



City of Springfield

Agenda

City Council

Ken McClure, Mayor

Zone Councilmembers

Monica Horton, Zone 1

Abe McGull, Zone 2

Mike Schilling, Zone 3

Matthew Simpson, Zone 4

General Councilmembers

Heather Hardinger, General A

Craig Hosmer, General B

Andrew Lear, General C

Richard Ollis, General D

April 3, 2023

6:30 PM

**Historic City Hall
City Council Chambers
830 Boonville Avenue**

[Rules and procedures.](#)

1. ROLL CALL.

2. APPROVAL OF MINUTES.

- 2.1. Approval of Minutes. March 20, 2023, City Council Meeting and March 21, 2023, Special City Council Meeting.

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.

6.1. Council Bill 2023-064 (Ollis)

A special ordinance authorizing a budget adjustment to amend the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$1,530,000 to appropriate fund balance reserves from the 1/4-cent Capital Improvement Sales Tax and the 1/8-cent Transportation Sales Tax to fund the design and right-of-way acquisition for six projects that have been awarded American Rescue Plan Act funds to be used for construction.

6.2. Council Bill 2023-065 (Horton)

A special ordinance amending the budget of the City of Springfield for Fiscal Year 2022-2023 in the amount of \$380,000 for the purpose of approving expenditures from the Commercial Street Tax Increment Financing Special Allocation Fund for certain public improvement projects within the Commercial Street Tax Increment Financing District; and amending the Capital Improvements Program to add the funded projects.

6.3. Council Bill 2023-066 (Hardinger)

A special ordinance authorizing the City Manager, or his designee, to execute Settlement Participation Forms from the National Opioids Settlement Administrator for the purpose of enlisting the City as a Participating Subdivision in additional settlements that are part of the national opioids litigation; and declaring an emergency pursuant to City Charter Section 2.12.

7. RESOLUTIONS. Citizens May Speak. May Be Voted On.

7.1. Council Bill 2023-070 (Ollis, McGull, McClure)

A resolution affirming City Council's support for the plan of the Missouri Department of Transportation ("MoDOT") to improve sidewalks, crosswalks, and intersections, repave the corridor and complete sidewalk segments, and work with area businesses regarding the closure of extra access points in the East Sunshine Street corridor; requesting MoDOT to suspend the portion of the project that would add medians at various locations along the corridor and to monitor safety data related to the East Sunshine Street corridor for the next three years after making improvements the City supports; and thanking MoDOT for its investment in this community and in East Sunshine Street, one of Springfield's significant commercial corridors.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS.

10. GRANTS.

Citizens May Speak. May Be Voted On.

10.1. Council Bill 2023-071 (Schilling)

A special ordinance authorizing the City Manager, or his designee, to enter into an Off-System Bridge Program Agreement with the Missouri Highways and Transportation Commission for the purpose of funding construction for the replacement of the Walnut Street Bridge over Jordan Creek; amending the budget of the Department of Public Works for Fiscal Year 2022-2023, in the amount of \$1,920,270 to appropriate federal Off-System Bridge Program grant funds; and declaring that this bill qualifies for approval in one reading.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING.

Citizens May Speak. Not Anticipated To Be Voted On.

12.1. Council Bill 2023-073 (Simpson)

A general ordinance amending the Springfield Land Development Code Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 2.4 acres of property generally located at 1760 East Bradford Parkway from Planned Development No. 117 Amendment 5 to Planned Development No. 385; and adopting and Official Zoning Map. (Planning and Zoning Commission and Staff recommend approval.) (By: Bibi Bradford, LLC; 1760 East Bradford Parkway; Planned Development No. 385.)

12.2. Council Bill 2023-074 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.5 acres of property generally located at 1409 to 1429 North Washington Avenue from R-SF, Single-family residential district, to Planned Development No. 384; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Boyd School Redevelopment Corp; 1409-1429 N. Washington Avenue; Planned Development No. 384.)

12.3. Council Bill 2023-075 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 9.45 acres of property generally located within the 2200 block of North Belcrest Avenue from HM, Heavy manufacturing district, with Conditional Overlay District No. 163 to HC, Highway commercial district, with Conditional Overlay District No. 226; establishing Conditional Overlay District No. 226; and adopting an updated Official Zoning Map. (Staff is requesting that this item be referred back to the Planning and Zoning Commission.) (By: SFC Real Estate LLC; 2202 N. Belcrest; Z-5-2023 w/COD #226.)

12.4. Council Bill 2023-076 (Schilling)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 22.4 acres of property generally located at 3444 West Sunshine Street, 1819 South Moore Road, 1903 South Farm Road 133, and 3503 West Washita Street from Greene County C-2, General commercial district, Greene County R-1, Suburban residence district, Greene County Plot Assignment District No. 1901, and City of Springfield GR, General retail district, to HC, Highway commercial district, with Conditional Overlay District No. 225; establishing Conditional Overlay District No. 225; and adopting an updated Official Zoning Map. (Staff is requesting that this item be referred back to the Planning and Zoning Commission.) (By: Donald L. & Patricia L McCurry Trust; 3444 W. Sunshine Street, 1819 S. Moore Road, 1903 S. Farm Road 133, and 3503 W. Washita Street; Z-4-2023 w/COD #225.)

12.5. Council Bill 2023-077 (Schilling)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.21 acre of property generally located at 3503 West Washita Street from Greene County Plot Assignment District No. 1901 to R-SF, Single-family residential district; and adopting an updated Official Zoning Map. (Staff is requesting that this item be postponed.) (By: South Creek Development Corp; 3503 W. Washita Street; Z-6-2023.)

12.6. Council Bill 2023-078 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.37 acres of property generally located at 3710 and 3742 East Cherry Street from Greene County R-3, Multi-family residence district, and City of Springfield R-SF, Single-family residential district, to R-LD, Low-density multifamily residential district; and adopting an updated Official Zoning Map. (Staff is requesting that this item be referred back to the Planning and Zoning Commission.) (By: Hickory Village 55 Plus, LLC; 3710 & 3742 E. Cherry Street; Z-7-2023.)

13. FIRST READING BILLS.

Citizens May Speak. Not Anticipated To Be Voted On.

13.1. Council Bill 2023-072 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to apply to the United States Department of Housing and Urban Development for Federal Fiscal Year 2023 Community Development Block Grant and HOME Investment Partnership Program funds under the Consolidated Plan, to accept Community Development Block Grant and HOME Investment Partnership Program funds, to enter into any necessary agreements to carry out the grants, and to exercise any and all powers necessary to implement selected projects; selecting projects for funding for the City of Springfield Fiscal Year 2023-2024; and reaffirming the City Council Objectives and Community Development Priorities.

13.2. Council Bill 2023-079 (Horton)

A special ordinance approving the plans and specifications for the Pea Ridge Creek Sanitary Sewer Improvements – Doling Park Branch Project, generally located from Talmage Street to Bethany Drive east of Grant Avenue, and generally referred to as Plan No. 2020PW0044; accepting the bid of Rosetta Construction, LLC, in the amount of \$5,626,850 for said project; authorizing the City Manager, or his designee, to enter into a contract for said project; and approving a budget adjustment in the amount of the bid, plus a contingency, to amend the Fiscal Year 2022-2023 budget of the Department of Environmental Services Clean Water Enterprise Fund by appropriating reserves of said fund in the amount of \$6,752,220.

13.3. Council Bill 2023-080 (Hardinger)

A special ordinance approving the Letter of Understanding regarding the July 1, 2021, Collective Bargaining Agreement between the City and the International Association of Fire Fighters, Southern Missouri Professional Fire Fighters Local 152, the Exclusive Representative of a certain Bargaining Unit within the Springfield Fire Department, and authorizing the City Manager to execute and deliver the Letter of Understanding to the Collective Bargaining Agreement to the Exclusive Representative.

13.4. Council Bill 2023-081 (Lear)

Amending the Springfield City Code, Chapter 78, 'Offenses and Miscellaneous Provisions,' Article VI, 'Offenses Against Public Health and Safety,' by amending Section 78-260, 'Possession of narcotics paraphernalia;' amending Section 78-261, "Possession of thirty-five grams or less of marijuana;" enacting Section 78-262, 'Public

consumption of marijuana;' enacting Section 78-263, 'Consumption of marijuana in a motor vehicle;' and enacting Section 78-268, 'Marijuana accessories,' to regulate the possession and consumption of marijuana following recent amendments to the Missouri Constitution.

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

14.1. Steven Bishop wishes to address City Council.

15. NEW BUSINESS.

15.1. Certification of referendum petition.

15.2. The Finance and Administration Committee recommends referring the draft City Charter Section 19.16 amendment, presented at the March 29, 2023, Finance and Administration Committee, as revised per the Committee's instructions to the City Council Committee of the whole.

15.3. The Public Involvement Committee recommends the following removal from the Citizens' Advisory Committee for Community Development: Shawna Batty based on a failure to take the oath of office as recommended by the Public Involvement Committee.

15.4. The Public Involvement Committee recommends the following reappointment to the Citizens' Advisory Committee for Community Development: Dr. Earle Doman with term to expire May 1, 2026.

15.5. The Public Involvement Committee recommends the following appointments to the Citizens' Advisory Committee for Community Development: Matthew Whitehead with term to expire May 1, 2025; Larry Flenoid II with term to expire May 1, 2026.

15.6. The Public Involvement Committee recommends the following reappointment to the Police Officers' and Fire Fighters' Retirement System Board of Trustees: Andy Stewart, Financial Representative, with term to expire April 30, 2026.

15.7. The Public Involvement Committee recommends the following appointments to the Police Officers' and Fire Fighters' Retirement System Board of Trustees: Laura Robinson, Attorney Representative, with term to expire April 30, 2026; Ann Young, Medical Representative, with term to expire April 30, 2025.

15.8. The Public Involvement Committee recommends the following appointment to the Public Building Corporation: Zack Speague with term to expire September 1, 2024.

15.9. The Public Involvement Committee recommends the following appointments to the Greene County Environmental Advisory Board: Alyssa Lindsay with term to expire October 1, 2025; Kathleen Murnan with term to expire October 1, 2024.

16. UNFINISHED BUSINESS.

17. MISCELLANEOUS.

18. CONSENT AGENDA – FIRST READING BILLS. See Item #3.

18.1. Council Bill 2023-082 (McGull)

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with the Board of Governors of Missouri State University for the purpose of continuing to provide enhanced law enforcement services within and around the Missouri State University campus.

19. CONSENT AGENDA – ONE READING BILLS. See Item #3.

19.1. Council Bill 2023-083 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to accept a grant in the amount of \$8,100 from the State of Missouri, Department of Public Safety, for replacement of a Springfield Police Department canine; amending the budget for the Police Department for Fiscal Year 2022-2023 in the amount of \$8,100; and declaring this bill qualifies as a one-reading bill pursuant to Charter Section 2.16(25).

20. CONSENT AGENDA – SECOND READING BILLS. See Item #3.

20.1. Council Bill 2023-067 (Lear)

A special ordinance authorizing the City Manager, or his designee, to accept pass-through federal grant funds from the Watershed Committee of the Ozarks, which received a Section 319 Nonpoint Source Grant from the Missouri Department of Natural Resources for the purpose of constructing stormwater green infrastructure projects; entering into an agreement with the Watershed Committee of the Ozarks; and amending the budget of the Department of Environmental Services for Fiscal Year 2022-2023 in the amount of \$40,000.

21. END OF CONSENT AGENDA.

22. ADJOURN.



City of Springfield

Minutes

City Council

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

March 20, 2023

6:30 PM

City Council Chambers

1. ROLL CALL.

Present: Craig Hosmer, Richard Ollis, Andrew Lear, Heather Hardinger, Monica Horton, Abe McGull, Mike Schilling, Matthew Simpson, and Mayor McClure.
Absent: None.

2. APPROVAL OF MINUTES. (APPROVED AS PRESENTED)

Approval of Minutes. March 6, 2023, City Council Meeting and March 7, 2023, Special City Council Meeting.

Approval of Minutes. March 6, 2023, City Council Meeting and March 7, 2023, Special City Council Meeting. Mayor Pro Tem Simpson moved the two sets of minutes be approved. Councilwoman Hardinger seconded the motion, and the two sets of minutes were approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent: None. Abstain: None.

3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS. (APPROVED AS PRESENTED)

CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.

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

4. CEREMONIAL MATTERS.

5. CITY MANAGER REPORT, POLICE CHIEF REPORT, AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETING.

City Manager's Report March 20, 2023

Mr. Gage noted the City launched Clean Green Springfield last Wednesday, with a stream clean-up near the bridge at Kansas Expressway and Grand Street. He added, as of noon today, 410 people registered to help clean up and green up Springfield. For more information, visit CleanGreenSGF.com.

Mr. Gage expressed his congratulations to the 18 police recruits who graduated from the 76th Police Academy last Friday night. He added the graduates included 15 men and three women with a variety of educational backgrounds and work experience, including the military, law enforcement, and fire service.

Mr. Gage noted the City held a demolition ceremony for Fire Station number 7 at 2129 East Sunshine. The old station, located on the boundary of the Brentwood and Oak Grove neighborhoods and built in 1958, had long exceeded its usefulness and was being demolished to make way for a rebuilt station. Mr. Gage added the new station will be operational in about a year. Funding for the new station, which will cost just over \$3.5 million, is being provided by the voter-approved Level Property Tax.

Mr. Gage noted Springfield's "Renew Jordan Creek" project is featured in *Smithsonian Magazine*, in an article titled "How 'Daylighting' Buried Waterways Is Revitalizing Cities Across America." The author points out that the benefits of these types of projects go beyond mitigating flooding and creating soothing green spaces - that stream restoration is neighborhood restoration. It is expected that the project will be a catalyst for economic recovery and investment that facilitates place making. Renew Jordan Creek will be a place for families, neighbors, downtown employees, and visitors to meet. The project also promotes downtown revitalization and opportunities for entrepreneurs and businesses.

Mr. Gage expressed his congratulations to Johnny Morris' Wonders of Wildlife (WOW) National Museum and Aquarium for being named best aquarium in the United States for the fifth time. He noted when Wonders of Wildlife opened in 2017, it was named "America's Best New Attraction" by 10Best. A panel of travel experts nominated the aquarium as part of USA Today's annual Reader's Choice Awards, and then members of the public voted on the winner. He added WOW previously earned the best aquarium designation in 2018, 2020, 2021 and 2022.

Mayor McClure recognized and expressed appreciation for the Clean Green Project.

Councilman Ollis asked about the corridor plan for East Sunshine Street. He noted he received concerns about the median that is to be installed. Councilman Hosmer asked for a status update on the plan. Jason Gage, City Manager, responded the County has not finalized the language yet. A request has been forwarded from City Council for a public meeting with the Missouri Department of Transportation (MoDOT). The desire is to have the meeting as soon as possible, which would be likely summer at the earliest. Councilman Ollis noted the traffic median is the main issue of concern.

Councilman McGull expressed his thanks to Public Works and the contractor for sidewalks which were installed on Fremont Avenue to Bennett Street. He noted

compliments were received from citizens.

Councilman Hosmer thanked Jason Gage, City Manager, for providing the agendas for the Chamber of Commerce Growth and Advisory Council and asked if the agendas are provided to Councilmembers. Mr. Gage responded to his knowledge the agendas are not provided to Councilmembers. Councilman Hosmer asked about a neighborhood meeting best practices document. Mr. Gage noted the document was not taken through committee. Councilman Hosmer asked if the National Avenue and Sunshine Street administrative delay was on the agenda. Mr. Gage responded the topic was not implemented by the City. Councilman Hosmer asked if the City Manager had met with the University Heights or Phelps Grove neighborhoods. Mr. Gage responded he met with neighborhood representative Mr. Trippe. Councilman Hosmer expressed his opinion the City should meet with the neighborhoods. Councilman Hosmer asked if the marijuana tax proposal will occur. Mr. Gage responded it is an advantage to see the outcome of ballot issues in other counties. Councilman Hosmer expressed his belief marijuana should be taxed and the City should send the measure to a vote of the people.

Police Chief's Report.

Paul Williams, Police Chief, provided the Police Chief's Report. Chief Williams noted crime is tracking along the same as the end of 2022. He further noted auto thefts and theft from vehicles has decreased. Chief Williams added burglaries, mainly commercial, have increased. Chief Williams reported gun violence was down in February for the first time in three years, with no one being shot. March had five shootings, and all were solved.

Chief Williams provided an update on municipal warrants. He noted the Warrants Task Force is being suspended. Chief Williams noted 740 warrants were cleared in the last 6 months with officers working 3,100 hours of total overtime. Chief Williams further noted there were 18 new recruits, 3 retirements, and 3 resignations of Police Officers in March. The next academy starts in June, and the department hopes to schedule about 25 recruits for testing, which has been revamped. He added 37 letters of interest were received from the National Public Service Announcements. Chief Williams reported there are currently 13 vacancies for records clerks, and the Traffic Service Officer positions had several applicants. Chief Williams noted the Opioid Crisis is the current focus with no overdose fatalities this year so far and fewer occurrences overall.

Councilman McGull complimented the Police Department on their numbers of personnel being up. He expressed appreciation for the staff and acknowledged his concern for training new people to make sure they are ready. Chief Williams responded that 24 hours of continued education training is required, and the department completes 50 hours of training with five training components. Councilman McGull asked if there was an increase in calls for service regarding marijuana. Chief Williams responded that more tracking has been completed for the Attorney General's office.

Mayor Pro Tem Simpson asked for an update on the behavioral health program. Chief Williams noted there are four on staff that are in the field with officers, the program has a 24-hour crisis line, and it is growing incrementally. He noted the program handled 22 calls out of 57 on their own.

Chief Williams noted the Police Department versus the Fire Department Hockey

fundraiser generated \$8,000 dollars for the Greene County 100 Club.

6. **SECOND READING AND FINAL PASSAGE.**

Citizens Have Spoken. May Be Voted On.

6.1. Council Bill 2023-034 (Horton). **Tabled at the February 21, 2023 City Council Meeting. Deemed denied due to City Council not taking action within 30 days of the public hearing.**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.4 acres of property generally located at 739 West Talmage Street from R-SF, Single-family residential district, to Planned Development No. 383; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Baptist Temple of Springfield; 739 W. Talmage St.; Planned Development No. 383.)

Rhonda Lewsader, City Attorney, noted a Code provision that affects the council bill. Ms. Lewsader further noted the public hearing was held on February 6, 2023, and declared closed on the same date. The bill was tabled on February 21, 2023, to March 20, 2023, so the developer could hold another neighborhood meeting. Ms. Lewsader added City Code Section 36-405f states City Council must act within 30 days of the public hearing on a planned development, and if City Council does not act within the 30 days, the proposed shall be deemed denied. Because no action was taken by City Council by March 8, 2023, under City Code, the bill is deemed denied. Ms. Lewsader noted there was no action that could be taken by City Council this evening.

Councilman Richard Ollis asked if the developer can restart the process. Ms. Lewsader noted a new application could be re-filed at any time.

Councilman Lear asked if the developer reapplication would require a new neighborhood meeting. Ms. Lewsader responded the process would start over.

Councilman Hosmer asked if the protest petitions would still apply. Ms. Lewsader responded the neighborhood would need to provide new petitions.

Councilwoman Horton expressed her belief inclement weather provisions should be written into Code to require a new neighborhood meeting in such cases.

6.2. Council Bill 2023-056 (Horton) **ORDINANCE 6781**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.71 acre of property generally located at 1018 North Farmer Avenue and 1622, 1628, and 1634 West Scott Street from R-SF, Single-Family Residential District, to R-TH, Residential Townhouse District, with Conditional Overlay District No. 222; establishing Conditional Overlay District No. 222; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: RAL Property Management, LLC; 1018 North Farmer Avenue and 1622, 1628, and 1634 West Scott Street; Z-1-2023.)

Councilwoman Horton expressed her support for the proposed. She noted the revitalization

and new developments on the block which transform the entire block in the area of Nichols Park.

Council Bill 2023-056 (Horton) was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent: None . Abstain: None.

6.3. Council Bill 2023-057 (Horton) **ORDINANCE 27812**

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Troy Acres First Addition, generally located at 520 South Troy 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.) (By: Crawford-Mace, LLC; 520 South Troy Avenue; Preliminary Plat of Troy Acres, First Addition.)

Councilman Hosmer asked if there is an update regarding the questions asked at the last meeting. Ms. Istenes responded the lots of the development would not require improvements per City Code. Ms. Istenes noted due to the fact the street was already dedicated and divided, no updates are required. She added No Parking signs will be installed. Sidewalks do exist on one side, and this meets the requirement. The sidewalk on the west side of the street will be extended.

Council Bill 2023-057 (Horton) was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent: None. Abstain: None.

7. RESOLUTIONS. Citizens May Speak. May Be Voted On.

7.1. Council Bill 2023-059 (McGull) **RESOLUTION 10694**

A resolution authorizing the City Manager, or his designee, to apply for federal pass-through grant funds in the amount of \$400,000, from the Missouri Department of Natural Resources Section 319 Nonpoint Source Pollution Grant Program, for the Westport Branch Green Infrastructure Project.

Errin Kemper, Director of Environmental Services, provided a brief overview of the proposed. Mr. Kemper noted the proposed will allow the City to apply for a 319 Grant in the amount of \$40,000 to fund green infrastructure projects. The grant is administered by the Environmental Protection Agency to address pollution. The funds will be used to fund green infrastructure for the Wilson's Creek Westport Branch.

Councilman McGull asked if other grants had been applied for. Mr. Kemper responded the department uses a chart to track available grants for applicable projects.

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

Council Bill 2023-059 (McGull) was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent: None. Abstain: None.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS.

10. GRANTS.

Citizens May Speak. May Be Voted On.

10.1. Council Bill 2023-060 (Schilling) ORDINANCE 27814

A special ordinance authorizing the City Manager, or his designee, to enter into a Municipal and Cost Apportionment First Supplemental Agreement with the Missouri Highways and Transportation Commission to share costs associated with improvements to the intersection of Missouri Highway 13 and Walnut Lawn Street; amending the Fiscal Year 2022-2023 budget for the Department of Public Works in the amount of \$450,885 to appropriate additional Surface Transportation Block Grant – Urban funds; and declaring that this Ordinance qualifies for approval in one reading.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Smith noted the project is for work at the intersection at Kansas Expressway and Walnut Lawn Street. Mr. Smith added the Missouri Department of Transportation (MoDOT) has obtained a new estimate for the project due to inflation. The project is a 50/50 cost share with MoDOT. He noted 80% of the City's share of the project is from federal funds distributed through the Ozarks Transportation Organization. The proposed project would include work to improve turn lanes and add new signals. There is a larger package in the works to resurface Kansas Expressway and will include sidewalk improvements.

Councilman Hosmer asked if the City would pay part of the intersection cost. Mr. Smith responded the City will pay for half the cost of the intersection improvements, including adding audible alerts for visually impaired pedestrians. Councilman Hosmer asked if cameras would be installed as part of the project. Mr. Smith responded it is a possibility as this is a larger intersection.

Councilman Hosmer asked if the City can install their own cameras. Councilman Hosmer expressed his belief cameras would be beneficial. Mr. Smith responded the City can ask to install their own cameras.

Councilman Schilling asked for the traffic count of the intersection. Mr. Smith researched the numbers and noted the traffic count is approximately 30,000 vehicles per day.

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

Council Bill 2023-060 (Schilling) was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent: None. Abstain: None.

Council Bill 2023-061 (Schilling) ORDINANCE 27815

A special ordinance authorizing the City Manager or his designee to enter into a Municipal and Cost Apportionment First Supplemental Agreement with the Missouri Highways and Transportation Commission to share costs associated with

improvements to the intersection of Missouri Highway 13 and Sunset Street; amending the Fiscal Year 2022-2023 budget for the Department of Public Works to appropriate additional Surface Transportation Block Grant – Urban funds; and declaring this Ordinance qualifies for approval in one reading.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Smith noted the proposed is for improvements at the intersection of Kansas Expressway and Sunset Street. Mr. Smith further noted the proposed mirrors the previous bill. He added the project will improve the intersection and the financial agreement is the same as the previous bill.

Councilman Hosmer asked if the City can also ask to install cameras at this location. Mr. Smith answered affirmatively.

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

Council Bill 2023-061 (Schilling) was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent:None. Abstain: None.

10.2. Council Bill 2023-062 (Schilling) **ORDINANCE 27816**

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Department of Natural Resources, for the purpose of accepting state American Rescue Plan Act funds in the amount of \$608,000 to support construction of Stormwater Improvements Delmar Street and South Roanoke Avenue Project (2022PW0019); amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$608,000; and declaring this Ordinance qualifies for approval in one reading.

Chris Dunnaway, Principal Engineer, provided a brief overview of the proposed. Mr. Dunnaway noted the proposed would allow the City to accept \$608,000 in American Rescue Plan Act (ARPA) grant funds for Roanoke Street and Delmar Street projects. This would allow for reconstruction of a stormwater box culvert that collapsed last year. He added approximately two-thirds of the cost would be covered by the grant funds.

Councilman Lear expressed his appreciation for the departments tracking available grant funds. He asked the time frame for rollout of the grant funds. Mr. Dunnaway responded that projects using the ARPA grant funds must be under agreement with the Department of Natural Resources by the end of 2024 and the funds must be spent by 2026.

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

Council Bill 2023-062 (Schilling) was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent:None. Abstain: None.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING.

Citizens May Speak. Not Anticipated To Be Voted On.

12.1. Council Bill 2023-063 (McGull) This bill was remanded to the Planning and Zoning Commission.

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 14.8 acres of property generally located at 2238, 2250, and 2316 East Catalpa Street from R-TH, Residential Townhouse District, to R-LD, Low-density Multifamily Residential District, with Conditional Overlay District No. 223; establishing Conditional Overlay District No. 223; and adopting an updated Official Zoning Map. (Staff is requesting this item be remanded to Planning and Zoning Commission.) (By: NGA Holdings, LLC; 2238, 2250, 2316 East Catalpa Street; Z-3-2023 w/COD #223.)

Susan Istenes, Director of Planning and Development, provided a brief overview of the proposed. Ms. Istenes noted the Planning and Zoning Commission held a public hearing on February 9, 2023, and recommendations related to stormwater requirements were not presented to the Planning and Zoning Commission at that time. Staff requests the proposed be remanded so the Planning and Zoning Commission can review the conditions.

Mayor McClure asked if there were any scheduled citizen speakers for the proposed. Ms. Cotter responded that there were two speakers. Mayor McClure asked the two speakers to come up. He then thanked them for attending and asked if they would like to speak tonight or after the proposed comes back from the Planning and Zoning Commission, as the proposal may change. Sherry Lincoln and Leslie Vandenberg were present to speak. They noted they would be happy to wait to speak.

Mayor Pro Tem Simspon moved Council Bill 2023-063 be remanded to the Planning and Zoning Commission. Councilwoman Hardinger seconded the motion, and it was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent: None. Abstain: None.

13. FIRST READING BILLS. It is anticipated that City Council will vote on these bills at the April 3, 2023, City Council Meeting.

Citizens May Speak. Not Anticipated To Be Voted On.

13.1. Council Bill 2023-064 (Ollis)

A special ordinance authorizing a budget adjustment to amend the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$1,530,000 to appropriate fund balance reserves from the 1/4-cent Capital Improvement Sales Tax and the 1/8-cent Transportation Sales Tax to fund the design and right-of-way acquisition for six projects that have been awarded American Rescue Plan Act funds to be used for construction.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Smith noted the proposed would appropriate fund balance reserves to fund the design and right-of-way acquisition for six projects. He further noted there is a deadline for use of American

Rescue Plan Act (ARPA) funds, which need design work to begin now and be under contract by the end of 2024. Mr. Smith noted the projects will add curb and gutter, address stormwater problems, and allow for construction of sidewalks. Mr. Smith added that each of the roadways had a location where it was difficult to construct sidewalks.

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

13.2. Council Bill 2023-065 (Horton)

A special ordinance amending the budget of the City of Springfield for Fiscal Year 2022-2023 in the amount of \$380,000 for the purpose of approving expenditures from the Commercial Street Tax Increment Financing Special Allocation Fund for certain public improvement projects within the Commercial Street Tax Increment Financing District; and amending the Capital Improvements Program to add the funded projects.

Amanda Ohlensehlen, Director of Economic Vitality, provided a brief overview of the proposed. Ms. Ohlensehlen noted the Commercial Street Tax Increment Financing (TIF) District, established in 2008, has a 23- year term which expires in 2031. She added only public improvement projects identified in the redevelopment plan may be funded by the Tax Increment Financing (TIF) District. The boundaries for the proposed are along Grant Avenue and Clay Avenue. She added the redevelopment plan includes projects such as paving, adding parking spaces, and refurbishing parking lots. A stakeholder meeting was held and a survey was conducted online to gather input for area projects. There was a mix of attendees including property owners, residents, and visitors to the street. Forty online responses were received.

Priorities are to establish gateways to the area and retain funds for future projects. Ms. Ohlensehlen noted the current recommendation is to allocate \$380,000 from the TIF special allocation fund for the three gateways. The total cost for the project is \$530,000.

Councilman McGull expressed his belief there is a great deal of collaboration with committees regarding public meetings to discuss taxes in the area and how TIF supports public improvement projects. Ms. Ohlensehlen noted there is advertising for the meetings and staff reaches out to stakeholders to ensure a good mix of people attend the meetings. Councilman McGull expressed his belief that revitalization of C-Street is desirable.

Councilwoman Horton expressed her belief the project will add design that is esthetically appealing.

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

13.3. Council Bill 2023-066 (Hardinger)

A special ordinance authorizing the City Manager, or his designee, to execute Settlement Participation Forms from the National Opioids Settlement Administrator for the purpose of enlisting the City as a Participating Subdivision in additional settlements that are part of the national opioids litigation; and declaring an emergency pursuant to City Charter Section 2.12.

Rhonda Lewsader, City Attorney, provided a brief overview of the proposed. Ms. Lewsader noted the City was one of many cities to file litigation in response to the National Opioid Litigation Crisis. The cases were combined, and a global settlement agreement was reached in 2021 against opioid manufacturer Jansen and several drug distributors. The State of Missouri and the City both participated. She added in 2022 the City entered into an agreement with the State of Missouri regarding the allocation of funds. Ms. Lewsader noted Jansen will make payments over 9 years, and the distributors will make payments over 18 years. Additional defendants will make payments from between 6 and 15 years. The City must execute additional participation forms to participate in the new settlements. She noted early participation results in a larger amount of settlement funds, and the forms must be submitted by April 18, 2023, to be included as a participant. An allocation agreement with the State will be produced at a later date.

Councilman Hosmer asked the percentage of the allocation between the State and the City. Ms. Lewsader responded it is not yet drafted, but the percentages are split as 40% to the City and 60% to the State. Councilman Hosmer asked what the funds can be used for. Ms. Lewsader responded the funds can be used for programs that address opioid dependency or prevention of opioid dependency.

