within the community or jurisdiction, and describe how this project will be introducing a new facility orrecreational activity. Describe if this project is unique in other ways, such as re-purposing a blighted area or reclaiming an area that was destroyed through a natural disaster; developing a non-traditional recreation area such as an outdoor or experiential education classroom; installing a play space made entirely of recycled or natural materials; etc. Priority will be given to projects that do not duplicate similar facilities within a close proximity or that include a unique aspect.
  - **Question 61, INDICATE THE SERVICE AREA THIS PROJECT WILL ENCOMPASS** – choose the category that best describes the service area for this project, whether it will serve a single neighborhood or multiple neighborhoods, or will serve an entire community or multiple communities in a region. If the project will serve multiple neighborhoods or communities, indicate how.

Questions 62-66: PROJECT PLANNING (UP TO 10 POINTS) asks the sponsor to demonstrate that the project is a well-planned and feasible project.

- **Question 62, DESCRIBE HOW THIS PROJECT ALIGNS WITH A SCORP PRIORITY.** – The project sponsor should indicate if the project is fulfilling a need in the Statewide Comprehensive Outdoor Recreation Plan(SCORP) for Missouri, which can be found at: https://mostateparks.com/sites/mostateparks/files/2018-2022%20Show%20Me%20the%20Great%20Outdoors_SCORP_Final.pdf . The SCORP is a five-year planning document that identifies outdoor recreation issues of statewide significance and evaluates the supply of and demand for outdoor recreation resources and facilities in Missouri. The SCORP provides unified guidance to state and municipal agencies as they develop and expand outdoor recreation opportunities for their respective constituents and jurisdictions. Priority will be given to projects that provide opportunity for programs and activities identified in the SCORP, such as opportunities for bicycling, camping, walking, running/jogging, gardening, dog walking, wildlife viewing, fishing, family gathering and youth- related activities. Project proposals to develop facilities listed as priorities in the SCORP will also be given more weight. These include community gardens, trails, outdoor aquatic facilities, campgrounds, target shooting sites, ATV/ORV riding areas, outdoor basketball courts, and sidewalks or pathways that link neighborhoods to parks and green spaces.

- **Question 63, IS THE PROJECT IDENTIFIED IN A LOCAL, SCHOOL, REGIONAL, COUNTY AND/OR PARKS COMPREHENSIVE PLAN, MASTER PLAN OR SPECIAL STUDY? EXPLAIN HOW THIS PROJECT FITS AS PART OF ANY OTHER PROJECTS PLANNED FOR THE SAME SITE IN THE NEXT THREE YEARS. –** Project sponsors are strongly encouraged to develop project applications that meet high priority needs of the intended clientele. Project proposals addressing needs at regional or local levels will be given priority points. The project sponsor should indicate if the proposed project is included in a regional or local recreation master plan, capital improvement plan, or other land use management plan. If yes, provide the name of the plan, the governing body that adopted or approved the plan, and when the plan was approved or adopted. A copy of the relevant portion of the plan must be included with the application. Refer to the Supporting Documentation Checklist on pages 9-10. Project sponsors should also explain how the project fits into other projects planned for the site in the next three years.

- **Question 64, DESCRIBE THE PROCESS THAT LED TO THE DEVELOPMENT OF THIS PROPOSAL AND HOW THE PUBLIC WAS INVOLVED. DID YOU CONSULT WITH THE PUBLIC IN THE DEVELOPMENT OF THIS PROJECT?** – Project sponsors are strongly encouraged to involve the public when determining project need. Public involvement is a means of building support for the project as well as a method for identifying potential partners. The project sponsor should describe the public involvement that led to the selection of the project, such as public meetings, open houses, surveys, etc. Supporting documentation is required (refer to the Supporting Documentation Checklist on pages 9-10). The project sponsor should also summarize any feedback or commentary received from the public that shows support for or opposition to the project and indicates the likelihood of use.

- **Question 65, WHAT DESIGN ELEMENTS ARE INCLUDED THAT CONTRIBUTE TO PRESERVING ENVIRONMENTAL RESOURCES AS PART OF ENSURING A QUALITY OUTDOOR RECREATION EXPERIENCE FOR FUTURE GENERATIONS? –** This question is asking project sponsors to describe what steps they will take to avoid impacts to cultural, historical and archaeological resources; threatened or endangered species; wetlands or streams; water and air quality; floodplains; farmlands; lands protected under the LWCF Act; etc. Other factors to consider include landscaping with native species; preventing the spread of noxious or invasive species; minimizing impacts from hazardous waste sites; and sensitivity to environmental justice issues. Project sponsors should also include any design features they will incorporate that will increase sustainability of the project, such as features that provide erosion control and minimize storm water runoff; or design elements that are unique such as use of recycled materials, developing within a smaller footprint (less concrete or asphalt), incorporating energy efficiency (such as use of timers or sensors), installing solar panels, use of graywater, collecting rainwater, etc.

- **Question 66, HOW ARE ACCESS REQUIREMENTS UNDER THE AMERICANS WITH DISABILITIES ACT (ADA) AND ARCHITECTURAL BARRIERS ACT (ABA) BEING ADDRESSED IN THIS PROJECT? DOES THE PROJECT EXCEED THE MINIMUM ADA REQUIREMENTS? –** Federal regulations regarding accessibility and outdoor recreation are promulgated under two separate statutes, the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA). The ADA is a broad federal civil rights law that prohibits discrimination based on disability. The law defines "disability" as "...a physical or mental impairment that substantially limits a major life activity." The ADA has five main sections, or "titles." Title II covers services and programs of state and local governments such as school districts, townships, cities, and counties. Title II reads in part, "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity…" For more information about ADA, the U.S. Department of Justice (DOJ) has provided an online manual that helps explain what state and local governments must do toensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner(https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.pdf).To provide guidance on how to comply with the ADA in the development of facilities, the Department of Justice has issued the 2010 ADA Standards for Accessible Design (https://www.ada.gov/2010ADAstandards_index.htm). These designs standards are minimum accessibility standards for buildings and other structures. As of March 15, 2012, compliance with these regulations is required for any new construction and any alterations to existing facilities. The 2010 ADA Design Standards contain technical specifications for building and site elements common to parks and outdoor recreation areas, such as parking, accessible routes, ramps, drinking fountains, and restrooms. It also specifies how many accessibility features must be incorporated in each facility. Sponsors are required to provide accessible parking and accessible routes to connect users to any accessible recreation-related facilities that are subject to the 2010 ADA Design Standards. Additionally, design standards have been developed for specific recreation facilities, such as boating and fishing facilities, play areas and play surfaces, sports facilities, and swimming pools. The design standards can be accessed at https://www.access-board.gov/guidelines-and-standards/recreation-facilities/guides. Project sponsors are required to comply with these design standards and are encouraged to consult with a design professional for assistance to ensure ADA compliance. Additionally, the New England ADA Center has developed a series of ADA checklists that may be useful. The checklists include design standards for parking, access routes, restrooms, fishing and boating facilities, swimming facilities, play areas, etc., and can be found at http://www.adachecklist.org/checklist.html. Explain how access requirements under the ADA and ABA are being addressed in this project. If the project will exceed the minimum ADA requirements, such as incorporating elements that will make it universally accessible, please describe how and specifically list the elements that meet universal design. Universally designed recreation experiences have characteristics that make them easier to use by everyone, including people with a variety of abilities and limitations. Designing for universal access means going beyond the minimum requirements of the ADA so that all people in the community or outside the community, including those with disabilities, may enjoy the recreation opportunities provided. Facilities that are designed according to principles of universal design are designed to be usable by everyone, to the greatest extent possible, not just people with disabilities.

- **Questions 67: PARTNERSHIPS (UP TO 2 POINTS)** asks the project sponsor to describe any partnerships and donations associated with the project.

- **Question 67, LIST ANY CONTRIBUTING PARTNERS OR DONORS INVOLVED WITH THIS PROJECT AND THEIR INTENDED CONTRIBUTIONS. –** In the "Donor" column, list any individual partners or donors who intend to contribute to the project. In the corresponding "Contribution" column, indicate what each partner or donor intends to contribute, whether it is labor, cash, materials, land or equipment. Only include partners that are truly contributing to the project in some tangible way. If vendors are listed as partners, only include vendors who will be donating cash, materials, or equipment. Do not list vendors promising to provide discounts on materials. Discounts are not considered donations and, depending on the cost threshold of materials needed for the project, acquisition of materials may need to be done through the competitive bidding process in order to comply with state and federal purchasing requirements. Reference the Supporting Documentation Checklist on pages 9-10 for the supporting documentation required for donations.

Questions 68-75: PROJECT BUDGET AND BUDGET DETAILS (UP TO 23 POINTS) asks the project sponsor to provide information about the project budget, available funding, funding yet to be secured, and to include an itemized description of budget cost categories.

- **Question 68, WHAT ASSURANCES CAN THE PROJECT SPONSOR PROVIDE THAT THERE IS ADEQUATE FUNDING AND MANPOWER TO COMPLETE THE PROJECT WITHIN TWO YEARS** – Information in this question includes assurances that the sponsor's agency has the ability to complete the project within the two-year timeframe, specifically that the sponsor has the upfront cash to begin the project and enough manpower to finish the project. The sponsor should reference supportingdocuments in their response, such as the financial assurance letter and letters from donors and/or partners. See Supporting Documentation Checklist on pages 9-10 of this guide.
- **Question 69, HOW WAS THE COST ESTIAMTE DERIVED? -** Please explain how you arrived at the cost estimate for this project. Did you use an engineer's cost analysis to get the estimated cost? Did you do research on the internet to get costs for supplies? Do not list vendor names, because you will be required to follow federal and state procurement procedures in the project is award.

- **Question 70, WHAT ASSURANCES ARE THERE THAT THE COSTS LISTED ARE REASONABLE? -** Please provide assurances that the costs listed are reasonable.

- **Question 71, DESCRIBE ANY PROJECT ELEMENTS OR COSTS THAT WILL IMPROVE SITE RESILIENCY AND FACILITY LONGEVITY, IF ANY. -** Please describe any project elements or costs that will improve site resiliency and facility longevity, if any. For example, "we chose to install concrete sidewalks over compacted rock because it will reduce the cost of maintenance by $X per year and has a lifespan of X years."

- **Question 72, FOR EACH COST CATEGORY, FILL OUT THE BELOW BUDGET TABLE WITH THE GRANT AMOUNT REQUESTED AND THE MATCHING AMOUNT PROVIDED BY THE PROJECT SPONSOR AND/OR DONOR** – in the budget table, several categories have been set up in which to enter information pertaining to the project. Separate the project costs into the specific cost categories. All project costs fall within these categories. Enter the costs for each category in the appropriate columns according to who will pay for that portion– either the grant, the project sponsor (matching funds), or a third-party donation (matching funds). Use whole dollar amounts and only enter numbers. Do not enter characters such as dollar signs, commas or decimals. The maximum grant amount that may be requested is $500,000 and the minimum amount is $25,000. The minimum amount a project sponsor is required to provide as match is 50% of the total project cost. The percent matching funds will automatically calculate by adding the applicant and donor funds to equal the total matching funds, and then by dividing the total matching funds by the total project cost. Refer to the following sample budget table. In this example, the total project cost is anticipated to be $500,000. The project sponsor is requesting $250,000 and is providing a 1:1 match. Of the matching funds, $240,000 is being provided by the project sponsor and$10,000 is being provided by a third-party donation.

COST CATEGORY	GRANT REQUEST	MATCHING FUNDS		TOTAL PROJECT COST
		APPLICANT	DONATION (by 3rd party)	
1. Planning/Engineering/Environmental Review (≤ 10% of total project cost)	$	$ 35,000	$	$ 35,000
2. Land/Easement Acquisition	$ 100,000	$ 100,000	$	$ 200,000
3. Site Work	$ 20,000	$	$	$ 20,000
4. Demolition and Removal	$	$ 35,000	$	$ 35,000
5. Construction	$ 130,000	$ 60,000	$	$ 190,000
6. Equipment Use	$	$ 5,000	$10,000	$ 15,000
7. Signage	$	$5,000	$	$ 5,000
TOTALS	$ 250,000 (Not to exceed $500,000)	$ 240,000	$ 10,000	$ 500,000

- **Eligible Costs** include:
  - **Planning/Engineering/Environmental Review** costs. Cost in this category can only be up to 10% of the total project cost. Example: With a total project cost of $500,000, this cost category total must by $50,000 or less. Since project sponsors are encouraged to begin planning their projects early, costs in this category incurred up to 18 months prior to project approval and notice to proceed may be used as a match by the project sponsor. Examples include development of design and/or construction documents; costs associated with the bidding process, such as advertisement and development of bid packets; costs associated with hiring a consultant to conduct environmental reviews or costs associated with cultural evaluation such as archaeological surveys.

  - **Land/Easement Acquisition/Lease**. A LWCF grant can reimburse up to 50% of the cost (not to exceed the grant award) to acquire title or easement interest in real property. Purchase, acquisition or lease of land or right-of-way easements for LWCF projects must be from a willing seller or donor. Additionally, project sponsors must comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, also known as the "Uniform Act"(https://www.ecfr.gov/current/title-49/subtitle-A/part-24) for both purchased and donated land. Requirements under this act include conducting an appraisal and an appraisal review, as well as notifying the landowner of their rights under the law. Project sponsors may request grant funding to acquire land or easements but cannot take ownership of the property until the National Park Service has approved the project and the Department of Natural Resources has issued a notice to proceed. Project sponsors may use the value of newly donated or newly purchased property as match if it was acquired up to 18 months prior to the grant award, was acquired specifically for the project and complies with the provisions in the Uniform Act. Consult with GMS staff before listing the value of newly acquired property as match. The value of land already owned or managed by an agency, such as land already established as a park, cannot be used as match. The value of land transferred from one governmental agency to another also cannot be used as match, unless it is purchased from that agency, subject to the following conditions:
    - The land was not originally acquired by the other agency for recreation.
    - No federal assistance was provided in the original acquisition.
    - The selling agency is required by law to receive payment for land transferred to another public agency. Examples would be public school land that can be used for non-school purposes only through payment to the school agency.

    Refer to the Supporting Documentation Checklist on pages 9-10 for the various documentation required to demonstrate ownership, access and/or intent to donate.

  - **Site Work** costs include labor and materials to prepare the site for this project. The cost should include excavation, grading, burial of overhead wires and utilities, and landscaping. All electrical or communication lines must be installed underground. Existing lines must be buried, removed or relocated as necessary. Future lines must also be underground.

  - **Demolition and Removal** costs are eligible for reimbursement. This should include the labor and materials costs to remove old equipment or facilities from the project site.

  - **Construction** cost, materials, supplies and labor cost, are eligible for reimbursement and include all necessary construction activities to complete the project site. Labor costs that maybe requested in the "Grant Request" column include contracted labor and consulting services. Salaries of existing staff are eligible for the project sponsor's match, as is volunteer labor. For contracted labor, DNR requirements stipulate that project sponsors comply with the Davis-Bacon Act, as amended, regarding the use of prevailing wages for construction contracts in excess of $2,000 (https://www.dol.gov/agencies/whd/government-contracts/construction). Use of an agency's internal labor force should be valued at the current hourly rate of individual employees working on the project. A volunteer's donated time should be valued at hourly rates paid for similar work in the area, unless the person is professionally skilled in the work being performed on the project. When this is the case, the wage rate this individual is normally paid for performing this service may be used. Materials for new construction or for renovation of recreation facilities include, but are not limited to, picnic areas, camping facilities, sports and play fields, outdoor play courts, swimming or aquatic facilities,boating or fishing facilities, trails, winter sports facilities, outdoor ice rinks, natural areas, passive parks and amphitheaters. Examples of eligible materials costs associated with these types of facilities include ADA compliant playground equipment and ADA complaint play surface materials; asphalt, concrete or gravel for parking lots and entrance roads; materials for sports fields, such as permanent goalposts, backstops, etc.; materials for walking/running tracks; materials for bridges,

boardwalks, etc; materials for buildings such as picnic shelters and campgrounds; lighting; benches; water fountains; etc. Donated materials should be valued at their fair market value and are only eligible for the project sponsor's match. Materials for new construction or renovation of eligible support facilities which include, but are not limited to, walkways, utilities, roads, parking, lighting, restrooms, concession and maintenance buildings. All infrastructure project, as defined by P.L. 117-58 Section 70914, are required to have all iron, steel, manufactured products and construction materials produced in the Untied States.

- **Use/operation of in-house equipment** for project construction**.** Use the Federal Emergency Management Agency's (FEMA) Schedule of Equipment Rates to determine the cost of operating various pieces of mechanized equipment (https://www.fema.gov/schedule-equipment-rates). Labor costs for equipment operators using the equipment are not included in the rates and should be entered in the appropriate cost category for the activity that is occurring.

- **Signage**, including LWCF acknowledgement, way-finding, interpretive, etiquette/rules, and traffic control signs.

- **Ineligible Costs** include:
  - **Routine maintenance**, which includes work that should be conducted on a frequent basis in order to keep a park or recreation area in its originally constructed state.
  - **Overhead costs** that include regular operating expenses, such as equipment usage for routine maintenance, building rent and upkeep, utilities, insurance and fixed costs associated with a business, agency or group.
  - **Indirect costs,** which typically represent the regular expenses of doing business. Only costs that are directly related to the project are eligible.
  - **Budget contingencies** included as budget line items.
  - **Ceremonial or entertainment expenses** or any other costs associated with opening or ribbon-cutting ceremonies.
  - **Publicity or promotional costs**, such as brochures or other print materials, website development, etc.
  - **Appraisals, title searches** or other incidental costs related to land acquisition, even if the acquisition is a project cost.
  - **Equipment purchase**, such as hammers, ladders or lawn mowers.
  - **Payments to one vendor in excess of $25,000**, if the vendor was not selected through a formal bid process as per state and federal requirements.

- **Question 73, WHAT PERCENTAGE OF THE SPONSOR'S MATCH IS SECURED (I.E., CASH IN-HAND)** – this question asks the sponsor to identify what percentage of the project match is immediately available to start the project. These funds may include in-house (force account) labor and use of in-house equipment, in addition to funds deposited into a bank account (either sponsor funds or donated funds). If the sponsor has received donation pledges for a portion of the match but has not yet received those funds, indicate what percentage is yet to be secured. If a portion of the match is reliant upon upcoming fundraising efforts, describe those efforts and explain any alternate plans for providing the required match if future fundraising efforts are unsuccessful.

- **Question 74, ARE ANY ELIGIBLE PRE-AWARD COSTS INCLUDED AS PART OF THE GRANT REQUEST?** – Indicate yes or no if any pre-award costs are included as part of the project. If yes, indicate the date from when those costs started being incurred, the funding/cost categories, the total amount of the pre-award costs anticipated to be incurred before the grant start date, and whether they are included for match purposes or for reimbursement. Please remember that these costs can only be incurred up to 18 months prior to the date of project approval. Please make sure these costs are included in the budget narrative in question 75 and are clearly marked **PRE-AWARD**.

- **Question 75, PROVIDE DETAILED INFORMATION ABOUT BUDGET ITEMS WITHIN EACH COST CATEGORY** – in the space provided on the application, project sponsors should list detailed cost estimates for each of the cost categories included in the budget table. Make sure to have costs for all elements of the project that are mention in the Project Narrative (Question 59). Do not specify any vendors or brand names in the estimates. If you have a cost estimate from an Engineer and the cost will fit into the space provide, transfer the budget estimate into the application. The more details provided will make it easier to tell if costs are eligible for LWCF funding. For instance, provide a materials list that includes units and price per unit. A detailed cost breakdown of in-house labor should be included as well. See below example. The total of the itemized cost breakdowns should match the totals for each category on the budget table. All costs for this project, including match, should be listed in the budget narrative.

SAMPLE BUDGET NARRATIVE:

Planning/Engineering/Environmental (total costs $x.00)

Archaeological Services	Survey Report	$x.00
Engineer (**PRE-AWARD-** Service Date) Design		$x.00

Land/Easement Acquisition (total costs $x.00)

Land	total acres at $/acre	=$x.00

Site Work (total costs $x.00)

Labor:

1 equipment operators at $/hour by # of hours		= $x.00
2 workers at $/hours by # of hours		=$x.00
Trees	total trees at $/tree	=$x.00
Electrical Wire	total feet at $/linear ft.	=$x.00

Demolition (total costs $x.00)

Labor:

2 equipment operators at $/hour by # of hours		= $x.00

Construction (total costs $x.00)

Materials:

Cement	total square feet at $/ton	= $x.00
Rebar	total feet at $/linear ft.	= $x.00
Lumber for shelter	total square feet at $/sq. ft.	= $x.00
Bollards	total # by $/per bollard	= $x.00
Playground equipment	package price + freight	= $x.00

Labor

2 equipment operators at $/hour by # of hours		= $x.00

Equipment Usage (total costs $x.00)

Use of bulldozer at $/hour by X of hours (FEMA #)		= $x.00
Use of trencher at $/hour by X of hours (FEMA #)		=x.00

Signage (total costs $x.00)

LWCF Acknowledgment Sign		= $x.00
Playground Rule Sign		=$x.00

Questions 76-85: Environmental Resources Survey (Up to 10 Points): The tables provided in this section serve as a record of the environmental resources present at the site, whether the proposed action is likely to have a significantly negative impact on those resources, and whether further information is needed to determine the potential impact. Review the listed resources and identify any resources that may be significantly impacted by the action. The environmental resources survey should be completed with professional input from resource experts and in consultation with relevant local, state, tribal, and federal governments, as appropriate. The cost to hire a professional environmental consultant is an eligible pre-award cost and can be included in the budget table (Question #72) and narrative (Question #75). Also make sure to include the pre-award costs in Question #74.