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

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

14.1. Carl Herd wishes to address City Council. **APPEARED**

Carl Herd, a former educator, addressed City Council regarding the Springfield Public Schools bond. Mr. Herd noted SPS has lost 1,265 students over the past three years. Mr. Herd expressed his belief the Springfield Public Schools have had a decrease in attendance. Mr. Herd expressed his belief taxes will be higher in 2023. He further expressed his belief the Springfield Public Schools have not proved they need a new bond.

15. NEW BUSINESS. All items were accepted as presented.

Refer to the Committee of the Whole revision of City Code regarding marijuana and marijuana accessories possession and public use.

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.

16. UNFINISHED BUSINESS.

17. MISCELLANEOUS.

18. CONSENT AGENDA – FIRST READING BILLS. See Item #3. It is anticipated that City Council will vote on this bill at the April 3, 2023, City Council Meeting.

18.1. Council Bill 2023-067 (Lear)

A special ordinance authorizing the City Manager, or his designee, to accept pass-through federal grant funds from the Watershed Committee of the Ozarks, which received a Section 319 Nonpoint Source Grant from the Missouri Department of Natural Resources for the purpose of constructing stormwater green infrastructure projects; entering into an agreement with the Watershed Committee of the Ozarks; and amending the budget of the Department of Environmental Services for Fiscal Year 2022-2023 in the amount of \$40,000.

19. CONSENT AGENDA – ONE READING BILLS. See Item #3.

19.1. Council Bill 2023-068 (Hardinger) **RESOLUTION 10695**

A resolution confirming the appointment of Amanda Ohlensehlen to the College Station Community Improvement District Board of Directors. (Staff recommends approval.)

Council Bill 2023-068 (Hardinger) RESOLUTION 10695 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent:None. Abstain: None.

19.2. Council Bill 2023-069 (Hosmer) **RESOLUTION 10696**

A resolution confirming the appointment of Amanda Ohlensehlen to the SGF Sports Community Improvement District Board of Directors. (Staff recommends approval.)

Council Bill 2023-069 (Hosmer) RESOLUTION 10696 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent:None. Abstain: None.

20. CONSENT AGENDA – SECOND READING BILLS. See Item #3.

20.1. Council Bill 2023-058 (Horton) **ORDINANCE 27813**

A special ordinance authorizing the City Manager, or his designee, to accept a donation of \$45,000 from the Downtown Community Improvement District of Springfield, Missouri, to provide funds for additional on-street parking and improvements at the southeast corner of the intersection of Boonville and East Chestnut Street; and amending the budget for Fiscal Year 2022-2023 to appropriate the donation funds.

Council Bill 2023-058 (Horton) ORDINANCE 27813 was approved by the following vote: Ayes: Horton, McGull, Schilling, Simpson, Hosmer, Ollis, Lear, Hardinger, and McClure. Nays: None. Absent: None. Abstain: None.

21. END OF CONSENT AGENDA.

22. ADJOURN.

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

**March 21, 2023
Springfield, Missouri**

The City Council met in special session on March 21, 2023, in the Councilman Denny Whayne Conference Room on the 4th Floor of the Busch Municipal Building. The meeting was called to order by Mayor Ken McClure.

Roll Call

Present: Richard Ollis, Andrew Lear, Heather Hardinger, Monica Horton, Abe McGull, Mike Schilling, Matthew Simpson, Craig Hosmer, and Ken McClure. Absent: None

Closed Session

Councilman Hosmer moved City Council hold a closed meeting to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys pursuant to Section 610.021(1), RSMo.; and this meeting, record, and vote shall be closed and the City Council shall stand adjourned at the end of the closed session.

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

Prepared by
Michelle Brown

Anita J. Cotter, CMC/MRCC
City Clerk

EXPLANATION TO COUNCIL BILL 2023-064 (OLLIS)

FILED: 03/22/2023

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance authorizing a budget adjustment to amend the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$1,530,000 to appropriate fund balance reserves from the 1/4-cent Capital Improvement Sales Tax and the 1/8-cent Transportation Sales Tax to fund the design and right-of-way acquisition for six projects that have been awarded American Rescue Plan Act funds to be used for construction.

PURPOSE AND BACKGROUND INFORMATION: Purpose: To approve a budget adjustment amending the budget of the Department of Public Works for Fiscal Year 2022-2023 in the amount of \$1,530,000 to appropriate fund balance reserves from the 1/4-cent Capital Improvements Sales Tax (\$765,000) and the 1/8-cent Transportation Sales Tax (\$765,000) to fund design and right-of-way acquisition for six projects that have been awarded American Rescue Plan Act (“ARPA”) federal funds for construction through the Missouri Department of Natural Resources (“MDNR”).

Public Works applied for State ARPA grant funding through the MDNR to assist with construction of multiple stormwater projects. Notification of the intent to award construction funding was received in November 2022. The stormwater improvement projects awarded (“Exhibit A”) and the estimated design and right-of-way acquisition costs to be funded by local funds are:

- Scenic Avenue between Catalpa and Sunshine (\$625,000)
- Hilton Avenue between Mt. Vernon and Walnut (\$150,000)
- Pacific Street between Colgate and Golden (\$240,000)
- Clifton Avenue between Kearney and High (\$40,000)
- Nichols Street between Hutchinson and Dickerson (\$35,000)
- Scenic Avenue between Olive and Catalpa (\$440,000)

These projects include improvements such as the addition of curb and gutter, stormwater inlets, storm pipe, and sidewalk. This budget adjustment allocates 1/4-cent Capital Improvement Sales Tax reserves (\$765,000) and 1/8-cent Transportation Sales Tax reserves (\$765,000) needed to complete the designs and necessary easement and right of way acquisitions in a timely manner to meet the deadlines associated with expending the ARPA federal grant funds for construction.

Acceptance and budgeting of the ARPA federal grant construction funding will be requested in a future Council bill.



Supports the following City Council Priorities:

- Public safety
- Quality of place
- Fiscal sustainability

REMARKS: Public Works recommends approval of this Council bill and budget adjustment.

Submitted By: Martin Gugel, Assistant Director of Public Works

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Attachments:

1. ARPA Stormwater Design Funds_Ord
2. ARPA Stormwater Design Funds_exhA
3. ARPA Stormwater Design FundsBA_exhB

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 03-14-23

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-064

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING a budget adjustment to amend the budget of the Department of
2 Public Works for Fiscal Year 2022-2023 in the amount of \$1,530,000
3 to appropriate fund balance reserves from the 1/4-cent Capital
4 Improvement Sales Tax and the 1/8-cent Transportation Sales Tax
5 to fund the design and right-of-way acquisition for six projects that
6 have been awarded American Rescue Plan Act funds to be used for
7 construction.
8 _____
9

10 WHEREAS, the Department of Public Works applied for Missouri state American
11 Rescue Plan Act ("ARPA") grant funding to assist with construction of multiple stormwater
12 projects; and
13

14 WHEREAS, these ARPA funds are to be used for the construction of six
15 stormwater projects located around the City; and
16

17 WHEREAS, additional funds need to be allocated to complete the designs and
18 necessary right-of-way and easement acquisitions; and
19

20 WHEREAS, an amendment to the budget of the Department of Public Works for
21 Fiscal Year 2022-2023 has been approved and recommended by the City Manager and
22 the Director of Public Works.
23

24 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
25 SPRINGFIELD, MISSOURI, as follows, that:
26

27 Section 1 – The City Manager, or his designee, is hereby authorized on behalf
28 of the City of Springfield, Missouri, to appropriate fund balance reserves, in the amount
29 of \$1,530,000, for the purpose of designing the stormwater improvements depicted on
30 "Exhibit A," which is attached hereto and incorporated herein by reference, and
31 acquiring any easements or right-of-way necessary for construction.
32

33 Section 2 – The budget of the 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. 044, a copy of which is attached hereto and incorporated herein by reference as "Exhibit B."

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 stormwater improvements around the City 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

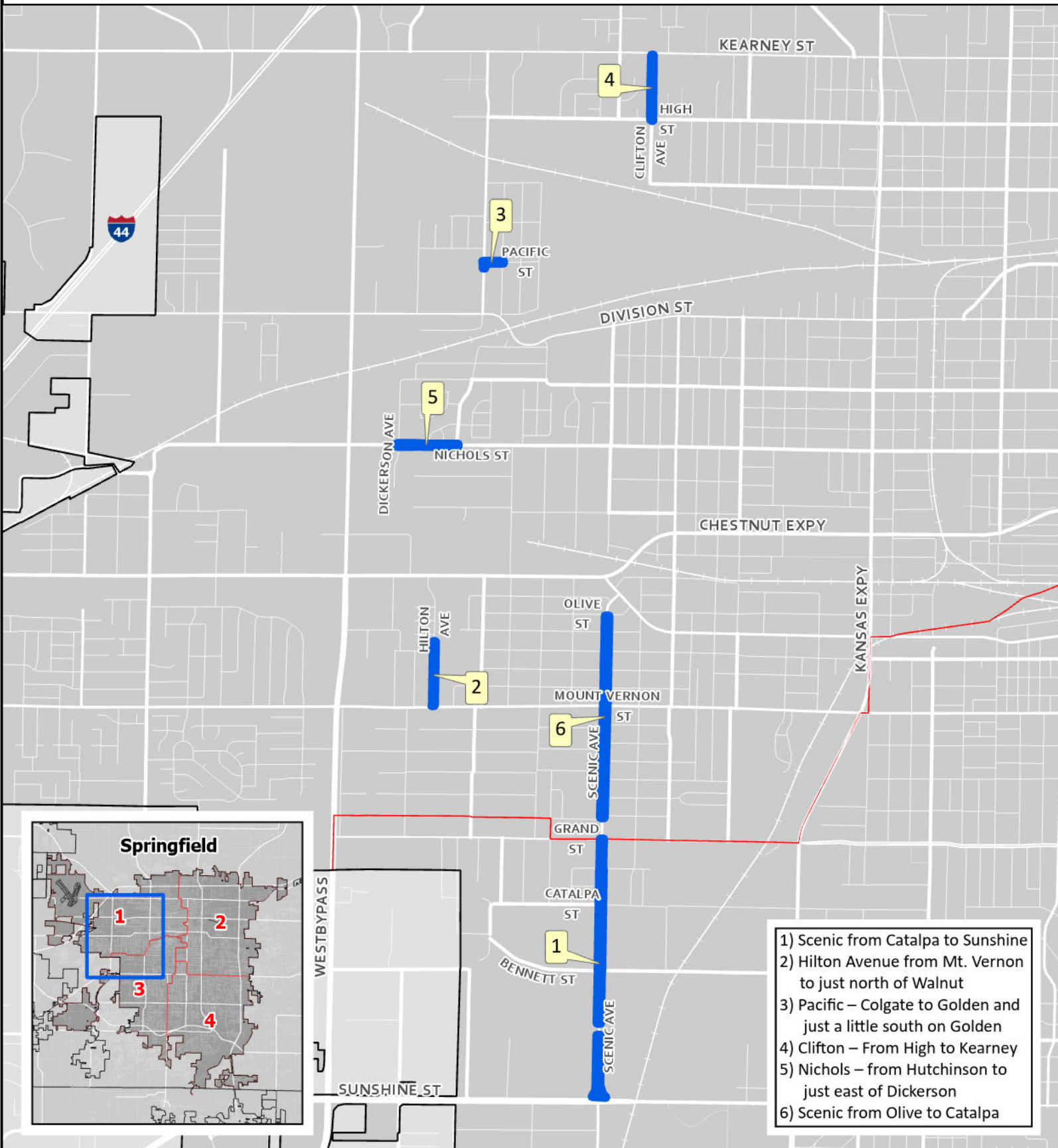
Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

Exhibit A – Location Map



CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
044

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
Net Revenue Adjustment						\$ -	

Expenditures:

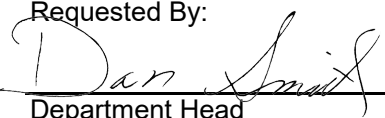
Fund	Dept	Org	Account	P&G	Location	Amount	Description
40056	20	73020	508350	000000	00000	\$ 312,500	Scenic Avenue between Catalpa & Sunshine
41080	20	73020	508350	000000	00000	312,500	Scenic Avenue between Catalpa & Sunshine
40057	20	73020	508350	000000	00000	75,000	Hilton Avenue between Mt. Vernon & Walnut
47040	20	73020	508350	000000	00000	75,000	Hilton Avenue between Mt. Vernon & Walnut
40055	20	73020	508350	000000	00000	120,000	Pacific Street between Colgate & Golden
41050	20	73020	508350	000000	00000	120,000	Pacific Street between Colgate & Golden
40055	20	73020	508350	000000	00000	20,000	Clifton Avenue between Kearney & High
41040	20	73020	508350	000000	00000	20,000	Clifton Avenue between Kearney & High
40055	20	73020	508350	000000	00000	17,500	Nichols Street between Hutchinson & Dickerson
41060	20	73020	508350	000000	00000	17,500	Nichols Street between Hutchinson & Dickerson
40057	20	73020	508350	000000	00000	220,000	Scenic Avenue between Olive & Catalpa
41080	20	73020	508350	000000	00000	220,000	Scenic Avenue between Olive & Catalpa
Net Expenditure Adjustment						\$ 1,530,000	

Fund Balance Appropriation:

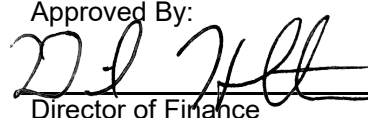
Fund	Title	Amount
Various	1/8-cent Transportation Sales Tax	\$ (765,000)
Various	1/4-cent Capital Imp. Sales Tax	(765,000)

Explanation: To amend the FY2022-23 budget by appropriating fund balance reserves from the 1/8-cent Transportation Sales Tax in the amount of \$765,000 and fund balance reserves from the 1/4-cent Capital Improvement Sales Tax in the amount of \$765,000 for design and right of way acquisition for six (6) stormwater projects with sidewalk improvements that have been awarded ARPA federal funds for construction.

Requested By:

 3-14-2023
Department Head Date

Approved By:

 3-14-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-064
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2023-065 (HORTON)

FILED: 03/22/2023

ORIGINATING DEPARTMENT: Economic Vitality

TITLE: A special ordinance amending the budget of the City of Springfield for Fiscal Year 2022-2023 in the amount of \$380,000 for the purpose of approving expenditures from the Commercial Street Tax Increment Financing Special Allocation Fund for certain public improvement projects within the Commercial Street Tax Increment Financing District; and amending the Capital Improvements Program to add the funded projects.

PURPOSE AND BACKGROUND INFORMATION: Purpose: To amend the budget of the City of Springfield for Fiscal Year 2022-2023 in the amount of \$380,000 for the purpose of approving expenditures from the Commercial Street Tax Increment Financing ("TIF") Special Allocation Fund for certain public improvement projects within the Commercial Street TIF District; and amending the Capital Improvements Program to add the funded projects.

The Commercial Street Historic District Strategy for Success was accepted by Council by Resolution 9338 on March 6, 2006. The Strategy recommended the use of TIF for sustained redevelopment and revitalization. Council directed City staff to prepare a TIF Redevelopment Plan for the area.

City Council approved the Commercial Street TIF Plan by Special Ordinance 25373 on April 7, 2008. The purpose of the Plan is to establish a process by which public improvements within the area will occur. The premise of the Plan is that public investment in key projects will provide incentives for sustained private redevelopment investment in the area.

The TIF Plan outlines eligible projects and the process by which funds captured by TIF may be expended. An annual public meeting is to be held with area residents, property owners and businesses in which City staff provides the balance of the Special Allocation Fund and recommendations for projects. Participants at this meeting review the materials and identify their priorities. Following the meeting, City staff finalized the recommendation to City Council considering stakeholder input, project feasibility, cost and nature of financing. City Council makes the final decision regarding expenditure of the Special Allocation Fund.

REMARKS: City staff held a public meeting on September 28, 2022, to gather input from Commercial Street property owners, business owners, and residents prior to making these recommendations. An online survey was also conducted. A summary of the meeting and survey results is attached as "Exhibit A."

Staff Recommendations: Staff recommends approval of expenditures from the TIF Special Allocation Fund in the amount of \$380,000 towards construction of three gateway elements as follows:

- Two obelisk gateways to be located at the intersections of Lyon and Commercial and Washington and Commercial
- A gateway arch over Boonville Avenue near Blaine Street.
- Construction bid will include the bookend gateways at Lyon and Washington with a alternate bid for the Boonville arch gateway, to be awarded based on financial feasibility. Additional allocation of funds may be required for Boonville subject to construction costs.
- Staff recommends a total cost not to exceed \$530,000 (\$380,000 per this request plus \$150,000 currently allocated), and to proceed with construction of all three gateways. Council previously approved \$150,000 for design and construction of gateways by Special Ordinance 27265 in January 2020. This allocation will commit all but \$3,082.74 of the available Special Allocation Fund.

The next Commercial Street TIF stakeholder meeting is planned for Summer 2023 to provide an update on the funded projects and recommendations for future projects. Public Works and Economic Vitality staff will continue to coordinate with Commercial Street stakeholders on design and construction of all funded projects.

Submitted By: Olivia Hough, Senior City Planner

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Attachments:

1. Commercial Street TIF Allocation 20231_Ord
2. C Street TIF Exhibit A
3. Commercial Street TIF BA - Exhibit B

One-rdg. _____
P. Hrngs. _____
Pgs. 9
Filed: 03-14-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-065

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the budget of the City of Springfield for Fiscal Year 2022-2023 in the
2 amount of \$380,000 for the purpose of approving expenditures from the
3 Commercial Street Tax Increment Financing Special Allocation Fund for
4 certain public improvement projects within the Commercial Street Tax
5 Increment Financing District; and amending the Capital Improvements
6 Program to add the funded projects.
7 _____
8

9 WHEREAS, the Commercial Street Historic District Strategy for Success was
10 approved by City Council Resolution 9388 on March 6, 2006, and recommended the
11 use of Tax Increment Financing ("TIF") funding for redevelopment and revitalization in
12 and around Commercial Street; and
13

14 WHEREAS, the Commercial Street TIF Plan ("Plan") approved by Special
15 Ordinance 25373 on April 7, 2008, established a process to fund and implement public
16 improvements within the TIF District; and
17

18 WHEREAS, the Plan outlines projects for which Commercial Street TIF funds
19 may be used and provides for annual input from stakeholders to assist the City in
20 prioritizing projects; and
21

22 WHEREAS, this year's annual stakeholder meeting was held on September 28,
23 2022, and an online survey was conducted. A summary of this meeting and the survey
24 results is attached as "Exhibit A;" and
25

26 WHEREAS, based on the input received at the September 28, 2022, meeting
27 and through the online survey, City staff recommends that City Council approve
28 expenditures from the Commercial Street TIF Special Allocation Fund in the amount of
29 \$380,000 to fund certain public improvement projects; and
30

31 WHEREAS, City Council now desires to allocate \$380,000 from the Commercial
32 Street TIF Special Allocation Fund to fund these public improvements in the
33 Commercial Street TIF District; and

WHEREAS, City Council desires to amend the 2022-2027 Capital Improvements Program ("CIP") by adding funding for these public improvement projects in the Commercial Street TIF District to the CIP.

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

Section 1 – City Council hereby authorizes the expenditure of funds from the Commercial Street TIF Special Allocation Fund, in the amount of \$380,000, to fund the following public improvement projects in the Commercial Street TIF District:

- a. Construction of an obelisk gateway at the intersection of North Lyon Avenue and West Commercial Street.
- b. Construction of an obelisk gateway at the intersection of North Washington Avenue and West Commercial Street.
- c. Construction of a gateway arch over North Boonville Avenue near East Blaine Street.

Section 2 – A budget adjustment for said Special Allocation Fund is hereby submitted for Fiscal Year 2022-2023, in the accounts and in the amounts as shown on Budget Adjustment No. 046, a copy of which is attached hereto and incorporated by reference as "Exhibit B."

Section 3 – The City Manager is hereby directed to cause the appropriate accounting entries to be made in the books and records of the City to reflect the budget adjustment described in "Exhibit B."

Section 4 – City Council hereby amends the CIP by adding funding for these public improvements in the Commercial Street TIF District to the 2022-2027 CIP.

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

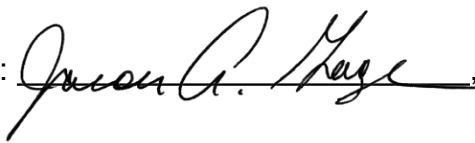
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Jill Burris, Assistant City Attorney

79 Approved for Council action: , City Manager

Commercial Street TIF District

Summary of Annual Public Input



A public meeting was held on **Thursday September 28, 2022**, from 5:00 to 7:30 PM, at White River Brewing Company, located at 505 West Commercial Street, to provide information and receive input on the Tax Increment Financing (TIF) Special Allocation Fund and potential future projects for the Commercial Street TIF District. Approximately **40 people attended** the meeting based on an informal head count and 34 people signed in. City Staff present included Olivia Hough, Jennifer Swan, Tim Rosenbury and Judy White. Benjamin Van Eps and George Mandrik with BRP Architects attended and presented gateway concept designs.

Public Notification

The meeting notice was posted with the City Clerk's Office, distributed to City Council and emailed to representatives from the Commercial Club, Community Improvement District, and the C-Street Merchants Association. Meeting flyers were distributed to businesses in the district and posted on the C-Street website and social media. The City's Public Information Office issued a press release on September 20th resulting in local media coverage on the morning of the meeting encouraging the public to attend: <https://www.ky3.com/2022/09/28/city-springfield-hosts-commercial-street-tax-increment-financing-meeting/>

Meeting Format

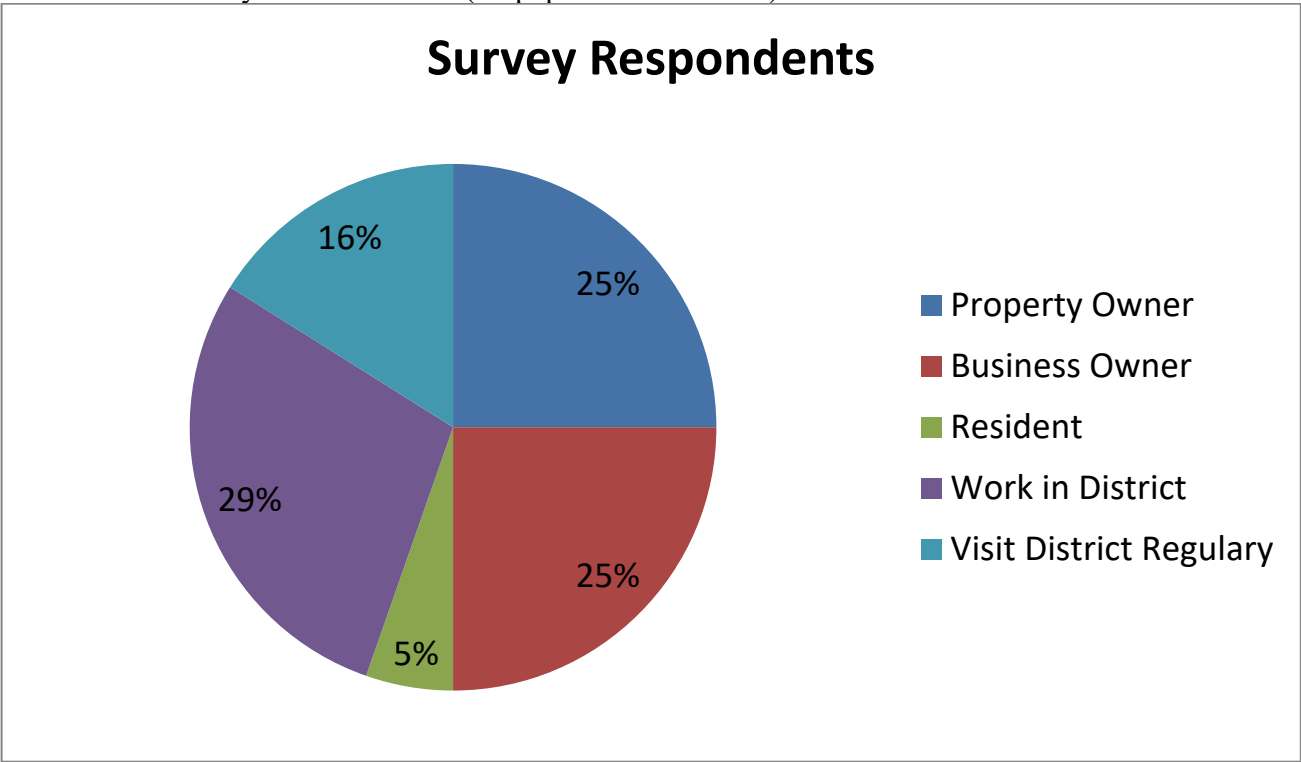
Monica Horton, Zone 1 City Counselor, welcomed meeting participants. Olivia Hough, Senior Planner, Economic Vitality, presented a background on the TIF Redevelopment Plan, eligible projects, status of current projects and provided an update on the balance of the Special Allocation Fund of \$841,886 with \$382,585 being unallocated. City consultant, Benjamin Van Epps, BRP Architects, presented gateway design concepts. Design renderings and information were provided on boards for discussion



before and after the presentations. Discussion was held on the gateway designs and options for allocation of TIF funds. Comment cards collected at the meeting and an online survey remained open for two weeks. Updates were provided on the status of the public parking lots under construction, new wayfinding signage, public art and the Jefferson Avenue Footbridge funding and Footbridge Plaza concept. A copy of the presentation and online survey were made available at <https://www.springfieldmo.gov/5530/C-Street-TIF-Projects>

SURVEY RESULTS

A total of 40 surveys were received (20 paper and 20 online).



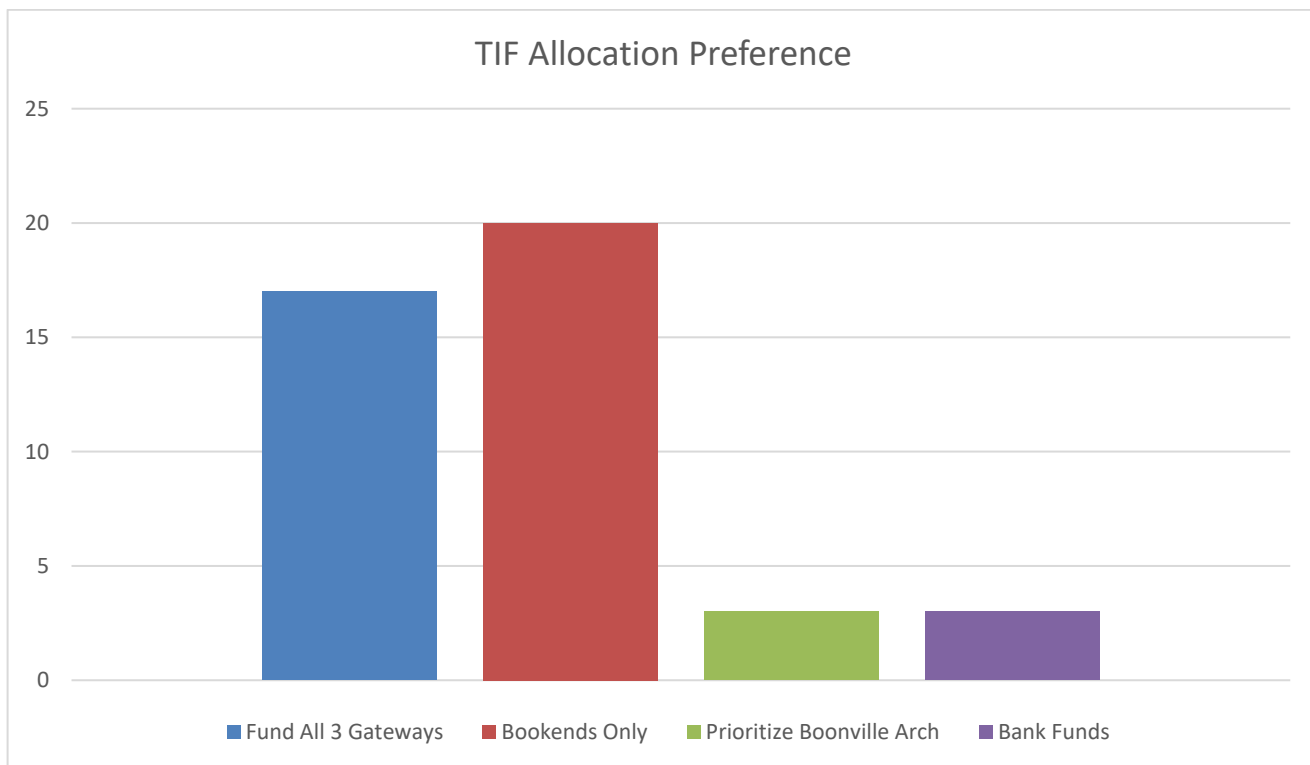
Several respondents identified themselves under multiple categories. Some said they both own property and run a business in the district, or they own a business and work in the district for example.

Participants were asked to provide input on how to allocate TIF Funding (see attached survey). Options provided included:

- 1. Allocating the total available \$360,000 to construct all three gateways
- 2. Allocate \$260,000 to construct the east and west bookend obelisk gateways
- 3. Bank the Funds for future projects
- 4. Other (write in option)

The overwhelming majority, **93%, support allocating additional funds to complete the gateways.** Three people said they prefer to bank the funds for future projects. Reasoning for banking the funds was due to the high construction costs which they expect to decline and prefer to wait, and one said they think more funds should go to parking and alleyways.

It was nearly a 50/50 split between allocating the total balance to complete all three gateways or allocating \$260,000 to construct the east and west end gateways and banking the balance for a future project. Three respondents selected “other” and said the Boonville gateway is their top priority.



Comments on the gateway concept designs were generally positive. Suggestions included the addition of adjustable colored lighting, unique decorative elements, and ability to attach seasonal banners. There was consensus on the lower portions of the gateways and the size and scale. Materials were found to be fitting with the district; however, stakeholders would like more “sizzle” and C-Street specific design incorporated into the upper portions especial for the obelisks. Comments were that they were too “corporate” or “bland.” Suggestions included a “C” weathervane, kinetic sculpture, tapered building replica with window style, spherical orb toper, or something reminiscent of the Frisco orange color or light added. Staff have instructed BRP to creatively refine the designs with some alternatives based on this feedback.



CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
046

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
Net Revenue Adjustment						\$ -	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
43050	23	60210	509110	000000	00000	\$ 380,000	Commercial St TIF Gateway Construction
Net Expenditure Adjustment						\$ 380,000	

Fund Balance Appropriation:

Fund	Title	Amount
43050	Commercial St TIF Fund	\$ (380,000)

Explanation: To amend the Fiscal Year 2023 budget by appropriating accumulated fund balance from the Commercial Street Tax Increment Financing ("TIF") Special Allocation Fund for certain public improvement projects within the Commercial Street TIF District; and amending the Capital Improvements Program to add the funded projects.