Question 76, TABLE 1 – For each resource indicate if positive impacts or negative impacts are anticipated to result from the action or if further information is needed to determine the potential impact. If this project will have "no effect" on the resource, mark as positive. After each resource, you will need to write a brief explanation on how you determined the impact and identify which sources you used to determine the impact. If the resource is not located within the project area (example: Water: Coastal Barrier Resource or Coastal Zones), leave it blank; do not mark it. Do not include short term impacts as negative unless a Federal Permit is required to satisfy those impacts. Any negative impacts should have mitigation measures described in Question #79. If unknown impact is marked, indicate what information needs to be collected to answer the questions or who you need to contact to get guidance from. The reports and maps used to determine the impact to the resources should be included in the supporting documents.

1) Air Quality - Most LWCF projects and project-related activities are exempt from air quality conformity requirements of the Clean Air Act, unless the project is considered "regionally significant" as defined by 23 CFR 450.104 (https://www.ecfr.gov/current/title-23/part-450) or is located in a nonattainment area. Projects outside the St. Louis and Kansas City Metropolitan Planning Organization (MPO) areas generally will not meet the definition of "regionally significant." For projects within the St. Louis and Kansas City MPO areas, the project sponsor will need to coordinate with the MPO to determine the level of analysis required. For MPO contact information, see http://www.fhwa.dot.gov/modiv/programs/mpo.cfm. Air quality standards also regulate open burning. Open burning of tree trunks, tree limbs and vegetation from land clearing operations is allowed without a permit if untreated and done in accordance with state regulations. For information about those requirements, please go to DNR's website: https://dnr.mo.gov/document-search/facts-open-burning-under-missouri-regulations-pub2047/pub2047 . Local jurisdictions (i.e., municipalities, counties, etc.) may have additional restrictions on open burning. Prior to conducting any open burning, the project sponsor should contact the city or county of jurisdiction for any local restrictions or required permits. Any permits required should be listed in Question #82.
2) Circulation and Transportation – Evaluate the impact of you project on circulation and transportation. Will this project be adding in ADA parking spaces or accessible routes (positive)? Will this project construct or renovate the parking lot area (positive)? Will this project be adding a trail around the park to connect different areas of the park together (positive)?
3) Climate – Will this project impact climate change in a positive or negative way? Look at how you answered Question #71; did you list positive impacts to the project.
4) Contamination or Hazardous materials – Evaluate what, if any, contamination or hazardous materials are present in the project area and how this project will impact those materials. To assist you with determining the potential for hazardous subbstance at or adjacent to your project site, DNR has provided Missouri E-START, an online map of hazardous waste and petroleum storage sites (https://apps5.mo.gov/ESTARTMAP/map/init_map.action). Zoom in to 1:6,000 and make sure the entire park is being shown. Check all the boxes in the legend and move the legend so you can read most of it. Use the snipping tool or print page to capture the entire screen (including Legend and Park area). Convert to a .pdf. If there is a symbol within the park or on adjacent property, click on it and print off the report. Demolishing an old building that contain asbestos using appropriate methods of hazardous materials abatement or using a previously remediated site as a new outdoor recreational site is a positive impact.
5) Endangered Species – The Endangered Species Act (ESA) requires that federal agencies, in consultation with the U.S. Fish and Wildlife Service (USFWS), ensure that any actions they fund, authorize, or carry out will not jeopardize the continued existence of federally-listed threatened or endangered (T&E) species or destroy or adversely modify designated habitat critical to those species. To evaluate the project's impact to federally listed T&E species or their habitat, use the USFWS's Information for Planning and Conservation (IPaC) search tool to request an official species list of T&E species and the presence of critical habitat that should be considered when evaluating the potential impacts of your project. The IPaC search tool can be found at https://ecos.fws.gov/ipac/,

and will require you to enter information about your project and delineate your project's boundaries on an online map. You will need to log in to the IPaC Website to get the Official Species List. Once logged in, click "Get Started" and in box 1 type in the address for the park. Use the polygon to draw around the boundary of the entire park and click finished drawing. On the new page click "Define Project" in the box that says "What's Next." Type in the Project Name (Question 54) and Scope of Work (Question 59). Now click on "Request Species List." Then you will need to click "Yes, Request a Species List" and fill out the questions that are asked. Federal Funds from the National Park Service are being used to complete this project. The Official Species List will be added to "My Projects" within about 30 minutes. Print the report and include it with the supporting documents. If the report you print has a watermark across it that says "not for consultation," this report is not correct and you will need to go back and print the Official Species list. In addition to determining your project's impact on federally listed T&E species, you must also determine its impact on state-listed endangered species or species and habitats of conservation concern by entering your information into the Missouri Natural Heritage Review Website (https://naturalheritagereview.mdc.mo.gov/). You will need to follow the website's instructions for creating a user login and password, and for entering your project information and project boundary. Once logged in, click on "Map" and then click "Create Project." Draw a polygon around the entire park and click "Accept." Enter the Project Name (Question 54) and expand "Recreation" and pick your project type. Click "Submit." A .pdf report will be generated and you should print and include it with the supporting documents. IPaC and MO Heritage Reports expire after 6 months, so don't use an old report. Go create a new report if it is outdated. After a review of the species and habitats listed on the Official Species List and Natural Heritage Report that have potential to be located your project area, you must conduct an evaluation, see IPaC Report, to determine if your project may affect those species or their habitats. You must indicate in the space provided whether impacts are anticipated and you must summarize your project impacts, for each species listed. If you have species list on the IPaC, you should contact the Missouri Ecological Service Field Office (contact information in the IPaC Report) to get their concurrence that you will not be affecting these species. Will you be removing trees during this project and if so when? If so, how will that impact any endangered bat species that may be present in the project area? Will this project construct a pollination garden to help the endangered dragonfly and butterflies?

6) Environmental Justice – Evaluate any environmental justice impacts that the proposed project may have. The U.S. Census Bureau's My Community Explorer search tool (https://experience.arcgis.com/experience/13a111e06ad242fba0fb62f25199c7dd/page/Page-1/) can help determine if your project area contains populations that meet the low-income or minority population standards. You should compare the city or county to the state averages. Include a copy of the comparisons with the supporting documents. Will this project benefit minority and low-income populations? Look at how you answered Question 60.

7) Geological Resources – Will your project impact geological resources? Are you controlling runoff due to impervious surfaces that are created during the project (positive)? Have you changed the slope of the project area that will now create runoff (negative)? Are you developing a rain garden to control the runoff (positive)?

8) Historic or cultural resources –Section 106 of National Historic Preservation Act (NHPA) requires federal agencies to consider the effects on historic properties present in projects they carry out, approve or fund. The State Historic Preservation Office (SHPO) is the agency authorized for ensuring Section 106 compliance. To initiate a Section 106 Review, submit a Section 106 Project Information Form to SHPO. Instructions for completing and submitting the form are found at: https://mostateparks.com/page/84261/section-106-review. The form is a fillable PDF requiring Adobe Acrobat Reader, available as a free download fromhttps://get.adobe.com/reader/. You will also be required to submit topographic maps of the site, project plans and photos of any existing structures. To find quadrangle maps, visit the U.S. Geological Survey's National Map website at https://viewer.nationalmap.gov/basic/. **This is a 30 day process so start the Section 106 Review early in order to have SHPO concurrence by the time the application is due**. The SHPO concurrence letters are valid for three years as long as the scope of work has remained the same with no changes. If changes have occurred in the scope of work, a revised Section 106 Review should be submitted. The project description that is on the Section 106 form should match the scope of work (Question #59) from this application and should include the surface depths from Question #84. Try to answer the following questions when filling out the project description of the Section 106 form: Is the area already disturbed? How deep will you be digging? Will you be using heavy equipment and how will get it get to project area? Will you be bringing in fill/borrow, if so from where will it come? If removing fill from project area, where will it be

disposed at? An example, a project will construct a 30' X 50' pavilion, the concrete pad will disturb an area of 40'X60' and be dug in 6 inches and the footings will be between 18"-24" deep. If the information you provided is sufficient to make a determination, SHPO will send you a concurrence letter. Include a copy of it along with your 106 submission documents.

If the information you submitted is not sufficient to make a determination, SHPO will send you a letter requesting additional information or may require that a professional archaeologist or architectural historian conduct a cultural or archaeology survey. Coordinate with SHPO on the requirements of the survey and completing a Section 106 Survey Memo Form. Once the survey has been completed and reviewed by SHPO, indicate the determination results from the survey and attach the concurrence letter from SHPO and a copy of the survey. If your project has an adverse effect determination, further consultation between SHPO, your organization, the Grants Management Section staff with Missouri State Parks and the NPS is required. A Memorandum of Agreement (MOA) between your organization, the NPS, GMS, and SHPO may be required, outlining avoidance measures. If funded, the MOA will be negotiated by the National Park Service. If through consultation, you have made commitments required by SHPO for avoiding, minimizing or mitigating resource effects on historic properties, explain those here.

9) Invasive Species – How will your project address any invasive species? Are any invasive species present in the project area? Does your project include landscaping with native species and implementing measures to prevent the spread of noxious or invasive species (positive)? Are you removing noxious weeds and plants from the project area (positive)? Are you planting fast growing grasses to stabilize soil that has been disturbed (positive)? For information about controlling noxious weeds, see the Missouri Department of Agriculture website at: https://agriculture.mo.gov/plants/pests/noxiousweeds.php. Project sponsors are not permitted to plant invasive species as part of their project.
10) Land Use Plans – Do you have a land use plan for this park? Does the current proposal fit into land use plans for the park? If the land is leased, do you have more than 25 years on the lease (positive)?
11) Lightscapes – Will the project impact any dark-sky areas? Are you replacing lights to be energy efficient lights or have timers on them (positive)? Are you installing lights to help with security and safety of the park (positive)? Are night switches being installed to lower lights at night for wildlife or will the lights turn off when park is closed for the night (positive)?
12) Migratory Birds –Are any regulated migratory birds present in the project area and if so, how will your project impact those species? Are you removing trees during the breeding seasons (negative)? Are you planting trees to restore habitat (positive)? To find out information about migratory birds check out the UFWS website at: https://www.fws.gov/program/migratory-birds/species. For a list of migratory birds see 50 CFR 10.13.
13) Recreation Resources – Are you adding new outdoor recreation opportunities to the park? Are you renovating the park to make it better than it was before? The entire scope of work for this project should be a positive impact.
14) Socioeconomics – Evaluate socioeconomic impacts to the park. Will the construction of this facility cause competition with the private sector? What is the economic impact? Will there be an increase in economic activity as a result of the project?
15) Sound – What impact will the project have on sound? Will there be a significant change in noise that would affect the ambiance of the park? For example, are you creating a shooting range or motorized trail? If so, what are doing to reduce the impact of noise from the shooting range or motorized trail? Will the project be constructed in a federally protected wilderness area or sensitive habitat area (negative)?
16) Unique Ecosystems – Please identify any unique ecosystems, such as biosphere reserves, world heritage sites, or old growth forests.
17) Water Quality or Quantity – Identify how you are impacting water quality or quantity. For example, are you creating a splash pad with water filtration or reuse system (positive)? Are you impacting the ground water table? Will this project renovate a sports field to help decrease standing water on the field (positive)?
18) Water Costal Barrier Resources – There are no coastal barrier waters located in Missouri, leave blank.
19) Water Marina & Estuarine – Identify any impacts to water marina or estuarine resources. Is this project also eligible for Dingell-Johnson or Wallop-Breaux Act funding (boat or fishing access)? Will this project create a beach or install breakwaters (positive)? Will this project create an ADA fishing dock or marina (positive)? If you do not have a marina or estuarine within the project scope of work, leave this box blank.
20) Water Stream Flow – The U.S. Environmental Protection Agency has information about Stormwater Discharges

from construction activities and the permits that are required at: https://www.epa.gov/npdes/stormwater-discharges-construction-activities. Are you disturbing more than 1 acre of land? Will sedimentation in nearby streams occur (negative)? Will this project be diverting or damming a stream (negative)? If a permit is required it should be list in Question 82.

21) Water Wetland and Floodplains – Does the IPaC show wetlands within the project area? If yes, you must contact the U.S. Army Corps of Engineers (USACE) and consult with them about the effects of the project on the jurisdictional waters of the United States. The will determine if your project will have a positive or negative impact and will let you know if you need a permit. If a permit is required add it to Question #82. List the mitigation measures that USACE provided in Question #79. All correspondence should be included with the supporting documents. All projects need to print a Wetland Map as part of the supporting documentation. The Wetland Mapper website provided through the National Wetlands Inventory is https://www.fws.gov/wetlands/Data/Mapper.html. Click on Wetlands Mapper, in the top right under "Find Location" add the address for the Park. Zoom in or out to include the entire area of the park. Make sure Wetlands, Riparian and Data Source are checked under Map Layers. At the top right click on "Print," and enter Project Name (Question 54), then click "Print." Once the print job is created, click on Project Name and print the .pdf that is created. If this map, shows wetlands within the park, you must consult with the USACE. For the Floodplain Map, you should use the map and information from Question #18.

22) Prime Farmland - To determine if your project site will be converting prime or unique farmland, use the Natural Resource Conservation Service Agency's (NRCS) Web Soil Survey at https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Under the Quick Navigation – Address, add the address for the park and click "View." Under Area of Interest use the hand icon to move the map to the project area. Use the + icon to zoom into the project area. Click on the AOI Polygon to draw a polygon around the project area. You do not need to include the entire park in the area, such the area you will be affecting with this project. Double click to create the AOI. If the AOI is not correct, click on "Clear AOI" and redraw. If the AOI is correct, go to the top of website and click on the "Soil Data Explorer" Tab. Under Suitabilities and Limitation Ratings, click the down arrow for "Land Classifications." Then click the down arrow for "Farmland Classification," and click on "View Rating." Once map has been filled in, click on "Printable Version" and add the Project Name (Question 54) and click on "View." Download and print the .pdf that was created. It should be about 5-6 pages long. If the soil survey indicates that your project will impact prime or unique farmland, you will need to complete parts I and III of the Farmland Conversion Impact Rating Form https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf and submit the form to your local NRCS field office at https://www.nrcs.usda.gov/wps/portal/nrcs/mo/contact/local/. Coordinate completion of the form with the NRCS to determine if impacts generate a score of 160 or higher and any mitigation measures required to minimize those impacts. Attach a copy of the soil survey and, if your project will be impacting prime or unique farmland, include the completed Farmland Conversion Impact Rating Form with supporting documents. List those measures in Question #79. If there are no impacts to prime or unique farmland or the score on the Farmland Impact Rating Form is less than 160, then no commitment statement is necessary.

- **Question 77, TABLE 2 -** This is a list of mandatory impact criteria that preclude the use of a categorical exclusion. If you answer "yes" or "?" for any of the mandatory criteria, you must develop an Environmental Assessment (EA) or Environmental Impact Statement (EIS) regardless of your answers in table 1. If an EA or EIS is required, a copy should be included with the Supporting Documents

- **Question 78, HAVE THERE BEEN ANY PREVIOUS NEPA DOCUMENTS THAT ARE RELEVANT TO THIS PROJECT OR THIS SPECIFIC SITE? –** Indicate yes or no if there have been any prior environmental reviews completed on this specific project or this site pursuant to the National Environmental Policy Act. If yes, please include a copy of the summarized findings and include page number references to where the findings are located in the document.

- **Question 79, EXPLAIN ANY NEGATIVE OR UNKNOWN IMPACTS IDENTIFIED IN QUESTION 76 (TABLE 1) OF THE ENVIRONMENTALRESOURCES SURVEY, OR ANYBOXES MARKED AS "YES" IN QUESTION 77 (TABLE 2).** Please provide an explanation for any negative or unknown impacts identified in table 1 of the Environmental Resources Survey, or any boxes marked as "yes" in table 2. Discuss all mitigation measures that are required from federal and state agencies to protect the resources within the project area.

- **Question 80, HOW WAS THE INFORMATION IDENTIFIED IN THE TABLES DERIVED AND WHAT SORUCES OF DATA WERE USED TO JUSTIFY THE IMPACT SELECTION?** – List all the websites and reports you used to derive your answers to table 1 and 2. If you consulted with USACE or USFWS, list which resources from table 1 and 2 they consulted on and include all correspondence between your agencies with the supporting documents. All maps and reports used should be included with the supporting documents.

- **Question 81, WHO CONTRIBUTED TO FILLING OUT THE ENVIRONMENTAL RESOURCES SURVEY? –** Provide the name, title, and experience for all individuals who are assisting in reviewing the environmental documentation. What qualifications do they have that provide the necessary resource expertise to determine impact significance?

- **Question 82, LIST ALL REQUIRED FEDERAL, STATE, AND LOCAL PERMITS/APPROVALS NEEDED FOR THE PROPOSAL AND EXPLAIN THEIR PURPOSE AND STATUS.** - Please provide a list of all federal, state, and local permits/approvals needed for the proposal and explain their purpose and status. To ensure that your project follows all permitting requirements, it is recommended you visit DNR's Permitting website (https://dnr.mo.gov/permits-certifications-registrations-licenses) to determine which, if any, permits may be required. Additionally, you are expected to be familiar with and comply with any local permitting requirements that apply to your project. Below is a summary of permits you may be required to obtain.

  - **404/401 Permit** - In order to determine if your project will require a 404 Permit and a 401 Certification, you will need to establish if any of the following are in your project location: creek or stream channel (even if the bed is currently dry); lake; river; drainage ditch or wetlands. If any of the above conditions exist within your project area, then you will need to determine if your project has the potential to impact any jurisdictional water. Project sponsors are strongly encouraged to hire or consult with a professional who is qualified to identify wetlands and other jurisdictional waters to determine if the project will have an impact on those resources. Many activities involving relatively minor impacts are authorized under Nationwide Permits, or NWPs. To find out if your project falls under a NWP, you will need to contact the USACE District Office that oversees the district in which your project is located. The USACE will indicate whether your project is covered under a NWP or if you will be required to complete an individual 404 permit application (http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/). The USACE will then send you a letter authorizing your project under a particular permit, and will send a copy of your letter to MoDNR. If the USACE's letter to you indicates that MoDNR has "conditionally certified" your activity and the letter includes MoDNR's conditions, you will not need to contact MoDNR for further certification. If the USACE's letter to you indicates that you must obtain an individual 401 certification, please follow the instructions for submitting your application materials to MoDNR, which can be found at http://dnr.mo.gov/env/wpp/401/index.html.
  - **Land Disturbance Permit** - The Missouri Department of Natural Resources' Water Protection Program (WPP) implements the National Pollutant Discharge Elimination System (NPDES) Program, including permitting, administrative, and enforcement, as outlined in Section 402 of the federal Clean Water Act. DNR requires a Land Disturbance Permit for projects that disturb one or more acres or disturb less than one acre when part of a larger common plan of development that will disturb a cumulative total of one or more acres over the life of the project. A permit must be obtained and a Stormwater Pollution Prevention Plan written prior to starting land disturbance activities. For your convenience, DNR has created the ePermitting system to allow you to apply for your Land Disturbance Permit online (http://dnr.mo.gov/env/wpp/epermit/help.htm). To log onto ePermitting, you must enter through DNR's Missouri Gateway for Environmental Management (MoGEM) (https://dnr.mo.gov/mogem/).
  - **Burn Permit** - The Clean Air Act (CAA) is the federal law that regulates air emissions. Among other things, this law authorizes EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants. Most LWCF projects and project-related activities are exempt from air quality conformity requirements of the CAA, unless the project is considered "regionally significant" as defined by 23 CFR 450.104 (https://www.ecfr.gov/current/title-23/chapter-I/subchapter-E/part-450) or is located in a nonattainment area. Projects outside the St. Louis and Kansas City Metropolitan Planning Organization (MPO) areas generally will not meet the definition of "regionally significant." For projects within the St. Louis and Kansas City MPO areas, the project sponsor will need to coordinate with the MPO to determine the level of analysis required. For MPO contact information, see http://www.fhwa.dot.gov/modiv/programs/mpo.cfm. If a project is determined to be regionally significant, conformity will be demonstrated through an established process for inclusion in a

metropolitan Transportation Improvement Program (TIP). Indicate on the NEPA Determination Form if your project is in either the St. Louis or Kansas City MPO and provide documentation that you've coordinated with the MPO in determining if your project is considered regionally significant. Air quality standards also regulate open burning. Open burning of tree trunks, tree limbs and vegetation from land clearing operations is allowed without a permit if untreated and done in accordance with state regulations. For information about those requirements, please go to DNR's website: https://dnr.mo.gov/document-search/facts-open-burning-under-missouri-regulations-pub2047/pub2047. Local jurisdictions (i.e., municipalities, counties, etc.) may have additional restrictions on open burning. Prior to conducting any open burning, the project sponsor should contact the city or county of jurisdiction for any local restrictions or required permits.

- **Question 83, HAVE THERE BEEN ANY PREVIOUS CULTURAL AND/OR HISTORIC RESOURCE SURVEYS COMPELTED THAT INCLUDED THIS SITE WITHIN THE AREA OF POTENTIAL EFFECTS?** – Indicate yes or no if there have been any previous cultural and/or historic resource surveys completed that included this site within the area of potential effects. If **NO**, describe any construction planned as a result of the project that will extend beyond the pre-existing disturbance area (including the surface area depth). Try to answer the following questions: Is the area already disturbed? How deep will you be digging? Will you be using heavy equipment and how will get it get to project area? Will you be bringing in fill, if so from where will it come? If removing fill from project area, where will it be deposed at? An example, this project will construct a 30' X 50' pavilion, the concrete pad will disturb an area of 40'X60' and be dug 6 inches deep and the footings will be between 18"-24" deep. These depths should also be included in the Section 106 review from that you sent to SHPO. If yes, attach a copy of the survey, summarize findings, and include page number references below.

SUPPORTING DOCUMENTATION CHECKLIST – the checklist is provided on the application as an aid to project sponsors and should be completed before submitting the application packet. For a detailed summary of each required item, see pages 9-10 of this guide.

CERTIFICATION OF RESPONSIBLE PERSON – a responsible official of the sponsor's agency **must** sign and date this section to complete the application, or the application will not be scored. Examples of responsible officials include mayors, city managers or administrators, parks and recreation department directors, chief financial officers, etc. The responsible official does not need to be the contact person listed on the application but does need to read the application and have an understanding of the requirements of administering the grant, should one be awarded. The responsible official **cannot** be an independent grant writer who is not affiliated with the agency. An incomplete or inaccurate application packet will be ineligible for scoring.

APPENDIX C. GRANT ROUND EMAIL NOTIFICATION EXAMPLE

The Missouri Department of Natural Resources, Division of State Parks, is pleased to announce that the 2023 grant rounds for the Land & Water Conservation Fund (LWCF) is now open. LWCF grants are available to cities, counties and public school districts to be used for outdoor recreation projects. For more information about this program, to download the grant application, and to register for a grant application workshop, visit https://mostateparks.com/page/55065/outdoor-recreation-grants. For questions, contact grants management staff at mspgrants@dnr.mo.gov. Deadline to apply is November 16, 2022.

APPENDIX D. LWCF GRANT APPLICATION SCORING MATRIX

Land and Water Conservation Fund
FY 2023 Grant Application Score Sheet

Sponsor:	**Application Number:**	
Project Title:		
Project Scope:		
Amount Requested:	**Application Rank:**	
County:		
GMS Comments:		
Review Committee Scoring Section:		**Points**
Project Sponsor's Background & Prior Performance (#9-11)	Up to 10 points	
Project Location & LWCF Boundary Information (#12-28)	Up to 10 points	
Property Management & Stewardship (#29-34)	Up to 10 points	
Real Property Acquisition, Project Development, & Scope of Work (#35-59)	Up to 20 points	
Project Need (#60-61)	Up to 5 points	
Project Planning (#62-66)	Up to 10 points	
Partnerships (#67)	Up to 2 points	
Project Budget & Budget Details (#68-75)	Up to 23 points	
Environmental Resource Survey (#76-83)	Up to 10 points	
Total Score	**100 Points**	**0**

Please provide feedback in the following areas for this application:

Application Strengths

Application Weaknesses

Recommendations for Improvements

One-rdg. X
P. Hrngs. _____
Pgs. 6
Filed: 09-13-22

Sponsored by: McGull

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 243 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to accept $1,500,000 in grant funds from the Economic Development Administration and the United States Department of Commerce for the purpose of upgrading LeCompte Road from the intersection of East Division Street north to the BNSF Railroad and to enter into necessary agreements to carry out the grant; amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of $1,500,000 to appropriate the grant funds; and declaring this bill qualifies for approval in one reading.

_____

WHEREAS, City Council previously adopted Resolution 10589 authorizing the City Manager to apply for $1,500,000 grant from the United States Economic Development Administration ("EDA") to partially fund the reconstruction and improvements to LeCompte Road and Division Street; and

WHEREAS, City Council previously adopted Resolution 10633 authorizing the commitment of up to $1,566,698 in matching funds, with said funds already budgeted through the 1/8-cent Transportation Sales Tax – Cost Share Program, if a $1,500,000 grant is awarded to the City by the EDA for this project; and

WHEREAS, these improvements will include widening LeCompte Road to three lanes from the existing railroad tracks south to Springfield Underground's entrance, providing widening of shoulders on LeCompte Road from Springfield Underground's entrance south to Division, and improvements to the LeCompte Road and Division Street Intersection, as depicted on "Exhibit A," which is attached hereto and incorporated herein by this reference; and

WHEREAS, LeCompte Road serves as one of the main thoroughfares for the industrial, manufacturing and warehousing land uses east of US Highway 65, and these improvements will provide infrastructure necessary to accommodate current uses and future needs.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The City Manager, or his designee, is hereby authorized to accept a grant from the United States Economic Development Administration and the United States Department of Commerce in the amount of $1,500,000 and to execute contracts, on forms approved by the City Attorney, necessary for the purpose of upgrading LeCompte Road from East Division Street (Route YY) north to the BNSF Railroad Crossing, and the LeCompte Road and Division Street intersection.

Section 2 – The budget of the City's Department of Public Works, for Fiscal Year 2022-2023, is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 020 in the Amount of $1,500,000, a copy of which is attached hereto and incorporated herein by reference as "Exhibit A."

Section 3 – City Council finds that the budget adjustment made above has been recommended by the City Manager.

Section 4 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City. In the event additional funding is provided under this grant by the grantor, the Director of Finance is hereby authorized to adjust this appropriation by an amount not to exceed 20 percent.

Section 5 – City Council hereby finds and declares that this Ordinance authorizes the acceptance of grant funds from a state or federal government agency and may be passed as a one-reading ordinance under City Charter Section 2.16 (25) as it relates to a contract for the acceptance of grant funds from a state or federal agency. Therefore, this Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022-243

FILED: 09-13-22

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to accept a federal grant in the amount of $1,500,000 from the Economic Development Administration ("EDA") and the United States Department of Commerce, which includes a matching funds requirement of $1,566,698 for the purpose of upgrading LeCompte Road, from East Division Street (Route YY) north to BNSF Railroad, and the LeCompte Road and Division Street (Route YY) intersection; and approving a budget adjustment amending the Fiscal Year 2023 budget of the Department of Public Works in the amount of $1,500,000 to appropriate the federal grant funds; and declaring that this bill qualifies for approval in one reading.

BACKGROUND INFORMATION: The EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for economic growth and success in the worldwide economy. The EDA supports development in economically distressed areas of the United States by fostering job creation and attracting private investment. The EDA solicits applications in order to provide investments that support construction under Economic Adjustment Assistance Program and the Public Works and Economic Development Act of 1965.

This Council Bill would authorize the acceptance of a $1,500,000 grant from the EDA to fund the reconstruction of LeCompte Road along the existing alignment from the BNSF Railroad to the Springfield Underground entrance and widen existing LeCompte Road from Springfield Underground entrance to Division Street. Additional improvements will be made at the LeCompte Road and Division Street intersection as well as turn lane improvements on Division Street. This Council Bill would also authorize the City Manager, or his designee, to sign the United States Department of Commerce's Financial Assistance Award indicating acceptance of the grant as well as the Certificate of Training Completion.

LeCompte Road serves as one of the main thoroughfares for the industrial, manufacturing, and warehousing land uses east of US Highway 65. The roadway is not currently designed to accommodate the volume of truck traffic that exists on it today, nor expected to accommodate in the future. One item holding the area back from being developed is the lack of appropriate infrastructure to support it. In order to stimulate economic development in the area, improvements to LeCompte Road are necessary. The City of Springfield has committed $1,566,698 in matching funds through the 1/8-Cent Transportation Sales Tax - Cost Share Program that is already budgeted. This grant will help fund the project that is anticipated to stimulate the creation of jobs and further insulate Springfield from the economic hardships of COVID-19. Other costs associated with the project above the grant funding amount will be covered by a future cost share agreement between the Erlen Group (formerly Springfield Underground) and

the City dividing the costs equally. “Exhibit A” is provided as a conceptual plan and location map.

As this Ordinance is for accepting a federal grant, we request that it be passed as a one-reading bill under City Charter Section 2.16(25).

Supports the following City Council Priorities:

- Economic vitality
- Public safety
- Fiscal sustainability

REMARKS: Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:

Martin Gugel, Assistant Director of Public Works

Recommended by:

Dan Smith, Director of Public Works

Approved by:

Jason Gage, City Manager

EXHIBIT A

LeCompte Road Improvements from BNSF Railroad crossing to Division and LeCompte Road and Division Intersection Improvements

CITY OF Springfield

DISCLAIMER: All information included on this map or digital file is provided "as-is" for general information purposes only. The City of Springfield, and all other contributing data suppliers, make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the data for any particular use. Furthermore, the City of Springfield, and all other contributing data suppliers, assume no liability whatsoever associated with the use or misuse of the data.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
020

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	101052	00000	$ 1,500,000	Economic Development Administration (EDA) and U.S. Department of Commerce Federal Grant
Net Revenue Adjustment						$ 1,500,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	509110	101052	00000	$ 1,500,000	Upgrading LeCompte Road from East Division Street north to BNSF Railroad, and the LeCompte Road and Division Street Intersection
Net Expenditure Adjustment						$ 1,500,000	

Fund Balance Appropriation:

Fund		Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating federal EDA & U.S. Department of Commerce grant funds of $1,500,000 towards Upgrading LeCompte Road from East Division Street north to the BNSF Railroad, and the LeCompte-Division Street intersection.

Requested By:

9-12-2022
Department Head Date

Approved By:

9-12-2022
Director of Finance Date

9-12-2022
City Manager Date

Authorization:

Council Bill No. 2022-243
Ordinance No.
1st Reading
2nd Reading
Journal Imp No.

One-rdg. _____
P. Hrngs. X
Pgs. 33
Filed: 09-13-22

Sponsored by: Horton

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 244 SPECIAL ORDINANCE _____

AN ORDINANCE

GRANTING Conditional Use Permit No. 465 for the purpose of permitting construction of a development project greater than 10,000 square feet of total building floor area as a conditional use within the COM-1 – Commercial Street District, generally located at 425 East Commercial Street and 1824 North Lyon Avenue. (Planning and Zoning Commission and staff recommend approval.)

_____

WHEREAS, pursuant to Section 36-363 of the Land Development Code, City Council may grant permits authorizing certain enumerated conditional uses as provided in the various zoning districts; and

WHEREAS, the Planning and Zoning Commission held a public hearing on September 8, 2022, and recommended approval of Conditional Use Permit No. 465 for the property generally located at 425 East Commercial Street and 1824 North Lyon Avenue; and

WHEREAS, City Council finds that sufficient evidence has been presented to satisfy all applicable standards of the Land Development Code for issuance of Conditional Use Permit No. 465; and

WHEREAS, the granting of such permit is deemed proper, and it is not found to harm the community or injure the value, lawful use and reasonable enjoyment of properties in the vicinity of 425 East Commercial Street and 1824 North Lyon Avenue.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – City Council adopts the City staff's specific findings of fact on the proposed conditional use as set forth in "Exhibit D – Attachment 3." "Exhibit D" is attached hereto and incorporated herein by this reference in its entirety. Conditional Use Permit No. 465 is hereby granted in accordance with and subject to the provisions of Section 36-363 of the Land Development Code. Conditional Use Permit No. 465 is granted for the purpose of permitting construction of a development project greater than

10,000 square feet of total building floor area as a conditional use within the COM-1 – Commercial Street District, located at the property described in “Exhibit B,” which is attached hereto and incorporated herein by this reference, and which is generally located at 425 East Commercial Street and 1824 North Lyon Avenue.

Section 2 – Building permits, certificates of occupancy and any other required permits or approvals may be issued by the duly authorized officials of the City provided that such issuance is consistent with Section 36-363 of the Land Development Code, any other applicable City regulation or ordinance and the “Requirements for Conditional Use Permit 465” described in “Exhibit A,” which is attached hereto and incorporated herein by this reference, and in “Exhibit D – Attachment 2.” Additionally, the provisions contained in “Exhibit A” and “Exhibit D – Attachment 2” shall govern and control the use and development of the land described in “Exhibit B,” in a manner consistent with the attached site plan and elevations depicted on “Exhibit D – Attachment 5.”

Section 3 – Any violation of the provisions of this Ordinance shall be grounds for the revocation of the Conditional Use Permit granted by the adoption of this Ordinance.

Section 4 – This Ordinance shall be in full force and effect from and after passage only so long as the Property and any improvements thereon conform to the conditions and requirements described in Section 36-363 of the Land Development Code, other applicable City regulations or Ordinances and this Ordinance.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

Approved for Council action: Jason A. Gage, City Manager

EXPLANATION TO COUNCIL BILL 2022-244

FILED: 09-13-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To permit construction of a development project greater than 10,000 square feet of total building floor area as a Conditional Use Permit within COM-1, Commercial Street District generally located at 425 West Commercial Street and 1824 North Lyon Avenue. (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 465

The applicant is requesting approval of a Conditional Use Permit for construction of a development project greater than 10,000 square feet of total building floor area within COM-1, Commercial Street District generally located at 425 West Commercial Street and 1824 North Lyon Avenue.

CONDITIONS:

1. The regulations and standards listed on “Exhibit D - Attachment 3” shall govern and control the use and development of the land in Use Permit Number 465 in a manner consistent with the attached site plan (“Exhibit D - Attachment 5”).

FINDINGS FOR STAFF RECOMMENDATION:

1. This application meets the approval standards for a Conditional Use Permit (“Exhibit D - Attachment 3”).

2. Approval of this application is subject to the Requirements for Approval (“Exhibit D - Attachment 2”) and site plan (“Exhibit D - Attachment 5”).

3. The Landmarks Board reviewed and approved the proposed development project at their June 29, 2022, meeting. The Board found that the proposed project conformed to the adopted review criteria.

4. Approval of this request will provide for continued development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

REMARKS: The Planning and Zoning Commission held a public hearing on September 8, 2022, and recommended **approval**, by a vote of **7 to 0** of the proposed conditional use permit (see the attached "Exhibit C," Record of Proceedings).

The Planning and Development staff recommends the application be approved with the conditions (see attached “Exhibit A”).

Submitted by:

Michael Sparlin, Senior Planner

Recommended by:

Susan Istenes, Director, AICP

Approved by:

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Requirements for Conditional Use Permit Number 465
Exhibit B, Legal Description
Exhibit C, Record of Proceedings
Exhibit D, Development Review Staff Report
ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Requirements for Conditional Use Permit 465
Attachment 3, Standards and Responses for Conditional Use Permits
Attachment 4, Affidavit of Neighborhood Notification and Meeting Summary and Neighborhood comments
Attachment 5, Proposed Site Plan

EXHIBIT A

REQUIREMENTS FOR CONDITIONAL USE PERMIT 465

1. A 37,533 square foot, mixed-use new building is permitted in conformance with Attachment 5.

2. The 37,533 square foot, mixed-use new building shall comply with all the standards listed in Attachment.

3. Per Sec. 36-425 (7)(h), the COM-1 district's purpose is to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic ambience. The COM-1 district should also promote new uses and development within the zoning district that provide an element of consistency and similarity of intensity, use, building heights, and materials used with the existing structures. These elements are described as follows:

    1. Building façades. All sides of buildings visible to the public, whether viewed from the public right-of-way or a nearby property, shall display a similar level of quality and architectural finish. This shall be accomplished by integrating architectural variations and treatments such as windows and other decorative features into all sides of a building design. Two or more of the following design elements shall be incorporated for each 40 horizontal feet of a building façade or wall:
        a. Changes in color, texture, and material; or
        b. Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or
        c. Groupings of windows or fenestration.
    2. On each lot, the building façade shall be built to the district minimum setback line for at least 80 percent of the street frontage. This does not include Blaine Street frontage.
    3. The building façade shall be built to the district minimum setback line within 30 feet of a block corner. This does not include Blaine Street frontage.
    4. The portions of the building façade required to be built at the district minimum setback line may include jogs of not more than 18 inches in depth except as otherwise necessary to allow bay windows, shop fronts and balconies.
    5. Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages.
    6. Fenestration on the ground floor facades shall comprise a least 40 percent, but not more than 90 percent of the façade area, measured as a percentage of the façade between floor levels.
    7. Fenestration on the upper floor facades shall comprise a least 20 percent, but not more than 60 percent of the façade area, measured as a percentage of the façade between floor levels.

8. The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.
9. The maximum story height for the ground story is 20 feet.
10. The maximum floor-to-floor story height for stories other than the ground floor is 12 feet.
11. Building materials and colors.
    a. Metal shall not be used as a primary exterior surface material, except for metal roofs. Metal trim can be used but not to exceed 15 percent of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:
        (i) Customary brick masonry;
        (ii) Natural or cast stone;
        (iii) Oversized brick;
        (iv) Split-faced block;
        (v) Architectural pre-cast concrete; and
        (vi) Accent materials such as glass block and ceramic tiles.
    b. Façade colors shall have low reflectance. High-intensity, metallic, black or fluorescent colors are prohibited. Natural and recycled materials may be utilized to enhance the building façade and promote sustainable development.

4. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

EXHIBIT B

LEGAL DESCRIPTION
CONDITIONAL USE PERMIT 465

WARRANTY DEED BY CORPORATION - BOOK 2019, PAGE 036699-19 - THE WEST 12 FEET OF LOT FIVE, AND ALL OF LOTS SIX, SEVEN, EIGHT, NINE, TEN, ELEVEN, TWELVE AND THIRTEEN, ALL IN BLOCK THIRTY FOUR, THE PLAT OF NORTH SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

THAT PORTION OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S (FORMERLY ST. LOUIS SAN FRANCISCO RAILWAY COMPANY) 400.00 FOOT WIDE STATION GROUND PROPERTY AT SPRINGFIELD, MISSOURI, BEING 160.0 FEET WIDE ON THE SOUTHERLY SIDE AND 240.0 FEET WIDE ON THE NORTHERLY SIDE OF SAID RAILWAY COMPANY'S MAIN TRACK CENTERLINE AS NOW LOCATED AND CONSTRUCTED UPON, OVER, AND ACROSS THE SE ¼ OF SECTION 11, TOWNSHIP 29 NORTH, RANGE 22 WEST OF THE FIFTH PRINCIPAL MERIDIAN, GREENE COUNTY, MISSOURI BOUNDED ON THE SOUTH BY A LINE DRAWN PARALLEL WITH AND DISTANT 160.0 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES FROM SAID MAIN TRACK CENTERLINE AND BOUNDED ON THE NORTH BY A LINE DRAWN PARALLEL WITH AND DISTANT 46.0 FEET NORTHERLY OF THE EAST LINE OF LYONS STREET, ACCORDING TO THE RECORDED PLAT THEREOF, AND ALSO BOUNDED BETWEEN THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LYONS STREET, AND A LINE DRAWN AT RIGHT ANGLES TO SAID MAIN TRACK CENTERLINE DISTANT 247.0 FEET EASTERLY OF SAID EAST LINE OF LYONS STREET, AS MEASURED ALONG A LINE DRAWN PARALLEL WITH AND DISTANT 160.0 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES FROM SAID MAIN TRACK CENTERLINE.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – September 8, 2022

Conditional Use Permit 465
425 W Commercial
Applicant: OZMOD 425 LLC, Strong Capital V LLC

Mr. Hosmer states This is a request to permit the construction of a development project greater than 10,000 square feet of total building floor area within COM-1, Commercial Street District generally located at 425 W Commercial Street and 1824 North Lyon Avenue. On, June 29, 2022, the Landmarks Board approved the proposed demolition and the review of new development site plan, building materials and renderings. The Board found that the project conformed to the adopted review criteria, the Secretary of the Interior's Standards for Rehabilitation, and the Commercial Street Design Guidelines (adopted in 2020). The COM-1 district requires CUP applications to notify additional groups i.e., Woodland Heights, Grant Beach, Mid-Town Neighborhood Associations, Commercial Club, Downtown Springfield Association, Commercial Street CID Board. In addition to the property owners within 500 feet. The requirements for approval for a 37,533 sq foot mixed use building per attached site plan. The building will meet Zoning Ordinance Section 36-425 (7) (h) COM 1 districts requirements for new construction. The proposed Conditional Use Permit meets the standards for approval. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Tyler Hellweg, 221 South Avenue, applicant, owner, and architect explained that the existing buildings which are out of compliance would be replaced with a 10,000 s.f. building that meets all design and zoning requirements and makes the property developable from a financial investment perspective. The project meets the historic character and any future evolution of the district.

Mr. Bruce Colony asked if they have met with the area's neighborhood associations?

Mr. Tyler Hellweg responded that they have had conversations with members but not the organizations

Mr. Bruce Colony stated that this project seems to be generally supported but there are concerns that there wasn't any presentation outlining the project.

Mr. Tyler Hellweg stated that the project was presented to the Landmarks Board but until all the regulations are approved the design is frozen.

Ms. Christine Schilling, 305 & 307 East Commercial Street, says that the project is incompatible of the area's design and has concern that it is not lively or has appeal and is too dominating.

Mr. William Angle, 892 S. River Hills Lane, owns the property directly across the street from this project and is in favor of the design and is appropriate for the district.

Mr. Bruce Colony summarized Mr. Angle's statement that he is comfortable that if the Conditional Use Permit is approved that the design guidelines will be met.

Mr. William Angle agreed.

Ms. Connie Hinds, 215 W. Commercial Street, Director of the C-Street Merchants Association and been a part of the organization for fifteen years. Meetings occur weekly and the general feeling of the merchants echo the previous speaker with support of the project.

Ms. Jennifer Wilsal, 1900 S. Saratoga, owns three properties on Commercial Street and is in favor of the project.

Mr. Lyle Foster, 350 S. John Q. Hammons Parkway, business owner on Commercial Street and is in strong support of the project.

Mr. Paden Chambers, 1643 E. Lombard Street, previous member of the Landmarks Board as the Commercial Street representative and one of the achievements accomplished during this time is the Commercial Street Design Guidelines and they were approved by the Landmarks Board, Planning and Zoning Commission and City Council in April 2020. The City hired a consultant to develop the design guidelines and worked with a group which consisted of Michael Sparlin, Mary Collette, Justin Stanek, Kent Brown, Erin Hudson, William Angle and Holland Wilson. This project is in compliance with the guidelines, and I am in favor of the project.