Requested By:

Amant Delleo 3-14-2023
Department Head Date

Approved By:

DL Hill 3-14-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-065
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2023-066 (HARDINGER)

FILED: 03/22/2023

ORIGINATING DEPARTMENT: Law

TITLE: A special ordinance authorizing the City Manager, or his designee, to execute Settlement Participation Forms from the National Opioids Settlement Administrator for the purpose of enlisting the City as a Participating Subdivision in additional settlements that are part of the national opioids litigation; and declaring an emergency pursuant to City Charter Section 2.12.

PURPOSE AND BACKGROUND INFORMATION: Opioid dependency in the United States has triggered a national crisis. In response to the crisis, states, and local governments, including the City of Springfield, filed litigation against opioid manufacturers and distributors. Over 3,000 of these cases were combined together in the opioid multi-district litigation to streamline procedural issues of similar cases prior to trial.

In 2021, the Plaintiffs' Executive Committee in the multi-district opioid litigation announced the terms of a global settlement agreement with opioid manufacturer Janssen and several drug distributors. The State of Missouri and the City both chose to participate in the global settlement agreement, and the City entered into an allocation agreement with the State.

Now, five new proposed national opioid settlements have been reached with the following defendants: Teva, Allergan, CVS, Walgreens, and Walmart. The State of Missouri has chosen to participate in the five new settlement agreements, making political subdivisions in Missouri, including the City, eligible to participate in the agreements. As such, the National Opioid Settlement Administrator has provided the City Participation Forms for each of the five new settlements. These Forms must be executed and submitted on or before April 18, 2023, in order for the City to be considered for initial participation calculations and payment eligibility. Approval of this Ordinance would authorize the City to participate in the settlement agreement. Participation in the settlement would require that the City release the defendants from any and all future claims regarding the opioid epidemic. The amount of funds the City would receive is dependent on the participation levels of other political subdivisions and the allocation amount determined by the State of Missouri.

Additionally, this Ordinance would authorize the City Manager to execute Participation Forms provided by the National Opioid Settlement Administrator for any additional national opioid settlements in the future, provided that the State of Missouri chooses to participate in such settlements.



This Ordinance is presented as an emergency under Charter Section 2.12 in order to allow timely approval if amendment is necessary. However, this Ordinance is expected to have two readings.

Submitted By: Rhonda Lewsader, City Attorney

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

- Attachments:**
1. Opioid Participation Forms Approval_ord
 2. Opioid Litigation_Ex 1
 3. Opioid Litigation_Ex 2
 4. Opioid Litigation_Ex 3
 5. Opioid Litigation_Ex 4
 6. Opioid Litigation_Ex 5

One-rdg. _____
P. Hrngs. _____
Pgs. 19
Filed: 03-14-23

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-066

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to execute Settlement Participation
2 Forms from the National Opioids Settlement Administrator for the
3 purpose of enlisting the City as a Participating Subdivision in additional
4 settlements that are part of the national opioids litigation; and declaring
5 an emergency pursuant to City Charter Section 2.12.
6 _____
7

8 WHEREAS, opioid dependency in the United States has triggered a national
9 crisis; and
10

11 WHEREAS, the City of Springfield and many other states and local governments
12 filed lawsuits against opioid manufacturers and distributors and over 3,000 of these
13 cases were combined in the opioids multi-district litigation; and
14

15 WHEREAS, in 2021, the Plaintiffs' Executive Committee in the multi-district
16 opioids litigation announced the terms of a global settlement agreement ("National
17 Opioids Settlement") with opioid manufacturer Janssen and several drug distributors;
18 and
19

20 WHEREAS, the State of Missouri and the City both chose to participate in the
21 global settlement agreement with Janssen and the drug distributors, and the City
22 entered into an allocation agreement with the State; and
23

24 WHEREAS, five new proposed national opioid settlements have been reached
25 with Teva, Allergan, CVS, Walgreens, and Walmart; and
26

27 WHEREAS, the State of Missouri has chosen to participate in the five new
28 settlement agreements, making political subdivisions in Missouri, including the City,
29 eligible to participate; and
30

31 WHEREAS, the National Opioid Settlement Administrator has provided the City
32 Settlement Participation Forms for each of the five new settlements and said Forms

must be executed and submitted on or before April 18, 2023, in order for the City to be considered for initial participation calculations and payment eligibility.

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 execute the Settlement Participation Forms for Allergan, Teva, CVS, Walgreens, and Walmart received from the National Opioids Settlement Administrator, said participation forms to be substantially the same as the documents attached hereto and incorporated herein by reference as “Exhibits 1, 2, 3, 4, and 5” for the purpose of enlisting the City as a Participating Subdivision in the settlements with said entities in the national opioids litigation.

Section 2 – The City Manager, or his designee, is hereby authorized to enter into any future Settlement Participation Forms provided by the National Opioids Settlement Administrator for the purpose of enlisting the City as a Participating Subdivision in the settlements with any other defendants in the national opioids litigation provided that the State of Missouri has opted to participate in such settlements.

Section 3 – City Council hereby finds and declares that an emergency exists in that adoption of this Ordinance is required to preserve the City’s ability to meet the deadline to receive additional participation incentive funds to combat the opioid epidemic in the National Opioids Settlement. Therefore, this Ordinance relates to the preservation of public property, health, and safety pursuant to Section 2.12 of the City Charter and may be passed in one reading. This Ordinance shall be in full force and effect immediately upon adoption.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Rhonda Lewsader, City Attorney

Approved for Council action: James A. Hays, City Manager

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Will your subdivision or special district be signing the settlement participation forms for the Allergan and Teva Settlements at this time?

☐ Yes ☐ No

Governmental Entity: Springfield city	State: MO
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Allergan Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopiodsettlement.com>.
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.



7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.



I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Exhibit K
Subdivision and Special District Settlement Participation Form

Governmental Entity: Springfield city	State: MO
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Teva Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Teva Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Teva Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Teva Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Teva Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Teva Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the terms of the Teva Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Teva Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Teva Settlement.



8. The Governmental Entity has the right to enforce the Teva Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Teva Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Teva Settlement are intended by Released Entities and the Governmental Entity to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Teva Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Teva Settlement.
11. In connection with the releases provided for in the Teva Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Teva Settlement.

12. Nothing herein is intended to modify in any way the terms of the Teva Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Teva Settlement in any respect, the Teva Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation and Release Form**

Will your subdivision or special district be signing the settlement participation form for the CVS Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Springfield city	State: MO
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*CVS Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.



11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation and Release Form**

Will your subdivision or special district be signing the settlement participation form for the Walgreens Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Springfield city	State: MO
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 (“*Walgreens Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.



11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation Form**

Will your subdivision or special district be signing the settlement participation form for the Walmart Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Springfield city	State: MO
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 ("Walmart Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____





EXPLANATION TO COUNCIL BILL 2023-070 (OLLIS, MCGULL, MCCLURE)

FILED: 03/29/2023

ORIGINATING DEPARTMENT: Law

TITLE: A resolution affirming City Council's support for the plan of the Missouri Department of Transportation ("MoDOT") to improve sidewalks, crosswalks, and intersections, repave the corridor and complete sidewalk segments, and work with area businesses regarding the closure of extra access points in the East Sunshine Street corridor; requesting MoDOT to suspend the portion of the project that would add medians at various locations along the corridor and to monitor safety data related to the East Sunshine Street corridor for the next three years after making improvements the City supports; and thanking MoDOT for its investment in this community and in East Sunshine Street, one of Springfield's significant commercial corridors.

PURPOSE AND BACKGROUND INFORMATION: Purpose: To affirm City Council's support for the plan of the Missouri Department of Transportation ("MoDOT") to improve sidewalks, crosswalks, and intersections, repave the corridor and complete sidewalk segments, and work with area businesses regarding the closure of extra access points in the East Sunshine Street corridor; to request MoDOT to suspend the portion of the project that would add medians at various locations along the corridor and to monitor safety data related to the East Sunshine Street corridor for the next three years after making improvements the City supports; and to thank MoDOT for its investment in this community and in East Sunshine Street, one of Springfield's significant commercial corridors.

This Resolution was requested by Councilman Ollis.

In 2022, the Missouri Department of Transportation ("MoDOT") issued the 'Sunshine Street/Route D Safety and Operational Report,' which evaluated safety and operational conditions to determine current needs and prioritize improvements on Sunshine Street/Route D from Glenstone Avenue in Springfield to Farm Road 199 in Greene County. Based on the priorities provided in the report, MoDOT developed an East Sunshine Street corridor project, which proposed signal, sidewalk (ADA), intersection, and safety and operational improvements on Sunshine Street at various locations between Glenstone Avenue and proposed corridor-wide improvements of resurfacing and pavement markings on Sunshine Street between Glenstone Avenue and Missouri Route 125. The safety and operational improvements proposed include access changes, including closure of access points and construction of medians at various locations. Since MoDOT announced its project and began taking public input, many businesses located along the East Sunshine Corridor have expressed significant concern over the proposed median and its impact on the economic activity along the vibrant Sunshine Street corridor.

This Resolution would affirm City Council's support of MoDOT's East Sunshine Street corridor project improving sidewalks, crosswalks, intersections; providing resurfacing and improving pavement markings; completing sidewalk segments; and working with area businesses on the closure of extra access points. Additionally, the Resolution would affirm City Council's support of safety improvements to the East Sunshine Street corridor, especially at signalized intersections at which 463 of 728 motor vehicle accidents have occurred, according to the 'Sunshine Street/Route D Safety and Operational Report.'

This Resolution would ask MoDOT to suspend the portion of the East Sunshine Street corridor project that would add medians at various locations along the corridor due to the expression of significant concerns by many businesses. Those businesses are concerned that the addition of medians would impact economic activity along the vibrant corridor. The Resolution would also ask MoDOT to focus safety improvements on signalized intersections where most accidents occur and to find a suitable solution by improving safety at signalized intersections, reducing access points, improving crosswalks, and enhancing sidewalks. In addition, the Resolution would ask MoDOT to monitor safety data related to the East Sunshine Street corridor for the next three years after making the improvements the City supports to determine their impact and before considering further safety modifications.

Finally, the Resolution would express City Council's appreciation for MoDOT's continued efforts and investment in Springfield and in East Sunshine Street, one of Springfield's significant commercial corridors.

A letter to MoDOT regarding the East Sunshine Corridor project from members of the general assembly and a letter from Greene County are attached as "Attachments 1 and 2" respectively.

Submitted By: Rhonda Lewsader, City Attorney

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Jason Gage, City Manager 3/29/2023

Attachments:

1. MoDOT East Sunshine_res
2. MoDOT East Sunshine_Attach1
3. MoDOT East Sunshine_Attach2

One-rdg. X
P. Hrngs.
Pgs. 7
Filed: 03-28-23

Sponsored by: Ollis, McClure, McGull

COUNCIL BILL 2023-070 RESOLUTION

RESOLUTION

1 AFFIRMING City Council’s support for the plan of the Missouri Department of
2 Transportation (“MoDOT”) to improve sidewalks, crosswalks, and
3 intersections, repave the corridor and complete sidewalk segments, and
4 work with area businesses regarding the closure of extra access points
5 in the East Sunshine Street corridor; requesting MoDOT to suspend the
6 portion of the project that would add medians at various locations along
7 the corridor and to monitor safety data related to the East Sunshine
8 Street corridor for the next three years after making improvements the
9 City supports; and thanking MoDOT for its investment in this community
10 and in East Sunshine Street, one of Springfield’s significant commercial
11 corridors.

12
13
14 WHEREAS, in 2022, MoDOT issued the ‘Sunshine Street/Route D Safety and
15 Operational Report,’ which evaluated safety and operational conditions to determine
16 current needs and prioritize improvements on Sunshine Street/Route D from Glenstone
17 Avenue in Springfield to Farm Road 199 in Greene County; and

18
19 WHEREAS, based on the priorities provided in the report, MoDOT developed an
20 East Sunshine Street corridor project, which proposed signal, sidewalk (ADA),
21 intersection, and safety and operational improvements on Sunshine Street at various
22 locations between Glenstone Avenue and proposed corridor-wide improvements of
23 resurfacing and pavement markings on Sunshine Street between Glenstone Avenue
24 and Missouri Route 125; and

25
26 WHEREAS, the safety and operational improvements proposed include access
27 changes, including closure of access points and construction of medians at various
28 locations; and

29
30 WHEREAS, many businesses have expressed significant concern over the
31 proposed median and its impact on the economic activity along the vibrant Sunshine
32 Street corridor.

33
34 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
35 SPRINGFIELD, MISSOURI, as follows, that:

37 Section 1 – City Council affirms its support of MoDOT’s East Sunshine Street
38 corridor project improving sidewalks, crosswalks, intersections; providing resurfacing
39 and improving pavement markings; completing sidewalk segments; and working with
40 area businesses on the closure of extra access points.

41
42 Section 2 – City Council affirms its support of safety improvements to the East
43 Sunshine Street corridor, especially at signalized intersections at which 463 of 728
44 motor vehicle accidents have occurred according to the ‘Sunshine Street/Route D
45 Safety and Operational Report.’

46
47 Section 3 – City Council asks MoDOT to suspend the portion of the East
48 Sunshine Street corridor project that would add medians at various locations along the
49 corridor due to the expression of significant concerns by many businesses about the
50 impact of adding medians on the economic activity along the vibrant corridor. City
51 Council asks MoDOT to focus safety improvements on signalized intersections where
52 most accidents occur and trusts that a suitable solution can be reached by improving
53 safety at signalized intersections, reducing access points, improving crosswalks, and
54 enhancing sidewalks. In addition, City Council asks MoDOT to monitor safety data
55 related to the East Sunshine Street corridor for the next three years after making the
56 improvements the City supports to determine their impact and before considering further
57 safety modifications. City Council thanks MoDOT in advance for consideration of
58 making safety and operational improvements that do not disrupt the economic vitality of
59 this important corridor.

60
61 Section 4 – City Council thanks MoDOT for its continued efforts and investment
62 in our community and in East Sunshine Street, one of Springfield’s significant
63 commercial corridors.

64
65 Section 5 – This Resolution shall be in effect immediately upon adoption.

66
67 Passed at meeting: _____

68
69
70 _____
71 Mayor

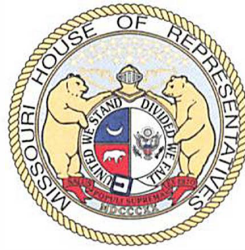
72 Attest: _____, City Clerk

73
74 Filed as Resolution: _____

75
76
77 Approved as to form: Rhonda Lewsader, City Attorney

78
79 Approved for Council action: Jason R. Hays, City Manager

CAPITOL OFFICE
 State Capitol
 201 West Capitol Avenue
 Room 410-A
 Jefferson City, MO 65101-6806
 Tele: (573) 751-2948
 E-Mail: bill.owen@house.mo.gov



COMMITTEES
Member:
 Budget
 Subcommittee on Appropriations
 Public Safety, Corrections,
 Transportation, and Revenue-Chair
 Fiscal Review-Vice Chair
 Financial Institutions
 Pensions
 Rules- Legislative Oversight

**MISSOURI HOUSE OF
 REPRESENTATIVES**
Bill Owen
 State Representative
 District 131

March 8, 2023

Missouri Department of Transportation
 105 W Capitol Avenue
 Jefferson City, Mo 65102

To Whom It May Concern:

We the undersigned members of the 102nd General Assembly from southwest Missouri wish to convey our strong opposition to the proposed construction of a center median on Sunshine Avenue. This is a vital thoroughfare into the heart of one of our retail business districts.

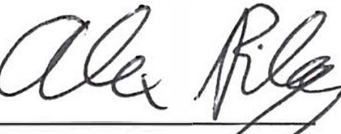
As you are aware, this road is a hub for all types of commerce that bring revenue to southwest Missouri. This proposal has the potential to make it more difficult for our area businesses to continue to thrive.

Speaking on behalf of over sixty of these businesses, we encourage your organization to remove this project from the MoDot priority list in our region.

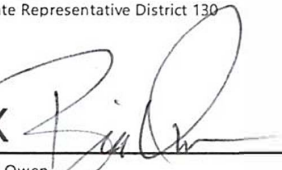
Your consideration of this matter is greatly appreciated.

Regards,

X 
 Bishop Davdson
 State Representative District 130

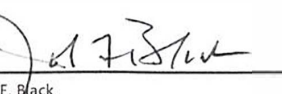
X 
 Alex Riley
 State Representative District 134

X 
 Curtis Trent
 State Senator District 20

X 
 Bill Owen
 State Representative District 131

X 
 Darin Chappell
 State Representative District 137

X 
 Melanie Stinnett
 State Representative 133

X 
 John F. Black
 State Representative District 129

Bob Dixon
Presiding Commissioner

Rusty MacLachlan
1st District Commissioner

John C. Russell
2nd District Commissioner



Shane Schoeller
Clerk of the Commission

Christopher J. Coulter, AICP
County Administrator

Megan Applegate
Executive Assistant

COUNTY COMMISSION
Greene County, Missouri
(417) 868-4112

March 30, 2023

Ms. Stacy Reese
MoDOT - SW District Engineer
3025 E. Kearney Street
Springfield, MO 65803

RE: Sunshine Street – East Corridor Project

Dear Ms. Reese,

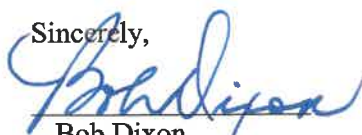
The purpose of this letter is to address a growing number of concerns and questions that have recently been received by the Greene County Commission from local citizens and business owners who are worried about MoDOT's proposed access management improvements to the east Sunshine Street (Route D) transportation corridor.

In recent weeks, the County Commission has received communications from several business owners who have expressed concerns regarding the potential economic impacts that these proposed roadway improvements may present to the many businesses that are presently served by this transportation corridor. The planned elimination of numerous driveway access locations along the corridor in conjunction with a new median barrier has produced apprehensions that these actions could pose significant impediments to the consumers that support these existing businesses. Many of our concerned citizens have questioned whether or not the negative economic impacts of the proposed access management upgrades have been adequately examined alongside the stated goals of enhancing safety and improving the overall efficiency of the roadway.

We would request that some additional time be invested in the pursuit of an engineering solution that collaboratively balances the need for enhanced safety and efficiency along with the necessity of preserving the economic vitality of this important commercial transportation corridor. We believe that a practical solution can be obtained by working in coordination with local business owners to ensure that their economic concerns have been adequately addressed through the ongoing planning efforts for this project, while also providing safety improvements that will protect the roadway users throughout this corridor.

We thank you for your continued efforts to provide these much-needed transportation improvement projects and investments within the Greene County region. Please let us know if we can be of any assistance in the ongoing project coordination and discussion with local citizens.

Sincerely,


Bob Dixon
Presiding Commissioner


Rusty MacLachlan
Commissioner Dist. 1


John C. Russell
Commissioner Dist. 2

Cox Medical Tower • 1443 North Robberson Avenue, 10th Floor • Springfield, Missouri 65802
Mailing Address 940 Boonville Avenue • Springfield, Missouri 65802
www.greenecountymo.gov



EXPLANATION TO COUNCIL BILL 2023-071 (SCHILLING)

FILED: 03/28/2023

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance authorizing the City Manager, or his designee, to enter into an Off-System Bridge Program Agreement with the Missouri Highways and Transportation Commission for the purpose of funding construction for the replacement of the Walnut Street Bridge over Jordan Creek; amending the budget of the Department of Public Works for Fiscal Year 2022-2023, in the amount of \$1,920,270 to appropriate federal Off-System Bridge Program grant funds; and declaring that this bill qualifies for approval in one reading.

PURPOSE AND BACKGROUND INFORMATION: This project will replace the Walnut Street Bridge over Jordan Creek. The bridge replacement will include accommodations for a future trail to pass under the roadway. The Off-System Bridge Program Agreement allows for reimbursement of up to 80% (\$1,920,270) of the construction costs associated with the project. The City's 20% share, estimated at \$480,068, will be funded by the 1/4-cent Capital Improvements Sales Tax and is already budgeted.

As this Ordinance is for a state grant contract for federal funds, we request that it be passed as a one-reading bill under City Charter Section 2.16(25).

Supports the following City Council Priorities:

- Public Safety
- Economic Vitality
- Fiscal Sustainability
- Quality of Place

REMARKS: Public Works recommends approval of this Council bill and budget adjustment.

Submitted By: Martin Gugel, Assistant Director of Public Works

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Dan Smith, Director of Public Works 3/29/2023

Maurice S. Jones, Deputy City Manager 3/29/2023

Attachments: 1. Walnut BRO Agreement_ord (1)
 2. Walnut BRO Agreement_exh1

3. Walnut BRO AgreementBA_exh2

34 Program Agreement, said Agreement to be in substantially the same form as the
35 document attached hereto and incorporated herein by this reference as "Exhibit 1," and
36 to do all things necessary to carry out the intent of the Agreement.
37

38 Section 2 – The budget of the Department of Public Works for Fiscal Year 2022-
39 2023 is hereby amended in the accounts and in the amounts as shown on Budget
40 Adjustment No. 047, a copy of which is attached hereto and incorporated herein by this
41 reference as "Exhibit 2."
42

43 Section 3 – The City Manager is directed to cause the appropriate accounting
44 entries to be made in the books and records of the City. In the event additional funding
45 is provided under this grant by the grantor, the Director of Finance is hereby authorized
46 to adjust this appropriation by an amount not to exceed 20 percent.
47

48 Section 4 – City Council hereby finds and declares that this Ordinance may be
49 passed as a one-reading Ordinance under City Charter Section 2.16(25) as it relates to
50 a contract for the acceptance of grant funds from a state or federal agency. Therefore,
51 this Ordinance shall be in full force and effect from and after passage.
52

53 Passed at meeting: _____
54
55

56 _____
57 Mayor
58

59 Attest: _____, City Clerk
60

61 Filed as Ordinance: _____
62

63 _____
64 Approved as to form: _____, Assistant City Attorney
65

66 _____
67 Approved for Council action: _____ City Manager

CCO Form: FS13
 Approved: (DPP)
 Revised: 09/22 (MWH)
 Modified:

CFDA Number: CFDA #20.205
 CFDA Title: Highway Planning and Construction
 Award name/number: BRO-R116001
 Award Year: FY2022-2024
 Federal Agency: Federal Highway Administration, Department of Transportation

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION OFF-SYSTEM BRIDGE PROGRAM AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, a municipal corporation in the State of Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, the Congress of the United States has authorized, in the Infrastructure Investment and Jobs Act (IIJA), 23 U.S.C. §133, §144 and title VIII of division J, Public Law No. 117-58, the Secretary of Transportation to grant funds to states for projects for the replacement and rehabilitation of toll-free public bridges which are not part of any Federal-Aid System and which are under the jurisdiction of and maintained by a public authority and are open to public travel; and

WHEREAS, the City desires to replace a certain bridge, more specifically described below, under the Off-System Bridge Program. Said improvement is to be designed and constructed in compliance with the provisions of 23 U.S.C. §133, §144 and title VIII of division J, Public Law No. 117-58, and applicable federal directives.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The improvement contemplated by this Agreement, and designated as Project BRO-R116001 by the Commission is on Walnut Street in Greene County. The length of this improvement is 354 ft. This improvement involves a bridge which has been inventoried by the City or Commission in accordance with 23 U.S.C. §144.

(2) LOCATION: The general location of the improvement is shown on the attachment labeled "Exhibit A" and that attachments incorporated by reference. The location is as follows: City of Springfield (Greene County) Walnut St. over Jordan Creek east of Route 13.

(3) REASONABLE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual [and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline within Exhibit B conflict, the final deadline within Exhibit B controls]. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City.

(4) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation ("MoDOT" or "Department") employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights 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.

(5) MAINTENANCE: Upon completion of this improvement, the City shall accept control and maintenance of the improved road as a part of its road system and at

its own cost and expense. Once construction of this improvement is completed, all obligations of the Commission under this Agreement shall terminate.

(6) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(7) TRAFFIC CONTROL: The plans shall provide for handling traffic with signs, signals, and markings in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

(8) ACQUISITION OF RIGHT OF WAY: With respect to the acquisition of right of way necessary for the completion of the project, City shall acquire any additional necessary right of way required for this project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. §4601-§4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with that Act.

(9) PERMITS: The City shall secure approval or permits from the Federal Government and the State of Missouri as required to permit the construction and maintenance of the improvements contemplated by this Agreement.

(10) DISADVANTAGED BUSINESS ENTERPRISES (DBE): It is the policy of the U.S. Department of Transportation and the Commission that businesses owned by socially and economically disadvantaged individuals (DBE's), as defined in 49 C.F.R. Part 26, have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds.

(11) NONDISCRIMINATION 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 U.S.C. §2000d and §2000e, *et seq.*), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, *et seq.*). In addition, if the City is providing services or operating programs on behalf of the

Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These 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 subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) 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 facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (11) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(12) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(13) INSPECTION OF PERFORMANCE: The City shall insure that representatives of the Commission and the FHWA shall have access to the project for the purpose of inspecting and reviewing work performed in connection with this Agreement.

(14) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. All progress payment requests must be submitted for reimbursement within 90 days of the project completion date for the final phase of work. The City shall repay any progress payments which involve ineligible costs.

(15) PROMPT PAYMENTS: Progress invoices submitted to MoDOT for reimbursement more than thirty (30) calendar days after the date of the vendor invoice shall also include documentation that the vendor was paid in full for the work identified in the progress invoice. Examples of proof of payment may include a letter or e-mail from the vendor, lien waiver or copies of cancelled checks. Reimbursement will not be made on these submittals until proof of payment is provided. Progress invoices submitted to MoDOT for reimbursement within thirty (30) calendar days of the date on the vendor invoice will be processed for reimbursement without proof of payment to the vendor. If the City has not paid the vendor prior to receiving reimbursement, the City must pay the vendor within two (2) business days of receipt of funds from MoDOT.

(16) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

Any federal funds for project activities shall only be available for reimbursement of eligible

costs that have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. A pro-rata share shall be established for each phase of a project, i.e. Preliminary Engineering, Right of Way, Utilities and Construction. All costs incurred by City will be reimbursed at the pro-rata share established for each project phase. The pro-rata share for federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to that project phase by the total participating costs for that phase. The pro-rata share for the Construction Phase shall be established at concurrence in award and cannot be increased. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(17) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(18) AUDIT REQUIREMENTS: If the City expend(s) seven hundred fifty thousand dollars (\$750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars (\$750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(19) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

(20) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(21) COMMISSION REPRESENTATIVE: The Commission's Southwest District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(22) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(23) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(24) CONFLICT OF INTEREST: The City shall comply with conflict of interest policies identified in 23 CFR 1.33. A conflict of interest occurs when an entity has a financial or personal interest in a federally funded project.

(25) MANDATORY DISCLOSURES: The City shall comply with 2 CFR 200.113 and disclose, in a timely manner, in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the County on _____.

Executed by the Commission on _____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

By _____

Title _____

Title _____

ATTEST:

ATTEST:

Secretary to the Commission

Clerk

Approved as to Form:

Approved as to Form:

Commission Counsel

Title

Ordinance No. _____

Exhibit A - Location of Project

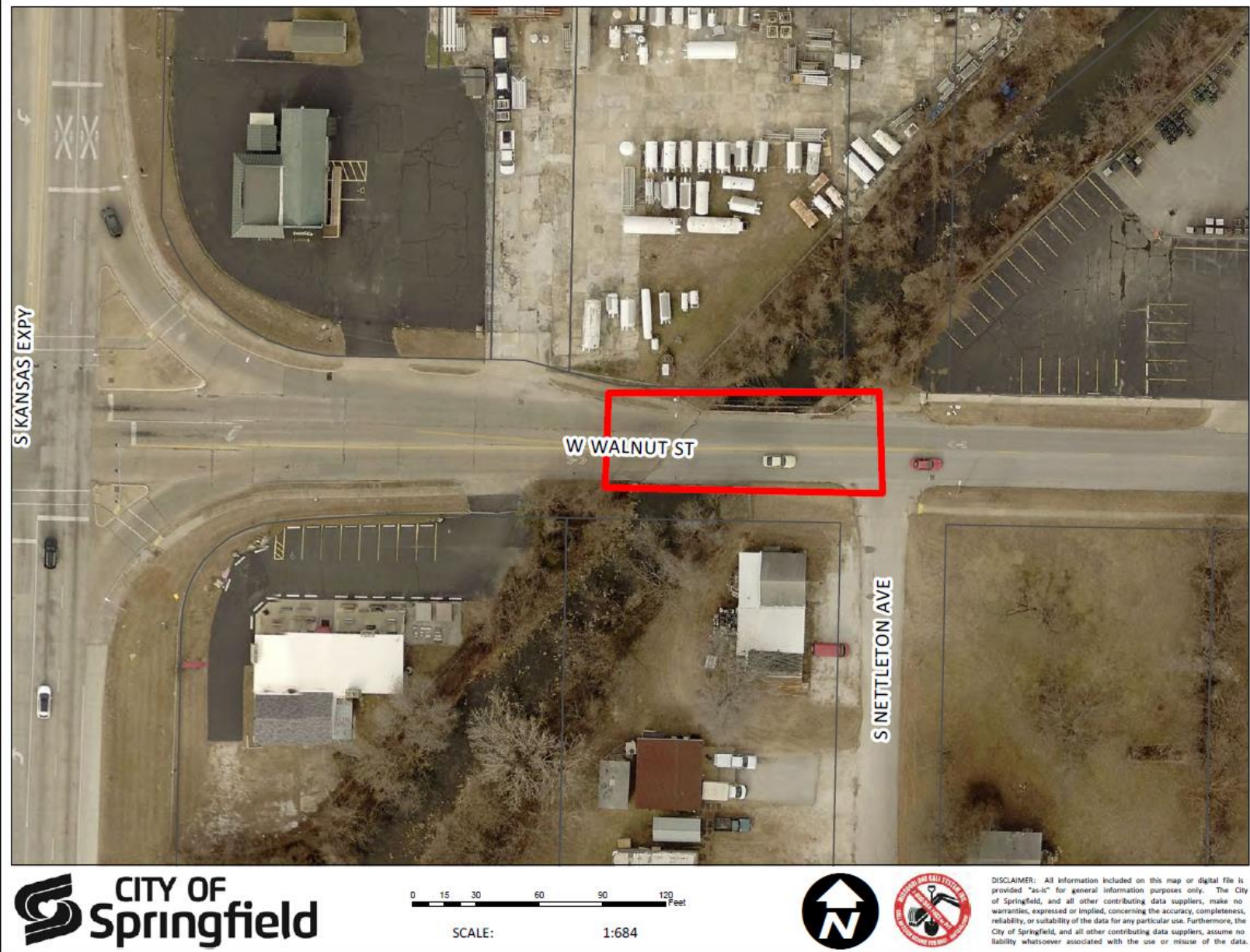


Exhibit B – Project Schedule

Project Description: Federal funds for BRO-R116001 will aid in construction funds for replacement of Bridge 4075039 in the City of Springfield at Walnut St. over Jordan Creek, east of Route 13.

Task	Date
Date funding is made available or allocated to recipient	10/2022
Plans, Specifications & Estimate (PS&E) Submittal	04/2023
Plans, Specifications & Estimate (PS&E) Approval	07/2023
Advertisement for Letting	09/2023
Bid Opening	12/2023
Construction Contract Award or Planning Study completed (REQUIRED)	03/2024

*Note: the dates established in the schedule above will be used in the applicable ESC between the sponsor agency and consultant firm.

**Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and a Supplemental Agreement is required to push this date back.

Exhibit C - Required Contract Provisions
Federal-Aid Construction Contracts

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Non-segregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services). 23 CFR 633.102(e).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider. 23 CFR 633.102(e).

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services) in accordance with 23 CFR 633.102. The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in solicitation-for-bids or request-for-proposals documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract). 23 CFR 633.102(b).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work

performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

II. NONDISCRIMINATION (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR Part 60, 29 CFR Parts 1625-1627, 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR Part 60, and 29 CFR Parts 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR Part 230, Subpart A, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal Employment Opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (see 28 CFR Part 35, 29 CFR Part 1630, 29 CFR Parts 1625-1627, 41 CFR Part 60 and 49 CFR Part 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140, shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR Part 35 and 29 CFR Part 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract. 23 CFR 230.409 (g)(4) & (5).

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, sexual orientation, gender identity, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action or are substantially involved in such action, will be made fully cognizant of and will implement the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to ensure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action

within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs (i.e., apprenticeship and on-the-job training programs for the geographical area of contract performance). In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. 23 CFR 230.409. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide

sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants /

Employees with Disabilities: The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established thereunder. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment:

The contractor shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors, suppliers, and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurances Required:

a. The requirements of 49 CFR Part 26 and the State DOT's FHWA-approved Disadvantaged Business Enterprise (DBE) program are incorporated by reference.

b. The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

c. The Title VI and nondiscrimination provisions of U.S. DOT Order 1050.2A at Appendixes A and E are incorporated by reference. 49 CFR Part 21.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women.

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of more than \$10,000. 41 CFR 60-1.5.

As prescribed by 41 CFR 60-1.8, the contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location under the contractor's control where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size), in accordance with 29 CFR 5.5. The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. 23 U.S.C. 113. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. 23 U.S.C. 101. Where applicable law requires that projects be treated as a project on a Federal-aid highway, the provisions of this subpart will apply regardless of the location of the project. Examples include: Surface Transportation Block Grant Program projects funded under 23 U.S.C. 133 [excluding recreational trails projects], the Nationally Significant Freight and Highway

Projects funded under 23 U.S.C. 117, and National Highway Freight Program projects funded under 23 U.S.C. 167.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages (29 CFR 5.5)

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding (29 CFR 5.5)

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics,

including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records (29 CFR 5.5)

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency.

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or

subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under 29 CFR 5.5(a)(3)(ii), the appropriate information is being maintained under 29 CFR 5.5(a)(3)(i), and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under 18 U.S.C. 1001 and 31 U.S.C. 231.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees (29 CFR 5.5)

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State

Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the

corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. **Equal employment opportunity.** The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. **Apprentices and Trainees (programs of the U.S. DOT).**

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. 23 CFR 230.111(e)(2). The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract as provided in 29 CFR 5.5.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract as provided in 29 CFR 5.5.

9. Disputes concerning labor standards. As provided in 29 CFR 5.5, disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor

set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility (29 CFR 5.5)

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Pursuant to 29 CFR 5.5(b), the following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek. 29 CFR 5.5.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph 1 of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph 1 of this section, in the sum currently provided in 29 CFR 5.5(b)(2)* for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph 1 of this section. 29 CFR 5.5.

* \$27 as of January 23, 2019 (See 84 FR 213-01, 218) as may be adjusted annually by the Department of Labor; pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990).

3. Withholding for unpaid wages and liquidated damages.

The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph 2 of this section. 29 CFR 5.5.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs 1 through 4 of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs 1 through 4 of this section. 29 CFR 5.5.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System pursuant to 23 CFR 635.116.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" in paragraph 1 of Section VI refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions: (based on longstanding interpretation)

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or

equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract. 23 CFR 635.102.

2. Pursuant to 23 CFR 635.116(a), the contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. Pursuant to 23 CFR 635.116(c), the contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract. (based on long-standing interpretation of 23 CFR 635.116).

5. The 30-percent self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements. 23 CFR 635.116(d).

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR Part 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract. 23 CFR 635.108.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR Part 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704). 29 CFR 1926.10.

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance

with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR Part 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 11, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT (42 U.S.C. 7606; 2 CFR 200.88; EO 11738)

This provision is applicable to all Federal-aid construction contracts in excess of \$150,000 and to all related subcontracts. 48 CFR 2.101; 2 CFR 200.326.

By submission of this bid/proposal or the execution of this contract or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, subcontractor, supplier, or vendor agrees to comply with all applicable standards, orders

or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Highway Administration and the Regional Office of the Environmental Protection Agency. 2 CFR Part 200, Appendix II.

The contractor agrees to include or cause to be included the requirements of this Section in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements. 2 CFR 200.326.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200. 2 CFR 180.220 and 1200.220.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction. 2 CFR 180.320.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default. 2 CFR 180.325.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 2 CFR 180.345 and 180.350.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900-180.1020, and 1200. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant

who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 2 CFR 180.330.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 180.300.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. 2 CFR 180.300; 180.320, and 180.325. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. 2 CFR 180.335. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>). 2 CFR 180.300, 180.320, and 180.325.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 2 CFR 180.325.

* * * * *

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.335;.

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property, 2 CFR 180.800;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification, 2 CFR 180.700 and 180.800; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default. 2 CFR 180.335(d).

(5) Are not a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(6) Are not a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability (USDOT Order 4200.6 implementing appropriations act requirements).

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal. 2 CFR 180.335 and 180.340.

3. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders, and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200). 2 CFR 180.220 and 1200.220.

a. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances. 2 CFR 180.365.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900 – 180.1020, and 1200. You may contact the person to which this proposal is

submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contractor). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 2 CFR 1200.220 and 1200.332.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 1200.220.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration. 2 CFR 180.300, 180.320, 180.330, and 180.335.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 2 CFR 180.325.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals:

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.355;

(b) is a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(c) is a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. (USDOT Order 4200.6 implementing appropriations act requirements)

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal.

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000. 49 CFR Part 20, App. A.

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier

subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

XII. USE OF UNITED STATES-FLAG VESSELS:

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, or any other covered transaction. 46 CFR Part 381.

This requirement applies to material or equipment that is acquired for a specific Federal-aid highway project. 46 CFR 381.7. It is not applicable to goods or materials that come into inventories independent of an FHWA funded-contract.

When oceanic shipments (or shipments across the Great Lakes) are necessary for materials or equipment acquired for a specific Federal-aid construction project, the bidder, proposer, contractor, subcontractor, or vendor agrees:

1. To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels. 46 CFR 381.7.
2. To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b)(1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Office of Cargo and Commercial Sealift (MAR-620), Maritime Administration, Washington, DC 20590. (MARAD requires copies of the ocean carrier's (master) bills of lading, certified onboard, dated, with rates and charges. These bills of lading may contain business sensitive information and therefore may be submitted directly to MARAD by the Ocean Transportation Intermediary on behalf of the contractor). 46 CFR 381.7.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS (23 CFR 633, Subpart B, Appendix B)**
This provision is applicable to all Federal-aid projects funded
under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment
047

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	\$1,920,270	Federal Grant Revenue to Replace the Walnut Street Bridge Over Jordan Creek Based on Off-System Bridge Program Agreement With the Missouri Highways & Transportation Commission (MHTC)
Net Revenue Adjustment						\$1,920,270	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	509110	000000	00000	\$1,920,270	Replace Walnut Street Bridge Over Jordan Creek
Net Expenditure Adjustment						\$1,920,270	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating federal BRO Bridge grant funds for 80% of the estimated construction costs for the Replacement of the Walnut Street Bridge Over Jordan Creek based on the proposed Off-System Bridge Program Agreement with the Missouri Highways & Transportation Commission (MHTC). The remaining 20% of the estimated construction costs will be funded by the 1/4 Cent Capital Improvement Sales Tax that is already budgeted.

Requested By:

Dan Smith 03-28-2023
Department Head Date

Approved By:

DJ Hill 03-28-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-071
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2023-073 (SIMPSON)

FILED: 03/28/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 2.4 acres of property generally located at 1760 East Bradford Parkway from Planned Development No. 117 Amendment 5 to Planned Development No. 385; and adopting and Official Zoning Map. (Planning and Zoning Commission and Staff recommend approval.) (By: Bibi Bradford, LLC; 1760 East Bradford Parkway; Planned Development No. 385.)

PURPOSE AND BACKGROUND INFORMATION:

PLANNED DEVELOPMENT DISTRICT NO. 385

The applicant is requesting to rezone approximately 2.4 acres of property generally located at 1760 East Bradford Parkway from Planned Development No. 117 amendment 5 to Planned Development No. 385 with the intent to develop a climate-controlled self-storage facility. The existing PD does not allow such a use.

This application intends to add the self-storage facility use and maintain the provisions of the existing Planned Development to ensure compatible development that was envisioned for the area.

REMARKS: The Planning and Zoning Commission held a public hearing on March 9, 2023, and recommended to approve the proposed Planned Development No. 385, by a vote of 7 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 *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the City Corridor placetype. The City Corridor placetype predominantly consists of commercial and service-related development varying in scale, ranging from standalone businesses to large retail centers. City Corridors are also key locations to support and encourage multi-family developments that rely on proximity to retail, commercial services, and employment centers. Each of these use groups are best located along major roadways with high volumes of traffic. This placetype is not only highly accessible by car, but also by walking, biking, and transit. City Corridors provide a wide range of shopping, service, entertainment, and employment destinations for both residents and visitors. Common uses within the placetype include chain restaurants,

gas stations, hotels, national retailers, movie theaters, smaller offices, and a variety of support services.

2. Although the subject property is within the City Corridor placetype, it does not have direct access to the major streets. Instead, it takes primary access to Bradford Parkway, classified as a local street.
3. Staff has determined that the proposed PD 385 is appropriate for this area. The addition of the self-storage facility is a suitable use for this location. The storage facility will function as a supporting land use in proximity to a developing housing, shopping, and employment centers.
4. Approval of this application will facilitate the development of this property and promote infill development where investments have already been made in public services and infrastructure.
5. The subject property has access to City Utilities' infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
6. There are changing conditions in the area affected that make the proposed rezoning necessary. There has been recent infill development of commercial and residential buildings that are in need of close services.
7. The range of uses in the proposed Planned Development No. 385 are compatible with the uses permitted on other property in the immediate vicinity;
8. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned;
9. The impact the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic, or reduce traffic safety in the vicinity.
10. 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.
11. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.
12. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's City Corridor Placetype and on the finding of facts above.

Submitted By: Michael Sparlin, Senior City Planner



Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Maurice S. Jones, Deputy City Manager 3/28/2023

- Attachments:**
1. PD 385_ord
 2. PD 385_exh A
 3. PD 385_exh B
 4. PD 385_exh C

One-rdg. _____
P. Hrngs. X
Pgs. 25
Filed: 03-28-23

Sponsored by: Simpson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2023-073 GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 2.4 acres of property generally located at 1760 East Bradford
4 Parkway from Planned Development No. 117 Amendment 5 to
5 Planned Development No. 385; and adopting an updated Official
6 Zoning Map. (Staff and Planning and Zoning Commission
7 recommend approval.)
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at 1760 East Bradford Parkway, and more fully described in "Exhibit
12 A," from Planned Development No. 117 Amendment 5 to Planned Development No.
13 385; and
14

15 WHEREAS, following proper notice, a public hearing was held before the
16 Planning and Zoning Commission on March 9, 2023, a copy of the Record of
17 Proceedings from said public hearing being attached hereto and incorporated herein by
18 this reference as "Exhibit B," and said Commission made its recommendation; and
19

20 WHEREAS, the City has reviewed the applicant's request and prepared a staff
21 report concerning the application; and
22

23 WHEREAS, proper notice was given of a public hearing before City Council and
24 said hearing was held in accordance with law.
25

26 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
27 SPRINGFIELD, MISSOURI, as follows, that:
28

29 Section 1 – The property described in "Exhibit A," which is attached hereto and
30 incorporated herein by this reference, is hereby rezoned from Planned Development
31 No. 117 Amendment 5 to Planned Development No. 385. Springfield Land Development
32 Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby
33 amended, changed, and modified consistent with this Ordinance.

34 Section 2 – The property described in “Exhibit A” of this Ordinance shall be
35 subject to the requirements and standards included in “Exhibit C – Attachment 1,” with
36 said “Exhibit C” being attached hereto and incorporated herein in its entirety by this
37 reference; and these requirements and standards shall govern and control the use and
38 development of the land in Planned Development No. 385.

39
40 Section 3 – City Council hereby directs the City Manager, or designee, to update
41 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
42 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
43 Springfield Land Development Code, Section 36-306, ‘Official zoning maps and rules of
44 interpretation.’

45
46 Section 4 – The Official Zoning Map herein adopted shall be maintained and
47 archived in the same digital form in which this Council has approved its adoption.

48
49 Section 5 – This Ordinance shall be in full force and effect from and after
50 passage.

51
52 Passed at meeting: _____

53
54
55 _____
56 Mayor

57 Attest: _____, City Clerk

58
59 Filed as Ordinance: _____

60
61
62 Approved as to form: Jill Bennis, Assistant City Attorney

63
64
65 Approved for Council action: Jason A. Hays City Manager

EXHIBIT A

LEGAL DESCRIPTION
PLANNED DEVELOPMENT 385

ALL OF LOT 3 OF PRIMROSE CENTER SIXTH ADDITION, A SUBDIVISION IN
SPRINGFIELD, GREENE COUNTY, MISSOURI

EXHIBIT B

RECORD OF PROCEEDINGS
PLANNED DEVELOPMENT 385

Planned Development 385
1760 East Bradford Parkway
Applicant: BIBI Bradford, LLC

Mr. Sparlin stated that this is a request to rezone approximately 2.4 acres of property generally located at 1760 East Bradford Parkway from Planned Development No. 117 Amendment 5 to Planned Development No. 385. Staff recommends approval.

Mr. Knuckles opened the public hearing.

Mr. Cameron Hole, 3213 S. West Bypass, here to represent the owners and here to answer any questions. Adding self- storage to the Planned Development and will maintain the rest of the provisions of the Planned Development.

Mr. Colony asked if a single building with interior storage units and Mr. Hole confirmed it is.

Mr. Knuckles closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to approve Planned Development 385 (1760 East Bradford Parkway). Mr. Lebeck seconded the motion. Ayes: Knuckles, Colony, Lebeck, Pauly, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Jobe and Broekhoven



Bob Hosmer, AICP
Planning Manager



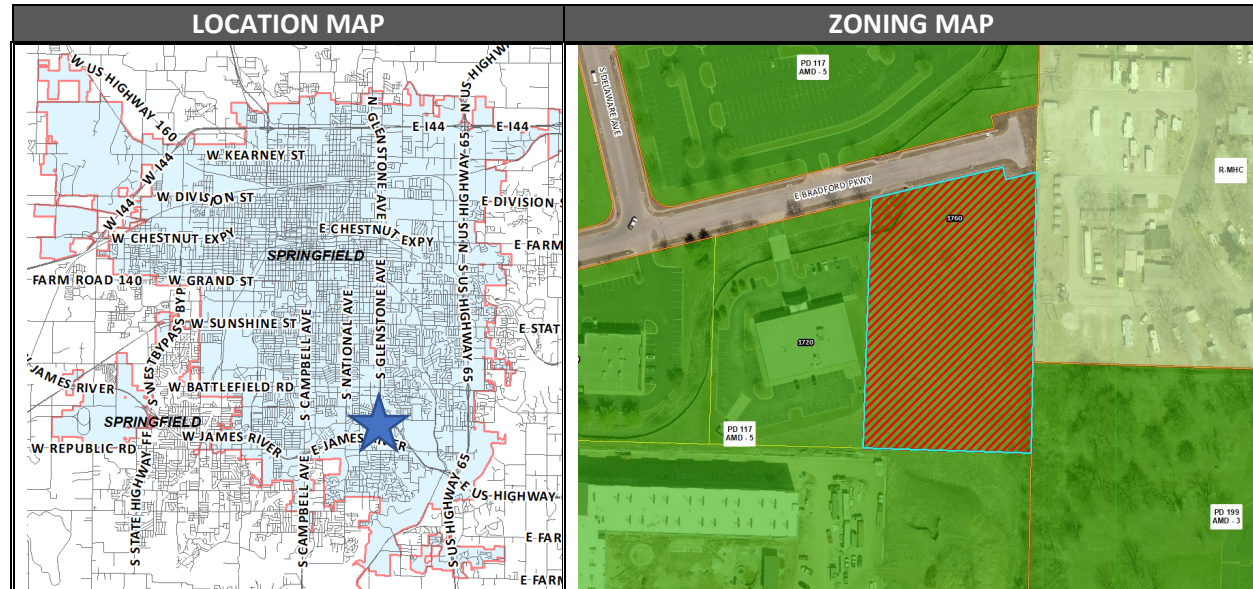
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Planned Development No. 385
Location:	1760 East Bradford Parkway
Total Acres:	2.4 acres
Applicant:	Bibi Bradford, LLC
Existing Land Use:	Vacant land
Neighborhood Meeting:	February 16, 2023
Planning and Zoning Commission:	March 9, 2023
City Council:	April 3, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

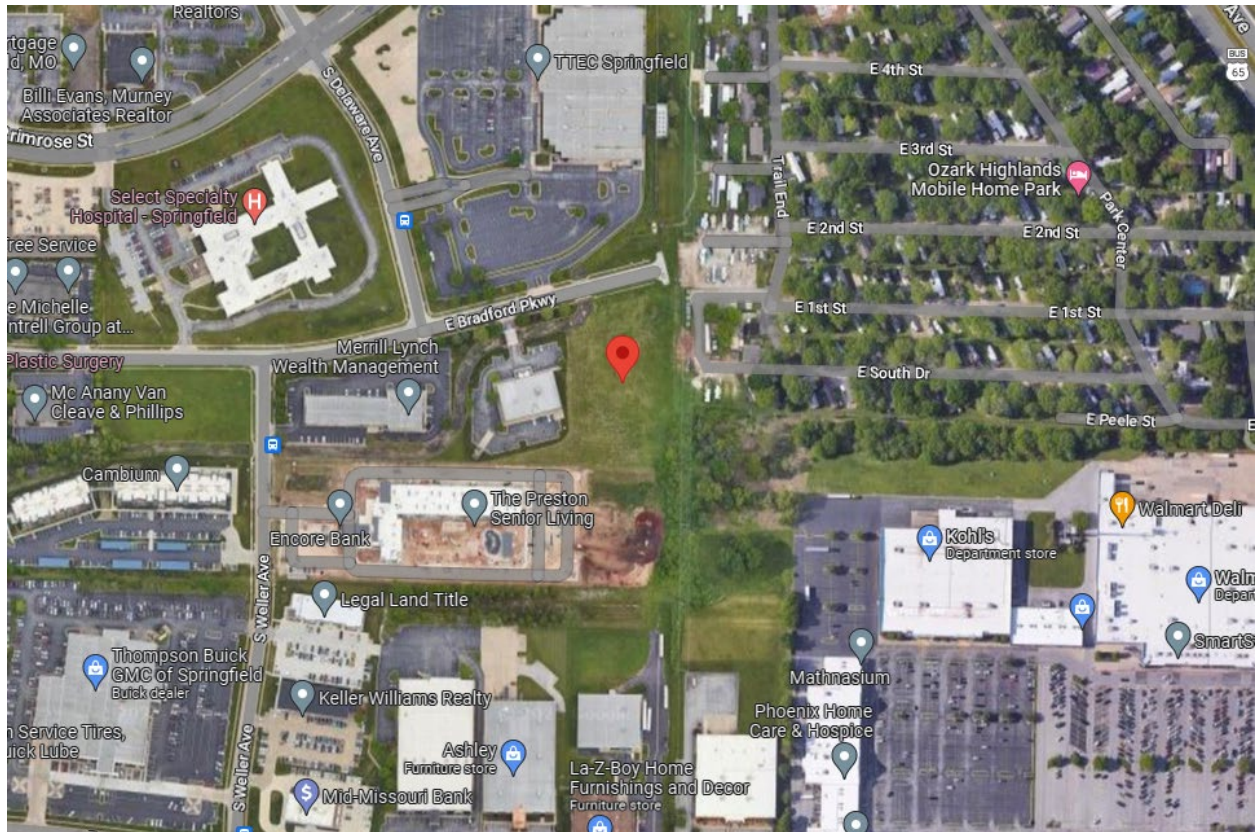
PROJECT SUMMARY:

Request to rezone approximately 2.4 acres of property generally located at 1760 East Bradford Parkway from Planned Development No. 117 Amendment 5 to Planned Development No. 385.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property was rezoned to Planned Development 117 in 1990 and was amended 5 times. The current zoning is Planned Development 117 amendment 5 was passed in July 1996.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezoning. 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 REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR PLANNED DEVELOPMENT
Use Limitations	See PD provisions
Maximum Height	None, except a 45 degrees bulk plane measured from residential districts
Bulk Plane	45 degrees measured from residential districts
Minimum Open Space	20 percent
Buffering and Landscaping	Required by Zoning Ordinance

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

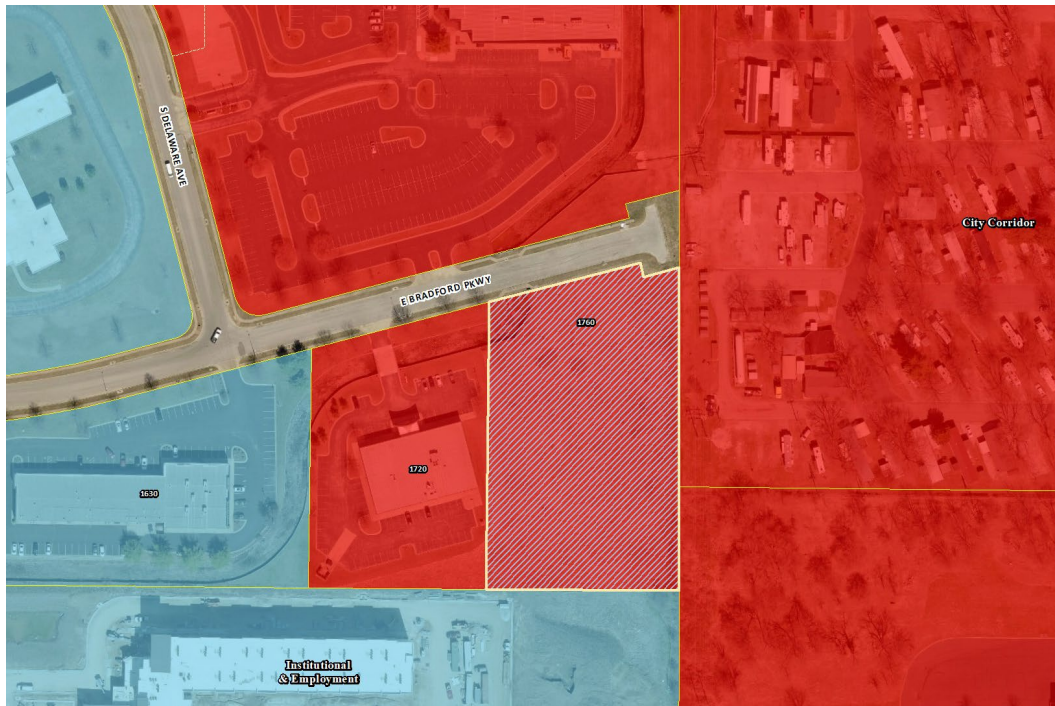
The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the City Corridor placetype. The City Corridor placetype predominantly consists of commercial and service-related development varying in scale, ranging from standalone businesses to large retail centers. City Corridors are also key locations to support and encourage multi-family developments that rely on proximity to retail, commercial services, and employment centers. Each of these use groups are best located along major roadways with high volumes of traffic. This placetype is not only highly accessible by car, but also by walking, biking, and transit. City Corridors provide a wide range of shopping, service, entertainment,

DEVELOPMENT REVIEW STAFF REPORT

and employment destinations for both residents and visitors. Common uses within the placetype include chain restaurants, gas stations, hotels, national retailers, movie theaters, smaller offices, and a variety of support services.

The *Plan* identifies outdoor and personal storage as a supporting use for the City Corridor placetype.

FUTURE PLACETYPE MAP:



PLACETYPES	LAND USES														
	Single-family Detached	Single-family Attached	Multi-family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office, Hospitality, Retail Sales & Service	Neighborhood Commercial	Major Artisan & Innovation Spaces	Public & Private Schools & Places of Worship	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehousing & Distribution Facilities	Heavy Industry & Manufacturing
Residential Neighborhood	●	○	◇	○	◇	◇	○								
Mixed Residential	●	●	○	○	◇	◇	○								
Downtown			●	●	●	●	●	●	●	●	●	●	●	●	●
Mixed-Use	○	○	●	○	○	○	●	○							
City Corridor			●	○	○	○	●	○	○	○	○				
Institutional & Employment Center			○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex				○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics				○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation			●	●	○										

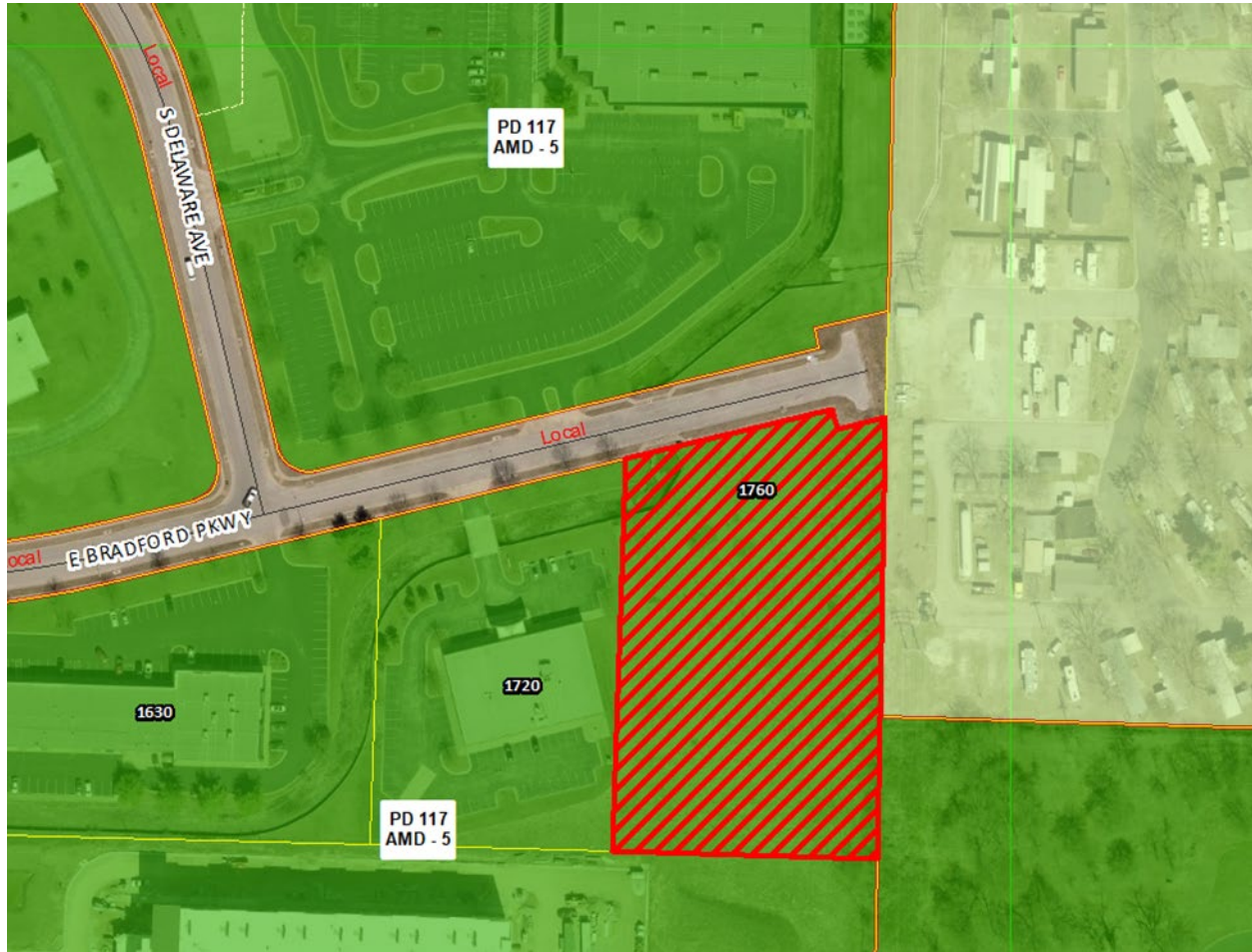
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **Supporting Land Use:**
Less prevalent and serve to support the primary land use.

◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	PD 117 am 5	PD 117 am 5	PD 199 am3	PD 117 am 5
LAND USE	Office and call center	Senior living facility	Mobile home park and commercial uses	Office use
PLACETYPES	City Corridor	Institutional & Employment Center	City Corridor	City Corridor



DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the proposed planned development.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues with development plan. Tract has access to public sewer.

FIRE DEPARTMENT:

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

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies E. Bradford Parkway as a Non-Residential Local roadway. The standard right-of-way width from the centerline of E. Bradford Parkway is 30 feet. It appears that no additional right-of-way is needed along E. Bradford Parkway. A survey is recommended to determine the exact amount of existing right-of-way. E. Bradford Parkway is a city-maintained street.

TRAFFIC COUNTS & ON-STREET PARKING

There is no recent traffic count for E. Bradford Parkway. On-street parking is allowed along E. Bradford Parkway.

DRIVEWAY ACCESS

There is currently no driveway access point onto the property from E. Bradford Parkway. Access to this property will be allowed to E. Bradford Parkway based on existing City of Springfield standards for the street classification.

SIDEWALK

There is existing sidewalk along the property frontage of E. Bradford Parkway.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along E. Bradford Parkway near this property.

IMPROVEMENTS

No improvements are required for this development. A Traffic Impact Study is not required.

DEVELOPMENT REVIEW STAFF REPORT

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline	Required Street ROW from Centerline
				(ft.) (Approx.)	(ft.)
Street 1	E. Bradford Parkway	Non-Residential Local	Yes	30	30

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 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 detention is already provided**. The property **has the stream contained in an engineered channel, no stream buffer on site**.