Mr. Eric Pauly asked since the approval in April 2020 how much new construction has occurred?

Mr. Paden Chambers stated that City Staff would be best to answer.

Mr. Bob Hosmer responded that two news projects that are pending. In the past there was one on Blaine for a garage, but these new projects are exciting new construction.

Ms. Debra McDaris, 2305 E. Hines Street, Republic, Missouri, speaking as a shopper on Commercial Street every Saturday. Everyone loves C-Street as it is a family, architecture and the essence of the street and opposes the project that housing is right for the street.

Ms. Mary Collette, 1539 N. Washington, wished to clarify that nobody has spoken about changing colors or to build a more historic design that she is aware of, they want a more exciting and dynamic design that highlights the area. She is an historic preservationist and served on the re-write of the design guidelines. She guided that process and worked to make sure it was completed. She said nostalgia and a love of C-Street history has been a passion for over forty years and she spoke in support of this groups first design at the Landmarks Board. It was a beautiful adapted re-use of the current structure that they are demolishing on the block face which was the Springfield MFA Building. She spoke in favor of this concept of OzMod second design simply requesting alternations to the façade that reference the current building sizes and lot sizes and façade. She said that she could no longer support this current request for a number of reasons after researching the brutalist modern design as the scale of the design which would dominate the site. She said demolishing the existing building which would nullify the "Adjacent Buildings" in the guidelines. She cited multiple design guidelines from Section 5 that the proposed building would not meet.

Mr. Bruce Colony asked if Ms. Collette is against any new construction and would prefer adapted reuse of the existing buildings?

Ms. Collette responded that she would support a more exciting and modern structure. This company does beautiful work, and they haven't done the best with this design. This dominates the site and needs to encourage the right kind of development.

Mr. Stephen Thomas, 2301 N. Johnston Avenue, business owner on Commercial Street. Wanted to express an opinion and concerns regarding this discussion that all the proper channels and guidelines have been followed. If everything has been executed and approved, it is not our place to deny the project. It is exciting that this project is coming to Commercial Street.

Mr. Blaine Whisenhunt, 1355 E. Crystal Hill Lane, representative of OzMod 425, LLC, refocus the purpose of this meeting is the Conditional Use Permit. Commercial Street was chosen for the love of the place and want to invest in the area. They have received a large amount of support from business owners in the area and encouragement for the project.

Ms. Kuleya Bruce asked if he worked on the design. Also asked if he could elaborate on the design intent on C-Street?

Mr. Blaine Whisenhunt responded that he did, and designers know that there are constraints on design and there were a lot of them on this project. The problems that were defined were taken in consideration along with the sensitivity for the guidelines.

Ms. Kuleya Bruce also asked how are going to address the concern of scale and have you considered the new guidelines with Forward SGF. Are there any other sites or design in this community that you can reference or any of this scale.

Mr. Blaine Whisenhunt responded that they are trying the best they can to follow the steps as directed. More meetings will be forthcoming as the project moves forward. No, there are no projects to this scale in the area.

Mr. Christopher Lebeck asked what is currently on the property. Also, wanted to thank them for taking a financial and design risk into this property and this part of town.

Mr. Blaine Whisenhunt responded that there is a pole barn structure off the street, wooden fence that is connected to a former mechanics space and a large bay at the back of the lot. Everything is empty.

Ms. Kuleya Bruce asked if they have looked at Tower Grove in St. Louis that had a similar transition and how they were received by the community. Do you understand the concern the scale but also understand respecting what is there and not trying to degrade or belittle the beauty of what is there and understand what you are proposing. Ask that you consider the scale of Commercial Street regarding the design.

Dr. Dustin Cox, 1031 E. High Point Street, Commercial Street business owner and teaches at Cox College, supports the project. Newer projects that allow for physical handicaps would benefit the area as they are lacking in the historic buildings.

Mr. Doennig closed the public hearing.

Mr. Bruce Colony wanted to thank the developer and speakers that came this evening. Tonight, needs to determine if the Conditional Use Permit can be approved and everyone would like to know what the project would look like, but we do not have that luxury, however, the project does meet the guidelines and checks the boxes and will support the project. Ask that the groups come together and work together on this project.

Ms. Bruce also stated that she supported this project.

Mr. Pauly also seconded the support of the project and stated that we need to be sensitive with projects on Commercial Street. Would like to see continuing work between the developers, C-Street organizations, and neighborhoods.

COMMISSION ACTION:
Mr. Lebeck motioned to **approve** Conditional Use Permit 454 (425 West Commercial). Mr. Knuckles seconded the motion. Ayes: Doennig, Jobe, Lebeck, Bruce, Colony, Knuckles and Pauly. Abstain: None. Absent: Natalie Broekhoven **Motion Passed**

Bob Hosmer, AICP
Planning Manager

Exhibit D

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: SEPTEMBER 8, 2022

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 19, 2022

CASE NUMBER: Conditional Use Permit 465

LOCATION: 425 West Commercial Street and 1824 North Lyon Avenue

ACRES: Approximately 0.84 acres

EXISTING LAND USE: Undeveloped land

APPLICANT: OZMOD 425 LLC, Strong Capital V LLC

STAFF: Michael Sparlin, Senior Planner

STAFF RECOMMENDATIONS: Approve w/Conditions

PROPOSED MOTION: I move to adopt staff's responses in the staff report as the findings of fact and approve CUP 465.

REQUIRED VOTE: A majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

This is a request to permit a Conditional Use Permit for construction of a development project greater than 10,000 square feet of total building floor area within COM-1, Commercial Street District generally located at 425 West Commercial Street and 1824 North Lyon Avenue.

FINDINGS FOR STAFF RECOMMENDATION:

1. This application meets the approval standards for a Conditional Use Permit.

2. The Landmarks Board reviewed and approved the proposed development project at their June 29, 2022 meeting. The Board found that the proposed project conformed to the adopted review criteria.

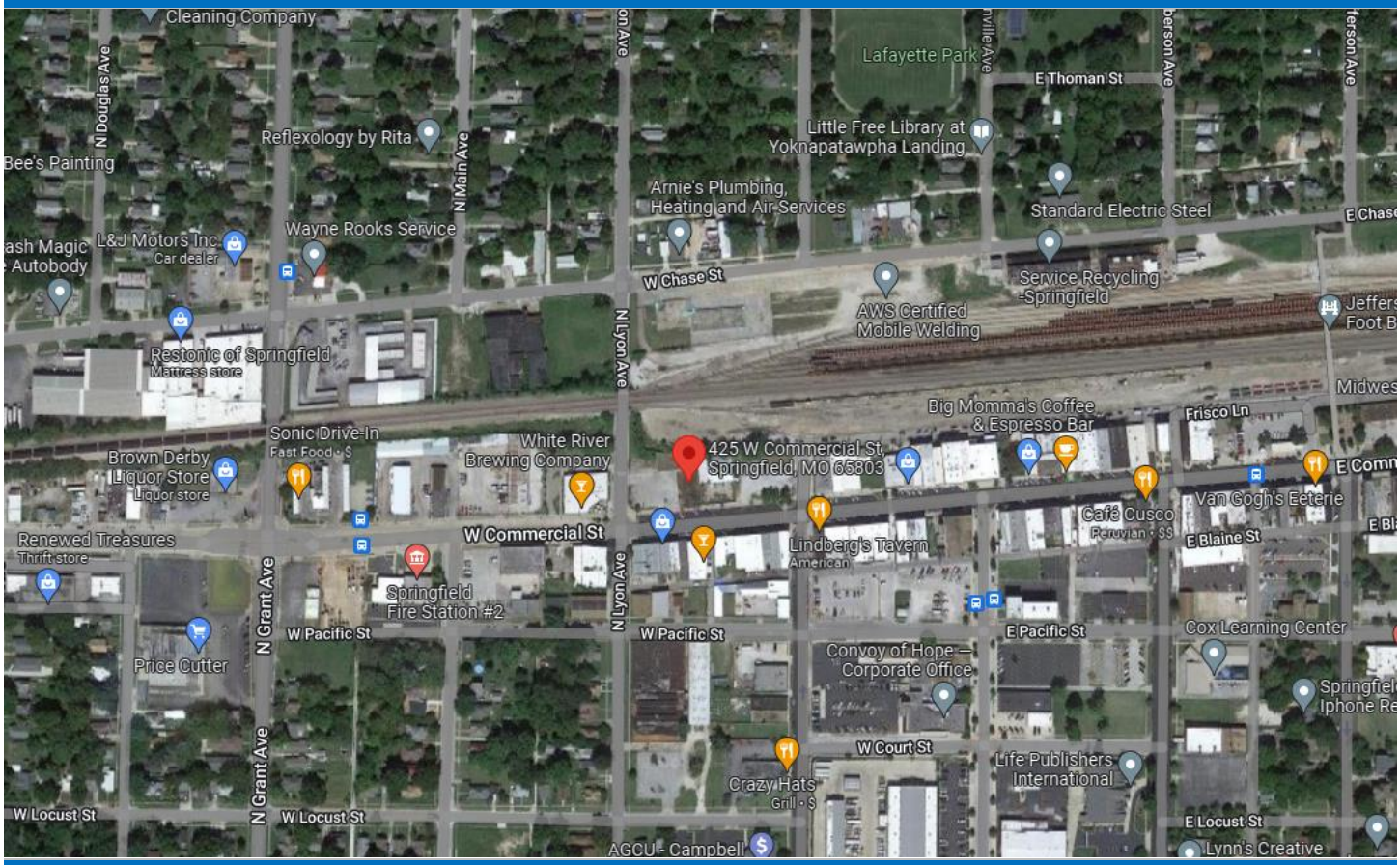
3. Approval of this request will provide for development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	HM	COM-1	COM-1	COM-1
LAND USE	Railroad	Commercial and Retail uses	Parking lot	Micro-brewery

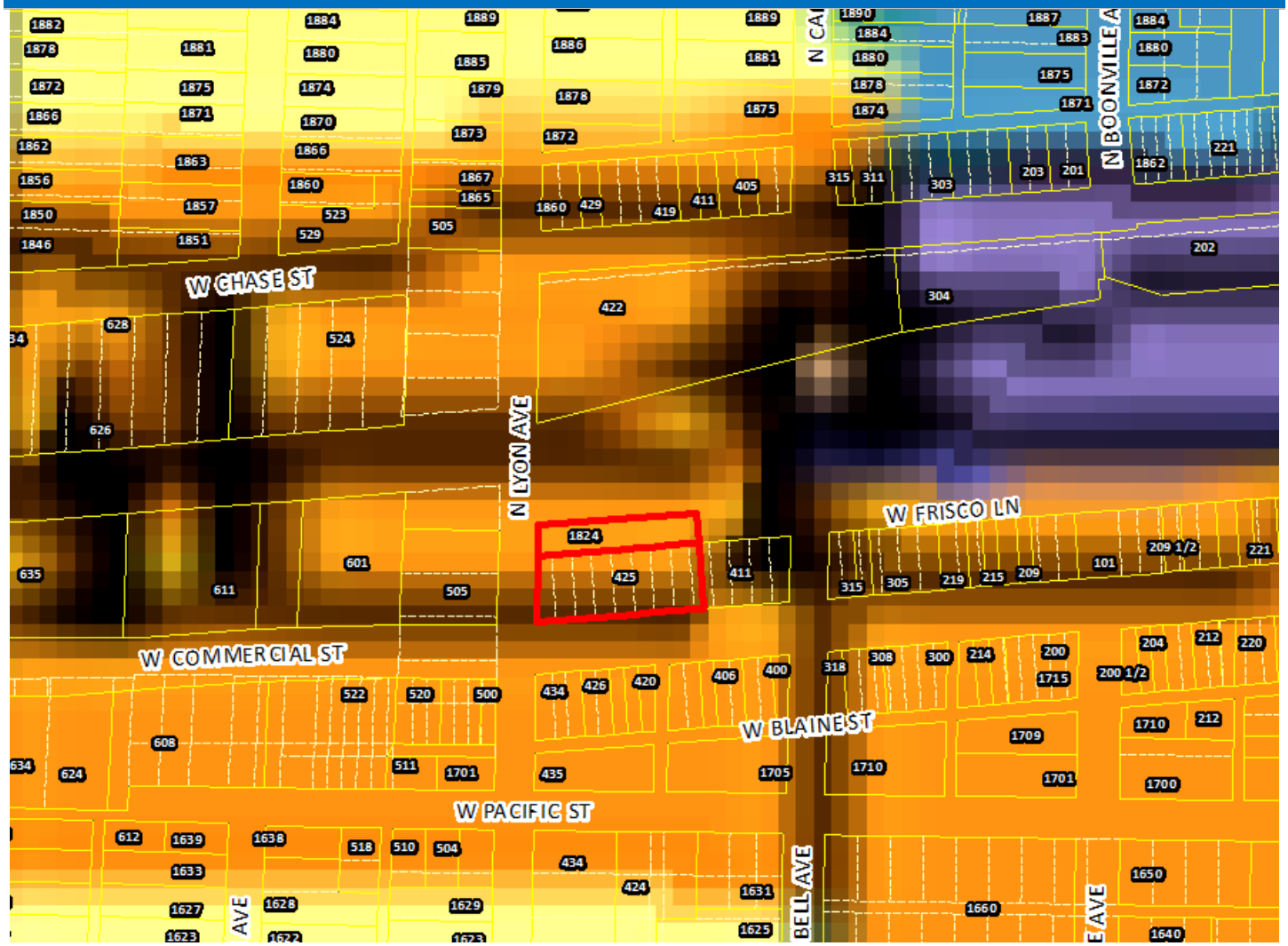
Development Review Staff Report

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:

GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse
- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

PROPERTY HISTORY:

The subject property was zoned Center City and Heavy Manufacturing during the City-wide remapping in 1995. In 2010, the subject property was zoned to its current zoning of COM-1.

ZONING ORDINANCE REQUIREMENTS:

Sec. 36-363. - Conditional Use Permit

(1) *Purpose.* The conditional use permit procedure is designed to provide the planning and zoning commission and the city council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located so as to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. The discretionary conditional use permit procedure is designed to enable the planning and zoning commission and the city council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a conditional use permit when it is apparent that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.

(8) *Period of validity.*

(a) No conditional use permit shall be valid for a period longer than 18 months from the date on which the city council grants the conditional use permit, unless within such 18-month period:

1. A building permit is obtained and the erection or alteration of a structure is started; or
2. An occupancy permit is obtained and the conditional use commenced.

The city council may grant one additional extension not exceeding 18 months, upon written application, without notice or hearing provided such grant is approved by city council prior to the expiration of the original 18-month period. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit. This additional extension shall be considered to have begun on the date of expiration of the original conditional use permit regardless of when this additional extension is granted by city council.

(b) When a conditional use is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be reestablished or resumed unless a new conditional use permit is granted by city council consistent with this section. The burden of proof shall be on the property owner to show that the conditional use has not been discontinued or abandoned for a period of 12 consecutive months or longer.

d. *Damage or destruction.* In the event that the principal building or structure on the property is damaged or destroyed, by any means, to the extent of more than 75 percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located and the property shall not continue to be used for the uses permitted by the provisions of this section.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* designates this area as appropriate for Medium-Intensity Retail, Office or Housing.

STAFF COMMENTS:

1. The applicant is requesting approval of a Conditional Use Permit for construction of a development project greater than 10,000 square feet of total building floor area within COM-1, Commercial Street District The

applicant is proposing to develop a multi-use commercial, retail and residential building at 37,533 square feet of total building floor area.

2. The COM-1 district requires a Conditional Use Permit for development projects that exceed 10,000 square feet of total building floor area. Historically, much of Commercial Street was developed on small, and narrow width lots and therefore square footage of buildings were limited. The subject property is under common ownership and larger compared to other lots on Commercial Street.

3. The COM-1 district intends to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to a commercial street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The city has approved a commercial street redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area.

4. The proposed development is within the Commercial Street Historic District, which requires Landmarks Board review and approval of any exterior alterations and new construction. The proposed demolition of the existing building and new development was reviewed and approved by the Landmarks Board on June 29, 2022, which included the site plan, building materials and renderings. The Board found that the proposed project conformed to the adopted review criteria, the *Secretary of the Interior's Standards for Rehabilitation,* the *Commercial Street Design Guidelines* (adopted in 2020), and Sec. 36-404(3)(d)(3), which states:

   "For new construction, the landmarks board shall also consider the extent to which the building or structure would be harmonious with or incongruous to the old and historic aspects of the surroundings. It is not the intent of this section to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility shall be evaluated in terms of the appropriateness of materials, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof."

5. The COM-1 district requires CUP applications to notify additional groups. Per code, notices were sent to property owners/physical address within 500' radius of the subject property. Additionally, notices were sent to Woodland Heights, Grant Beach, Mid-Town Neighborhood Associations, Commercial Club, Urban District Alliance (now Downtown Springfield Association), Commercial Street CID Board. A total of 133 notices were mailed at least 10 days before the neighborhood meeting.

6. Approval of this request will provide for the development of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

7. A Traffic Impact Study is not required as the trips generated by the conditional use permit do not exceed the threshold of 1,000 trips per day or 100 trips in the a.m. or p.m. peak.

8. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on June 23, 2022 regarding the conditional use permit request. A summary of the meeting is attached (Attachment 4)

PUBLIC NOTIFICATION:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

Notices sent to property owners within 185 feet: Mailed: 12 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1
CONDITIONAL USE PERMIT 465

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No issues with CUP.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the use permit. Public sewer currently lies beneath some of the existing buildings. Need to show the sanitary sewer easement and sewer main on all subsequent plans. If no easement exists, a new one will be required. Staff note; when the existing buildings are demolished, video inspection of the public sewer main will need to be performed before and after to ensure that no damage occurred.

FIRE DEPARTMENT COMMENTS:

No issues.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Jordan Creek Lower Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is** aware of flooding problems in the local or downstream area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **is not applicable because the site is built out.** The property **does not have a stream buffer on site.**

PW Stormwater has no concerns for the proposed Conditional Use Permit. Please note that development of the property will be subject to the following conditions at the time of development. All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022: https://www.springfieldmo.gov/DocumentCenter/View/57515/Flood-Control-and-Water-Quality-Protection-Manual-April-2022

Detention and Water Quality Requirements

1. Existing site is developed and the submitted site plan doesn't appear to change the amount of impervious. Include a calculation for the change in impervious surface and green space area. Detention required if increasing the impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3.
2. Water quality is not required with less than one acre of land is disturbed per Chapter 10 Sec. 2.0 Springfield Flood Control and Water Quality Protection Manual.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Commercial Street as a Collector roadway and N. Lyon Avenue as a Local – Commercial roadway. The standard right-of-way width for both W. Commercial Street and N. Lyon Avenue is 30-feet from the centerline. It appears no additional right-of-way is needed along either of these roadways. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right of way. W. Commercial Street and N. Lyon Avenue are both city- maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic counts on W. Commercial Street is 5,667 vehicles per day and for N. Lyon Avenue is 1,658 vehicles per day. On-street parking is allowed along W. Commercial Street and N. Lyone Avenue.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Commercial Street and one driveway access point onto the property from N. Lyon Avenue. Any new proposed driveway approaches must meet the minimum spacing requirements for the road classification access is being requested.

SIDEWALK

There is existing sidewalk along the property frontage of W. Commercial Street and N. Lyon Avenue.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are two bus stops in the area of the property located on W. Commercial Street.

IMPROVEMENTS

None required.

TRAFFIC - TABLE 1: PLANNED DEVELOPMENT/CONDITIONAL USE PERMIT DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	W. Commercial Street	Collector	Yes	45	30
Street 2	N. Lyon Avenue	Local - Commercial	Yes	30	30

	AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated	16	67	720	
*Proposed Trips Generated	16	67	720	
Additional Trips Generated	0	0	0	

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2

CONDITIONAL USE PERMIT 465

1. A 37,533 square foot, mixed-use new building is permitted in conformance with Attachment 5.

2. The 37,533 square foot, mixed-use new building shall comply with all the standards listed in Attachment

3. Per Sec. 36-425 (7)(h), the COM-1 district's purpose is to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic ambience. The COM-1 district should also promote new uses and development within the zoning district that provide an element of consistency and similarity of intensity, use, building heights, and materials used with the existing structures. These elements are described as follows:

    1. Building façades. All sides of buildings visible to the public, whether viewed from the public right-of-way or a nearby property, shall display a similar level of quality and architectural finish. This shall be accomplished by integrating architectural variations and treatments such as windows and other decorative features into all sides of a building design. Two or more of the following design elements shall be incorporated for each 40 horizontal feet of a building façade or wall:
        a. Changes in color, texture, and material; or
        b. Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or
        c. Groupings of windows or fenestration.
    2. On each lot, the building façade shall be built to the district minimum setback line for at least 80 percent of the street frontage. This does not include Blaine Street frontage.
    3. The building façade shall be built to the district minimum setback line within 30 feet of a block corner. This does not include Blaine Street frontage.
    4. The portions of the building façade required to be built at the district minimum setback line may include jogs of not more than 18 inches in depth except as otherwise necessary to allow bay windows, shop fronts and balconies.
    5. Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages.
    6. Fenestration on the ground floor facades shall comprise a least 40 percent, but not more than 90 percent of the façade area, measured as a percentage of the façade between floor levels.
    7. Fenestration on the upper floor facades shall comprise a least 20 percent, but not more than 60 percent of the façade area, measured as a percentage of the façade between floor levels.
    8. The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.
    9. The maximum story height for the ground story is 20 feet.
    10. The maximum floor-to-floor story height for stories other than the ground floor is 12 feet.
    11. Building materials and colors.
        a. Metal shall not be used as a primary exterior surface material, except for metal roofs. Metal trim can be used but not to exceed 15 percent of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:
            (i) Customary brick masonry;
            (ii) Natural or cast stone;
            (iii) Oversized brick;
            (iv) Split-faced block;
            (v) Architectural pre-cast concrete; and
            (vi) Accent materials such as glass block and ceramic tiles.

b. Façade colors shall have low reflectance. High-intensity, metallic, black or fluorescent colors are prohibited. Natural and recycled materials may be utilized to enhance the building façade and promote sustainable development.

4. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.

STANDARDS FOR CONDITIONAL USE PERMIT 465

ATTACHMENT 3

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan.	Proposed development is consistent with the Springfield Comprehensive Plan.	This application is consistent with the *Growth Management and Land Use Plan* of the *Comprehensive Plan* which designates this area as appropriate for Medium-Intensity Retail, Office or Housing.
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.	Approval from the City of Springfield's Public Works Traffic Department will be required for obtaining a building permit.	Public Works Traffic Division has reviewed the application and has determined that conditional use will not adversely affect safety of the motoring public and of pedestrians with traffic access controls that are required. Traffic comments are provided in Attachment 1.
3. The proposed conditional use will adequately provide for safety from fire hazards and have effective measures of fire control.	Approval from the City of Springfield's Fire Marshall will be required for obtaining a building permit.	The Fire Department has reviewed this request and has no concerns with regard to safety from fire hazards and fire controls. Fire comments are provided in Attachment 1.
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage.	Approval from the City of Springfield's Public Works Stormwater Department will be required for obtaining a building permit.	Public Works Stormwater Division has reviewed this request and provided comments in Attachment 1. The development is required to meet development standards for stormwater management.
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district.	No additional sound levels are anticipated beyond that of a typical permitted use within the district.	It is not expected that the proposed use will have noise characteristics that exceed Zoning Ordinance standards.
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights to eliminate or mitigate such glare are proposed.	Site parking adheres to district design guidelines and zoning requirements. Stationary lighting is typical of the district.	It is not expected that the proposed use will negatively affect neighborhood districts. The applicant's response adequately addresses this condition.

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site.	All signage will adhere to district design guidelines and be typical of the area.	The development will be subject to the signage standards of the Zoning Ordinance.
8. Such signs will not have an adverse effect on any adjacent properties.	All signage will adhere to district design guidelines and be typical of the area.	The development will be subject to the signage standards on the Zoning Ordinance.
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.	Approval from the City of Springfield's Public Works Traffic Department will be required for obtaining a building permit	Public Works Traffic Division has reviewed the application and has determined that the street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare.	Proposed development adheres to established design standards and occupancy types that are typical of the district. Increasing the allowable square footage beyond 10,000 sf is necessary for the building to harmonize with its surroundings while respecting the massing and setback lines that help to define the urban character of the area. Off street surface parking is provided to mitigate additional demand on street parking and traffic congestion.	It is not anticipated that the proposed use will have an adverse effect or be incompatible with the adjacent and surrounding properties which are used for commercial uses.
11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to: a. The location, nature and height of buildings, structures, walls and fences on the site; and b. The nature and extent of landscaping and screening on the site.	The proposed building is within the 3 story height limit, in compliance with the zoning ordinance. It is situated to abut the south and west lot lines, enhancing walkability along the public right of way while continuing the architectural language of the existing structures within the district through its massing, materiality, and architectural gestures. No landscaping requirements are in place with the property's zoning.	The standards of the Zoning Ordinance adequately address these issues. The subject property is located in an area of commercial uses and is not anticipated to dominate the immediate vicinity or to interfere with the development and use of neighboring properties.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site.	N/A, no significant topographical or physical features exist on the subject property.	It is not expected that the proposed development will negatively affect any significant natural topography or physical features.

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.	The Springfield Landmarks Board has reviewed this development and approved the demolition of all existing structures on the site. A photographic archive of the existing buildings has been undertaken to preserve information regarding the structures prior to their demolition.	The proposed development is within the Commercial Street Historic District. The proposed demolition of the existing building and proposed new development was reviewed and approved by the Landmarks Board on June 29, 2022.
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards.	Approval from the City of Springfield's Planning and Zoning Department will be required for obtaining a building permit.	The proposed use is required to comply with applicable regulations with regard to lot size, bulk regulations, use limitations and performance standards.
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.	Additional square footage sought through conditional use shall be devoted towards retail and residential uses, consistent with the district and promoting public convenience.	The applicant's response adequately addresses this condition.
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect	Site parking adheres to district design guidelines and zoning requirements	The development will be subject to these standards of the Zoning Ordinance.
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.	Approval from the City of Springfield's Public Works Traffic Department will be required for obtaining a building permit.	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards.
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.	Approval from the City of Springfield's Public Works Traffic Department will be required for obtaining a building permit.	Public Works Traffic Division has reviewed the proposed site plan and has determined that it will not create these hazards with the traffic access controls that are required with this Conditional Use.
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.	No interferences are proposed.	No known interference with any public rights of way or easements are known.
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the	N/A, conversion of existing structure is not planned.	The development is required to adhere to all standards of the

36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff response:
structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.		Zoning Ordinance and other applicable ordinances.
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.	Additional square footage sought through conditional use permit is proposed to be on the same lot as the initial allowable square footage and the previously existing structure, so public services exist on site presently.	This property is already served with public infrastructure and services.

Attachment 4

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Conditional Use Permit for: 425 W. Commercial Street
2. Meeting Date & Time: 06/23/2022
3. Meeting Location: 425 W. Commercial Street
4. Number of invitations that were sent: 133
5. How was the mailing list generated: City staff
6. Number of neighbors in attendance (attach a sign-in sheet): 7
7. List the verbal comments and how you plan to address any issues:
   (City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

   See attached.

8. List or attach the written comments and how you plan to address any issues:

   See attached.

I, Tyler Hellweg (*print name)*, attest that the neighborhood meeting was held on 06/23/2022 (*month/date/year),* and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Signature of person completing affidavit

Tyler Hellweg

Printed name of person completing affidavit

ARKIFEX
STUDIOS
ARCHITECTURE + DESIGN
OZARK MODERNISM

August 16, 2022

Re: **Neighborhood Meeting Summary**
PLN2022-00140
Conditional Use Permit 465 – 425 W. Commercial Street

The neighborhood meeting for this request was held on June 23, 2022 between 4:30 pm to 6:00 pm at the project site, 425 W. Commercial Street. From the mailers that were sent to neighbors within a 500-ft. radius, there were 7 neighbors that stopped by to inquire about the proposed zoning and discuss how it may impact them and their neighbors. All participants were offered a mail-in comment card to take with them and all declined to fill out the sign in sheet.

The materials presented were a site plan and two exterior schematic renderings of the proposed building.

Most neighbors were enthusiastic about the project and the thought of bringing additional housing and retail amenities to the area. They offered thoughts on what kinds of retail tenants would be beneficial to add to the business landscape of the district, including a small grocery and a casual lunch restaurant.

One neighbor was unreceptive to the architectural style of the exterior of the building, concerned that it didn't match the historic structures nearby.

There were no vocalized concerns regarding the building being in excess of 10,000 sf.

Respectfully,

Tyler Hellweg, AIA

COMMERCIAL CLUB of SPRINGFIELD

299 East Commercial, Springfield, MO 65803

Board Members:

Mary Collette (Pres)
Joseph Gidman (VP)
Irene Schaefer (Scty)
Anne Walls (Treas)
Christine Schilling
Randy Bacon
Rebecca Hale

Mayor Ken McClure, City Council Members,
Chairman Randall Doennig, Planning & Zoning Commission
City Manager Jason Gage
840 Boonville, Springfield, MO 65803

August 2, 2022

Mayor, Council, Chairman, P&Z Commission, City Manager,

The board of Commercial Club of Springfield honors your service to our community and support for the thousands of hours of our own volunteer efforts that have shaped Commercial Street Historic District, making her one of Springfield's most sought-after and unique destinations and a model for placemaking efforts underway in our city.

Our community supports the concept of new development and does not wish to discourage new construction in our 150-year old local and federal historic district. We are very excited to have two major developments, totaling over $20million, under consideration between Campbell and Lyon Avenues.

As with any major project, each of the two projects, one by OzMod Group, and one by Vecino Group, brings unique challenges, ones that we believe can and should be addressed by requiring a dialogue with stakeholders of our unique 6-block district. When one considers these two plans comprise one solid block of our 6-block district, one which requires strict adherence to guidelines for historic structures but very little input or oversight for new construction, this dialogue just makes sense.

The need for dialogue about design elements is particularly striking when the lack of it is compared to the very clear new construction requirements proposed in the Grant Avenue Parkway Corridor Plan. To wit please note that in each of the 6 Grant Avenue "Subareas", this requirement exists:
"reinforcement of existing style of adjacent neighborhood is paramount as is the use of similar materials to ensure design compatability,"

Subarea A: "Building facades should reinforce the character of the subarea."
"Detailing such as cornices and other elements along the roofline are encouraged. Elements such as cornice lines should also be used to draw a visual connection to adjacent development."

Subarea B: "New development within this subarea should complement the existing scale and character of existing structures in this area while accommodating additional density."

Subarea C: "Building facades should reinforce the character of the Subarea"
"Design of new development...should be sensitive to the rhythm of the residential neighborhood located east and west of the corridor."

Subarea D: "...townhomes and multifamily that compliment the rhythm and architecture of other structures in this subarea. New development should seamlessly blend with existing nearby residences.

Subarea E: "Building facades should reinforce the high-quality character of the Subarea..."

Subarea F: "Articulation should be used to break up long blank facades and primary facades..."

If these design requirements were in place for new construction in the Commercial Street Historic District, I believe this letter would be one of complete support. All of us in the historic district are extremely excited about new development.

We do feel it is our responsibility to weigh in on new projects that will be here for the next 100 years. It is not only our valuable, intact historic fabric that requires protecting, it is also our duty to press for new structures that meet the highest design standards while exhibiting sensitivity to the unique neighborhood they plan to be part of.

Several of us spoke in support of the OzMod development at the recent Landmarks board after being reassured by Arkifex Architects that they would be happy to explore different facade patterning through color or materials that somehow reference the rhythm of the existing historic architecture in the district. I believe the Landmarks Board approval was partly due to their expressed willingness to work informally with a small group of interested neighbors to address these concerns.

I have contacted Arkifex multiple times. They have explained that they plan to pursue Planning and Zoning and City Council approval prior to making any suggestions as to what changes could be made to the facade. Naturally, this leaves us with no recourse once it has been passed. We ask the Commission and Council to require the design input, as promised at the Landmarks Board, from neighbors before considering their request for demolition and construction.

While Vecino Group has presented their proposed development to Commercial Club and their neighbors in our community before beginning the city's development process, most of us knew nothing about the OzMod project prior to their request to demolish one structure and build another much larger structure in its place; it is nearly 240 feet long. We will continue to work with the Vecino Group and have expressed our concerns and feel comfortable that this process will continue with the principals of that project. We look forward to hearing more from them as they embark on that project and hope to have a productive dialog with OzMod and Arkifex.

Somehow, this process of ongoing communication with developers needs to be formalized for the future success of our historic district. The local and federal historic designation puts stringent requirements on alterations to historic structures. We ask council and the commission to consider a policy that employs the same levels of requirements for new construction and not only allows but encourages, even requires developers to work more closely with neighbors and stakeholders of this and other historic neighborhoods.

Thank you for your public service; we appreciate your support,

Mary Collette

Mary Collette, President
Commercial Club of Springfield

Board Members:
Joseph Gidman (VP)
Irene Schaefer (Scty)
Anne Walls (Treas)
Christine Schilling
Randy Bacon
Rebecca Hale

Midtown Neighborhood Association
PO Box 214
Springfield, MO 65801

August 9th, 2022

Mayor, Council, Chairman, P&Z Commission, City Manager,

The Midtown Neighborhood Association Board supports the concept of new development within our historic district that is designed to serve Springfield residents and visitors. We also feel that new development should reinforce the existing style of adjacent neighborhood buildings (including scale and character) in order to complement the rhythm and architecture of other structures nearby.

We are writing in regard to a project proposed at 425 W. Commercial by the OzMod Group. This structure, at nearly 240 feet long, will have a significant visual impact on the overall appearance of the 6-block Commercial Street Historic District. While there are strict guidelines in place which govern the renovation of historical structures within the district, there are very few in place for new construction within an existing historic district. In support of our colleagues on the board of the Commercial Club of Springfield, we respectfully ask that OzMod Group show a willingness to engage in dialogue with Midtown, the Commercial Club, and Woodland Heights regarding design elements for the development at 425 W. Commercial.

We feel it is our responsibility as a neighborhood association to weigh in on projects which will affect our community and to press for new structures that meet the highest design standards while also reinforcing the character of existing structures in the neighborhood. We feel that 425 W. Commercial could better reference the existing historical architecture in the district through small changes in the facade of the structure, including color, pattern, and materials.

While Arkifex architects reassured members of the Commercial Club that they would be happy to work with a small group of interested neighbors in order to address these concerns, they have stated that they plan to pursue Planning and Zoning and City Council approval prior to seeking input from neighborhood stakeholders. This would mean that the Commercial Club would have no recourse once approval has been passed. We ask the Commission and Council to require design input from neighbors as promised at the Landmarks Board before considering their request for demolition and construction. The project at 425 W. Commercial would strongly impact residents of Midtown and Woodland Heights neighborhoods as well as Commercial Street residents and business owners.

We wish to support our neighbor Mary Collette's request that the process of ongoing communication with developers be formalized in order to better protect our historical district. We echo her request to both Council and Commission to consider a policy that requires new construction to adhere to set requirements when building within historic neighborhoods and to encourage developers to work more closely with neighbors and stakeholders throughout the design process.

Respectfully,

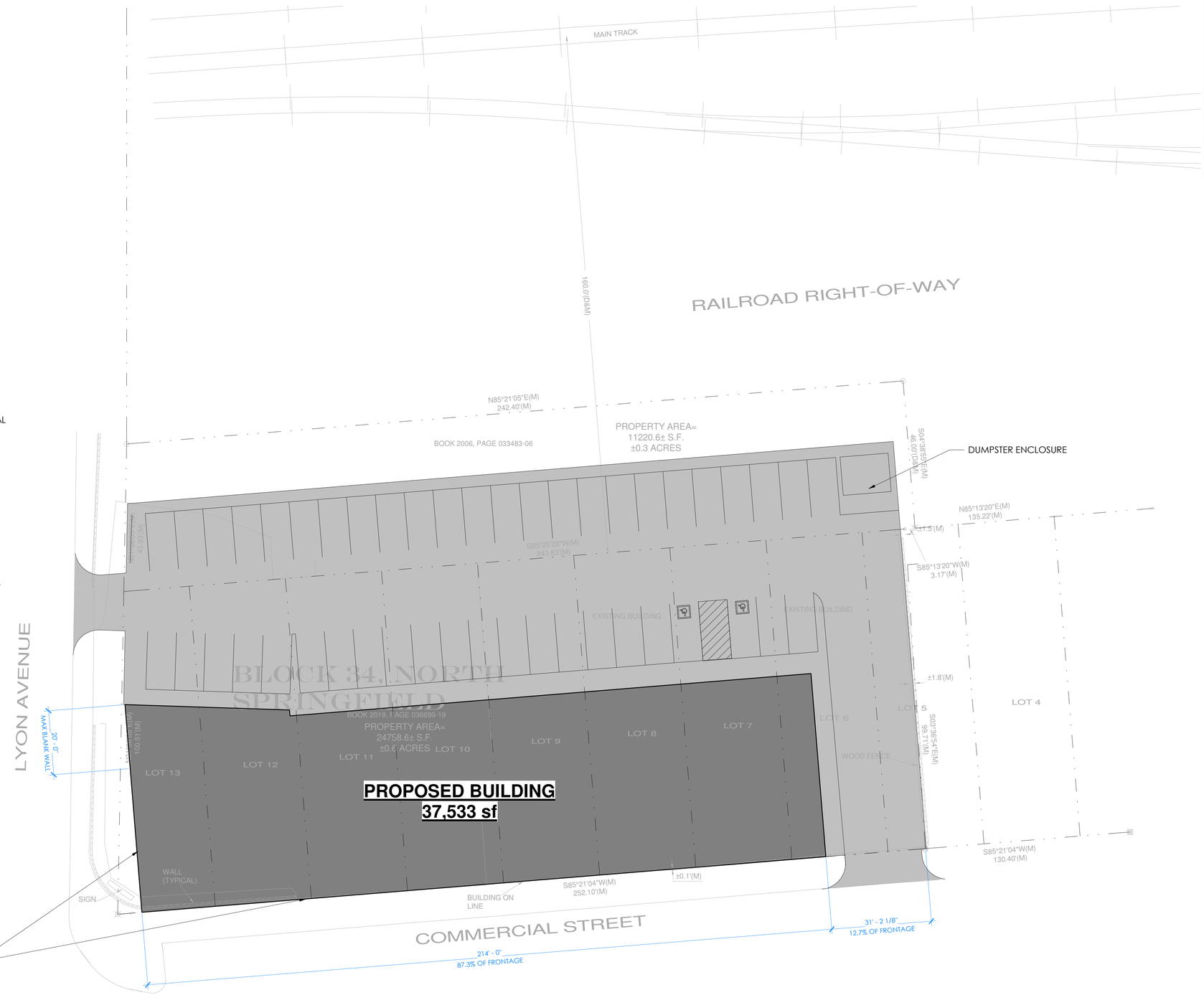
Members of the Midtown Neighborhood Association Board

Board Members:
Dylan Chorice
Brian Shipman
Ran Cummings
Ralph Plank
Marie Wood
Susan Mann
Philip Vice
James Jeffries

Attachment 5

SITE ANALYSIS

SITE ADDRESS:	425 W. COMMERCIAL ST. SPRINGFIELD, MO 65803
LEGAL DESCRIPTION:	WARRANTY DEED BY CORPORATION - BOOK 2019, PAGE 036699-19 - THE WEST 12 FEET OF LOT FIVE, AND ALL OF LOTS SIX, SEVEN, EIGHT, NINE, TEN, ELEVEN, TWELVE AND THIRTEEN, ALL IN BLOCK THIRTY-FOUR, THE PLAT OF NORTH SPRINGFIELD, GREENE COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.
ZONING:	COM-1, LANDMARKS OVERLAY
SITE AREA:	35,989 sf
BLDG AREA ALLOWED:	10,000 sf (PER ZONING ORDINANCE)
BLDG AREA PROPOSED:	37,533 sf
PARKING REQ'D:	NONE (PER ZONING ORDINANCE)
PARKING PROPOSED:	46 STALLS (INCLUSIVE OF 2 ACCESSIBLE STALLS)
OPEN SPACE REQUIRED:	NONE (PER ZONING ORDINANCE)
OPEN SPACE PROPOSED:	4,532 sf
SETBACK REQUIREMENTS:	NONE (PER ZONING ORDINANCE)
BLDG OCCUPANCY:	GROUND LEVEL: RETAIL/BUSINESS UPPER LEVELS: MULTIFAMILY RESIDENTIAL
FENESTRATION RATIO REQUIRED:	GROUND LEVEL: 40% - 90% SECOND LEVEL: 20% -60% THIRD LEVEL: 20% -60%
FENESTRATION RATIO PROPOSED:	GROUND LEVEL: 60.4% +/- SECOND LEVEL: 28.8% +/- THIRD LEVEL: 20.3% +/-
GROUND LEVEL CEILING HEIGHT:	12' - 0"
FLOOR-TO FLOOR HEIGHT:	GROUND LEVEL: 13' - 6" UPPER LEVELS: 11' - 0"
EXTERIOR MATERIAL PALLETTE:	GLAZING, STONE, BRICK MASONRY, METAL ACCENT
METAL TRIM RATIO REQUIRED:	15% MAXIMUM
METAL TRIM RATIO PROPOSED:	2.8% +/-
METAL TRIM REFLECTANCE:	MATERIAL TO BE NONREFLECTIVE MATTE FINISH



AT EVERY 40' MAXIMUM SPACING, SOUTH AND WEST FACADES WILL INCORPORATE:
(1) CHANGES IN FENESTRATION GROUPINGS, AND
(2) PROJECTIONS, RECESSES, AND REVEALS EXPRESSING ENTRANCES AND OTHER ASPECTS OF THE ARCHITECTURE

1 SITE PLAN
1/16" = 1'-0"

ARKIFEX STUDIOS
221 SOUTH AVE, SPRINGFIELD, MO 65806

Architect of

PRELIMINARY - NOT FOR CONSTRUCTION

Certificate of Authority:

Copyright 2022 Arkifex Studios LLC

Drawings and Specifications as instruments of service are and shall remain the property of the Architects. They are not to be used on other projects or extensions to this project except by agreement in writing with appropriate compensation to the Architect.

Contractor is responsible for construction means methods and techniques, sequences or procedures or for safety precautions and programs in connection with the project.

OZMOD 425
425 W. COMMERCIAL STREET
SPRINGFIELD, MISSOURI 65803
GREENE COUNTY

Revisions

No.	Description	Date

A1.1
SITE PLAN

project #: xx-xxx
date: 8/25/2022 1:55:07 PM

8/25/2022 1:55:07 PM

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed: 09-13-22

Sponsored by: Lear

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 245 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or designee, to enter into an Amended and Restated Lease Agreement with the Greene County Agricultural and Mechanical Society of Springfield, Missouri.

_____

WHEREAS, the City of Springfield, Missouri (the "City") has leased property commonly known as the Fairgrounds to the Greene County Agricultural and Mechanical Society of Springfield ("Fair Board") for many years; and

WHEREAS, the City and Fair Board entered into an Amended and Restated Lease Agreement in 2012 and have made minor amendments to said lease since 2012; and

WHEREAS, both the City and Fair Board desire to update the existing lease for the benefit of both parties.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 − City Council hereby authorizes the City Manager, or designee, to execute on behalf of the City an Amended and Restated Lease Agreement with the Fair Board, said agreement to be substantially in the form attached hereto and incorporated herein by reference as "Exhibit 1."

Section 2 − This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Rhonda Lewoaden, City Attorney

Approved for Council Action: Jason A. Kage, City Manager

EXPLANATION TO COUNCIL BILL 2022-245

FILED: 09-13-22

ORIGINATING DEPARTMENT: Law

PURPOSE: To authorize the City Manager, or designee, to enter into an Amended and Restated Lease Agreement with the Greene County Agricultural and Mechanical Society of Springfield, Missouri.

BACKGROUND INFORMATION: The City currently leases property commonly known as the Fairgrounds to the Greene County Agricultural and Mechanical Society ("Fair Board"), a non-profit benevolent association that operates the Ozark Empire Fairgrounds. The Fair Board provides a wide variety of community activities and resources.

The current lease with the Fair Board was executed in 2012 and a few minor amendments have been made to the lease since then. The proposed Amended and Restated Lease Agreement ("Exhibit 1") would update and extend the lease.

Submitted by:

Rhonda Lewsader, City Attorney

Approved by:

Jason Gage, City Manager

Exhibit 1

AMENDED AND RESTATED LEASE AGREEMENT

This Amended and Restated Lease Agreement ("Lease") is made and entered into as of this ____ day of _____, 2022, ("Effective Date") by and between the City of Springfield, Missouri ("City"), and the Greene County Agricultural and Mechanical Society of Springfield, Missouri, a not-for-profit benevolent association, of the County of Greene, State of Missouri ("Lessee").

WITNESSETH:

WHEREAS, the City, the Springfield-Greene County Park Board, and Lessee previously entered into Contract Number 1993-406 and Amended Contract 1993-406-01 (collectively the "Original Lease"), which Original Lease was consolidated and replaced by that certain Amended and Restated Lease Agreement 1993-406-02, dated March 15, 2012, between the City and Lessee, as subsequently amended by that certain First Amendment to Amended and Restated Lease Agreement dated April 1, 2013, and that certain Addendum 1993-0406, dated July 16, 2013 (referenced in context to the Original Lease as Addendum #3) and that certain Addendum to Lease Agreement 1993-0406, dated June 21, 2018 (referenced as Addendum #04) (collectively referred to as "Prior Lease"), whereby Lessee leases a portion of the real property located on Norton Road in Springfield, Missouri, commonly known as the Fairgrounds ("Leased Premises"); and

WHEREAS, Lessee has for many years performed civic functions in an outstanding manner, providing recreational and educational activities and facilities for Greene County citizens; and

WHEREAS, it is desirable that the new Lease be entered into as hereinafter set forth so that Lessee may obtain increased revenue to remain a viable organization and the term of the Lease be extended so that Lessee (and its concessionaires, exhibitors and sub-lessees) may erect and maintain permanent improvements on the Leased Premises, make other capital improvements, and make long-range plans for the development and use of said premises and improvements consistent with this Lease and Lessee's agricultural mission.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, City hereby leases to Lessee the Leased Premises, known as the Fairgrounds, located on Norton Road, Springfield, Missouri, on the following terms and conditions:

1. **Prior Lease Agreement**. The Prior Lease is hereby Amended and Restated in its entirety as of the Effective Date of this Lease and shall be replaced by the covenants, terms and conditions set forth herein.

2. **Leased Premises**. City hereby leases to Lessee, and Lessee leases from City, the Leased Premises described herein:

> All of the West Half (W/2) of Lot Two (2) of the Northeast (NE) Fractional Quarter (1/4) of Section Two (2), Township Twenty-nine (29), Range Twenty-two (22). Also that part of the East Half (E/2) of Lot Two (2) of the Northwest (NW) Fractional Quarter (1/4) of Section Two (2), Township Twenty-nine (29), Range Twenty-two (22), lying East of the present road running in a northerly direction through Zoo Park, across the fill and lying West of race track site, containing seventy (70) acres, more or less, all of which is under fence and now being used by the Greene County Agricultural and Mechanical Society of Springfield, Missouri, as allowed under Prior Lease.

3. **Term**. The term of this Lease shall be for a period commencing on the Effective Date set-out above, and expiring at midnight on October 14, 2052, with an option to extend the Lease by mutual agreement of the parties for additional five (5) year terms, so long as all terms and conditions are expressly approved in writing by both parties. Any holding over after the expiration of this Lease, or any extended term thereof, shall not operate to renew this Lease.

4. **Rent**. As rent payments hereunder, the Lessee shall pay to the City the amounts set forth in subparagraph A. below.

> A. Lessee shall pay to City an annual rental fee of Six Thousand Five Hundred Dollars ($6,500.00), due and payable annually on October 14 for the years 2022 through 2027. Beginning with the payment due October 14, 2028, and every fifth year thereafter, the annual rental fee shall be increased in the anniversary month of this Agreement (October) by a percentage amount equal to the [net] percentage increase in the Consumer Price Index – All Items for Urban Consumer, for all cities, as published by the United States Department of Labor, Bureau of Labor Statistics ("CPI") for the immediately preceding five-year period ending September 30. If there is no percentage increase in the CPI, the annual rent fee shall not be increased; however, in no event shall the rent be reduced.
>
> B. All such rental payments shall be due by the 14th day of the month due or the next Business Day thereafter if the 14th day of the month is not a Business Day. "Business Day" means any day that the City is open for the conduct of business.

5. **Annual Report.** Lessee shall provide a written report to the City Manager annually by March 1 for the preceding calendar year. Said report shall describe the public events held at the Leased Premises during the prior year, including the number and estimated attendance, and whether the events were indoor or outdoor. Said report shall also provide an update on the progress of improvements set out in the Master Plan, proof of the insurance required by this Lease, and any other information required in this Lease and the Hazardous Materials disclosure described below. Such report shall also include information needed to complete an Economic Impact study every fifth year beginning with the fifth year after the execution of this Lease.

6. **Performance Indicators.** Notwithstanding any other provision in this Lease, this Lease is subject to termination at the City's sole option if: (1) total attendance at public events held at the Lease Premises is less than 500,000 per year in any two years of a three consecutive year period; or (2) there is a substantial change in management; or (3) the number of events is less than fifty per year in any two years of a three consecutive year period. In the alternative, the City may choose to modify the terms of this Lease, with input from the Lessee, instead of terminating this Lease.

7. **Periodic Review of Lease Terms.** At the request of either party, Lessee shall meet with the City Manager or his designee to review the terms of this Agreement.

8. **Maintenance**. The premises and improvements thereon are leased to Lessee in the present condition, and Lessee agrees and shall be responsible for the maintenance of all buildings and permanent improvements located on the Leased Premises. Lessee further agrees to keep the Leased Premises in as good as condition as they are in at the present time and during the term of this Lease and any extensions of this Lease, usual wear and tear or casualty/obsolete destruction or replacement excepted. Lessee further agrees to deliver to City possession of said Leased Premises at the expiration of this Lease or the extended term thereof in as good condition as at the present time, usual wear and tear and casualty/obsolete destruction excepted. Replacement must be made in accordance with the Master Plan. Lessee shall maintain the Leased Premises, including building and improvements, at all times in good order and a safe, neat, sanitary, and attractive condition, shall repaint and refurbish the Leased Premises at reasonable periodic intervals and shall not permit the accumulation of any trash, paper, or debris on the Leased Premises. Lessee agrees that it will not commit any waste on the property nor will it maintain any nuisance thereon.

9. **Ownership of Improvements**. Any buildings or permanent improvements constructed on the Leased Premises by Lessee shall become the property of the City upon the termination or expiration of this Lease.

10. **Transfers of Premises**. Lessee covenants and agrees not to (a) assign, mortgage, pledge, convey, encumber or in any manner transfer this Lease or any estate or interest therein without the prior written consent of City, or (b) sublet the Leased Premises or any part or parts thereof or allow anyone to come in with, through or under it without like consent, including without limitation any licensee (provided that such consent shall not be necessary for attendees of the Ozark Empire Fair described in Section 14 hereof). All of the transactions described in this Section 9.a. are collectively referred to as a "Transfer." Consent by City to one Transfer shall not operate as a waiver of the necessity for such consent to any subsequent Transfer. Any attempted Transfer without City's prior written consent shall be null and void and confer no rights upon any third party. Notwithstanding any such Transfer, Lessee shall remain fully liable under this Lease and shall not be relieved of any of Lessee's obligations hereunder. Notwithstanding the foregoing, a Transfer for a period of less than 90 days shall not require the consent of the City. Lessee hereby agrees that, in the event Lessee requests Lessor's consent to any Transfer, Lessee shall make such request by written notice to the City Manager, given at least thirty (30) days prior to the effective date of such proposed Transfer, specifying the name and address of the proposed transferee and the terms of such proposed Transfer.

Lessee represents that as of the date of this First Amendment there are no existing subleases or other encumbrances on the Lease or the Leased Premises.

11. **Compliance with Law**.

A. Lessee, at Lessee's expense, shall comply with all laws, rules, orders, ordinances, directions, regulations and requirements of federal, state, county and municipal authorities pertaining to Lessee's use of the Leased Premises and with all recorded covenants, conditions and restrictions, regardless of when they become effective. These include, without limitation, any requiring alteration of the Leased Premises because of Lessee's specific use, and all applicable federal, state, and local laws, regulations or ordinances pertaining to air and water quality, Hazardous Materials (as hereinafter defined), waste disposal, air emissions and other environmental matters, all zoning and other land use matters, and utility availability, and with any direction of any public officer or officers, pursuant to law, which shall impose any duty upon City or Lessee with respect to the use or occupation of the Leased Premises.

B. In the furtherance of, and not in limitation of Lessee's obligations under the foregoing paragraph, throughout the term of this Lease, Lessee shall do or cause to be done all things necessary to preserve and keep in full force and effect permits required for the conduct of its business and operations from the time of commencement of this Lease until its expiration or termination.

12. **Hazardous Materials.**

A. **Definition**. As used herein, the term "Hazardous Material" means any hazardous or toxic substance, material, or waste, including, but not limited to those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) or by the United States Environmental Protection Agency as hazardous substances (40 CFR Part 3 02) and amendments thereto, petroleum products, or such other substances, materials and wastes that are or become regulated under any applicable local, state or federal law.

B. **Use of Hazardous Material**. Lessee shall not cause or permit any Hazardous Material to be brought upon, kept or used in or about the Leased Premises by Lessee, its agents, employees, contractors or invitees without the prior written consent of City, which shall not be unreasonably withheld as long as Lessee demonstrates to City's reasonable satisfaction that such Hazardous Material is necessary or useful to Lessee's business and will be used, kept and stored in a manner that complies with all laws regulating any such Hazardous Material so brought upon or used or kept in or about the Leased Premises. This section shall not apply to materials ordinarily used by Lessee in the maintenance of the premises, such as gasoline, diesel fuel, motor oil, herbicides, and cleaning products if such materials are properly stored and handled.

C. **Disclosure**. As part of the Annual Report described above, Lessee shall disclose to City the names and amounts of all Hazardous Materials, or any combination thereof, which were stored, used, released or disposed of on the Leased Premises during the immediately preceding calendar year, or which Lessee intends to store, use, release or dispose of on the Leased Premises.

13. **Insurance and Indemnity.**

A. Lessee shall secure and maintain, at its own cost and expense, throughout the duration of this Contract, insurance [of such types and in such amounts as may be necessary to protect it, and the interests of the City of Springfield], against all hazards or risks of loss as hereunder specified, or which may arise out of the performance of this Contract. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Springfield, such approval to not be unreasonably withheld. Regardless of such approval, it shall be the responsibility of the Lessee to maintain adequate insurance coverage customary for similarly situated facilities and operations at all times during the term of the Contract. Failure of the Lessee to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability under this Contract.

The certificates of insurance, including evidence of the required endorsements hereunder, or the policies, shall be filed with the City at the time that this contract is signed by the Lessee. Lessee shall also provide updated certificates of insurance annually at the time of insurance renewals. All insurance policies shall provide thirty (30) days written notice to be given by the insurance company in question prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to:

City of Springfield – Attn: Risk Management Department, P.O. Box 8368, Springfield, MO 65801-8368 and

Such policies shall name the City as an additional insured with limits of liability not less than the sovereign immunity limits for Missouri public entities calculated by the Missouri Department of Insurance as of January 1 each calendar year and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(See http://insurance.mo.gov/industry/sovimmunity.php.)

As of January 1, 2022, the minimum coverage for the insurance referred to herein shall be as set out below:

i. Workers' Compensation....Statutory coverage per RSMo 287.010 et seq.
Employer's Liability..... $1,000,000.00

ii. Commercial General Liability Insurance. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least Three Million Sixty-Five Thousand Nine Hundred Fifty-Two and no/100 Dollars ($3,065,952.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Fifty-Nine Thousand Eight Hundred Ninety-Three and no/100 Dollars ($459,893.00) with respect to injuries and/or death of any one person in a single occurrence and an amount not less than at least $1,000,000 for all claims to property arising out of a single occurrence and at least $100,000 to any one owner with respect to damages to property. Lessee agrees that the proceeds of such insurance policy shall first be used to pay any award, damages, costs, and/or attorneys' fees incurred by or assessed against City, its employees, officers and agents, before payment of any award, damages, costs or attorney fees of Lessee, its employees, officers or agents. Lessee agrees to cause its insurer to name City as an additional insured on such insurance policy, including the City as an additional insured for coverage under its products-completed operations hazard, and said policy shall be primary and noncontributory. The amount of insurance shall be reviewed every two years by City, and City may require the amount to be increased. Further, Lessee agrees that when it permits a person to rent or sub-lease the demised premises herein for any purpose, that sub-lessee shall carry adequate public liability insurance protecting both Lessee and City and that the sub-lessee or tenant shall indemnify and hold harmless Lessee and City from any liability arising out of sub-lessee's or tenant's use of the property. Lessee shall require that all sub-lessees and/or tenants who rent or sublease any portion of the Leased Premises carry adequate public liability insurance and indemnity, naming City as an additional insured, and this requirement shall be incorporated into all such agreements between Lessee and any sub-lessee and/or tenant.

iii. Liquor Liability Insurance will be maintained by Lessee with limits of at least Three Million Sixty-Five Thousand Nine Hundred Fifty-Two and no/100 Dollars ($3,065,952.00) for all claims arising out of a single accident or occurrence. Any sub-contractor(s) hired by Lessee to serve alcohol must also provide Liquor Liability Insurance in the same amount, and Lessee will obtain certificates of insurance from sub-contractor. If any other users of the premises are allowed to serve alcohol, or host an event where alcohol is served, host and server shall also be required to maintain liquor liability insurance in the same amount and Lessee will obtain certificates of insurance verifying coverage.

iv. Automobile Liability Insurance covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least Three Million Sixty-Five Thousand Nine Hundred Fifty-Two and no/100 Dollars ($3,065,952.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Fifty-Nine Thousand Eight Hundred Ninety-Three and no/100 Dollars ($459,893.00) with respect to injuries and/or death of any one person in a single accident or occurrence.

v. Property Insurance. Lessee agrees to maintain at all times during the term of the Lease a property insurance policy which covers all buildings, structures, and permanent improvements located at Leased Premises. Insurance shall include extended coverage for "Open Perils" on the ISO Special Causes of Loss Form. Such insurance shall be in an amount not less than one hundred percent (100%) of the full replacement value of such property and shall be issued by an insurance company with an A.M. Best rating of not less than an "A" rating. The amount of insurance shall be reviewed every 2 years by City, and City may require the amount to be increased. Lessee agrees to cause its insurer to name City as a named insured. Lessee is responsible for any and all property insurance deductibles, and is responsible for insuring its personal property, equipment, and contents.

B. **Environmental Liability Insurance.** Lessee shall obtain and maintain an insurance policy, providing coverage for occurrences and not a claims-made policy, covering the release of Hazardous Materials on or below the surface of the Leased Premises in an amount of One Million and no/100 Dollars ($1,000,000.00). City shall be named as an additional insured on that policy.

C. **Indemnity.** Lessee shall protect, defend, and hold City, its officers, employees and agents completely harmless from and against any and all liabilities, losses, suits, claims, judgments, fines or demands arising out of Lessee's use and occupancy of the Leased Premises, including, but not limited to, claims for personal injuries, death, property damage, wages or overtime compensation due any employees of Lessee in rendering services pursuant to this Lease, or which arise during or after the lease term as a result of contamination by Hazardous Material as a result of Lessee's or of Lessee's agents, contractors or subcontractors use or activities, , including all reasonable costs for

investigation, expert fees and defense thereof (including but not limited to attorney fees, court costs, and expert fees), and without limitation, diminution in value of the Premises, damages for the loss or restriction on use of rentable or usable space or of any amenity of the Leased Premises, damages arising from any adverse impact on marketing of space, and sums paid in settlement of claims, attorneys' fees, consultant fees, and expert fees, of any nature whatsoever arising out of or incident to this agreement and/or the use or occupancy of the Leased Premises or the acts or omissions of Lessee's officers, agents, employees, contractors, subcontractors, licensees, or invitees regardless of where the injury, death or damage may occur, unless such injury, death or damage is caused by the negligence or willful misconduct of the City. This indemnification of City by Lessee includes, without limitation, costs incurred in connection with any investigation of site conditions or any cleanup, remedial, or restoration work required by any federal, state or local government agency or political subdivision because of hazardous material present in the soil or ground water on or under the Leased Premises. Without limiting the foregoing, if the presence of any Hazardous Material on the Leased Premises that was caused or permitted by Lessee or its agents or contractors or subcontractors results in any contamination of the Leased Premises, Lessee shall promptly take all actions, at its sole expense, as are necessary to return the Leased Premises to the condition existing prior to the release of any such Hazardous Material upon the Leased Premises, provided that City's approval of such actions shall first be obtained (except for emergency containment and similar actions which are prudent and appropriate at the time), which approval shall not be unreasonably withheld so long as such actions would not potentially have any material adverse long-term or short-term effect on the Leased Premises. The City shall give Lessee reasonable notice of any such claims or actions. The provisions of this section shall survive the expiration or early termination of this agreement.

D. **Default.** Any default under these sections of the Lease shall be a material default enabling City to exercise any of the remedies set forth in this Lease.

14. **Inspection.** City and its agents shall have the right, but not the duty, to inspect the Leased Premises at any time to determine whether Lessee is complying with the terms of this Lease. If Lessee is not in compliance with this Lease, City shall have the right to immediately enter upon the Premises to remedy any violations of law or contamination caused by Lessee's failure to comply, notwithstanding any other provision of this Lease. City shall use its best efforts to minimize interference with Lessee's business but shall not be liable for any interference caused thereby.

15. **Liquor License.** Except during the Annual Fair, Lessee may allow alcohol to be served on the Premises as authorized by a valid liquor license. During the Annual Fair, Lessee may provide alcohol as described hereinbelow.

16. **Annual Fair**. As part of the consideration for this Lease, Lessee shall annually sponsor the OZARK EMPIRE FAIR to be held on the aforesaid premises, subject to government-imposed orders and restrictions, or due to other causes beyond the reasonable control of Lessee. The OZARK EMPIRE FAIR shall be an event that includes livestock exhibitions and competitions, life and arts exhibitions and competitions, a carnival, grandstand and other entertainment events, and food and beverage services. The OZARK EMPIRE FAIR shall be conducted on multiple consecutive days that include at least two weekends, provided that, the parties may agree in writing to fewer days should economic or other factors support doing so. Provided the Lessee has a valid liquor license allowing service in the following areas, Lessee may allow alcohol to be served at the annual Ozark Empire Fair in (i) the Grandstand Area, (ii) Bootdaddy Grill, and (iii) any and all other areas now owned and operated by the Ozark Empire Fair with permanent seating or inside an area secured by perimeter fencing, subject to the following restrictions: all areas in which alcohol is served shall have a security person and alcohol shall not be removed from the area.

17. **Use**. Lessee, or its customers, vendors, promoters, sub-lessees and tenants, shall during the term of this Lease, have the privilege of holding, conducting or sponsoring (or leasing all or part of the premises) any lawful and legitimate entertainment, exhibitions, educational or recreational activities, meetings, seminars, tradeshows, camping, private dinners, weddings, banquets, and picnics, provided the use of the Leased Property shall be consistent with a Master Plan approved by City Council and is used for the purposes herein set forth and for the primary purpose of benefitting of the general public. With respect to the allowance of alcohol on the premises, Lessee shall comply with all city and state licensing requirements as amended.

18. **Smoking Policy.** Lessee shall enforce a policy of smoking in designated areas only, and such areas shall comply with City Code requirements.

19. **Nondiscrimination**. Lessee agrees in the performance of this Agreement that neither Lessee nor its sub-lessees or tenants shall discriminate on the ground of or because of race, color, religion, sex, sexual orientation, gender identity, national origin, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee of Lessee or applicant for employment or any attendee and that any admission prices charged for any event shall be fairly and uniformly imposed.