The Planned Development language meets standards for the PW-Stormwater regulations. 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 is provided by 6PW4146 instream detention basin located at Intersection of S Fremont Ave and E Independence St. Lot needs to drain to the Engineered Channel Stream on the Northwest corner.
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)

DEVELOPMENT REVIEW STAFF REPORT

- 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. The property is 2.4 acres in size and the exhibit within the PD shows over 1 acre of disturbance.

Natural Channels and Stream Buffers

1. The Ward Branch stream is contained within the engineered channel crossing the Northwest corner of the property. The engineered channel negates the requirements for recording a stream buffer. The channel cannot be modified or changed without a public improvement project. Connecting on site stormwater control measures to the channel can be completed through a private project.

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. we would like the following as-built notes on the plans:
 - a. 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
 - a. Existing gravel surfaces meeting the above definition are eligible for 50% Credit.

DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 2.4 acres of property generally located at 1760 East Bradford Parkway from Planned Development No. 117 amendment 5 to Planned Development No. 385 with the intent to develop a climate-controlled self-storage facility. The existing PD does not allow such a use.
2. This application intends to add the self-storage facility use and maintain the provisions of the existing PD to ensure compatible development that was envisioned for the area.
3. The proposed rezoning was reviewed by City departments whose comments can be viewed above.
4. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the City Corridor placetype. The City Corridor placetype predominantly consists of commercial and service-related development varying in scale, ranging from standalone businesses to large retail centers. City Corridors are also key locations to support and encourage multi-family developments that rely on proximity to retail, commercial services, and employment centers. Each of these use groups are best located along major roadways with high volumes of traffic. This placetype is not only highly accessible by car, but also by walking, biking, and transit. City Corridors provide a wide range of shopping, service, entertainment, and employment destinations for both residents and visitors. Common uses within the placetype include chain restaurants, gas stations, hotels, national retailers, movie theaters, smaller offices, and a variety of support services.
5. Although the subject property is within the City Corridor placetype, it does not have direct access to the major street. Instead, it takes primary access to Bradford Parkway, classified as a local street.
6. Staff has determined that the proposed PD 385 is appropriate for this area. The addition of the self-storage facility is a suitable use for this location. The storage facility will function as a supporting land use in proximity to a developing housing, shopping and employment centers.
7. Approval of this application will facilitate the development of this property and promote infill development where investments have already been made in public services and infrastructure.
8. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
9. There are changing conditions in the area affected that make the proposed rezoning necessary. There has been recent infill development of commercial and residential buildings that are in need of close services.

DEVELOPMENT REVIEW STAFF REPORT

10. The range of uses in the proposed Planned Development No. 385 are compatible with the uses permitted on other property in the immediate vicinity;
11. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned;
12. The impact the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.
13. 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.
14. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's City Corridor Placetype and on the finding of facts above.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification
2. Recommend a change in the zoning district classification.
3. Recommend a change in the zoning district classification together with recommendations which, in the judgment of the planning and zoning commission, will protect adjacent property and ensure that the proposed amendment is consistent with the purpose and intent of this article.

DEVELOPMENT REVIEW STAFF REPORT

REQUIREMENTS FOR APPROVAL:

EXHIBIT 1

Requirements and Standards Applicable To Planned Development District No. 385

A. APPLICATION

Building or other permits may not be issued for development permitted by this Planned Development nor can any changes be made to this property until the Final Development Plan has been approved in the manner described at the end of this exhibit.

All requirements of the *Springfield Zoning Ordinance* shall apply unless modified by the requirements and standards that follow.

B. INTENT

The intent of this Planned Development is to promote infill office, commercial, and residential uses on a vacant, developable property with certain use limitations, design requirements, and amenities which complement existing residential development in the area.

C. DEFINITIONS

The definitions contained in the *Springfield Zoning Ordinance* shall apply to this ordinance.

D. USES PERMITTED

1. Self-service storage facilities
2. General office use group
3. Medical office use group
4. Churches and other places of worship, including parish houses and Sunday schools but excluding overnight shelters.
5. Community service facilities such as day care centers, community centers, museums, and libraries.
6. Retail Activities Incidental to Institutional, Office and Residential Uses provided such retail activities and shall not occupy more than ten (10) percent of the total square footage of the office building
7. Residential Uses:
 - a. Attached dwellings such as townhouses.
 - b. Residential condominiums.
 - c. Multifamily dwellings.
 - d. Group homes, custodial and residential

DEVELOPMENT REVIEW STAFF REPORT

8. Accessory uses, as permitted by section 36-450, accessory structures and uses.
9. Colleges and universities
10. Schools, businesses
11. Schools, elementary and secondary
12. Eating and drinking establishment use group excluding drive-thru facilities and curb service facilities
13. Lodging/Guest House - Medical Related: Establishments providing lodging primarily for patients, families of patients and others receiving medical attention or conducting business within nearby medical facilities, and which are available on a daily or short-term basis. This use is not intended to permit a typical motel/hotel use. Rather, a lodging/guest house use, in order to be permitted, must show a relationship to medical facilities through sponsorship, agreements, etc. In addition to the site plan requirements of the final development plan, building design and elevations will be required in order to assure consistency with an office park concept. Building or buildings should be designed to resemble a residential facility rather than a motel/hotel structure. If included, accessory activities to this facility such as incidental retail sales, restaurants, recreation facilities and other similar uses shall be considered as retail uses for the purpose of measuring intensity of development.
14. Nursing and retirement homes

E. USE LIMITATIONS

1. All uses shall operate in accordance with the noise standards contained in *Section 36-485* of the *Springfield Zoning Ordinance*.
2. No use shall emit an odor that creates a nuisance as determined by *the Springfield City Code*.

F. INTENSITY OF DEVELOPMENT

Development will consist of the following:

1. Approximately 38,000 SF for self-storage
2. No more than ten (10) percent of the gross floor area of the constructed buildings may be used for retail uses
3. The maximum residential gross density shall not exceed twenty (20) dwelling units per acre.

G. BULK, AREA AND HEIGHT REQUIREMENTS

Development shall adhere to the following standards.

1. The following minimum setbacks shall be required:
 - a. Twenty-Five (25) feet for building along north boundary.

DEVELOPMENT REVIEW STAFF REPORT

- b. Ten (10) feet for building along the west, south and east boundary.
2. All structures shall remain below a forty-five (45) degree bulk plane as measured from the boundary of any adjacent residential district. To the east, the bulk plane measurement starts from the property line of the Residential Lot.

H. OPEN SPACE, LANDSCAPING & SCREENING

The landscaping and screening provisions are intended to improve the physical appearance of the District; to improve the environmental performance by contributing to the abatement of heat, glare and noise, and by promoting natural percolation of storm water and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of adjoining property and neighborhoods.

1. Minimum 20% open space required
2. The landscape and buffer area provisions of *Section 36-492 of the Springfield Zoning Ordinance* in effect at the time of development shall apply.
3. The Screening provisions of *Section 36-493 of the Springfield Zoning Ordinance* in effect at the time of development shall apply.

I. EXTERIOR LIGHTING

The requirements and standards of *Section 36-495 of the Springfield Zoning Ordinance*, in effect at the time of development shall apply.

J. ACCESS TO PUBLIC THOROUGHFARES

Access to the public street system as shown on Exhibit 2, are for illustrative purposes only and shall be governed by the existing standards of the City of Springfield for the applicable street classification.

K. OFF-STREET PARKING

Section 36-491 of the Springfield Zoning Ordinance in effect at the time of development shall apply.

L. SIGNS

Section 36-494 of the Springfield Zoning Ordinance in effect at the time of development shall apply. Off-premise signs are prohibited.

M. REQUIRED IMPROVEMENTS

DEVELOPMENT REVIEW STAFF REPORT

Public and private improvements necessary to adequately accommodate the intensity of development proposed in this District shall be constructed prior to or concurrently with the development of the property. If the development of the property is phased, the construction of the improvements may also be phased provided there is a logical relationship between each phase of the development and the construction of the required improvements. Prior to building permits being issued, the applicant, or subsequent owners shall:

1. Construct the required improvements; or
2. Provide assurances satisfactory to the Director of Public Works guaranteeing that all required improvements will be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department.

No certificate of occupancy shall be issued for any structure within this District, or phase of the development, unless:

1. The required improvements are completed prior to occupancy of the structures; or
2. The Director of Public Works has determined that such required improvements, if not completed, have little or no effect on the occupancy of the facility or conditions beyond the control of the contractor, *i.e.*, strikes, weather, etc., have delayed the completion of the improvements.

If one of these conditions occurs, the Director of Building Development Services may permit occupancy under conditions satisfactory to the Director of Public Works that the required improvements will be completed as required by this ordinance within a reasonable time.

Improvements necessary to adequately accommodate the intensity of development in this District include the following.

1. Storm water management facilities.
All storm water management facilities, including detention and water quality, will be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department. A fee-in-lieu-of stormwater detention will be filed with the City of Springfield Public Works Department.

N. MAINTENANCE OF COMMON AREAS AND FACILITIES

The maintenance of common areas and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by a duly constituted property owners association meeting all legal requirements prescribed by the City Attorney.

O. PHASING

Development may be phased if all public improvements directly related to each phase are completed at the time of its development and improvements serving the District as a whole and the adjoining area are completed in a sequence assuring full utility of the District as a whole and all areas within the District and so that future public improvements required by this

DEVELOPMENT REVIEW STAFF REPORT

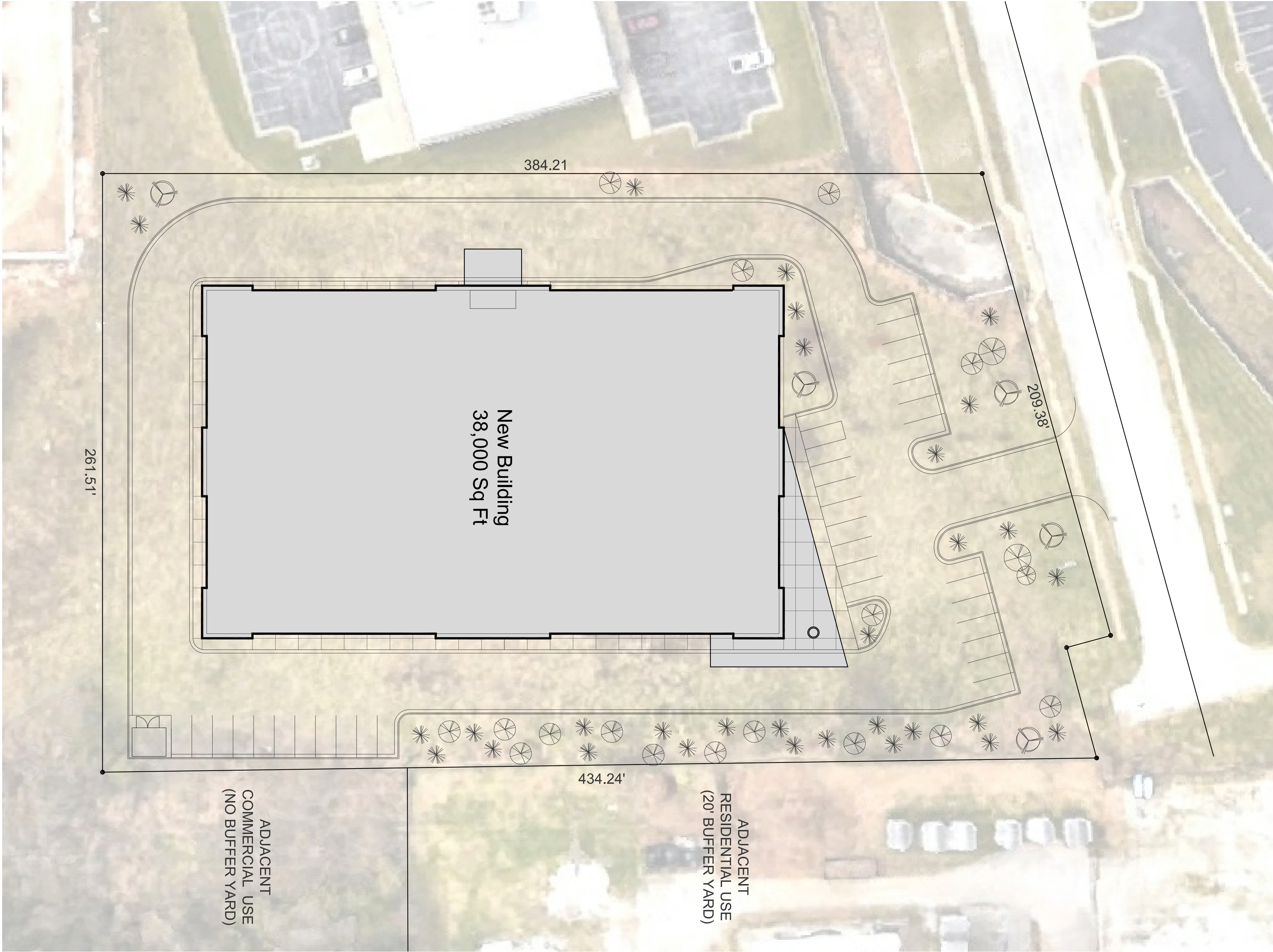
ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

P. FINAL DEVELOPMENT PLAN

A final development plan, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. Development of this District shall be in accordance with the approved final development plan.

Final development plans designating the location of uses shall be submitted to the Administrative Review Committee, either as a whole or in phases.

1. The intent of Exhibit 2 is to illustrate the general location of the development. The boundaries of the improvements may shift to accommodate the needs of the development. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by *Subsection 36-405.09(c) of the Springfield Zoning Ordinance*.
2. The Final Development Plan shall be submitted to the Administrative Review Committee for final action, either as a whole or in phases. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
 - a. Any uses within the district other than those specifically prescribed by the ordinance.
 - b. Any increase in the intensity of use permitted within the district.



SITE STATISTICS

	EXISTING	NEW
TOTAL LAND AREA =	106,266 sq. ft.	106,266 sq. ft.
BUILDING AREA =	0 sq. ft.	38,000 sq. ft.
PAVED SURFACE =	2,292 sq. ft.	43,302 sq. ft.
GREEN SPACE =	103,994 sq. ft.	24,964 sq. ft.
IMPERVIOUS =	2,292 sq. ft.	81,302 sq. ft.
PERVIOUS =	103,994 sq. ft.	24,964 sq. ft.

APPLICABLE CODES

ALL DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2018 INTERNATIONAL BUILDING CODE
ALL ELECTRICAL DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2017 NATIONAL ELECTRICAL CODE
ALL MECHANICAL DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2018 INTERNATIONAL MECHANICAL CODE
ALL PLUMBING DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2018 INTERNATIONAL PLUMBING CODE

CODE REVIEW NOTES

PROPOSED DEVELOPMENT:
THE PROPOSED DEVELOPMENT INCLUDES A NEW MULTISTORY STRUCTURE TO HOUSE CLIMATE CONTROL SELF STORAGE. THE BUILDING WILL BE SUPPORTED WITH SURROUNDING SITE DEVELOPMENT & LANDSCAPING AS INDICATED ON SITE PLAN.

ZONING NOTES

ZONING DESCRIPTION:

ZONING: PD-17 MID-5
USE: SELF-STORAGE
FRONT YARD SETBACK: 25'-0"
SIDE YARD SETBACK: NONE
REAR YARD SETBACK: NONE
BULK PLANE: 45' FROM ADJACENT RESIDENTIAL USES

PARKING CALCULATIONS:

PROVIDED:

TOTAL PROVIDED: 37 PARKING SPACES
STANDARD PARKING: 33
ACCESSIBLE PARKING: 2 (VAN ACCESSIBLE)
BICYCLE PARKING: 2

TOTAL PROVIDED: 37 PARKING SPACES IS SUFFICIENT FOR 2 OFFICE STAFF AND 875 UNITS @ 25 UNITS PER SPACE

IMPERVIOUS SURFACE RATIO:

764 (77% IMPERVIOUS)

Note Regarding Parking in front:

Due to the requirement for a fire lane around the entire perimeter of this building and the impact of the existing concrete drainage channel on the Northwest corner of the site, it is impractical to attempt to push the parking to the rear of the site.

CONSULTANTS

MECHANICAL ENGINEER:

LATIF ENGINEERING

417.848.1889 PHONE

STRUCTURAL ENGINEER:

WELLS & BATTEN

3650 E. BATTLEFIELD RD.

SPRINGFIELD, MO 65804

417.860.7771 PHONE

CIVIL ENGINEER:

ANDERSON ENGINEERING

3213 S. W. BYPASS

SPRINGFIELD, MO 65807

417.883.2771 PHONE

Preliminary Only
Not for Construction

CLIMATE CONTROLLED SELF STORAGE FACILITY
1760 E. BRADFORD PARKWAY
SPRINGFIELD, GREENE COUNTY, MISSOURI

ISSUE DATE

01-26-2023

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REVISIONS

NO. DATE TYPE

PROJECT NO.

PROJECT

DRAWING TITLE

ARCHITECTURAL SITE PLAN

DRAWING NO.

C0.1

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: PD 117 to PD to allow for Storage Units
(existing zoning) (proposed zoning)
2. Meeting Date & Time: February 16, 2023
3. Meeting Location: 1625 E Primrose St, Springfield, MO 65804
4. Number of invitations that were sent: 82
5. How the mailing list was generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 1
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).

None

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

None

I, Jared M. Davis (print name), attest that the neighborhood meeting was held on 02/16/2023 (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

Jared M. Davis

Printed name of person completing affidavit

Bradford Parkway Meeting

Sign In
Curtis

Email

Cuamyers@ SelectMedical.com or net



EXPLANATION TO COUNCIL BILL 2023-074 (HORTON)

FILED: 03/28/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.5 acres of property generally located at 1409 to 1429 North Washington Avenue from R-SF, Single-family residential district, to Planned Development No. 384; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Boyd School Redevelopment Corp; 1409-1429 N. Washington Avenue; Planned Development No. 384.)

PURPOSE AND BACKGROUND INFORMATION: Purpose: amending the Springfield Land Development Code Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.50 acres of property located at 1409 – 1429 N. Washington Avenue from R-SF, Single-family residential district to Planned Development No. 384. (Staff and Planning and Zoning Commission recommend approval.)

PLANNED DEVELOPMENT DISTRICT NO. 384

The developer, Boyd School Redevelopment Corporation, has acquired the Boyd School property from the Springfield Public School District with the intent to repurpose the existing structure for multifamily dwellings (up to a maximum of 24 dwelling units; 17 dwelling units have been proposed at this time), with ground-level opportunities for certain neighborhood-serving nonresidential uses. The building, built in 1911, is considered a contributing structure to the Mid-Town National Register Historic District; the developer plans to repair and maintain the structure's exterior historic elements to preserve its unique and longstanding contribution to the aesthetic of the Mid-Town neighborhood. In addition, the developer has provided Planned Development requirements ensuring the preservation (or replacement) of mature trees on the property, enhancing the site's overall landscaping and screening (particularly along its shared property lines), and limiting the square foot area of any future construction – whether that be via building addition or separate construction.

The subject property is located within the Center City Neighborhood Placetype, which encourages support for multifamily and small-scale nonresidential uses where deemed appropriate based on the character and intensity of the proposal. The subject property is also located within the Mid-Town Neighborhood Plan area, which seeks to protect and improve the neighborhood's single-family character, promotes historic preservation throughout the development (or redevelopment) process, and encourages buffering and/or screening where conflicting land uses abut one another. Based on the applicant's proposed site plan, proposed Planned Development language, and

significant neighborhood coordination, it is staff's opinion that the proposal aligns with the vision and objectives of both the Comprehensive Plan – ForwardSGF – as well as the Mid-Town Neighborhood Plan.

REMARKS: The Planning and Zoning Commission held a public hearing on March 9, 2023, and recommended to approve the proposed Planned Development No. 384, by a vote of 7 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 applicant, Boyd School Redevelopment Corp, has requested to rezone the property generally located at 1409 – 1429 N. Washington Avenue from the R-SF, Single-family residential district, to Planned Development No. 384. This Planned Development would allow for the adaptive reuse of the existing and unused Boyd Elementary school building for multifamily dwellings, while offering opportunities for small-scale, neighborhood-serving nonresidential uses, including eating, and drinking establishments, offices, personal services, and retail sales.
2. The subject property is also located within the Mid-Town Urban Conservation District (also known as Urban Conservation District No. 3). Staff reviewed the applicant's proposed site plan for compliance with the requirements and restrictions of this UCD and have found it to be in conformance with these regulations. Per this UCD, the Administrative Review Committee shall review and approve the Planned Development site plan for any new use or a conversion except single-family uses in a single-family dwelling. Notice of any meeting at which such site plan shall be reviewed shall be given to the Mid-town Neighborhood Association President and representatives of such Association shall be permitted to provide comment on any such site plan prior to any action to approve such site plan by the Committee.
3. The proposed Planned Development No. 384 will permit the infill development of multifamily dwellings within the existing structure; per the Use Limitations noted in Exhibit 1, the development will outright prohibit certain uses which are not compatible with the residential nature of the neighborhood and will also limit the outdoor activity of its permitted uses to ensure its impact on the surrounding properties is marginal.
4. The development's multifamily element will be limited to a maximum density of 16 dwelling units per acre, for a total of 24 multifamily dwelling units allowed; however, the applicant has indicated that they intend on infilling 17 dwelling units to begin with, only opting to create additional dwelling units should the planned nonresidential space not prove successful. These nonresidential uses will be limited to a total of 3,500 square feet of interior floor area. Per the Use Limitations of Exhibit 1, in the event the building is significantly damaged or destroyed, a future building would be limited to the location,

footprint, and height of the existing structure, and certain design limitations would be implemented to ensure materials of similar appearances are used to recreate the character of the existing structure.

5. Should the developer seek to expand upon the existing building, such an addition would be limited to 20 percent of the existing floor area, or 1,000 square feet, whichever is less. This percent/floor area limitation is shared with any future accessory structures, as well. Any such expansion or accessory structure must be approved as part of a Final Development Plan, which is reviewed by the Administrative Review Committee.

6. There are changing conditions in the area affected that make the proposed rezoning necessary. The Boyd Elementary School building has been present since 1911 and was, in recent years, acquired by a private developer from the school district. The developer acquired the property with a vision to infill the structure with a mix of uses capable of diversifying the neighborhood's housing stock, providing employment opportunities, and improving the general quality of life of the neighborhood; however, these mix of uses are not permitted within the existing Single-family residential district, and so a rezoning is required.

7. The range of uses in the proposed Planned Development are generally compatible with the uses permitted on other property in the immediate vicinity. Per the new Comprehensive Plan, planning in the Center City Neighborhood Placetype should encourage small-scale, neighborhood-serving nonresidential uses along the periphery of the neighborhood's boundaries or where certain neighborhood hubs already exist. Boyd Elementary served as a focal point for neighborhood activity for many decades before the school district ceased its operations at the site. The proposed Planned Development would reinvigorate this historic property in a form and at a scale appropriate for the Mid-Town neighborhood.

8. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned. Per the reviews provided by City Utilities and Environmental Services – Wastewater Management, neither entity has concerns regarding the proposed Planned Development, and neither has noted the need for the extension of services to this property.

9. The impact of the uses, which will be permitted if the property is rezoned, will not significantly increase the volume of vehicular and pedestrian traffic, or reduce traffic safety in the vicinity. Per the review provided by Public Works – Traffic, it is anticipated that the rezoning will significantly reduce the trips generated in the AM peak hour and will only marginally increase the anticipated trips in the PM peak hour, resulting in a slight decrease in anticipated trips throughout the average day. The applicant has proposed to maintain the existing access points to public right-of-way (one to N. Washington Avenue, one to E. Lynn Street) and will not be adding any additional access drives. All new parking areas will be located to the rear of the structure, along



the alleyway.

10.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.

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

Submitted By: Kyle McGinnis, Senior City Planner

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Maurice S. Jones, Deputy City Manager 3/28/2023

Attachments:

1. PD 384_ord
2. PD 384_exhA
3. PD 384_exhB
4. PD 384_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 72
Filed: 03-28-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-074

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 1.5 acres of property generally located at 1409 to 1429 North
4 Washington Avenue from R-SF, Single-family residential district, to
5 Planned Development No. 384; and adopting an updated Official
6 Zoning Map. (Staff and Planning and Zoning Commission
7 recommend approval.)
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at 1409 to 1429 North Washington Avenue, and more fully described
12 in "Exhibit A," from R-SF, Single-family residential district, to Planned Development No.
13 384; and
14

15 WHEREAS, following proper notice, a public hearing was held before the
16 Planning and Zoning Commission on March 9, 2023, a copy of the Record of
17 Proceedings from said public hearing being attached hereto and incorporated herein by
18 this reference as "Exhibit B," and said Commission made its recommendation; and
19

20 WHEREAS, the City has reviewed the applicant's request and prepared a staff
21 report concerning the application; and
22

23 WHEREAS, proper notice was given of a public hearing before City Council and
24 said hearing was held in accordance with law.
25

26 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
27 SPRINGFIELD, MISSOURI, as follows, that:
28

29 Section 1 – The property described in "Exhibit A," which is attached hereto and
30 incorporated herein by this reference, is hereby rezoned from R-SF, Single-family
31 residential district, to Planned Development No. 384. Springfield Land Development
32 Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby
33 amended, changed, and modified consistent with this Ordinance.

34 Section 2 – The property described in “Exhibit A” of this Ordinance shall be
35 subject to the requirements and standards included in “Exhibit C – Exhibit 1,” with said
36 “Exhibit C” being attached hereto and incorporated herein in its entirety by this
37 reference; and these requirements and standards shall govern and control the use and
38 development of the land in Planned Development No. 384.

39
40 Section 3 – City Council hereby directs the City Manager, or designee, to update
41 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
42 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
43 Springfield Land Development Code, Section 36-306, ‘Official zoning maps and rules of
44 interpretation.’

45
46 Section 4 – The Official Zoning Map herein adopted shall be maintained and
47 archived in the same digital form in which this Council has approved its adoption.

48
49 Section 5 – This Ordinance shall be in full force and effect from and after
50 passage.

51
52 Passed at meeting: _____

53
54
55 _____
56 Mayor

57 Attest: _____, City Clerk

58
59 Filed as Ordinance: _____

60
61
62 Approved as to form: Jill Burris, Assistant City Attorney

63
64
65 Approved for Council action: Jason A. Hage, City Manager

EXHIBIT A

LEGAL DESCRIPTION
PLANNED DEVELOPMENT NO. 384

ALL OF LOTS 21, 22, 23 AND 24 OF OZARK LAND COMPANY'S ADDITION TO THE
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – March 9, 2023

Planned Development No. 384
1409 North Washington Avenue
Applicant: Boyd School Redevelopment Corporation

Mr. McGinnis stated that this is a request to rezone approximately 1.50 acres of property generally located at 1409 – 1429 North Washington Avenue from R-SF, Single-family residential district to Planned Development No. 384. Staff recommends approval.

Ms. Helen Gunther asked about restaurants and alcohol. Mr. McGinnis said if they apply for a liquor license they will have to go through the City process and gave out some conditions (section 36-459).

Mr. Bruce Colony asked if the current zoning allows for alcohol and if they would have to get a business license and Mr. McGinnis said it would require them to go through the process.

Mr. Knuckles opened the public hearing.

Mr. Matt Blevins, 1324 W. Warren, held several neighborhood meetings as requested and noted that use of commercial space is limited. There will be 16/17 or up to 20 units of studio, 1 and 2 bedrooms. He also addressed the lighting concerns that were discussed at the neighborhood meeting. He also stated that there will not be any outdoor dining at this time.

Mr. Helen Gunther asked about the hours for the restaurant and Mr. Blevins said it would be 10:00pm.

Mr. Colony asked about the lighting and if they have addressed that issue and Mr. Blevins said the lighting would be within City Code and also noted market rate rental apartments and no outdoor dining at this time.

Mr. Scott asked about historic tax credits and Mr. Blevins said they are not pursuing them at this time.

Ms. Ridge asked if they will add any additional buildings and Mr. Blevins noted that they are not adding any new buildings.

Mr. Pauly asked about the neighborhood meetings and if they cannot get this approved will they go back to the neighborhood and Mr. Blevins said they would.

Mr. Ryan Stalzer, 1200 E. Woodhurst, stated that they had a robust turn-out for the neighborhood meeting and said there were concerns with the alleyway/bufferyard and garages.

Mr. Chad Zickefoose wanted to clarify that there will be no direct access to the alley from

the planned development.

Ms. Gina Hinch, 1332 N. Washington voiced concerns for traffic, historic preservation and the impact of the neighborhood personality as well as retail/commercial development.

Mr. Brian Mattson, 1510 N. Washington likes the historical aspects of the neighborhood and believes this development is an amenity to the neighborhood and is in favor.

Mr. Hosmer noted that a traffic study will be completed at time of development and Mr. Zickefoose corrected that a traffic analysis has been done and noted the change of use actually reduces the amount of trips during the day.

Mr. Tod Thomas, 1226 N. Summit Avenue voiced his support for the project and believes it will be a good fit.

Mr. Chandler Cooper, 1300 N. Clay Avenue, is a member of the neighborhood association and does support this project and that it is maintaining the historic significance.

Mr. Eugene Arnold, 1440 N. Benton Avenue, voiced his opposition, his concerns were that will be too many units and any commercial business that will allow alcohol.

Ms. Dee Ogilvy, 518 E. Lynn Street, stated that the developer has a good plan and has spoken to him about her concerns regarding the lighting.

Mr. Joe Harpin, 1430 N. Washington, voiced his concerns on the parking lot lighting and they will shine directly into his home, notes that things do change and misses the school. Does not like commercial activity in the middle of a residential area and noted that traffic will change.

Mr. Nathan Davis, 1445 N. Washington, is against any commercial development and wants only a maximum of 17 units/apartments. He did also submit a general petition to staff which has a large number of signatures.

Mr. Danny Crisp, 1414 N. Benton Avenue, supports this opportunity and is a good way to preserve and repurpose an old building.

Mr. Ralph Plank, 1332 N. Washington, does not like the commercial use, does support the historic units/apartments, but wants the limit of units/apartments to 20. He also presented a map of the Midtown area.

Ms. Paula Ringer, 1337 N. Washington Avenue, thinks limited adaptive use is good, does not want any commercial and a maximum of 16/17 units (less density).

Mr. Ran Cummings, 619 E. Lynn Street, is speaking on behalf of the Midtown Association and supports the development.

Mr. Knuckles closed the public hearing.

Mr. Pauly voiced his appreciation for the speakers and their props of Midtown. He believes

the developer has done a good job working with the neighborhood, however a few things that need to be addressed, i.e., unit numbers and the commercial aspects of being in a neighborhood and mentioned Bambino's.

Mr. Colony asked Mr. Blevins regarding the restaurant and the total square feet.

Mr. Blevins noted 3,500 total square feet for commercial with 900 square feet being a coffee shop and remaining would be restaurant use.

Ms. Ridge wants to commend the residents who spoke tonight and would like the school to be put to a good use and gave an example of what has happened when old buildings are not repurposed.

Ms. Gunther asked if there will be only two commercial business, Mr. Blevins said at this time it could be if one is an office and could be split.

Ms. Gunther asked about the number of units (24) and Mr. Blevins stated that they can reduce it to 20 units.

Mr. Scott mentioned Historic Tax Credits and suggested they use the program. Mr. Blevins has looked at using Historic Tax Credits but can't comment at this time.

Mr. Colony wants to commend the developer on their communication with the neighborhood and appreciates those who came to talk and said if the school does not get repurposed it may fall into disrepair. Encourages the neighborhood to have faith that the developer has taken on this project because he wants to create an amenity for the area and noted that he will be supporting the project.

Mr. Scott gave out the history of commercial and neighborhood development and noted his concern of a historic building co-existing with a redevelopment in the neighborhood and wants this building not to become derelict. Will support this project as presented and is excited.

COMMISSION ACTION:

Mr. Lebeck motioned to approve Planned Development 384 (1409 North Washington Avenue). Mr. Colony seconded the motion. Ayes: Knuckles, Colony, Lebeck, Pauly, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Jobe and Broekhoven



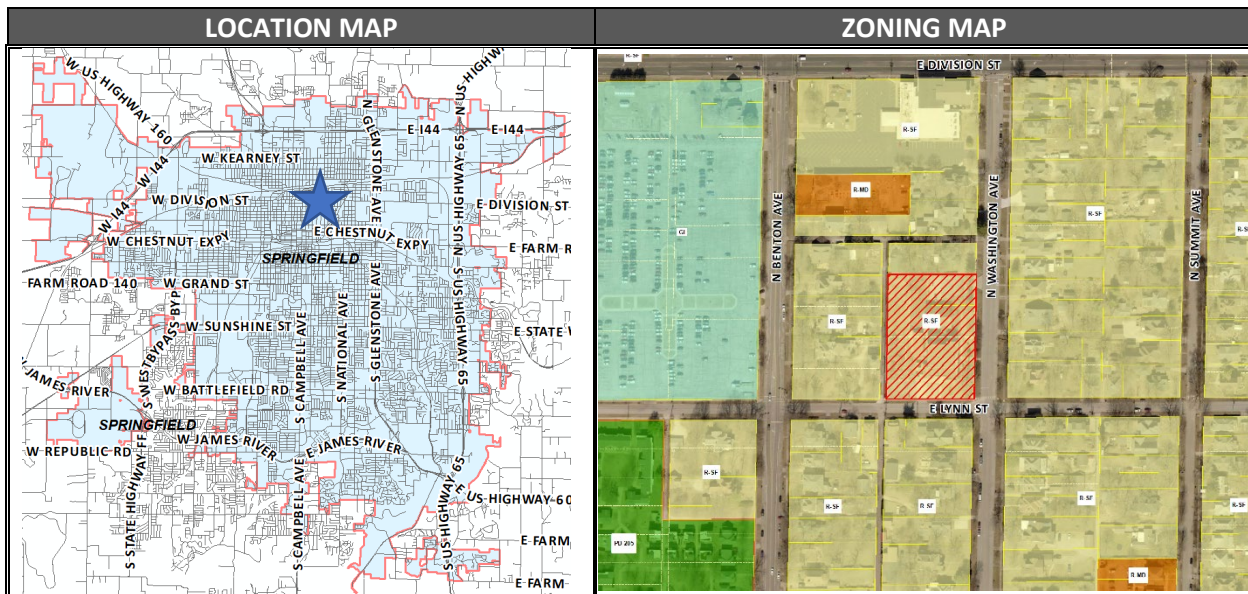
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Planned Development No. 384
Location:	1409 - 1429 N. Washington Avenue
Total Acres:	1.50 acres
Applicant:	Boyd School Redevelopment Corp
Existing Land Use:	Elementary school, unused
Neighborhood Meeting:	February 2, 2023
Planning and Zoning Commission:	March 9, 2023
City Council:	April 3, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Kyle McGinnis
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

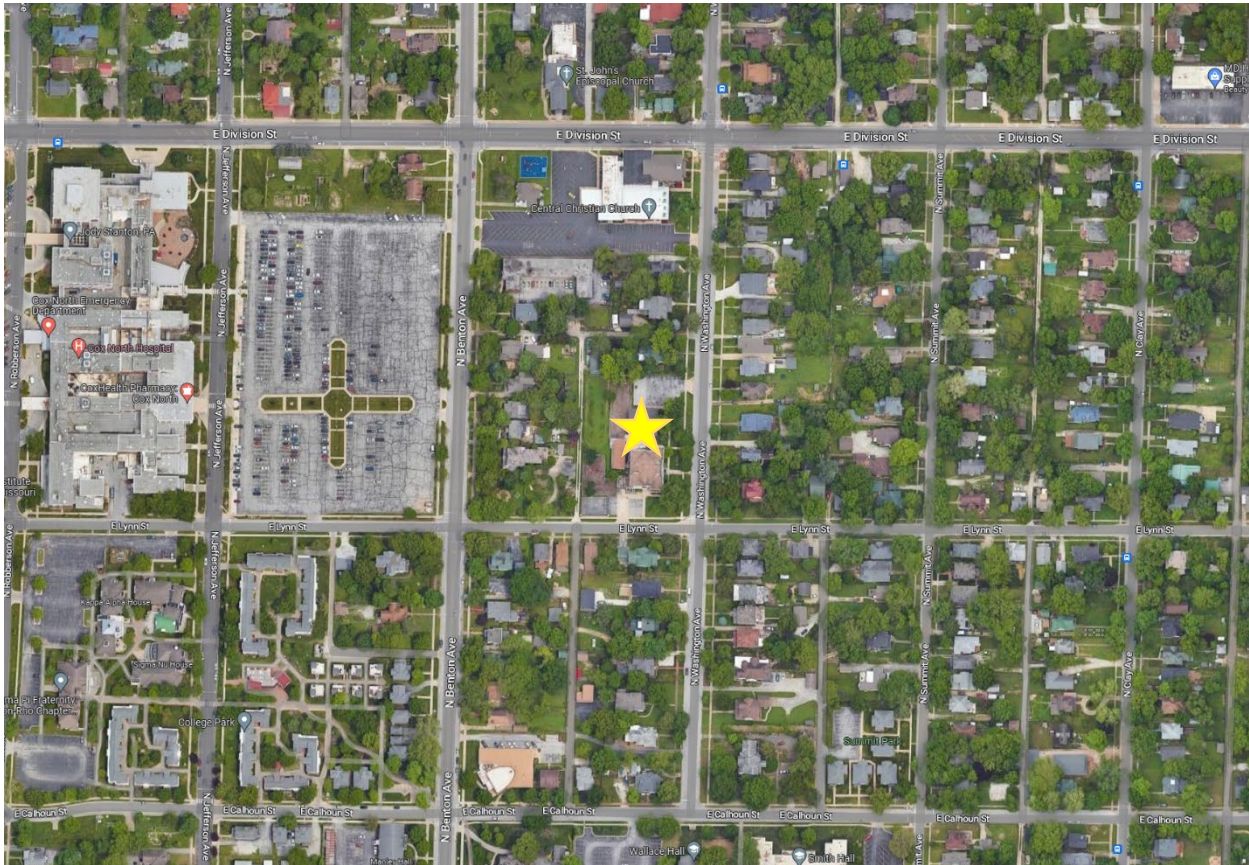
PROJECT SUMMARY:

Request to rezone approximately 1.50 acres of property located at 1409 – 1429 N. Washington Avenue from R-SF, Single-family residential district to Planned Development No. 384. The applicant intends to rehabilitate the existing building for multifamily dwellings with opportunities for small-scale commercial, personal service, or office uses.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



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GOOGLE MAPS STREET VIEW:



PROPERTY HISTORY:

Boyd Elementary School was built in 1911 and served as a school facility for the Springfield Public School District for decades. This property was zoned R-SF, Single-family residential district in 1995 during the citywide remapping which occurred that year. This property has maintained its R-SF zoning since that time. Schools, including elementary and secondary schools, are a permitted use in the Single-family residential district.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

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(a) Rezoning. 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 REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR PLANNED DEVELOPMENT NO. 384
Use Limitations	1. No motor vehicle drive-in, pick-up window, or drive-thru facilities will be permitted on the site. 2. All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorize or commercial vehicles shall be prohibited. 3. Any marijuana-related uses are prohibited. 4. All activities and permitted used except off-street parking and loading facilities, eating and drinking establishment outdoor dining, daycare activities, and residential activities shall be conducted entirely within a completely enclosed building. 5. Hours during which any commercial use is open to the public shall be limited to a daily period extending from 6:00 a.m. to 10:00 p.m. 6. Expansions and accessory structures not to exceed 20 percent of the existing floor area of the structure, or 1,000 square feet, whichever is less, may be approved with a Final Development Plan. 7. In the event that the principal building of structures 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 can be restored at the

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	same location and within the same footprint and height using similar materials and appearances of the existing structure or it shall thereafter conform to the regulations of the R-SF zoning district and the property shall not continue to be used for the uses permitted by the provisions of the Section. 8. All uses shall operate in accordance with the noise standards contained in Section 36-485 of the Springfield Zoning Ordinance. 9. No use shall emit an odor that creates a nuisance as determined by the Springfield City Code. 10. No new buildings shall be constructed on site except as allowed by items 6 and 7, above. 11. No bar, nightclub, overnight shelter, transitional service shelter, or soup kitchen will be permitted on the site.
Minimum Lot Size	Not applicable. This is an existing property which is not undergoing subdivision as part of this proposal.
Maximum Height	Not applicable. The proposed Planned Development intends to preserve the existing Boyd Elementary School without additions to the structure's height. In the event the building is destroyed, a new building would not be permitted to exceed the height of the existing structure.
Bulk Plane	Not applicable.
Minimum Yard Requirements	Not applicable. The proposed Planned Development intends to preserve the existing Boyd Elementary School. Should the building be destroyed, a new building would be permitted to be constructed at the same location and within the same footprint of the existing structure.
Minimum Open Space	Not less than 20% of the total lot 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 areas, driveways, or internal streets. Open space shall contain living ground cover and other landscaping materials.
Design Requirements	Exterior materials and architectural detailing on the former Boyd Elementary building that are to be preserved are inclusive of, but not limited to, the following: 1. Plinth level stone masonry; 2. Brick masonry; 3. Pilasters flanking east entry; 4. Fenestration; 5. Cornices; 6. Signage; and 7. Accent columns at the south property line.

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	Refer to Exhibit 1 for further details pertaining to these design requirements and the developer's intent to preserve certain architectural elements of the existing structure.
Buffering and Landscaping	1. The bufferyard along the north property line shall be five feet in width containing one (1) canopy tree, three (3) understory or evergreen trees, and six (6) shrubs for every 100 linear feet of length except where pavement currently exists. This shall include a six-foot solid wood fence, masonry/brick wall, or evergreen hedge. 2. The bufferyard along the west property line shall be five feet in width containing four (4) understory or evergreen trees and six (6) shrubs for every 100 linear feet of length except where pavement currently exists. 3. There will be no bufferyard required along the east or south property lines. Instead, perimeter landscaping will apply along the edge of all vehicular use areas in accordance with subsection 36-482 (9) (b). Interior landscaping within parking areas shall comply with subsection 36-482 (9) (a). 4. A tree survey shall be submitted with the Final Development Plan detailing the location of all existing trees. Any tree on the survey which is larger than twelve inches in diameter shall be replaced with two similar trees should the existing tree be removed.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The subject property is located within the Center City Neighborhood Placetype, which contains Springfield's oldest residential neighborhoods predating WWII. These neighborhoods are typically characterized by a wide range of single-family homes of varying architectural styles, built on lots of variable size with differing setbacks. Historically, these neighborhoods also contained small-scale neighborhood-supporting retail services or other nonresidential uses, located at key intersections, historic streetcar routes, and other neighborhood centers. Infill development within this placetype is intended to include higher-density residential development, provided such development matches the character of its surroundings, along with certain low-intensity nonresidential uses such as dining, personal services, and offices when located along higher classification roadways along the periphery of the neighborhood. Planning efforts within the Center City Neighborhood Placetype should, "... strive to improve infrastructure and support the building types and uses that make these neighborhoods more complete, diverse, and accessible to residents," per page 36, Center City Neighborhoods, of the *Comprehensive Plan*.

The applicant, Boyd School Redevelopment Corp, has proposed to rezone the subject property to Planned Development No. 384 with the intent to retrofit an existing, unused school building for multifamily dwellings with opportunities for future nonresidential uses as well, including low-intensity and pedestrian-oriented eating and drinking establishments, offices, personal services, and retail sales. The existing structure was built in 1911, and the developer intends to preserve the footprint and bulk of the structure, in addition to certain historic architectural elements which

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give the building its character. Although located at the intersection of two Residential Local roadways, which is typically not ideal for multifamily developments, this site is in close proximity to two arterial roadways (N. Benton Avenue and E. Division Street) and is located near the edge of the neighborhood; in addition, the *Comprehensive Plan* encourages the preservation and adaptive reuse of neighborhood schools and other surplus buildings (page 37, Urban Design – Building and Site Typology, of the *Comprehensive Plan*), as has been proposed at this location. Based on the scope of uses permitted, the limited residential density (16 dwelling units per acre, or 24 dwelling units total), and the intent to preserve a historic landmark within the Mid-Town neighborhood, staff has determined that the proposal is in general conformance with the goals and intent of the *Comprehensive Plan*.

The subject property is also located within the Mid-Town Neighborhood Plan area, which was adopted in 2001. This plan was formulated to identify the primary issues threatening the integrity of the predominately single-family neighborhood, and to outline solutions to be utilized in combatting these identified issues. Through the neighborhood planning process, six objectives were identified:

1. Protect and improve the single-family character of the neighborhood.
2. Manage the expansion of institutional uses without negatively affecting the future of the residential portions of the neighborhood.
3. Review the City Code and provide a system of code enforcement for chronic issues.
4. Maintain a safe environment for residents of the Mid-Town neighborhood.
5. Encourage the preservation of architecturally significant structures and design features.
6. Coordinate public improvements and encourage private redevelopment in a manner that will not detract from the neighborhood's historic character.

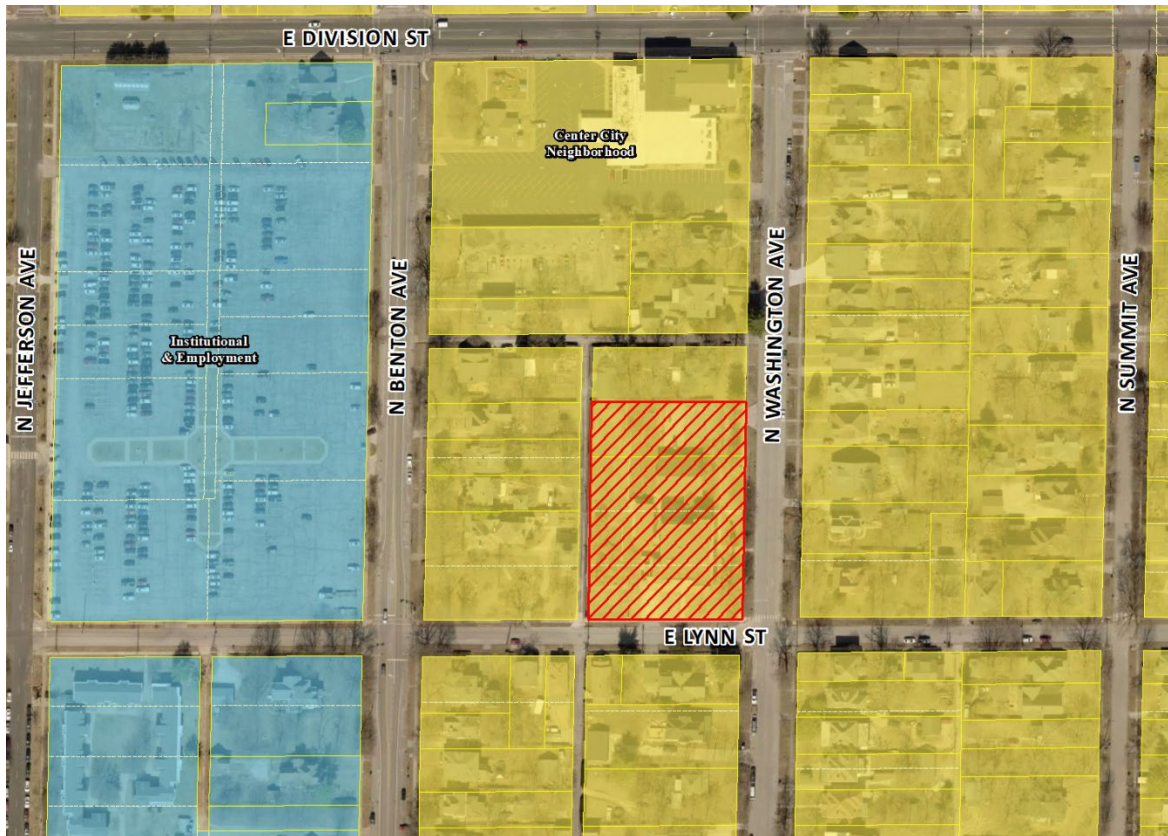
Of these six objectives, numbers (5) and (6) are of particular significance to the proposed rezoning of this property. Throughout the plan, it is clear that the preservation of architecturally significant, historic buildings is of utmost concern. The Boyd Elementary building is considered a contributing structure within the Mid-Town National Register Historic District, meaning that this structure contains elements which substantiate the creation of the historic district and add to the historic nature of the neighborhood. The applicant has crafted language for the proposed Planned Development which ensures that the architectural appeal of the building will be preserved and, where needed or able, restored so as to uphold the character of this portion of the neighborhood. In addition to the preservation of the building and its historic elements, the applicant has also provided language ensuring the preservation of other unique or historic features found on the property, including the masonry columns located along E. Lynn Street and the various signs which identify the property today.

The Mid-Town Neighborhood Plan outlines other strategies which serve to protect and enhance the character of the neighborhood as well, including the preservation of the neighborhood's mature tree canopy, and the buffering, landscaping, and screening of non-residential or multifamily uses when adjacent to single-family homes. The proposed language and site plan for Planned Development No. 384 aligns with these strategies, requiring bufferyards and screening along the north, south, and west property lines, enhancing landscaping elsewhere throughout the property, particularly within view of public right-of-way, and preserving as many of the existing, mature trees as feasible, with language in place to ensure such trees are replaced with similar species should they be removed. These requirements, in conjunction with

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limitations on future expansions of the building or new construction, serve to ensure that the project enhances the visual appeal of the property as part of this redevelopment, limiting its impact on adjacent single-family properties to the greatest extent feasible.

FUTURE PLACETYPE MAP:



PLACETYPES	LAND USES													
	Single-Family Detached	Single-Family Attached	Multi-Family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office, Hospitality, Retail Sales & Service	Neighborhood Commercial	Major, Artisan & Innovation Spaces	Public & Private Schools & Places of Worship	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry
Residential Neighborhood	●	○	◇	○	◇	◇	○							
Mixed Residential	●	●	○	○	◇	◇	○							
Downtown	●	●	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor		○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center		○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex			○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics			○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation		○	○	○	○	○	○	○	○	○	○	○	○	○

- **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype
- **Supporting Land Use:**
Less prevalent and serve to support the primary land use.
- ◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

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MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-SF	R-SF
LAND USE	Single-family detached dwellings	Single-family detached dwellings	Single-family detached dwellings	Single-family detached dwellings
PLACETYPES	Center City Neighborhood	Center City Neighborhood	Center City Neighborhood	Center City Neighborhood

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No issues with the proposed rezoning.
2. CITY UTILITIES:
No issues with the proposed rezoning or Planned Development.

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3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No critical issues with the Planned Development.

4. FIRE DEPARTMENT:

The installation of fire hydrants and fire access lanes shall comply with the 2018 IFC.

5. 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 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 dependent on further analysis of the surrounding stormwater infrastructure and downstream impacts**. The property **does not have a stream buffer on site**.

Public Works – Stormwater has no concerns or additions to the Planned Development. The total impervious area is decreasing with the proposed future development. 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:

- a. 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.
 - i. At the time of development, the detention will be evaluated if impervious area is increased.
- b. 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.
 - i. To a Public Right-of-way (1); a recorded drainage easement, continuing to public right-of-way or public drainage system (2); or a certified natural watercourse (3).
 - ii. 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.

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Water Quality Requirements:

- a. 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 one acre or greater. Including projects less than one acre that are part of a larger common plan of development or sale that will disturb one or more acres of the life of the project. Chapter 10 Sec. 2.0.

Additional Stormwater Standards to be met:

- a. A land disturbance permit will be required with disturbing one acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
 - b. As-builts of the detention and water quality improvements are required. We would like the following as-built notes on the plans:
 - i. 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 measures.
 - c. 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.
 - d. 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.
 - i. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
6. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:
Street Classification, Right-Of-Way, and Jurisdiction:
City's Transportation Plan classifies N. Washington Avenue and E. Lynn Street as Residential Local roadways. The standard right-of-way width from the centerline of N. Washington Avenue and E. Lynn Street is 25 feet. It appears that no additional right-of-way is needed along either street. A survey is recommended to determine the exact amount of existing right-of-way. N. Washington Avenue and E. Lynn Street are city-maintained streets.

Traffic Counts & On-Street Parking:

There are no recent traffic counts for N. Washington Avenue or E. Lynn Street. On-street parking is allowed along N. Washington Avenue and E. Lynn Street.

Driveway Access:

There is one driveway access point onto the property from N. Washington Avenue. There is one driveway access point onto the property from E. Lynn Street. Access to this property will be allowed to N. Washington Avenue and E. Lynn Street based on existing

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City of Springfield standards for the street classification. No direct access will be allowed to the alley.

Sidewalk:

There are existing sidewalks along the property frontage of N. Washington Avenue and E. Lynn Street.

Trails, Bus Stops, and Additional Information:

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along N. Washington Avenue or E. Lynn Street near this property.

Improvements:

None required. A traffic analysis was completed for this development. Based on the analysis, no improvements are 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. Washington Avenue	Residential Local	Yes	41	25
Street 2	E. Lynn Street	Residential Local	Yes	25	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		153	30	427	-
*Proposed Trips Generated		39	37	422	-
Additional Trips Generated		-114	7	-5	-

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

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant, Boyd School Redevelopment Corp, has requested to rezone the property generally located at 1409 – 1429 N. Washington Avenue from the R-SF, Single-family residential district to Planned Development No. 384. This Planned Development would allow for the adaptive reuse of the existing and unused Boyd Elementary school building for multifamily dwellings, while offering opportunities for small-scale, neighborhood-serving

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nonresidential uses, including eating and drinking establishments, offices, personal services, and retail sales.

2. The subject property is also located within the Mid-Town Urban Conservation District (also known as Urban Conservation District No. 3). Staff reviewed the applicant's proposed site plan for compliance with the requirements and restrictions of this UCD and have found it to be in conformance with these regulations. Per this UCD, the Administrative Review Committee shall review and approve the Planned Development site plan for any new use or a conversion except single-family uses in a single-family dwelling. Notice of any meeting at which such site plan shall be reviewed shall be given to the Mid-town Neighborhood Association President and representatives of such Association shall be permitted to provide comment on any such site plan prior to any action to approve such site plan by the Committee.
3. The proposed Planned Development No. 384 would permit the infill development of multifamily dwellings within the existing structure; per the Use Limitations noted in Exhibit 1, the development will outright prohibit certain uses which are not compatible with the residential nature of the neighborhood, and will also limit the outdoor activity of its permitted uses to ensure its impact on the surrounding properties is marginal.
4. The development's multifamily element will be limited to a maximum density of 16 dwelling units per acre, for a total of 24 multifamily dwelling units allowed; however, the applicant has indicated that they intend on infilling 17 dwelling units to begin with, only opting to create additional dwelling units should the planned nonresidential space not prove successful. These nonresidential uses will be limited to a total of 3,500 square feet of interior floor area. Per the Use Limitations of Exhibit 1, in the event the building is significantly damaged or destroyed, a future building would be limited to the location, footprint, and height of the existing structure, and certain design limitations would be implemented to ensure materials of similar appearances are used to recreate the character of the existing structure.
5. Should the developer seek to expand upon the existing building, such an addition would be limited to 20 percent of the existing floor area, or 1,000 square feet, whichever is less. This percent/floor area limitation is shared with any future accessory structures, as well. Any such expansion or accessory structure must be approved as part of a Final Development Plan, which is reviewed by the Administrative Review Committee.
6. There are changing conditions in the area affected that make the proposed rezoning necessary. The Boyd Elementary School building has been present since 1911 and was, in recent years, acquired by a private developer from the school district. The developer acquired the property with a vision to infill the structure with a mix of uses capable of diversifying the neighborhood's housing stock, providing employment opportunities, and improving the general quality of life of the neighborhood; however, these mix of uses are not permitted within the existing Single-family residential district, and so a rezoning is required.
7. The range of uses in the proposed Planned Development are generally compatible with the uses permitted on other property in the immediate vicinity. Per the new *Comprehensive Plan*, planning in the Center City Neighborhood Placetype should encourage small-scale, neighborhood-serving nonresidential uses along the periphery of the neighborhood's

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boundaries or where certain neighborhood hubs already exist. Boyd Elementary served as a focal point for neighborhood activity for many decades before the school district ceased its operations at the site. The proposed Planned Development would reinvigorate this historic property in a form and at a scale appropriate for the Mid-Town neighborhood.

8. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned. Per the reviews provided by City Utilities and Environmental Services – Wastewater Management, neither entity has concerns regarding the proposed Planned Development, and neither has noted the need for the extension of services to this property.
9. The impact the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity. Per the review provided by Public Works – Traffic, it is anticipated that the rezoning would significantly reduce the trips generated in the AM peak hour and would only marginally increase the anticipated trips in the PM peak hour, resulting in a slight decrease in anticipated trips throughout the average day. The applicant has proposed to maintain the existing access points to public right-of-way (one to N. Washington Avenue, one to E. Lynn Street) and will not be adding any additional access drives. All new parking areas will be located to the rear of the structure, along the alleyway.
10. 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.
11. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

STAFF RECOMMENDATION:

1. Staff recommends approval of the rezoning request based on its conformance with the Mid-Town Urban Conservation District, the *Comprehensive Plan*, the *Mid-Town Neighborhood Plan*, and the findings of facts.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification.
2. Recommend a change in the zoning district classification.
3. Recommend a change in the zoning district classification together with recommendations which, in the judgment of the planning and zoning commission, will protect adjacent property and ensure that the proposed amendment is consistent with the purpose and intent of this article.

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REQUIREMENTS FOR APPROVAL:

EXHIBIT 1

Requirements and Standards Applicable To Planned Development District No. 384

A. APPLICATION

Building or other permits may not be issued for development permitted by this Planned Development nor can any changes be made to this property until the Final Development Plan has been approved in the manner described at the end of this exhibit.

B. INTENT

The subject property contains an existing school building – Boyd Elementary. The intent of this Planned Development is to repurpose the existing school building with more intense uses than the existing single-family residential zoning allows. The development will permit multifamily residential dwellings and other nonresidential uses while limiting expansions to the existing structure or new construction on site.

C. DEFINITIONS

The definitions contained in the *Zoning Ordinance* shall apply to this ordinance.

D. USES PERMITTED

The following uses are permitted:

1. Accessory uses, as permitted by Section 36-450, Accessory structures and uses, of the *Zoning Ordinance*.
2. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
3. Community centers, nonprofit.
4. Community gardens without retail or wholesales on-site in accordance with the performance standards of Section 36-470, Community gardens, of the *Zoning Ordinance*.
5. Day care centers in accordance with Springfield City Code.
6. Eating and drinking establishments use group, excluding motor vehicle drive-in, pick-up window, or drive-thru facilities.
7. General office use group, excluding banks and financial institutions with automatic teller machines and drive-thru facilities.
8. Multifamily dwellings and multifamily condominiums.
9. Personal services use group.
10. Residential uses, including short-term rental type.

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11. Retail sales use group, excluding convenience stores with gas pumps, pawn shops, and vape shops.
12. Short-term rental type 3 in accordance with Section 36-473, and subject to the conditions in subsection 36-453 (2) (b) or (i), if applicable.
13. Temporary uses, as permitted by Section 36-453, Temporary uses, of the *Zoning Ordinance*.

E. USE LIMITATIONS

1. No motor vehicle drive-in, pick-up window, or drive-thru facilities will be permitted within this district.
2. All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorized or commercial vehicles shall be prohibited within this district.
3. All marijuana-related uses shall be prohibited within this district.
4. All bar, night club, overnight shelter, transitional service shelter, and soup kitchen uses shall be prohibited within this district.
5. All activities and permitted uses, except off-street parking and loading facilities, eating and drinking establishment outdoor dining areas, daycare activities, and residential activities shall be conducted entirely within a completely enclosed building.
6. Hours during which any nonresidential use is open to the public shall be limited to a daily period extending from 6:00 a.m. to 10:00 p.m.
7. Expansions of the existing building and new construction of accessory structures shall not exceed 20 percent of the existing floor area of the principal structure, or 1,000 square feet, whichever is less. Such expansions or new construction must be approved with a Final Development Plan in the manner described at the end of this exhibit.
8. 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 can be restored at the same location and within the same footprint and height, using similar materials and appearances of the existing structure, or it shall thereafter conform to the regulations for the R-SF, Single-family residential district and the property shall not continue to be used for the uses permitted by the provisions of this district.
9. All uses shall operate in accordance with the noise standards contained in Section 36-485 of the *Zoning Ordinance*.
10. No use shall emit an odor that creates a nuisance as determined by the Springfield City Code.
11. No new buildings or structures shall be constructed on-site except as allowed by items (7) and (8), above.

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F. INTENSITY OF DEVELOPMENT

Development within this district shall adhere to the following standards:

1. The maximum number of multifamily dwelling units shall not exceed 24 units (equal to 16 dwelling units per acre).
2. The maximum square footage of all nonresidential uses shall be limited to 3,500 square feet.

G. BULK, AREA AND HEIGHT REQUIREMENTS

All existing buildings are to remain without changes to their bulk, area, or height.

H. DESIGN REQUIREMENTS

Exterior materials and architectural detailing of the existing building which are to be preserved are inclusive of, but not limited to, the following:

1. Plinth-level stone masonry is to be preserved in its entirety. Mortar joints shall be tuck pointed as necessary and as recommended by the architect of record and structural engineer of record. No painting or other surface treatments are to be applied to this masonry.
2. Brick masonry is to be preserved in its entirety. Mortar joints shall be tuck pointed as necessary and as recommended by the architect of record and structural engineer of record. No painting or other surface treatments are to be applied to this masonry.
3. The pilasters flanking the east entry of the building are to be preserved in their entirety, including pedestals, shafts, and capitals. Aesthetic touch-ups shall be applied as determined by the architect of record. All touch-up work shall match the existing color and texture.
4. Existing fenestration shall remain unchanged in all possible locations. In instances of damaged units or substandard thermal/acoustical performance, replacements shall be made of the same size, material, finish, color, hardware, and trim as the original. Architectural accents and decorative elements at the east entry are to remain unchanged unless deemed necessary by the architect of record or structural engineer of record. In instances of recommended replacements, all new materials shall be of the same size, material, finish, color, and trim as the original.
5. Cornices are to be preserved in their entirety. Touch-ups shall be conducted as necessary and as recommended by the architect of record and structural engineer of record. No painting or other surface treatments are to be applied. All touch-up work shall match the existing color and texture of such features.
6. Existing signage is to be preserved in its entirety. The banner/marquee signage reading 'MARY S. BOYD SCHOOL' along the east façade, the '1911' crest

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signage, and the 'BOYD ELEMENTARY' monument sign shall be preserved entirely.