20. **Legislative Power**. During any fair exposition or exhibition by Lessee or any person, firm, or corporation subleasing from Lessee, the City shall not be deprived of the right and authority to enforce such ordinances for the protection of the public as may be enacted by the City of Springfield, Missouri.

21. **Right to Make Improvements**. Within six months of the execution of this Agreement, Lessee shall submit an updated Master Plan for the Leased Premises for the approval of City Council. Future amendments of the Master Plan must be approved by City Council. Lessee (or its concessionaires, exhibitors, tenants or sub-lessees) may repair and replace structures existing at the execution of this Agreement without amending its Master Plan if the improvements do not exceed 5,000 square feet and the project costs will not exceed Two Hundred Fifty Thousand Dollars ($250,000.00) in any one year, provided that plans for such repair and/or replacement are reviewed by a designee of the City Manager and approved as being in compliance with the Master Plan prior to the initiation of any work. However, prior to constructing any new structures or making any improvements to or on the Leased Premises in excess of 5,000 square feet or in excess Two Hundred Fifty Thousand Dollars ($250,000.00) in any one year ("substantial alteration"), that were not previously included in Lessee's approved Master Plan, Lessee must submit all such plans for approval by City Council and the Planning and Zoning Commission.

22. **Lawful Purpose**. The premises and grounds above described shall be used for the aforesaid lawful and civic purposes only, and neither Lessee nor any person, firm or corporation subleasing from Lessee shall engage in or permit any activity in violation of Federal or State law or ordinance of the City of Springfield, Missouri. Lessee shall observe and comply with any and all requirements of the constituted public authorities and with all federal, state, or local statutes, and ordinances applicable to Lessee for its use of the Leased Premises.

23. **Disposition of insurance proceeds**. Any insurance proceeds received because of casualty loss as aforesaid shall be used to repair or replace the existing facility or facilities which were damaged or destroyed with a similar or other capital improvement, and in the event of the failure of Lessee to use the proceeds as aforesaid, the proceeds shall be paid to the City. It is understood and agreed that in the event of a casualty loss as aforesaid and in the further event that the insurance proceeds are insufficient to rebuild the destroyed facility, the City shall not be obligated for the difference in the amount of the insurance proceeds and the cost of replacing the destroyed or damaged facility with a similar or other capital improvement.

24. **Maintenance of roads, fences, and parking lots.** Lessee will maintain and/or construct all fences surrounding the Leased Premises, and, further, Lessee shall maintain all roads and parking lots inside the Leased Premises.

25. **Utilities**. Separate water, gas, and electric meters are to be maintained on the demised premises to determine the amount of water, gas, and electricity used by Lessee or its sub-lessees or its tenants, and Lessee shall be responsible for the payment of said charges.

26. **Special assessments**. In the event special assessments for street or other public improvements are made during the period of this Lease against the property above described, the said assessment shall be paid

by the Lessee herein. The failure to pay the obligations incurred by special assessment and payable during the term of this Lease shall work a forfeiture of the Lease at the option of the City. The City shall give thirty (30) days' notice in writing to Lessee to pay said assessment prior to forfeiture.

27. **Storage**. Lessee shall provide ten thousand (10,000) square feet of storage space, as selected by Lessee, to the Park Board to be used between October 15 through April 1 each year for the term of this Lease or its extended term. Park Board agrees, however, to maintain its own insurance on the stored property and further agrees to reimburse Lessee to the extent, if any, of any increase in the Fair Board's insurance by virtue of the storage of said Park Board and/or City property. Further, the Park Board agrees that said space is accepted as is and that Lessee shall not be responsible for the care or safe keeping of said stored Park Board and/or City property. The Park Board shall allow Lessee to store equipment on zoo property in the field north of the zoo administration/education building, the specific area to be selected or designated by the Park Board, during the term of this Lease or its extended term, unless and until the Park Board or the Zoo determines that it needs this property or otherwise determines that the property should no longer be stored at this location and provides Lessee with at least ninety (90) days notice of the unavailability of this storage area thereafter.

28. **Breach**. If any covenant or clause in this Lease is violated and not corrected within thirty (30) days after attention shall have been called thereto, in writing, by the City or the Park Board, Lessee shall immediately surrender said premises to the City, and the balance of the term of the Lease shall be cancelled upon demand by the City.

29. **Title**. The City covenants and agrees that it has good title to the demised premises and good right to make this Lease.

30. **Additional parking for zoo and Park Board**. Unless otherwise agreed to by the parties in writing, the Park Board and the zoo ("Park Board" hereinafter) shall be allowed use of the entire west parking area of the fairground's property for additional parking, except during the Ozark Empire Fair or for a property-wide event where the west parking area is needed to support such event and Lessee is unable to include Park Board's access to this parking area as a condition of this property-wide usage. Lessee shall notify Park Board at least two weeks in advance of a property-wide event that may cause the west parking lot to be unavailable for Park Board's use. The west parking area includes from the west fence line to the fence separating this area from the midway area, and from Norton road all the way to the north boundary of the fairground's property, and includes the grassy area and the large, paved area adjacent to the grandstand and E plex facilities. The Park Board shall maintain the grassy parking area in a grassy state. The Park Board and Lessee shall equally share the cost of initially constructing and erecting a chain link fence around the west parking area described herein. Lessee shall be responsible for maintenance thereafter. The provision pertaining to indemnity by Lessee to the

City and/or Park Board shall not apply to the west parking area when the Park Board is using this area for its own or Zoo parking.

31. **Police and Fire Services.** The obligation, duties and responsibilities of the Police and Fire departments, respectively, as setout herein, are independent from each other. So long as the Police and Fire Departments for the City of Springfield, Missouri ("Police Department" and "Fire Department", respectively), have available resources, each will furnish their respective protection on the leased premises during the OZARK EMPIRE FAIR during the term of this lease at no cost to Lessee, provided, however, if either the Police and/or Fire Department determines, in their respective discretion, that they do not have sufficient resources available at the time of the Ozark Empire Fair, either or both may determine that it is not in the public interest to provide such services on site and shall have no obligation to provide such services. If the Police and/or Fire Departments have determined that they will not provide their respective protection during the Fair, and Lessee determines it would still like to contract for either or both Police and/or Fire services, as applicable, then these services may be provided by the Police and/or Fire Department, as applicable, at the expense of Lessee, based upon the City Council approved rates, with Lessee paying the Police and/or Fire Department within sixty (60) days of receipt of an invoice from the Police and/or Fire Department. If either the Police and/or Fire Department are unwilling or unable to provide the requested services, then Lessee shall be free to contract with other vendors as it sees fit. If Lessee contracts with a vendor aside from the Fire Department for Fire services, then at the time of executing the contract Lessee shall notify the Springfield Fire Chief and provide the name of the vendor. If a fire occurs while a vendor is providing services, the Fire Department shall immediately be requested by calling 9-1-1 for the appropriate emergency response. For any events that require a permit, and the permit requires dedicated police and/or fire protection, it shall be provided by the Springfield Police Department and/or the Springfield Fire Department, as applicable, at the expense of Lessee, based upon the City Council approved rates, with Lessee paying the Police and/or Fire Department within sixty (60) days of receipt of an invoice from the Police and/or Fire Department.

32. **Taxes and Assessments**. Lessee shall pay any taxes resulting from the operation of Lessee's activities.

33. **Condition of Property at Termination**. At the end of the lease term, or at any time the Lease is terminated, Lessee immediately shall deliver to the City complete possession of the Leased Premises in as good repair and condition as they are at the time Lessee takes possession, ordinary wear and tear excepted. All repairs, alterations, additions, improvements, installations, equipment and fixtures, by whomsoever installed or erected (except such business trade fixtures belonging to Lessee as can be removed without damage to or leaving incomplete the premises or the building) shall belong to the City and remain on and be surrendered with the Leased Premises

as a part thereof at the termination of this Lease. Lessee shall repair any damage caused by removal of its property.

34. **Naming rights.** Lessee shall have the exclusive right to name buildings and projects on the Leased Premises, provided that such rights shall not exceed the term of this Lease and that names are subject to approval by City Council, which shall not be unreasonably withheld. Names must be family friendly.

35. **Waiver**. Waiver by the City of any default, breach, or failure of Lessee under this Lease shall not be construed as a waiver of any subsequent or different default, breach, or failure. In the case of a breach by Lessee of any of the covenants or undertakings of Lessee, the City nevertheless may accept from Lessee any payment or payments hereunder without in any way waiving the City's right to exercise the right of reentry provided for herein by reason of any other breach or lapse which was in existence at the time such payment or payments were accepted by the City.

36. **Lessee**. If Lessee shall merge or consolidate with another corporation, then this Lease shall automatically terminate, unless the City approves the change in writing.

37. **Conflict of Interest**. No salaried officer or employee of the City and no member of the City Council shall have a financial interest, direct or indirect, in this contract. A violation of this provision renders the contract void. Applicable federal regulations and provisions of RSMo Section 105 shall not be violated.

38. **Partial Invalidity**. If any term, covenant, or condition of this Lease or the application thereof to any person or event shall to any extent be invalid and unenforceable, the remainder of this Lease in the application of such term, covenant, or condition to persons or events other than those to which it is held invalid or unenforceable shall not be affected thereby, and each term, covenant, and condition of this Lease shall be valid and be enforced to the fullest extent permitted by law.

39. **Entire Agreement**. This agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.

40. **Jurisdiction**. This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this agreement be adjudicated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

Executed this _____ day of _____, 2022.

IN WITNESS WHEREOF, the City and Lessee have caused this Lease to be executed by their proper officers, duly authorized by their respective Boards or other authorized group or entity and attested by a properly identified employee for each, in triplicate, the day and year first written above.

GREENE COUNTY AGRICULTURAL AND MECHANICAL SOCIETY OF SPRINGFIELD, MISSOURI

By: _____
President

Attest:

_____
Name & Title

CITY OF SPRINGFIELD, MISSOURI

By:_____
City Manager or designee

Approved as to Form: _____, City Attorney or designee

One-rdg. X
P. Hrngs. _____
Pgs. 3
Filed: 09-13-22

Sponsored by: Hosmer

COUNCIL BILL 2022- 246 RESOLUTION _____

A RESOLUTION

CONFIRMING the appointment of Travis Tindall to the Commercial Street Community Improvement District Board of Directors. (Staff and the Commercial Street Community Improvement District Board of Directors recommend approval.)

WHEREAS, on June 15, 2009, City Council passed Special Ordinance 25611 approving a petition requesting the formation of the Commercial Street Community Improvement District ("CID") and thereby establishing the same; and

WHEREAS, said petition established the qualifications and process for appointing members of the CID Board of Directors through appointment by the Mayor with confirmation by City Council; and

WHEREAS, there is presently a need to appoint one member to the Board of Directors; and

WHEREAS, the Mayor recommends the appointment of Travis Tindall to the Commercial Street Community Improvement District Board of Directors.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – City Council hereby confirms the appointment of Travis Tindall to the Commercial Street Community Improvement District Board of Directors, with the term to expire on July 13, 2025.

Section 2 – This Resolution shall be in full force and effect immediately upon adoption.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Resolution _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2022- 246

FILED: 09-13-22

ORIGINATING DEPARTMENT**:** Economic Vitality

PURPOSE: To confirm the appointment of Travis Tindall to the Commercial Street Community Improvement District Board of Directors. (Staff and the Commercial Street Community Improvement District Board of Directors recommend approval.)

BACKGROUND INFORMATION: As required by the petition establishing the Commercial Street Community Improvement District ("CID"), the City Council must confirm appointments to the CID Board of Directors. The CID Board of Directors recommends the following individual be appointed to the Board:

Seat	Name	Qualification	Term	Notes
6	Travis Tindall	Representative of business and real property owner in District	7/13/2025	New appointment to serve remainder of unexpired term

REMARKS: Staff recommends approval.

Submitted by:

Matt D. Schaefer, AICP
Senior Planner

Recommended by:

Amanda Ohlensehlen, Director

Approved by:

Jason Gage, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 15
Filed: 08-30-22

Sponsored by: McGull

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022-240 SPECIAL ORDINANCE _____

AN 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 Cherry Glen, generally located at 600 South Glenstone Avenue, 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.)

WHEREAS, an original Preliminary Plat of Cherry Glen, dated July 1, 2022, is on file with the City's Department of Planning and Development; and

WHEREAS, the Planning and Zoning Commission of the City of Springfield, Missouri, held a public hearing and conditionally approved the Preliminary Plat of Cherry Glen, which is generally located at 600 South Glenstone Avenue, on August 11, 2022, a copy of the Record of Proceedings from said public hearing being attached hereto and incorporated herein by this reference as "Exhibit A."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – City Council hereby authorizes the Director of Planning and Development, on behalf of the City of Springfield, to accept the land, easements and improvements dedicated to the City as shown on the Preliminary Plat of Cherry Glen, which is generally located at 600 South Glenstone Avenue, as approved by the Planning and Zoning Commission. The original plat of Cherry Glen is on file in the Department of Planning and Development ("Approved Preliminary Plat"), a reduced version of which is attached hereto for general reference as "Exhibit B – Attachment 3." All of "Exhibit B," including attachments, is incorporated herein by this reference.

Section 2 – The Director of Planning and Development shall be authorized to accept the land, easements, and improvements dedicated to the City, as shown on said

plat, upon the applicant filing and recording a final plat in accordance with this Ordinance and the Subdivision Regulations of the City, which final plat shall substantially conform to the Approved Preliminary Plat, including those conditions described in “Exhibit B – Attachment 2,” and upon the Director of Public Works certifying to the Director of Planning and Development and the City Clerk that the public improvements have been made in accordance with City standards and specifications. Said public improvements shall not be accepted until the occurrence of all conditions referenced herein and in “Exhibit B – Attachment 2.”

Section 3 – The final plat shall not be recorded until: (1) the public improvements relating to the Approved Preliminary Plat have been constructed according to the specifications of the City of Springfield, Missouri, and are approved by the Director of Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned by or in connection with the construction of said improvements have been paid to the City; or (2) in lieu of the construction of the improvements, that the Applicant has filed with the City Manager, according to the terms of the Subdivision Regulations of the City, the prescribed financial assurances in a form acceptable to the City to ensure the construction of the improvements and the payment to the City of all engineering fees, permit fees, licenses and other fees occasioned by, or which will be occasioned by, the construction of the improvements.

Section 4 – Upon compliance with all the requirements of this Ordinance, including the conditions described in “Exhibit B – Attachment 2,” the City Clerk is hereby authorized to endorse City Council’s approval upon the final plat pursuant to Section 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public Improvements contained therein.

Section 5 – This Ordinance shall be in full force and effect from and after its passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

Approved for Council action: Jason A. Gage, City Manager

EXPLANATION TO COUNCIL BILL 2022 -240

FILED: 08-30-22

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Cherry Glen, generally located at 600 South Glenstone Avenue, 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.)

BACKGROUND INFORMATION:

A. An original Preliminary Plat of Cherry Glen dated July 1, 2022, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in Attachment 3.

B. The Planning and Zoning Commission held a public hearing on August 11th, 2022, and approved the Preliminary Plat by a vote of 8 to 0, subject to the following conditions:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice

and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

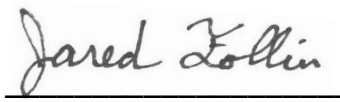
Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Medium Intensity Retail, Office, or Housing. The subdivision divides the property in a way that facilitates commercial development, which is appropriate for the land use designation. The Major Thoroughfare Plan classifies Glenstone Avenue as a Primary Arterial and Cherry Street as a Secondary Arterial which supports the proposed land use.

REMARKS:

Staff recommends approval.

Submitted by:



Jared Follin, Associate Planner

Recommended by:

Susan Istenes, AICP
Director

Approved by:

Jason Gage, City Manager

EXHIBITS:
Exhibit A, Record of Proceedings
Exhibit B, Development Review Staff Report

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Conditions of Plat Approval
Attachment 3, Preliminary Plat

EXHIBIT A

RECORD OF PROCEEDINGS
Planning and Zoning Commission – August 11, 2022

Preliminary Plat of Cherry Glen Subdivision
600 South Glenstone Avenue
Applicant: 600 S. Glenstone, LLC

Mr. Hosmer states that this is a request to approve a 2.55-acre preliminary plat for a two-lot commercial subdivision located at 600 South Glenstone Avenue. The property is currently zoned GR, General Retail. Transportation Plan classifies Glenstone as a Primary Arterial and Cherry as a Secondary roadway. A Traffic Study not required. ROW maybe required for Cherry and Glenstone. The property is not located in a FEMA designated floodplain, stream buffers required or sinkhole area. Stormwater detention/ Water quality will be required. If Planning and Zoning Commission approves the preliminary plat and the City Council accepts public streets and easements, then the preliminary plat will be active for two (2) years. Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Derek Lee, 1200 E. Woodhurst, not asking for any variances and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Mr. Knuckles motioned to **approve** Preliminary Plat of Cherry Glen Subdivision (600 South Glenstone Avenue). Mr. Jobe seconded the motion. Ayes: Doennig, Jobe, Broekhoven, Colony, Pauly, Bruce, Knuckles, and Lebeck. Nays: None. Abstain: None. Absent: None.

Bob Hosmer, AICP
Planning Manager

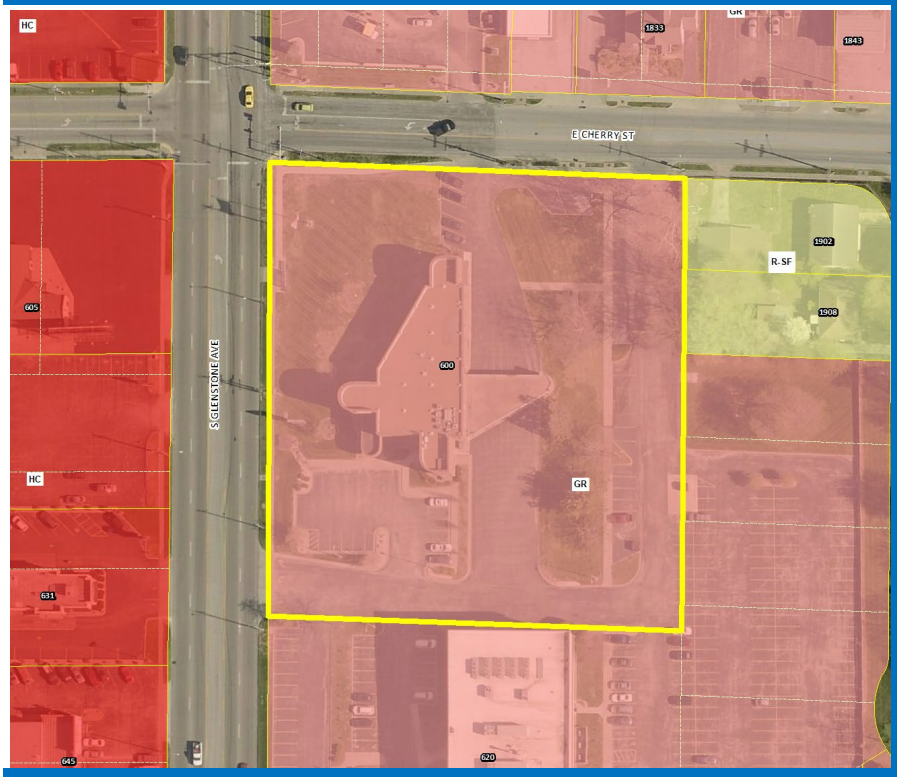
EXHIBIT B

Development Review Staff Report

CITY OF Springfield

PLANNING AND ZONING COMMISSION PUBLIC HEARING: AUGUST 11, 2022

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 6, 2022



CASE: Preliminary Plat of Cherry Glen

ACRES: 2.55

LOCATION: 600 South Glenstone Avenue

EXISTING LAND USE: Undeveloped (Structures recently demolished)

APPLICANT: 600 S Glenstone, LLC

STAFF: Jared Follin, Associate Planner 417-864-1612

STAFF RECOMMENDATIONS: Approve w/Conditions

PROPOSED MOTION: Move to approve as submitted in the staff report. Required vote is a majority of those present (5 members are a quorum).

SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a two-lot subdivision named “Cherry Glen”.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The applicant’s proposal, with the conditions listed in *Attachment 2*, is consistent with the City’s *Subdivision Regulations*.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GR	GR	GR/R-SF	HC
LAND USE	Eating and Drinking Establishments/Commercial	Office	Single-Family Residential	Commercial

Development Review Staff Report

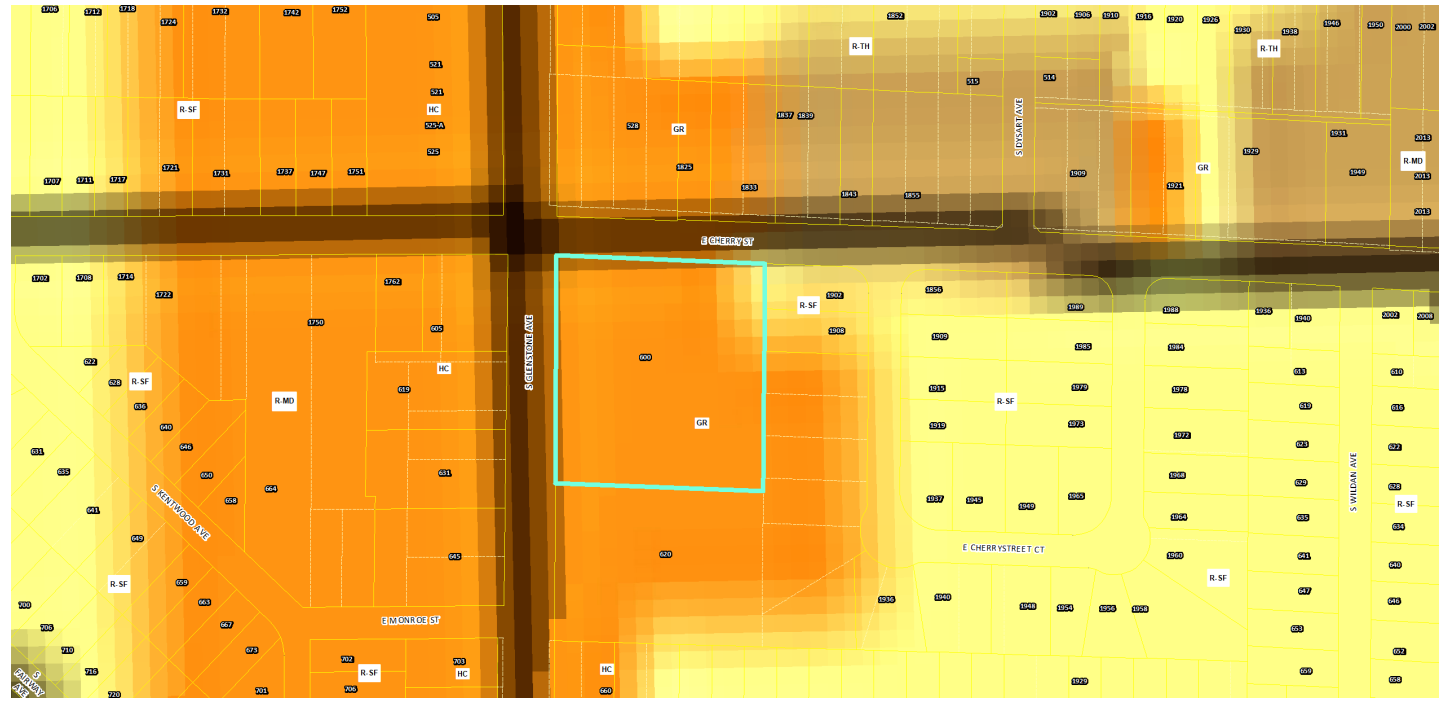
GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

Building recently demolished

GOOGLE MAPS STREET VIEW:

Development Review Staff Report

GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse
- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

PROPERTY HISTORY:

A portion of the subject property was incorporated in the City of Springfield since 1926. In 1950, the remainder of the property was annexed.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

(a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.

(b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.

(c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.

(d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.

(e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.

(f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.

(g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.

(h) Effective period of preliminary approval.

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

Development Review Staff Report

CITY OF Springfield

ZONING ORDINANCE AND SUBDIVISION REGULATION STANDARDS:

CODE ITEM	REQUIREMENTS FOR GENERAL RETAIL
Minimum Lot Size	None
Maximum Structure Height	None
Front Yard Setback	a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations. b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations. c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.
Side and Rear Setbacks	None, except as required by section 36-453, supplemental open space and yard regulations, and the bufferyard requirements in subsection 36-421(8).
Street Classification	Glenstone Avenue – Primary Arterial Cherry Street – Secondary Arterial
Sidewalks (Per Sec.36-471)	There is existing sidewalk along the property frontage of S. Glenstone Avenue and E. Cherry Street.
Open Space Requirement	(a) Minimum open space: Not less than 20 percent of the gross site area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets or areas containing plants for display and sale. Open space shall contain living ground cover and other landscaping materials. (b)Maximum impervious surface: The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total area unless modified in accordance with subsection 36-482(15).

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium Intensity Retail, Office, or Housing. The subdivision divides the property in a way that facilitates commercial development, which is appropriate for the land use designation. The Major Thoroughfare Plan classifies Glenstone Avenue as a Primary Arterial and Cherry Street as a Secondary Arterial which supports the proposed land use.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately 2.55 acres into a two-lot subdivision named “Glen Cherry”.

2. All proposed lots meet the requirements of the subdivision regulations.

3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.

4. The proposed preliminary plat was reviewed by City departments and comments are contained in ***Attachment 1.*** Conditions of Approval are provided in ***Attachment 2.*** The Preliminary Plat drawing can be found in ***Attachment 3.***

PUBLIC NOTIFICATIONS:

The property was posted by the applicant at least 10 days prior to the public hearing.

DEPARTMENT COMMENTS:

ATTACHMENT 1

CITY UTILITES COMMENTS:
No issues generally with prelim plat. Both proposed lots will have access to Electric, Gas & Water. Perimeter and interior lot line utility easements will be needed per section 36-245 of the land development code, along with the owner's statement of dedication. Utility easements along Cherry and Glenstone frontages should be 10ft wide. These can be added to the final plat.

ENVIRONMENTAL SERVICES CLEAN WATER SERVICES DIVISION COMMENTS:
Both new lots have access to public sewer. Sewer easement is shown.

FIRE DEPARTMENT COMMENTS:
Installation of fire hydrants & fire access lanes shall comply with 2018 IFC when developed.

PUBLIC WORKS STORMWATER ENGINEERING DIVISION COMMENTS:
The property is in the Jordan Creek South Branch drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of flooding problems in the local or downstream area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention will be dependent on further analysis of the surrounding stormwater infrastructure and downstream impacts The property does not have a stream buffer on site.

PW Stormwater has no concerns for the proposed subdivision. Please note that development of the property will be subject to the following conditions at the time of development:

All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022.

Detention Requirements:

1. The site is primarily composed of existing impervious surface area. After the subdivision, each lot will have to submit for detention requirements based on, if the impervious surface area is increased on the individual lot from the existing impervious surface area. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in lieu of detention may be allowed per the Director of Public Works. A fee in lieu of detention will be based on the stormwater analysis at the time of development.

Water Quality Requirements:

1. Both lots created in the subdivision are over 1 acre in area. If 1 acre of open space and impervious surface area are disturbed at the time of development, then water quality will be required. Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the city limits of Springfield that disturb 1 acre or greater. Including projects less than 1 acre that are part of a larger common plan of development or sale that will disturb 1 or more acres over the life of the project. Chapter 10 Sec. 2.0.

Additional Stormwater Standards to be met:

1. A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.

2. Include on the Plans a calculation of the Existing Impervious Surface Area, Existing Open Space Area, Post Development Impervious Surface Area, and Post Development Open Space Area. Per Chapter 4 Sec 3.2 for Detention Summary
    a. Existing gravel surfaces meeting the above definition are eligible for 50% Credit.

PUBLIC WORKS TRAFFIC ENGINEERING DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies S. Glenstone Avenue as a Primary Arterial roadway and E. Cherry Street as a Secondary Arterial roadway. The standard right-of-way width for S. Glenstone Avenue is 50-feet from the centerline and for E. Cherry Street is 35-feet from the centerline. It appears an additional 10-feet of right-of-way is needed along S. Glenstone Avenue and an additional 5-feet is needed along E. Cherry Street to meet this requirement. A survey is recommended to determine the exact amount of existing right-of-way. S. Glenstone Avenue is a MoDOT maintained street and E. Cherry Street is a city-maintained street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from S. Glenstone Avenue and two driveway access points onto the property from E. Cherry Street. The westernmost entrance on E. Cherry Street must be closed and shown as closed on the plat as it does not meet current City of Springfield spacing requirements from an intersection or from the second driveway approach to the east. Any new proposed driveway approaches must meet the minimum spacing requirements set forth in City Code.

SIDEWALK

There is existing sidewalk along the property frontage of S. Glenstone Avenue and E. Cherry Street.

IMPROVEMENTS

None required. A Traffic Impact Study was not required.

TRAFFIC - TABLE 1: PLATTING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	S. Glenstone Avenue	Primary Arterial	No	40	50
Street 2	E. Cherry Street	Secondary Arterial	No	30	35

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

ATTACHMENT 3

PRELIMINARY PLAT

CHERRY GLEN

SECTION 20, T29N, R21W
SPRINGFIELD, GREENE COUNTY, MISSOURI

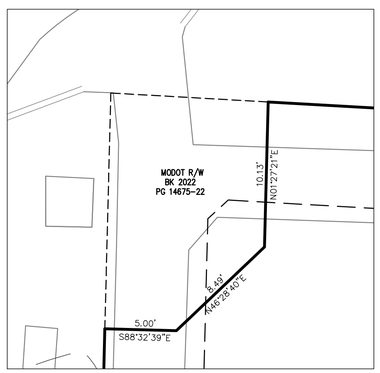
OWNER/DEVELOPER:
600 S GLENSTONE, LLC
2870-A SOUTH INGRAM MILL RD
SPRINGFIELD, MO 65804

30 0 15 30 60
(IN FEET)
1 inch = 30 ft.

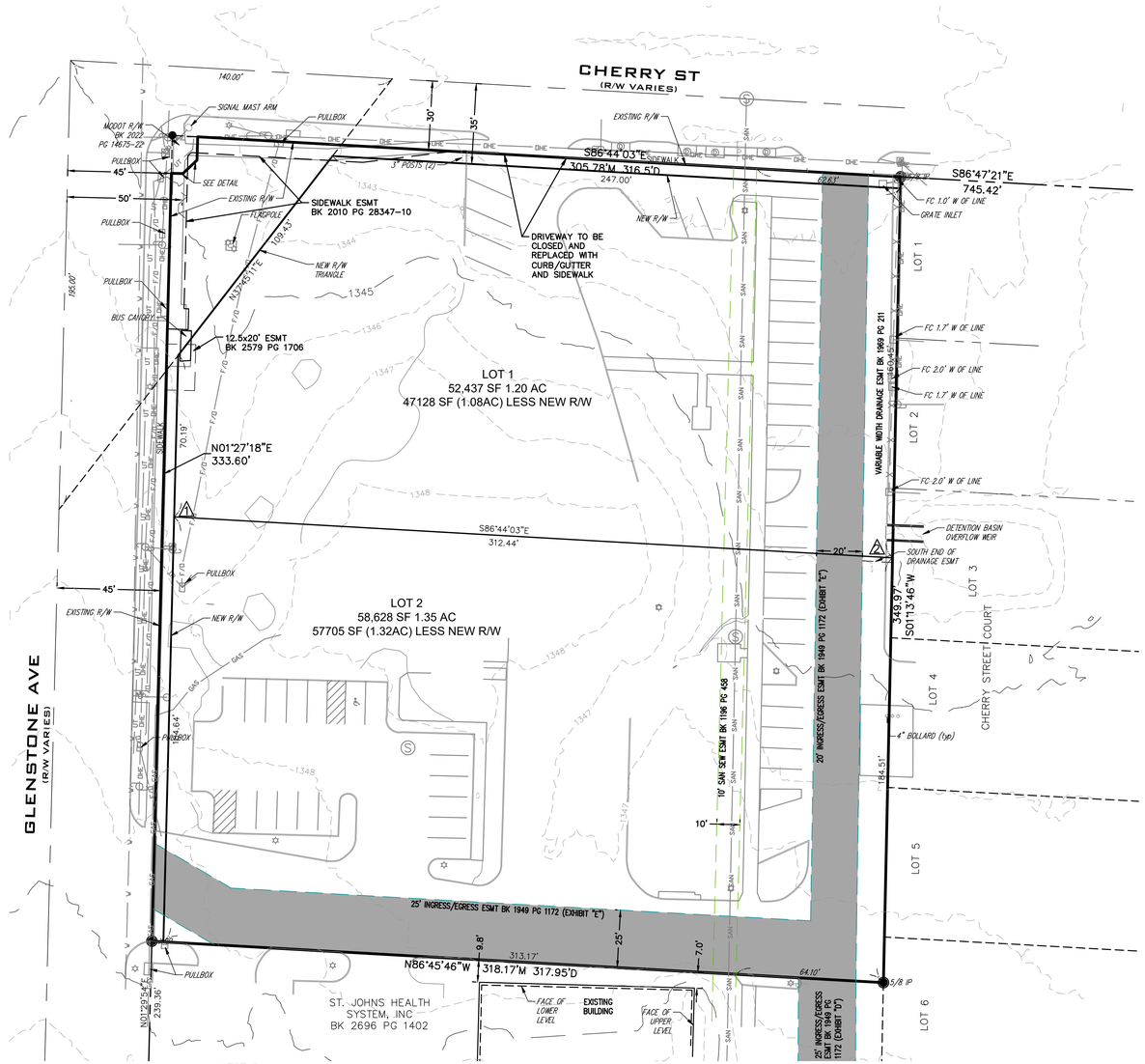
BASIS OF BEARINGS:

BEARINGS ARE GRID NORTH BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, CENTRAL ZONE VIA TIES TO STATION "004"

N: 152336.355m
E: 431129.495m
ELEV: 409.735m



RIGHT-OF-WAY DETAIL
NOT TO SCALE



VICINITY MAP
NOT TO SCALE

GENERAL NOTES:
DATE OF PREPARATION: JULY 1, 2022

TOTAL ACREAGE:	2.55 ACRES
CURRENT ZONING:	GR
PROPOSED ZONING:	GR - General Retail
TOTAL LOTS:	2
SMALLEST LOT:	52,437 SF (LOT 1)
LARGEST LOT:	58,628 SF (LOT 2)

STORMWATER NOTES -
1. The area shown hereon is not located in a storm sewer district as of the date of recording and may be subject to future assessment cost if included in future storm water benefit district deemed necessary resulting from problems created by surface water runoff. This is due to the fact that the surface water runoff is presently being accommodated by street and open drainage facilities.
2. Detention will be provided on each lot at the time of development.

FLOOD NOTE -
This property lies in Flood Zone "X", areas determined to be outside the 0.2% annual chance floodplain, according to Flood Insurance Rate Map Community Panel 29077C 0334 E, effective December 17, 2010.

SURVEYOR'S CERTIFICATE:
Know all men by these presents:

That I, Don Ray Berry, do hereby certify that this plat was prepared under my supervision from an actual survey of the land herein described, prepared and signed by me dated October 4, 2021 and that the corner monuments and lot corner pins shown herein were placed under my personal supervision in accordance with the Missouri Standards for Property Boundary Surveys and Section 410.5 of the Subdivision Regulations, Article II, of the City of Springfield, Greene County, Missouri.

Signature _____
Don R. Berry, PLS, Missouri L.S. No. 2004017829

Date prepared July 1, 2022

LEGEND

- FOUND IRON PIN
- SET IRON PIN OR MARKER AS NOTED
- R/W MARKER
- BOUNDARY LINE
- R/W LINE
- EASEMENT LINE
- SETBACK LINE
- (M) MEASURED
- (P) PLAT
- (D) DEED
- (R) RECORD
- LIGHT POLE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- SAN — SANITARY SEWER LINE
- UTILITY POLE
- ELECTRIC METER
- OHE — OVERHEAD ELECTRIC
- UGE — UNDERGROUND ELECTRIC
- GUY WIRE
- PHONE/COMMUNICATION MANHOLE
- PHONE PEDESTAL
- CABLE TV RISER
- CATV — CABLE TV LINE
- UT — UNDERGROUND PHONE
- OT — OVERHEAD PHONE
- F/O — FIBER OPTIC LINE
- WV — WATER VALVE
- WATER METER
- W — WATER LINE
- FIRE HYDRANT
- GV — GAS VALVE
- GAS METER
- GAS — GAS LINE
- X — FENCE LINE (AS NOTED)
- ROAD SIGN (STOP, SPEED LIMIT, ETC)

ABBREVIATIONS:

XFMR	TRANSFORMER
ICV	IRRIGATION CONTROL VALVE
CI	STORMWATER CURB INLET

GRID NORTH
MISSOURI COORDINATE SYSTEM
OF 1983 CENTRAL ZONE
VIA GPS AND TIES TO GEOGRAPHIC
REFERENCE SYSTEM
STATION 004.

STATE PLANE COORDINATE TIE
MISSOURI COORDINATE SYSTEM 1983

CONTROL STATION:
004 NORTHING 152336.355m
EASTING 431129.495m

GRID FACTOR: 0.9999320

COURSE	GRID AZIMUTH	GRID DISTANCE
COS 004 – 1	93°16'15"	1249.503m
1 – 2	93°15'57"	95.232m

POINT	NORTHING	EASTING
1	152265.063	432376.962
2	152259.638	432472.041

COORDINATES AND DISTANCES EXPRESSED IN METERS

SURVEY NOTES -
Accuracy Standard: Type Urban Property

SOURCE OF TITLE:: Book 2022 Page 000585-22

The utilities shown were compiled from existing mapping from city services, field locates, and from other mapping/plans such as highway plans. The utilities shown are only to the extent of the available mapping and may not represent all utilities on site. Any particular areas that become of concern during design/planning should be researched further. All buried utilities shown are approximate only.

SURVEY DESCRIPTION -
All that part of the Southwest Quarter of Section 20, Township 29 North, Range 21 West of the Fifth Principal Meridian, City of Springfield, Greene County, Missouri, being more particularly described as follows: BEGINNING at an existing iron pin at the intersection of the West line of Cherry Street Court the and South right-of-way line of Cherry Street; thence, South 01°13'46" West, a distance of 349.97 feet to an existing iron pin; thence, North 86°45'46" West, a distance of 318.17 feet to an iron pin on the existing East right-of-way line of Glenstone Avenue; thence, North 01°27'18" East, along and with said East line, a distance of 333.60 feet; thence, South 88°32'39" East, along and with said East line, a distance of 5.00 feet; thence, North 46°28'40" East, along and with said East line, a distance of 8.49 feet; thence, North 01°27'21" East, a distance of 10.13 feet to the South right-of-way line of Cherry Street; thence, South 86°44'03" East, along and with said South line, a distance of 305.78 feet to the POINT OF BEGINNING, containing 2.55 acres ,more or less and being subject to easements, restrictions or rights-of-way, if any.

	BY:
DATE:	
REVISIONS:	
SCALE: 1" = 30'	
FIELD BY: JS, JR	
DRAWN BY: DRB	
CHECKED BY: DRB	

PRELIMINARY PLAT
CHERRY GLEN
600 South Glenstone Avenue
Springfield, Greene County, Missouri

Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2009028050

LEE Engineering & Associates, L.L.C.
1200 E. Woodhurst Dr., Suite D200
Springfield, Missouri 65804
417-886-9100 (phone)
417-886-9336 (fax)
dlee@leeengineering.biz

"Engineering with Integrity"

DATE: 2022-07-28
SHEET: 1 OF 1
PROJECT: 2015
FILE: 2137 – 600 S Glenstone Prelim Plat.dwg

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 08-30-22

Sponsored by: Lear

First Reading: _____ Second Reading: _____

COUNCIL BILL 2022- 241 SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to accept grant funds from the Walmart Community Grant Program in the amount of $5,000 to be utilized to improve the community for the benefit of low-income individuals and families; enter into necessary agreements to carry out the grant; and amend the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of $5,000 to appropriate the grant funds.

_____

WHEREAS, in 1982, the Walmart Foundation was created to help support the communities Walmart serves through local grant funding and support; and

WHEREAS, of the eight (8) areas of eligible funding categories for the Walmart Community Grant Program, the City of Springfield, Department of Workforce Development was awarded $5,000 in the Community and Economic Development category to improve communities for the benefit of low-income individuals and families in the local service area.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The City Manager, or his designee, is hereby authorized to accept grant funds in the amount of $5,000 from the Walmart Community Grant Program and to execute contracts, on forms approved by the City Attorney, necessary to carry out the intent of this grant.

Section 2 – The budget of the City's Department of Workforce Development, for Fiscal Year 2022-2023, is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 016, a copy of which is attached hereto and incorporated herein by reference as "Exhibit A."

Section 3 – City Council finds that the budget adjustment made above has been recommended by the City Manager.

Section 4 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City. In the event additional funding is provided under this grant by the grantor, the Director of Finance is hereby authorized to adjust this appropriation by an amount not to exceed 20 percent.

Section 5 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

_____
Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Mary B. Bozarth, Assistant City Attorney

Approved for Council action: Jason A. Gage, City Manager

EXPLANATION TO COUNCIL BILL 2022-241

FILED: 08-30-22

ORIGINATING DEPARTMENT: Workforce Development

PURPOSE: Authorizing the City Manager, or his designee, to accept grant funds from the Walmart Community Grant Program in the amount of $5,000 to be utilized to perform approved grant activities; enter into necessary agreements to carry out the grant; and amend the budget of the Department of Workforce Development for Fiscal Year 2022-2023 in the amount of $5,000 to appropriate the grant funds.

BACKGROUND INFORMATION: In 1982, the Walmart Foundation was created to help support the communities Walmart serves. Together, Walmart and the Walmart Foundation provide more than $1 billion in cash and in-kind annual giving in the effort to strengthen communities through local grant funding and support.

Of the eight (8) areas of eligible funding categories for the Walmart Community Grant Program, the City of Springfield, Department of Workforce Development was awarded $5,000 in the Community and Economic Development category. This funding category is for initiatives that support local community and economic development and improve communities for the benefit of low-income individuals and families in the local service area.

Recommended by:

Sally Payne,
Director of Workforce Development

Approved by:

Jason Gage,
City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
016

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
24370	21	28210	416030			$ 5,000	Walmart Community Grant Funds
Net Revenue Adjustment						$ 5,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
24370	21	28210	502625			$ 5,000	Needs Related Payments
Net Expenditure Adjustment						$ 5,000	

Fund Balance Appropriation:

Fund		Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating grant funds from the Walmart Community Grant Program for initiatives that support local community and economic development and improve communities for the benefit of low-income individuals and families in the local service area.

Requested By:

Sally Payne 8-30-2022
Department Head Date

Approved By:

8-30-2022
Director of Finance Date

8-30-2022
City Manager Date

Authorization:

Council Bill No. 2022-241
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____