7. The accent columns along the south property line are to be preserved in their entirety.



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I. OPEN SPACE, LANDSCAPING & SCREENING

Open space, landscaping and screening requirements shall not apply to the existing buildings and parking lots. If new parking is constructed, then the following language applies to the new parking area only.

The landscaping and screening provisions are intended to improve the physical appearance of the district; to improve the environmental performance by contributing to the abatement of heat, glare, and noise, and by promoting natural percolation of stormwater and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of adjoining property and neighborhoods.

1. Open space requirements – the following standards shall apply:
 - a. Minimum open space: Not less than 20 percent of the total lot area shall be devoted to open space, including required yards and bufferyards, unless modified in accordance with subsection 36-482 (15) of the *Zoning Ordinance*. Open space shall not include areas covered by buildings, structures, parking areas, driveways, and internal streets. Open space shall contain living ground cover and other landscaping materials.
 - b. Maximum impervious area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total lot area unless modified in accordance with subsection 36-482 (15) of the *Zoning Ordinance*.
2. Bufferyards – the following shall apply:
 - a. North property line: A bufferyard five feet wide and containing one (1) canopy tree, three (3) understory or evergreen trees, and six (6) shrubs for every 100 linear feet of length, except where pavement currently exists, shall be installed. This shall include a six-foot wood privacy fence, masonry/brick wall, or evergreen hedge as a form of screening.
 - b. West property line: A bufferyard five feet wide and containing four (4) understory or evergreen trees and six (6) shrubs for every 100 linear feet of length, except where pavement currently exists, shall be installed. This shall include a six-foot wood privacy fence, masonry/brick wall, or evergreen hedge as a form of screening.
 - c. There are no bufferyards required along the east or south property lines of the subject property.
3. Vehicular use areas – the following shall apply:
 - a. Perimeter landscaping:
 - i. N. Washington Avenue: Perimeter landscaping shall be required to the north and south of the existing access point to N. Washington Avenue, at the northeast corner of the subject property. Plantings shall include one (1) understory or evergreen tree and two (2) shrubs on both sides of this access drive.

DEVELOPMENT REVIEW STAFF REPORT

- ii. E. Lynn Street: Perimeter landscaping shall be required except where pavement currently exists. An open space strip at least five feet in width shall be created to the east of the existing access point to E. Lynn Street, where plantings and screening shall be installed. In addition, the existing landscaping at the southeast corner of the subject property shall be kept and maintained.
 - b. Interior landscaping: The requirements and standards of subsection 36-482 (9) (a) of the *Zoning Ordinance* shall apply to all new parking areas.
- 4. Tree survey – the following shall apply:
 - a. A survey of existing trees shall be submitted with the Final Development Plan. If any tree on the survey larger than twelve inches in diameter is removed, then such tree shall be replaced with two trees of the same or similar species.
- 5. Screening and fencing – the following shall apply:
 - a. The requirements and standards of Section 36-480 of the *Zoning Ordinance* shall apply. Screening, meeting the requirements for off-street parking, shall be provided along the southwest parking area. Screening shall also be provided between the parking spaces to the east and west of the driveway entrance onto E. Lynn Street, where none currently exists. Parking lot screening shall also be provided along the alleyway where new parking is proposed.

J. EXTERIOR LIGHTING

The requirements and standards of Section 36-484 of the *Zoning Ordinance* shall apply. The existing exterior lighting will be reduced where possible, or be converted to downfacing fixtures to minimize light spillover onto any adjacent properties at the time of development.

K. ACCESS TO PUBLIC THOROUGHFARES

Access to the public street system shown on Exhibit 2 shall be governed by the existing standards of the City of Springfield for the applicable street classification. The existing north parking lot shall be modified by removing the two parking spaces located at its northeast corner, where a conflict with the drive aisle currently exists.

L. OFF-STREET PARKING

Sections 36-455, 36-456, and 36-483 of the *Zoning Ordinance* shall apply, except that the bicycle parking reduction allowance may be increased to allow up to 20 percent of the required automobile parking to be substituted with bicycle parking at the same rate and in compliance with all other requirements of the *Zoning Ordinance*.

DEVELOPMENT REVIEW STAFF REPORT

M. SIGNS

Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet and a maximum sign area of 20 square feet, and wall signs on facades which front a public street not to exceed 10 percent of such façade's square foot area. Signs shall not be internally lit or externally illuminated by any means unless specifically modified by a Conditional Use Permit approved by City Council. All other requirements and standards of Section 36-454 of the *Zoning Ordinance* shall apply.

N. REQUIRED IMPROVEMENTS

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 this study shall be incorporated in a site plan, Public Improvement Project, or other permits as applicable, and in accordance with City Code Section 36-250 and Section 9 of the 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 the issuance of a building permit.

O. MAINTENANCE OF COMMON AREAS AND FACILITIES

The site shall remain as one lot owned and maintained by one entity.

P. PHASING

Development may be phased provided that all public improvements directly related to each phase are completed at the time of its development and that improvements serving the district as a whole and the adjoining area are completed in a sequence assuring full utility of the district as a whole and all areas within the district and so that future public improvements required by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

Q. FINAL DEVELOPMENT PLAN

A Final Development Plan, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. Development in this district shall be in accordance with the approved Final Development Plan.

DEVELOPMENT REVIEW STAFF REPORT

1. A Final Development Plan shall only be approved if it is in substantial conformance with Exhibits 1 and 2 as defined by subsection 36-405 (9) (c) of the *Zoning Ordinance*.
2. The Final Development Plan shall be submitted to the Administrative Review Committee for final action, either as a whole or in phases. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
 - a. Any uses within the district other than those specifically prescribed by the ordinance.
 - b. Any increase in the intensity of use permitted within the district.

EXHIBIT 2

SITE DATA:

SITE AREA: 1.50 ACRES

MAXIMUM PARKING REQUIRED:

STUDIO (2 * 1SP/UNIT) = 2
ONE BEDROOM (9 * 1.5SP/UNIT) = 14
TWO BEDROOM (6 * 2SP/UNIT) = 12
COMMERCIAL (3,500S.F./80S.F. PER SP) = 44
TOTAL = 72
20% REDUCTION FOR BICYCLE PARKING = -14
TOTAL REQUIRED PARKING = 58

BICYCLE PARKING PROVIDED: 32

MINIMUM BICYCLE PARKING REQUIRED: 3 + (14 X 2) = 31

MINIMUM OPEN SPACE REQUIRED: 20%

MAXIMUM IMPERVIOUS SURFACE ALLOWED: 80%

INTERIOR LANDSCAPING FOR PROPOSED PARKING LOT:
PERCENTAGE OF PARKING DEVOTED TO LIVING INTERIOR
LANDSCAPING: 5.1% (520/10,172)

MIN. PERCENTAGE PARKING DEVOTED TO LIVING INTERIOR
LANDSCAPING REQUIRED: 5%

BUFFERYARDS:

NORTH PROPERTY LINE:

(5) FIVE FOOT WIDE BUFFERYARD WITH (1) ONE CANOPY,
(3) THREE UNDERSTORY OR EVERGREENS, AND (6) SIX
SHRUBS PER 100 LINEAR FEET EXCEPT WHERE PAVEMENT
CURRENTLY EXISTS. THIS SHALL ENCLUDE A SIX FOOT
SOLID WOOD FENCE OR SIXFOOT SOLID MASONRY/BRICK
WALL OR SIX FOOT SOLID EVERGREEN HEDGE. (THE INTENT
IS TO USE THE EXISTING WOOD PRIVACY FENCE.)
REQUIRED PLANTINGS: LENGTH=101', 1 CANOPY, 3
UNDERSTORY, 6 SHRUBS.

WEST PROPERTY LINE:

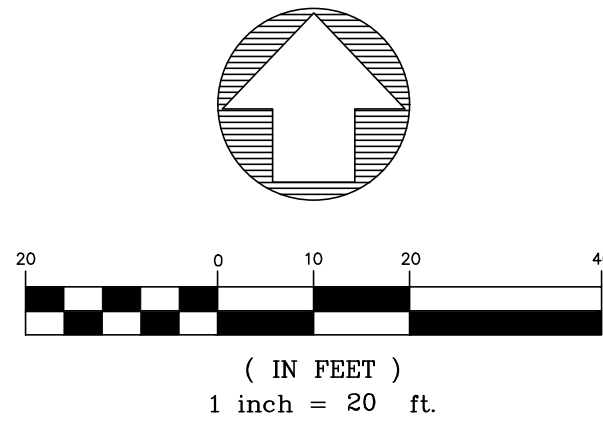
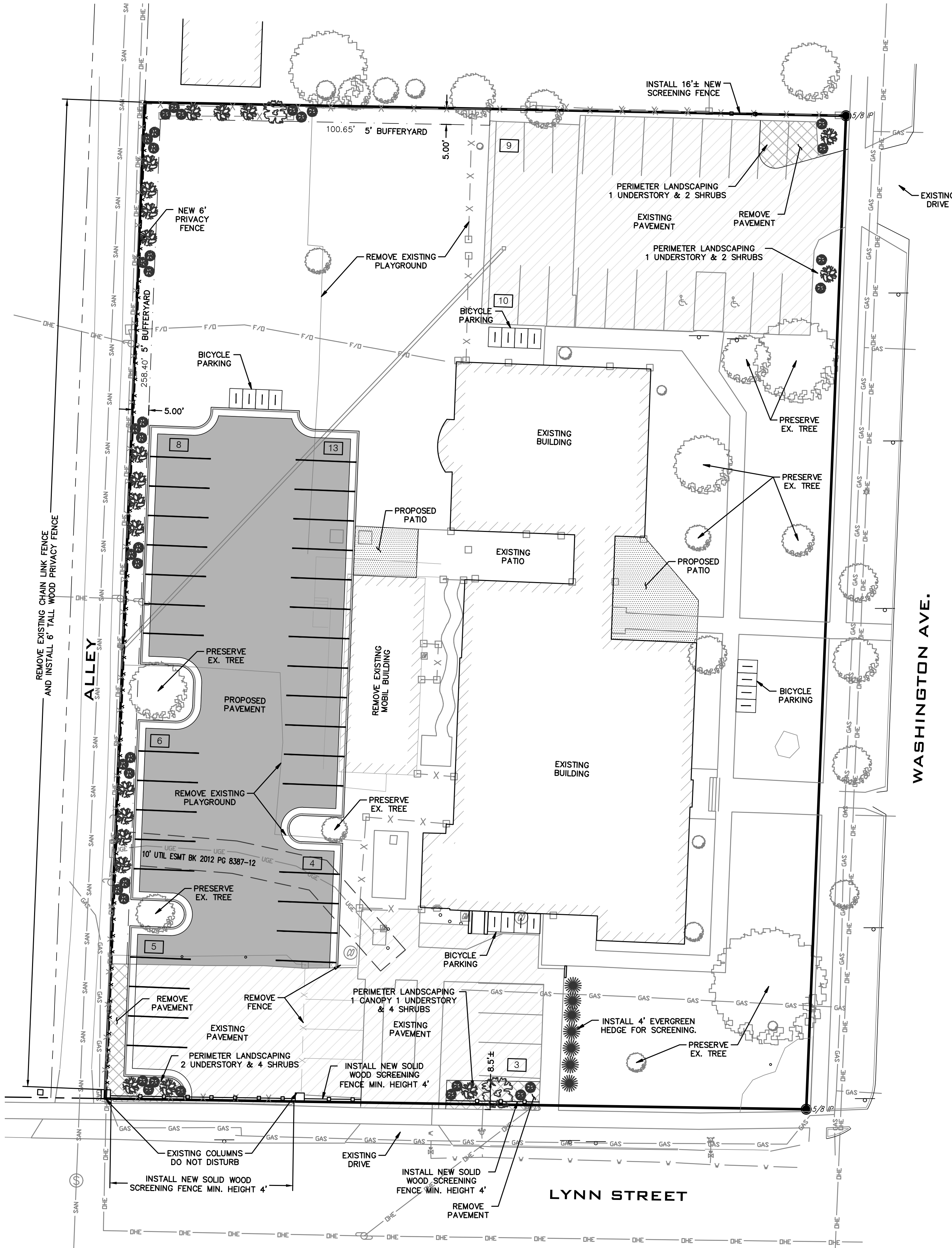
(5) FIVE FOOT WIDE BUFFERYARD WITH SIX FOOT TALL
WOOD PRIVACY FENCE AND (4) FOUR UNDERSTORY OR
EVERGREENS, AND (6) SIX SHRUBS PER 100 LINEAR FEET
EXCEPT WHERE PAVEMENT CURRENTLY EXISTS.
REQUIRED PLANTINGS: LENGTH=258', 12 UNDERSTORY AND
18 SHRUBS.

EAST PROPERTY LINE: NOT REQUIRED

SOUTH PROPERTY LINE: NOT REQUIRED

PLANTING LEGEND

- PROPOSED CANOPY TREE
- PROPOSED UNDERSTORY TREE
- PROPOSED EVERGREEN TREE
- PROPOSED SHRUB



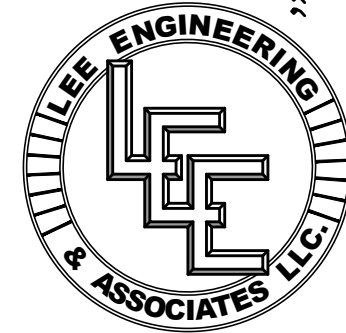
LEGEND

- 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
- M MAILBOX
- ⊙ SANITARY SEWER MANHOLE
- ⊙ SANITARY SEWER CLEANOUT
- SANITARY SEWER LINE
- ⊙ UTILITY POLE
- ⊙ ELECTRIC METER
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- ↑ GUY WIRE
- ⊙ PHONE/COMMUNICATION MANHOLE
- ⊙ PHONE PEDESTAL
- CABLE TV RISER
- CABLE TV LINE
- UNDERGROUND PHONE
- OVERHEAD PHONE
- FIBER OPTIC LINE
- WATER VALVE
- WATER METER
- WATER LINE
- FIRE HYDRANT
- ⊙ GAS VALVE
- ⊙ GAS METER
- GAS LINE
- FENCE LINE (AS NOTED)
- ROAD SIGN (STOP, SPEED LIMIT, ETC)
- ABBREVIATIONS:
- XFMR TRANSFORMER
- ICV IRRIGATION CONTROL VALVE
- CI STORMWATER CURB INLET

EXHIBIT 2

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)
lee@leeengineering.biz



DATE: 2023-02-23

SHEET: 1 OF 1

PROJECT: 2248

FILE: Exhibit 2.dwg

ATTACHMENT 1

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-SF to PD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 2/2/23; 4-6:30 pm
3. Meeting Location: 1409 N. Washington Ave., Springfield, MO 65802
4. Number of invitations that were sent: 103
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).

See attached neighborhood meeting response letter, sent to the full list of property owners within 500', as well as any additional citizens that attended the meeting (outside the 500').

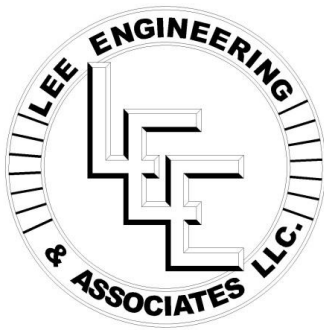
8. List or attach the written comments and how you plan to address any issues:

See attached comment sheets and attached neighborhood meeting response letter, sent to the full list of property owners within 500', as well as any additional citizens that attended the meeting (outside the 500').

I, Martha Middleton (print name), attest that the neighborhood meeting was held on 2/2/23 (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



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & LAND SURVEYING

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

February 6, 2023

Dear Property Owners,

To all those who attended the Neighborhood Meeting on February 2nd, we appreciate the excellent turnout, courteous conversations, and thoughtful input given on the rezoning of the former Boyd Elementary property in your neighborhood.

Below is a summary of the comments we received from the neighborhood meeting and how we will address each comment. A copy of this letter will be sent to the City of Springfield and the changes will be incorporated in the Planned Development documents.

Exterior Lighting:

The existing exterior lighting will be reduced where possible or be converted to downfacing fixtures to minimize light spillover onto any adjacent premises at the time of development. Any new exterior lighting will be designed to follow the City of Springfield Zoning Ordinance lighting standards in effect at the time of development.

Keep Playground Equipment:

The playground equipment will be removed from the site and the owner has not determined what will be done with it at this time.

No Alcohol:

Bars and nightclubs will be prohibited uses. Restaurants are approved uses and may apply for a liquor license. Most neighbors were in favor of restaurant uses.

No Homeless Shelter, Homeless Kitchen, Affordable Housing, and Overnight Shelters:

No overnight shelter, transitional service shelter, or soup kitchen are permitted. These uses will be added to the prohibited uses section in the planned development language.

Noise:

The proposed development will comply with Section 36-485 of the City of Springfield Noise Standards.

Protect Alley – No Thoroughfare:

The parking lots do not have a connection to the alley.

Want a Community Commissary Kitchen Space:

The proposed eating and drinking establishment use group would allow the commercial space to be rented for this purpose.

Concern About Density/Traffic:

The intent of the development is to repurpose the existing school building in a way that balances multi-family and commercial uses with the historic nature of the existing school building. In general, the proposed development would have roughly the same traffic as the existing school. Specifically, the proposed development would yield 5 less total trips per day, 7 more trips per day in the PM peak hour and 114 less trips in the AM peak hour. The development does not warrant any additional improvements based on the small change in traffic from the existing school use to the maximum proposed residential and commercial uses.

Like the Plan for Keeping Historical Elements:

The purpose of having a Planned Development is to repurpose the existing building.

Like Onsite Parking:

Onsite parking is provided with enough parking spaces to allow all development users to park onsite.

Limited Hours of Operation:

If a small restaurant is allowed, then the hours of operation will need to be consistent with normal restaurant hours. A few people have requested the hours of operation to be limited to 8:00 p.m. which would eliminate most restaurants. Therefore, the developer is proposing to keep the 10:00 p.m. closing time.

Midtown UCD Compatible:

Yes. The site falls under the general guidelines found on pages 6 through 9 of the Midtown UCD. The guidelines are provided below:

Permitted uses: The underlying zoning districts shall govern all permitted and conditional uses in the Mid-Town Urban Conservation District.

The underlying district is single family residential (R-SF). Because schools are allowed with R-SF, but other multi family and commercial uses are not permitted in R-SF, we are applying for a PD zoning to allow uses appropriate for a repurposed school building. The uses have been vetted through the neighborhood and city staff with the goal of keeping the existing historic structures on site.

Parking:

Off-Street Parking Requirements: All uses shall adhere to the off-street parking requirements in the zoning ordinance.

The parking requirements are being adhered to with the exception of allowing a 20% reduction in vehicle parking spaces for bicycle parking in lieu of the typical zoning ordinance allowance of 10% reduction. 20% is an appropriate reduction since this is a mixed development and will likely house Drury Students. The 20% reduction is typical of similar type land adjacent to MSU and is appropriate since many students will walk or bike ride to Drury without use of a car. Mixed use developments require less parking because the uses will have peak parking demands at different times of the day. For instance, tenants in the building will leave for work at 7:30 AM as office employees in the building are arriving at work.

Parking Lot Landscaping.

The parking lot landscaping meets the requirements of the Mid-Town UCD. The Parking Lot landscaping requirements in the Midtown UCD refer back to the typical parking guidelines found in the zoning ordinance. The PD language takes a wholistic look at the existing and proposed landscaping to provide some buffer along the new parking lot, but also preserves the large existing trees and mature landscaping on site in other areas.

Site Plan:

The site plan will be reviewed by the ARC for conformance with the Mid-Town UCD based on the UCD Criteria.

The site plan will be reviewed and meets the criteria described in the UCD.

No Marijuana Dispensary:

All marijuana related uses are prohibited.

Several in Favor of Bar:

Bars will be a prohibited use. Restaurants are approved uses and may apply for a liquor license. Most neighbors were in favor of restaurant uses.

Several Okay with Plan as is:

It is the developer's intent to be a good neighbor and provide a development that the majority of neighbors approve.

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

Sincerely,



Ryan Stalzer



LEE ENGINEERING AND ASSOCIATES, L.L.C.

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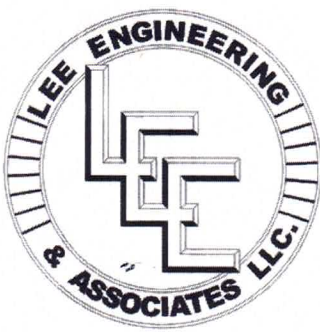
SIGN IN SHEET

Neighborhood Meeting

Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Gina Hinch	1332 N. Washington Ave	417-839-8067
Craig Feenland	1324 N. Washington	417-207-6891
Julie Steward	1324 N. Washington	417-840-0025
Nathan Darr	1445 N. Was "	417-631-8851
Beck "		
Craig Wimmer	1406 N. WASHINGTON	417-864-5968
BOB THIEMAN	1116 N. JEFFERSON	
KINDA THIEMAN	" " "	417-533-2144
Brant Schoffitzel	616 E. Lynn St	417-631-6596
John Ogilvy	518 E. Lynn	417-863-8112
Janie Thomas	1428 N. Benton	573-216-6551
Ben Hernandez	1337 N. Clg Ave	323-200-4433 4433
ARDELT BROOKS	CL "	310-775-1392
Dee Ogilvy	518 E. Lynn St	417-863-8112
John Akins	1416 N. Washington Ave.	417-862-7716
HINRICHS FAMILY	1403 N. SUMMIT AVE	(417) 862-8546
Alice - Anne Nix	1512 N. Washington Ave	210-488-1847
Becky Volz	1910 N. Grant Ave	417-890-4210
Nathan Gertson	1430 N. Washington Ave	405-315-5685



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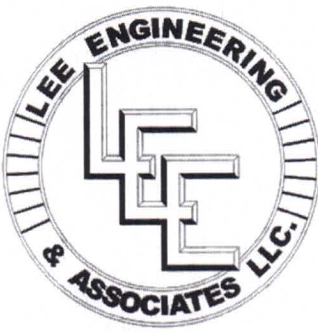
SIGN IN SHEET

Neighborhood Meeting

Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Greg Darnock	2229 E. Bancroft, City	417-848-6543
Greg Darnock	1409 N. Summit	417-379-5823
Carolyn Miller	1836 N. Washington	917-742-2144
Tessa Cooper	1300 N. Clay Ave.	417-713-8308
Chandler Cooper	1300 N. Clay Ave	417-848-2474
Ralph Plank	1337 N. Washington	417-818-7395
Julie Brown	1435 N. Washington	417-838-9720
Bren Newlin	1246 E. PORTLAND	417-499-7864
Susan Mena	614 E. Lynn	417-496-7632
Tom # Debbie Ehlert	1448 N. Summit Ave 02	417-840-4641
Alan Cummings	619 E. LYNN ST	417-496-5821
Louise Buchanan	1423 N. SUMMIT	417-496-2806
Danham Henry	1333 N. SUMMIT	417-848-3333
Frank Johnson	1531 E. Foxgrove Ln	86225 2912
Karen Craig	565	417 210 9030
JOE HARPINE	1424 N WASHINGTON 02	417 343 4525
SEVA NIX	1322 N BENTON AVE	210-569-2759
PADA CHAMBERS	1643 E LOMBARD ST. SPRINGFIELD, MO	816-248-2003
Dennis + Jay Rudick	1450 1450 N. Washington Ave	206-450-0166
BREW PEACOCK	1347 N SHERMAN AVE	417 365 3632
ANDY THORNTON	1329 N. WASHINGTON	417-766-5522
Christine Schilling	307 E. Commercial	65803 / 417 849-3662
Brian Mattson	1510 N. Washington Ave	573-239-3125
Paula Ringer	1337 N. Washington	417-818-1337



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COMMENT SHEET

Neighborhood Meeting

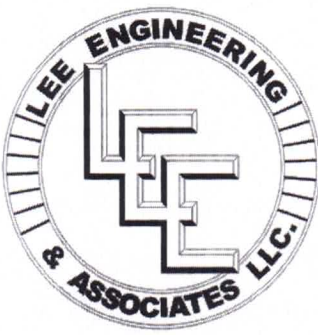
Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
ANDY THORNTON	1329. N. WASHINGTON	417-264-5522

COMMENTS:

THE Springfield Dream Center would love the
playground equipment if you are getting rid of
it.



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Neighborhood Meeting

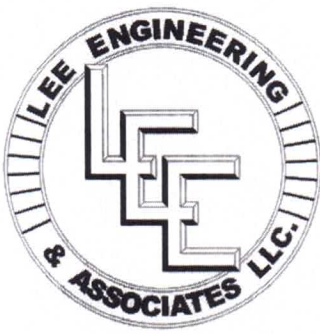
Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
RICHAEL BROWN	1337 N CLAY	310 795 1391

COMMENTS:





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Thursday, February 2, 2023

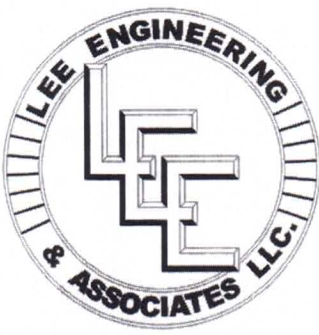
Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Louise Wiendrock	1423 N. Summit	417 496 2008

COMMENTS:

For the most part I support your plan for Boyd School to be apartments, coffee house & some business space. I have some concerns about an establishment that would serve alcohol.

Thank you -
Louise



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COMMENT SHEET

Neighborhood Meeting

Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Thierman	1116 N. Jefferson	533-2658

COMMENTS:

Sounds like a plan that the Neighborhood
could live with if the plan is followed
Night lighting could be a concern.



LEE ENGINEERING AND ASSOCIATES, L.L.C.

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COMMENT SHEET

Neighborhood Meeting

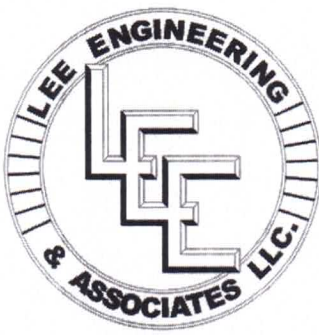
Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Brant Schaffitzel	616 E Lynn St	417-631-6596

COMMENTS:

- I would love a restaurant/bar to go in the library space.
- I would like the residential units to be higher end units
- The last thing we want is for this to turn into a homeless camp/kitchen/affordable housing area.



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

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COMMENT SHEET

Neighborhood Meeting

Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Gina Hinch	1332 N. Washington Ave	417-839-8067

COMMENTS:

My family & I are delighted you have an interest in old Boyd & our neighborhood. We hear your intention to honor the historic district & appreciate that.

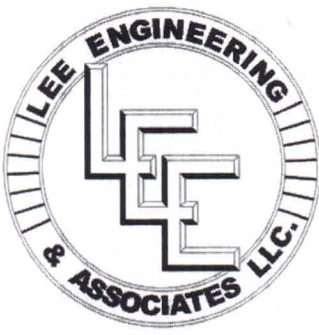
We have 3 concerns

- 1) Washington Ave is a quiet street. We'd like to keep it that way as much as possible.
- 2) There are many kids & pets playing on Washington. For this reason, we would not be in favor of any bar/taun or primarily alcohol facility. Very opposed to this concept.

Thank you for allowing us input.

- 3) Do not want alley next of property to become a thruway.

Gina Hinch



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COMMENT SHEET

Neighborhood Meeting

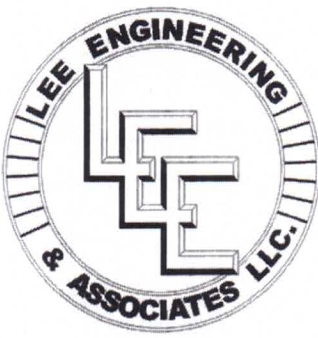
Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Robin Miller	514 E. Lynn, Spfd 65802	—

COMMENTS:

I live across the street, & I am hoping you will be able to leave (at least part of) the play ground. It would be so great to have families!



LEE ENGINEERING AND ASSOCIATES, L.L.C.

CIVIL ENGINEERING & DESIGN

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

COMMENT SHEET

Neighborhood Meeting

Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

www.craftworksgf.com

NAME	ADDRESS	PHONE
Bren Newlin		417.499.7864

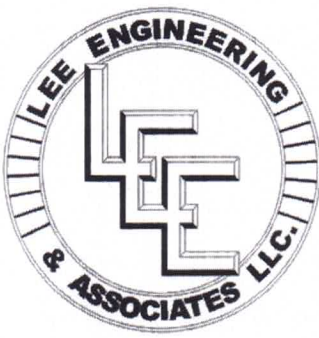
COMMENTS:

Highly interested in the proposed retail space for a community commissary kitchen space.

Members of the kitchen would rent kitchen space by the hour each month to conduct prep work for their mobile food business (i.e. catering or food truck) or prepare ready-to-eat foods to sell at the retail level or farmers' markets.

The benefit to the neighborhood would be an included coworking space, rentable event space, a marketplace open to the public & growing the local food industry.

The proximity to Urban Roots Farms & the restoration of a historical building make this highly desirable.



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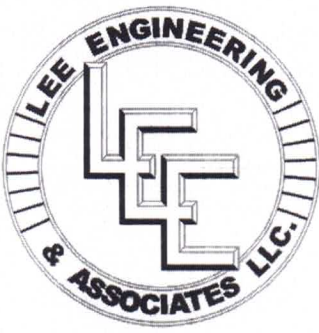
Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
NATHAN DAVIS	1445 N. WASHINGTON	417-631-8851

COMMENTS:

We do NOT want alcohol served at the old Bogal School location. It is a residential neighborhood so we do not want the noise that would occur from Drury students who might get drunk or noisy.



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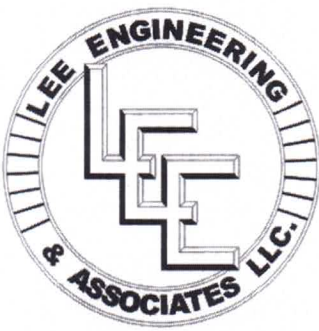
NAME	ADDRESS	PHONE
John Akins	1416 N. Washington Ave, Spfd 65802	417-862-7716

COMMENTS:

Biggest concern is the proposed possibility for public availability of alcoholic drinks being sold on the property - I am straight across Washington Ave. and I really don't want that.

Also, being so close, I am concerned about converting to a facility that would have a lot of people in a small space, with attendant parking concerns, etc, plus increase of noise day & night.

My 3 year old granddaughter had been enjoying using the playground when she visited me, until they locked it & she was crestfallen.



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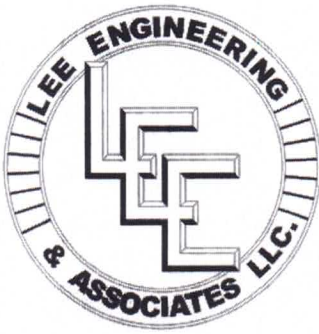
Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
MIKHINNA	1403N Summit Ave	4179882444

COMMENTS:

If there were a concerns regarding problems
from the building noise/light/garbage/parking.
who do we address to?



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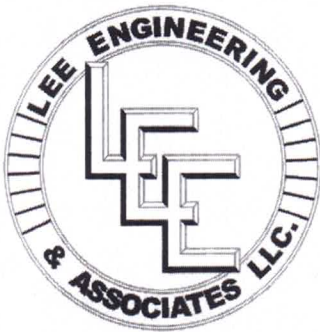
Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Beth Davis	1445 N. Washington	

COMMENTS:

I am not in favor of any possibility of establishments sell or serve alcohol on the property — We live a couple of houses away — Can we know what is planned and approve of plans?



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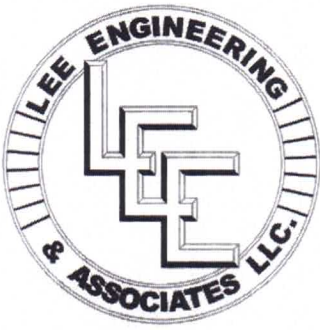
Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Julie Brown	1435 N. Washington Ave	417-838-9720

COMMENTS:

We are opposed to a bar/ restaurant going into the old Boyd School. Midtown is a quiet, deeply rooted community. We did not purchase our home next to a bar for a reason! We ~~do~~ want the Midtown area to remain a quiet, family oriented area. Do not create a bar in our beloved Midtown!



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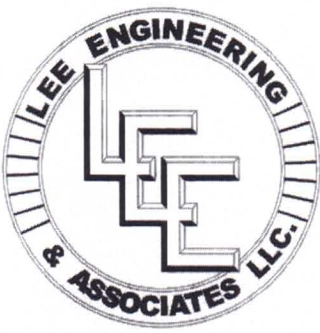
Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
BRANT HIRREIG	1403 N. SUMMIT AVE	(417) 862-8546

COMMENTS:

- I LIKE IT AS A PLANNED DEVELOPMENT
SO IT'S NOT EASY TO CHANGE ONCE IT'S ~~SET~~ BY COUNCIL.
SET
- I'm ~~NOT~~ IN FAVOR OF NOISY ALCOHOL OR ~~LOU~~ MUSIC // MORE QUIET WITH
drinks available
- I LIKE ~~KEEPING~~ EXTERIOR & INTERNAL HISTORICAL
DETAILS AS MUCH AS POSSIBLE IN THEIR HISTORICAL STATE.
KEEPING THE OLD → WINDOWS/DOORS/CURTAINS/FLOORS/
STAIRWELLS ETC → PRESERVE ALL THE HISTORICAL
CHARACTER & MAINTAIN AS MUCH AS POSSIBLE
- I LIKE THE PARKING IS WITHIN THE BOUNDARIES
- WORRIED ABOUT LIGHT POLLUTION, ESPECIALLY FROM
THE MAIN PARKING LOT ON LYNN. PLEASE MINIMIZE THAT
AS MUCH AS POSSIBLE.
- WORRIED ABOUT NOISE & DENSITY OF PEOPLE/CAR TRAFFIC,
ESPECIALLY OUTSIDE OF SORT OF NORMAL HOURS 8am → 9pm



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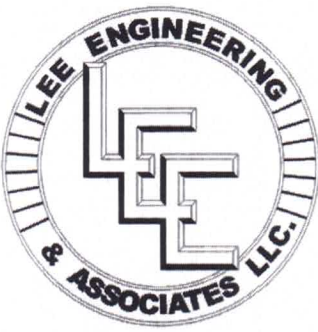
Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Raula Kinger	1337 N Washington Ave	417-818-1339

COMMENTS:

How is the Midtown Plan being utilized/
followed in this PD?



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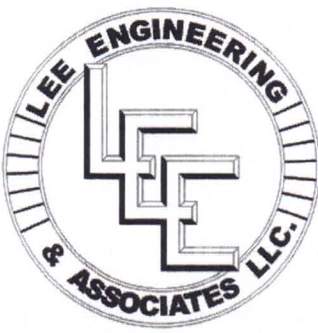
NAME	ADDRESS	PHONE
BRIAN MATSON	1510 N. Washington Ave	573-239-3125

COMMENTS:

Looking forward to a fun gathering place
in the neighborhood. ~~that~~ Would love
to have a coffee shop or small bar

Establishment of alcohol service at the old Boyd Elementary School

1. It appears that either you were not listening at the last meeting, or that you simply do not care what we raised as a concern at that meeting.
2. At the last meeting, I and other members of this neighborhood mentioned that we are dead set against establishing a place that serves alcohol inside this residential community, as well as within a short walk of Drury University.
3. But I see that you are still proposing that.
4. Let me make myself even more clear about this issue. If you persist:
 - a. I will personally organize all the homeowners residing near the school, and...
 - b. We will canvass every single resident within Midtown to block ANY and ALL attempts to transform the school into any project that you propose, and...
 - c. We will do everything in our power to convince the city to block your project.
 - d. Since I am now retired, I have both the time and the motivation to organize opposition to this project if you persist in this direction.
 - e. However, I and this community can just as easily help to promote this project if you will simply drop any attempt to bring alcohol service into our neighborhood.
 - f. You are welcome to come to our neighborhood as friends who value our input. Or, you can come as enemies. Since you are new to our neighborhood, how you approach this issue will determine more than this issue. The result will also follow you to future projects in this city.
5. So, to make sure that you have heard me this time, what did I just tell you?



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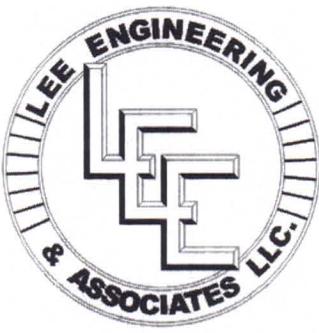
Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Christine Schilling	307 E. Commercial St	417-849-3662

COMMENTS:

- Density as planned seems extreme for the location - Hard to imagine how Residents of 17 units + customers @ the Cafe + office workers will not be too congested. Traffic control?
- How will lights (security, parking etc) be kept from creating a nuisance for neighbors
- Alcohol sales seem inappropriate for a neighborhood
- Residential only is preferred,
- consider Mid Town Plan
- No Dispensary or marijuana sales



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COMMENT SHEET

Neighborhood Meeting

Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Dee Ogilvy	518 E Lynn St	417 863-8112

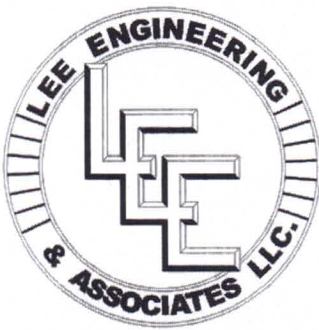
COMMENTS:

I think apartments is a good use of Boyd School.
I want assurance of the lighting on the southside
of the parking area will not contribute to light pollution
at night, into the homes on Lynn St.

We would hope not to have alcohol service in
this location.

No 24/7 food service.

No ~~Dispensary~~ Dispensary!!



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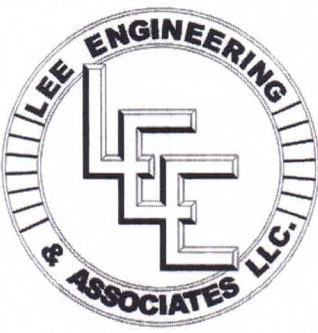
Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
JOE HARVEY	1424 WASHINGTON	417-343-4522

COMMENTS:

How is PROPOSED ZONING CONSISTENT
WITH THE MID TOWN PLAN, THE URBAN CONSERVATION DISTRICT
OF THE AREA?
DLG



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COMMENT SHEET

Neighborhood Meeting

Thursday, February 2, 2023

Re: Rezone, 1409 N. Washington Ave., Springfield, MO

NAME	ADDRESS	PHONE
Nathan Fertson	1438 N. Washington Ave	405-315-5685

COMMENTS:

For the commercial use area, I'd like to see a limit

on:
① Hours of operation limited to 8pm close.

② No alcohol served.

I have little children and live right across the street.

ATTACHMENT 2
PUBLIC COMMENTS

To: Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Booneville Ave.
Springfield, MO 65801

Feb 27, 2023

From: Nathan Davis
1445 N. Washington Ave.
Springfield, MO 65802
417-631-8851

Project Address: (the former Boyd Elementary school)
1409 N Washington Ave.
Springfield MO 65802

Attached you will find a **general petition** requesting you to deny a proposed change in land use or zoning for the former Boyd Elementary school at 1409 N. Washington Avenue in Springfield MO. This general petition is our first step to halt the zoning change, and is signed by 20 of the home owners who live within 185 feet of the project, 11 others who live near the former Boyd school, and 19 who live within the city of Springfield. Although this is NOT a protest petition, please note that the land area owned by those who signed this petition (and who also live within 185 feet of the project) sum to 49%, substantially above the 30% required for a protest petition. These home owners have already indicated their willingness to sign a protest petition if needed for a second step, and we anticipate that some others will also join a protest petition.

Some of the many reasons that we ask you to deny this project are outlined on the first page of the general petition. Each reason is also referenced to the existing City of Springfield Midtown Neighborhood Plan (2001).

Thank-you for your consideration.


Nathan Davis

General Petition to the City of Springfield

Feb 2023

-- to **deny a change in land use, or zoning** for the former Boyd elementary school at 1409 Washington Avenue Springfield MO that proposes approximately 18 apartments and commercial business in the Midtown single-family residential neighborhood:

1. **Size of Proposed Apartments.** The City of Springfield Midtown Neighborhood Plan (2001, page 3) lists 15 issues relevant to the Midtown neighborhood. The first issue recommends, "Conservation and promotion of the single-family character in residential areas."
Most single-family residences in the immediate vicinity of the former Boyd school are over 1200 square feet plus a basement, and many homes within the immediate vicinity are sized over 3000 square feet. However, the proposed development calls for apartments as small as 300 square feet (sq. ft.). Inclusion of 300 sq ft apartments in the planned development could cheapen the value of homes in the immediate vicinity of the former Boyd school. Apartments smaller than 800 square feet should be denied because they fail to resemble the single-family character.
2. **Commercial businesses.** Commercial businesses in the neighborhood fail to support the Midtown plan in at least two areas. The City of Springfield Midtown Neighborhood Plan (2001, page 3), lists their first issue as, "Conservation and promotion of the single-family character in residential areas" and their fifth issue as, "Preservation of ... the historical character of the neighborhood."
- Mixing commercial business among single-family residences significantly changes the character of the single-family residential area and sets a precedent that encourages businesses to operate from residential homes.
- The proposed plan of development includes two commercial spaces.
 - One use includes a potential restaurant which has the right to apply for an alcohol license. This use changes the single-family character as discussed in the Springfield Midtown Neighborhood Plan.
 - Several businesses that dispense alcohol already exist on Commercial Street just four blocks from the proposed development. There is no need for additional restaurants, especially those that dispense alcohol in a residential neighborhood close to a university.
- City of Springfield already supports similar developments on Commercial Street and downtown. Plenty of *still-unrented and empty* commercial space already exists on Commercial Street, just four blocks away. Existing businesses on Commercial Street need more patrons, not more competition.

Therefore, the undersigned ask the City of Springfield to deny a change in land use or zoning for the former Boyd Elementary school (at 1409 Washington Avenue) for any use that allows apartments less than 800 square feet or any commercial use. Additionally, the planned development should require Landmark Board review over the site and building exterior. Names shown with an * indicate home owners within the immediate vicinity (185 feet) of the former Boyd elementary school.

PRINT NAME	SIGN	ADDRESS IN SPRINGFIELD	PHONE #
Mary Jo Greer	<i>Mary Jo Greer</i>	1520 N. Jefferson Ave	417-848-1982
Dennis Rudnick	<i>Dennis Rudnick</i>	1450 N. Washington Ave	206-450-0161
Joy Rudnick	<i>Joy Rudnick</i>	1450 N. Washington Ave	253-380-465
* Janice L. Carson	<i>Janice L. Carson</i>	1444 N. Washington Ave	417-234-0

PRINT NAME	SIGN	ADDRESS IN SPRINGFIELD	PHONE #
* Nathan Davis	<i>Nathan Davis</i>	1445 N. Washington Ave.	417-631-8851
* Beth Davis	<i>Beth Davis</i>	1445 N. Washington Ave.	417-631-8851
* David Brown	<i>David Brown</i>	1435 N. Washington Ave.	417-425-6961
* Julie Brown	<i>Julie Brown</i>	1435 N. Washington Ave.	417-838-9720
* Michael Groves	<i>Mike Groves</i>	1451 N. Washington Ave.	417-569-5402
* Lauren Groves	<i>Lauren Groves</i>	1451 N. Washington Ave.	417-306-3116
* Joseph Harpine	<i>Joseph Harpine</i>	1424 N. Washington Ave.	417-343-4522
* John Akins	<i>John Akins</i>	1416 N. Washington Ave.	417-862-7716
* Joshua Even	<i>Joshua Even</i>	1348 N. Washington Ave.	417-766-0234
* Micah Even	<i>Micah Even</i>	1348 N. Washington Ave.	417-543-0377
* Nathan Gertson	<i>Nathan Gertson</i>	1430 N. Washington Ave.	405-315-5685
* Claire Gertson	<i>Claire Gertson</i>	1430 N. Washington Ave.	870-814-4414
* Shelly Gibson	<i>see attached sheet</i>	1345 N. Washington Ave.	
* Jacque Wimmer	<i>Jacqueline Wimmer</i>	1406 Washington Ave	417-818-8773
* Krist Carlson	<i>Krist Carlson</i>	520 Lynn St.	417-848-1213
* Eugene Arnold	<i>Eugene J. Arnold</i>	1440 N. Benton Ave.	417-763,6871
* Alicia Arnold	<i>Alicia Arnold</i>	1440 N. Benton Ave.	417-401-4847
* Rhonda Holdren	<i>Rhonda M. Holder</i>	1434 N. Benton Ave.	417-824-0728
* Rhiannon Smith	<i>Rhiannon Smith</i>	1434 N. Benton Ave.	417-599-0711
Craig Steensland		1324 N. Washington Ave.	
Julie Johns	<i>Julie Johns</i>	1324 N. Washington Ave.	417-840-0025
Gina Hinch		1332 N. Washington Ave.	
Steve Hinch		1332 N. Washington Ave.	
Clifton Brown	<i>Clifton Brown</i>	1338 N. Washington Ave.	901-268-0608
Lauren Brown	<i>Lauren Brown</i>	1338 N. Washington Ave.	(979) 450-1709
Paula Ringer	<i>Paula Ringer</i>	1337 N. Washington Ave.	417-818-1339
Ralph Plank	<i>Ralph Plank</i>	1337 N. Washington Ave.	417-818-7395
JoAnn Butrin	<i>JoAnn Butrin</i>	1417 N. Summit Ave.	417-773-0616
Brenda Dickey		1467 N. Summit Ave.	

General Petition to the City of Springfield

Feb 2023

-- to **deny a change in land use, or zoning** for the former Boyd elementary school at 1409 Washington Avenue Springfield MO that proposes approximately 18 apartments and commercial business in the Midtown single-family residential neighborhood:

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PRINT NAME	SIGN	ADDRESS IN SPRINGFIELD	PHONE #
* The Shelly M Gibson Revocable Living Trust	Shelly Gibson	* 1345 N. Washington Ave Springfield MO 65802	917-5140061

General Petition to the City of Springfield

Feb 2023

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PRINT NAME

SIGN

ADDRESS IN SPRINGFIELD

PHONE

JEFF CRIGER

Ethan Tate

Brandon Blanton

Austin Duncan

Joey Loomis

SKYLER TODD

James Watson

John F. Rains

Jeff Criger

Ethan Tate

Brandon Blanton

Austin Duncan

Joey Loomis

SKYLER TODD

James Watson

John F. Rains

1341 N. ETHYL

Springfield

162810 Washington Ave

1523 North clay ave

Springfield

1061 E battle st apt 103

Springfield, MO

65803

417-866-1646

417-988-9727

636 275 5569

417-593-3353

417 844 0569

417-403-3748

417-430-6613

417-619-3855

PRINT NAME	SIGN	ADDRESS IN SPRINGFIELD	PHONE #
Jenny Omdahl	Jenny Omdahl	Missouri	417-489-2489
Lalyn Doty	Lalyn Doty	Springfield Mo	480-408-2830
Sherry Saegquist	Sherry Saegquist	Missouri	417-343-6022
Christopher Lankau	Christopher Lankau	Missouri	417-288-9251
Marcus Beckman	Marcus Beckman	Missouri	417-379-1724
Sarah Honey	Sarah Honey	Springfield Mo	417-327-2819
MARK LAUDE	Mark Laurens Laude	Missouri	417-459-5253
Andrew Cooper	Andrew Cooper	Springfield, Mo	918-902-3157
Nathan Steguli	Nathan Steguli	Springfield, Mo	707 572 1207
Morgan Melton	Morgan Melton	Springfield Mo	847-565-9584
Danica Acosta	Danica Acosta	Springfield Mo	202-448-8888
Blaine Green	Blaine Green	Springfield Mo	707 572 1207
Danica Kindred	Danica Kindred	Springfield Mo	417-353-8756
Jason McDaniel	Jason McDaniel	Springfield Mo	417-415-5040
Charles Rogers	Charles Rogers	Springfield Mo	417-840-5861
Pete Hicken	Pete Hicken	Springfield Mo	417-753-4077
Betty Lindsey	Betty Lindsey	Springfield, Mo	417-861-8107

From: [Josh](#)
To: Zoning@springfieldmo.gov
Subject: Development Review Notice - Feedback - Rezoning of the Former Boyd Elementary
Date: Monday, March 6, 2023 3:46:19 PM

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

Hello! We live at 1351 N Summit Ave, Springfield, MO 65802. We have received a couple of pieces of mail regarding the intent to rezone the former Boyd Elementary building and understand that there is a hearing coming up this week. We **support** rezoning the building for the developer's intended plans to repurpose the building to multi-family and commercial uses while maintaining its historical nature. This plan is a much better option than leaving the building vacant or tearing it down, and we believe it will lead to a more vibrant Midtown Neighborhood!

Thank you, and please feel free to contact us at 417-773-2676 if we can provide any additional support or feedback.

Kindly,

Josh and Courtney Donaldson

From: [Marie Wood](#)
To: [McGinnis, Kyle](#)
Cc: [Marie Wood](#)
Subject: In support of PD approval for Old Boyd School
Date: Thursday, March 9, 2023 3:11:17 PM

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

Hello Mr. McGinnis,

I live at 1318 N. Washington Avenue, just south of the Old Boyd School property.

I heard a presentation by Matt Blevins on Monday 3/6/2023 at the Midtown Neighborhood Association meeting, and I am in full support of his presentation.

I support the rezoning of this piece of property to Planned Development, as he presented it to the public on Monday evening.

I would prefer that the maximum allowable apartments would be twenty instead of twenty-four, but other than that, I support everything he presented.

I would like to bring to the P&Z boards attention that I believe that some of the people who signed the petition that was partially distributed to neighborhood residents was mis-represented to them. More than one person told me that they signed the petition because they were told that the plan was to put a bar or tap room in the old library space.

When asked about this Monday night, Mr. Blevins stated that this was not at all his plan. And many people at the Monday night meeting said that they had not been presented with the petition to sign and were pretty upset about not being allowed to read the petition.

Thank you for your time.

-Marie Wood
417-496-8539

1318 N Washington Ave.
Springfield, MO 65802

The only thing necessary for the triumph of evil is for good people to do nothing.
~unknown

From: [Jodell Anderson](#)
To: [McGinnis, Kyle](#)
Subject: RE Boyd School project
Date: Thursday, March 9, 2023 3:44:19 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 live at 1418 N Benton Ave and the back of my house opens to the alley behind Boyd school. I am in support of the current plan proposed by Matt Blevins to have the lot rezoned to Planned Development so that this developer can put in a mixed use development with apartments and retail stores or office space.

I am not in support of a bar or tap room, but would support a restaurant that closes by 10pm.

--



MOLINE MANAGEMENT



Jodell Anderson HCCP, NPCC, HFCS

Director of Operations

Moline Investment Management/Moline Management, LLC

Office: (417) 627-5425 ext. 104

Email janderson@molinemgt.com | www.molinemgt.com

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From: [Billy Lee](#)
To: [McGinnis, Kyle](#)
Subject: Boyd school project
Date: Friday, March 10, 2023 10:55:59 AM

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

My name is Billy Lee, and I live at 1418 N Benton Ave. I am in support of the application by Matt Blevins to rezone the Old Boyd School property to a planned Development which includes apartments and some retail space.

Thank you,

Billy Lee

Sent from my iPhone



EXPLANATION TO COUNCIL BILL 2023-075 (MCGULL)

FILED: 03/28/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 9.45 acres of property generally located within the 2200 block of North Belcrest Avenue from HM, Heavy manufacturing district, with Conditional Overlay District No. 163 to HC, Highway commercial district, with Conditional Overlay District No. 226; establishing Conditional Overlay District No. 226; and adopting an updated Official Zoning Map. (Staff is requesting that this item be referred back to the Planning and Zoning Commission.) (By: SFC Real Estate LLC; 2202 N. Belcrest; Z-5-2023 w/COD #226.)

PURPOSE AND BACKGROUND INFORMATION:

Purpose: amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 9.45 acres of property generally located within the 2200 block of N. Belcrest Avenue from HM, Heavy manufacturing district with Conditional Overlay District No. 163 to HC, Highway commercial district with Conditional Overlay District No. 226; and establishing Conditional Overlay District No. 226. (Staff is requesting that this item be remanded to Planning and Zoning Commission.)

ZONING CASE NUMBER Z-5-2023 W/ COD No. 226:

Following the Planning & Zoning Commission public hearing held on March 9, 2023, City staff discovered erroneous language within the proposed Conditional Overlay District No. 226. This language includes the latter half of the introductory statement of the provisions, "...and the rezoning contemplated by this Ordinance shall not be effective until the occurrence of the following conditions". After a review by the Law Department, City staff determined that the language within the introductory statement must be struck from the Conditional Overlay District entirely. It is therefore staff's recommendation that Z-5-2023 with Conditional Overlay District No. 226 be remanded back to the Planning and Zoning Commission by City Council to correct these errors prior to City Council's consideration of the matter.

The applicant, SFC Real Estate LLC, has requested to rezone this property to the HC, Highway commercial district to permit the development of a new consumer vehicle retailer with associated vehicular maintenance. The proposed Conditional Overlay District No. 226 would require the construction of a cul-de-sac at the south end of N. Belcrest Avenue, from which the property will take access, as well as the completion of a subdivision following the current Subdivision Regulations.

REMARKS: The Planning and Zoning Commission held a public hearing on March 9,

2023, and recommended to approve, by a vote of 7 to 0.

The Planning and Development staff recommends the application be remanded back to the Planning and Zoning Commission for their consideration.

FINDINGS FOR STAFF RECOMMENDATION:

The applicant, SFC Real Estate LLC, has requested to rezone this vacant property from HM, Heavy manufacturing district with Conditional Overlay District No. 163 to HC, Highway commercial district and establish Conditional Overlay District No. 226 with the intent to develop an automotive retail and maintenance land use.

Per Section 36-310, Establishment of use groups, the retail sales use group includes, "...the sale or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles if outdoor activities are permitted by the district." The retail sales use group and automobile service garages are permitted uses within the HC, Highway commercial district, in accordance with subsection 36-422 (2), provided all motor vehicle repair or maintenance activity which occurs outdoors is located further than 150 feet from the district boundary of any residential district (subsection 36-422 (4)). This use limitation is generally not applicable to the subject site given the absence of residential districts in the immediate vicinity of the area to be rezoned.

The subject site is located within the Industry and Logistics Placetype per the Land Use and Development chapter of the Comprehensive Plan. While this Placetype is predominately comprised of moderate to heavy manufacturing and distribution uses, supporting uses, including retail sales and services, are encouraged along secondary roadways and around the periphery of the Placetype. Access to the subject site will be limited to N. Belcrest Avenue, a non-residential local roadway, therefore meeting the first criteria encouraging access away from major roadways within the Placetype. The subject site is located within the periphery of the Placetype as well, bordering U.S. Highway 65 to the east. In addition to these criteria, the subject site borders an established automotive retailer to the north, providing an opportunity to further supplement the land use patterns which have developed in this area in recent years.

Conditional Overlay District No. 226 (Attachment 1) has been proposed as part of this request. This Conditional Overlay District will not limit the use or design of future development in this district.

The proposed Highway commercial district and Conditional Overlay District No. 226 zoning district classification is consistent with the Springfield Comprehensive Plan. The subject area was included in the Industry and Logistics Placetype, which supports retail and other supporting commercial activities along the periphery of the placetype. Such commercial activity would be permitted via the Highway commercial district and Conditional Overlay District No. 226.

There are changing conditions in the area affected that make the proposed rezoning necessary. The property owner intends to construct a new facility for the retail sale of consumer vehicles, like the automotive retailer located north of this property along E. Kearney Street, which was rezoned to the Highway commercial district in 1995 as part of the citywide remapping which occurred that year. Furthermore, the adoption of the new Comprehensive Plan and its placetypes loosens the focus on strict zoning districts and instead encourages a mix of zoning districts (and, by extensions, land uses) that together form a cohesive and distinct sense of place. The Industry and Logistics Placetype is intended to provide space for manufacturing and distribution uses, with allowances for complementary commercial uses along the periphery of the placetype when located off lower classification streets.

The range of uses in the proposed Highway commercial district and Conditional Overlay District No. 226 are compatible with the uses permitted on other property in the immediate vicinity. As stated above, the property north of the subject area was already zoned Highway commercial in 1995 and was developed into a consumer vehicle retailer in 2021.

There are adequate utility and sewer and water facilities existing or that can be provided to serve the uses that would be permitted on the property if it were rezoned. Per the reviews provided by City Utilities and Environmental Services – Wastewater Management, no public extensions of services are necessary to serve the proposal area.

The impact of the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic, or reduce traffic safety in the vicinity. While Public Works – Traffic has noted that there are no recent traffic counts for N. Belcrest Avenue, they have not expressed concerns with the traffic counts anticipated to be generated should this rezoning occur.

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.

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

Submitted By: Kyle McGinnis, Senior City Planner

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Maurice S. Jones, Deputy City Manager 3/28/2023

Attachments: 1. Z-5-2023 COD 226_ord

2. Z-5-2023 COD 226_exhA
3. Z-5-2023 COD 226_exhB
4. Z-5-2023 COD 226_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 23
Filed: 03-28-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-075

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 9.45 acres of property generally located within the 2200 block of
4 North Belcrest Avenue from HM, Heavy manufacturing district, with
5 Conditional Overlay District No. 163 to HC, Highway commercial
6 district, with Conditional Overlay District No. 226; establishing
7 Conditional Overlay District No. 226; and adopting an updated
8 Official Zoning Map. (Staff is requesting that this item be referred
9 back to the Planning and Zoning Commission.)
10 _____
11

12 WHEREAS, an application has been filed for a zoning change of the property
13 generally located within the 2200 block of North Belcrest Avenue from HM, Heavy
14 manufacturing district, with Conditional Overlay District No. 163 to HC, Highway
15 commercial district, with Conditional Overlay District No. 226; and
16

17 WHEREAS, Conditional Overlay District No. 226 shall modify the requirements of
18 the Springfield Land Development Code Section 36-422, HC, Highway commercial
19 district, by requiring that the property described in "Exhibit A" comply with the
20 requirements described in "Exhibit C – Attachment 1;" and
21

22 WHEREAS, following proper notice, the Planning and Zoning Commission held a
23 public hearing on March 9, 2023, a copy of the Record of Proceedings from said public
24 hearing being attached hereto and incorporated herein by this reference as "Exhibit B,"
25 and said Commission made its recommendation; and
26

27 WHEREAS, the City has reviewed the applicant's request and prepared a staff
28 report concerning the application, which is attached hereto and incorporated herein by
29 this reference as "Exhibit C;" and
30

31 WHEREAS, proper notice was given of a public hearing before City Council, and
32 said hearing was held in accordance with the law.
33

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

36
37 Section 1 – The property described in "Exhibit A," which is attached hereto and
38 incorporated herein by this reference, is hereby rezoned from HM, Heavy manufacturing
39 district, with Conditional Overlay District No. 163 to HC, Highway commercial district,
40 with Conditional Overlay District No. 226. Springfield Land Development Code, Section
41 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed,
42 and modified consistent with this Ordinance.

43
44 Section 2 – City Council hereby establishes Conditional Overlay District No. 226,
45 which shall contain the requirements and standards provided in "Exhibit C – Attachment
46 1," which is attached hereto and incorporated herein by this reference as though set
47 forth herein. The requirements of Conditional Overlay District No. 226 shall modify the
48 requirements of the Springfield Land Development Code Section 36-422, HC, Highway
49 commercial district, by requiring the property described in "Exhibit A" comply with the
50 requirements contained in "Exhibit C – Attachment 1."

51
52 Section 3 – City Council hereby directs the City Manager, or designee, to update
53 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
54 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
55 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
56 rules of interpretation.'

57
58 Section 4 – The Official Zoning Map herein adopted shall be maintained and
59 archived in the same digital form in which this Council has approved its adoption.

60
61 Section 5 – This Ordinance shall be in full force and effect from and after
62 passage.

63
64 Passed at meeting: _____

65
66
67 _____
68 Mayor

69 Attest: _____, City Clerk

70
71 Filed as Ordinance: _____

72
73
74 Approved as to form: Jill Bennis, Assistant City Attorney

75
76
77 Approved for Council action: Jason A. Hayes, City Manager

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-5-2023 W/ COD #226

A parcel of land being a part of Lot 1, of Morris Industrial Park Phase One, a subdivision recorded in Plat Book AAA at Page 582, in the Greene County Recorder's Office in the City of Springfield, Greene County, Missouri, being more particularly described as follows:

BEGINNING at the Northeast corner of said Lot 1, said point being on the West Right-of-Way line of US Highway 65, as it now exists; thence along said West Right-of-Way line the following three (3) courses: 1) S11°08'27"E (S11°19'49"E Plat), a distance of 27.70 feet (27.82' Plat); 2) S02°17'33"W (S02°17'42"W Plat), a distance of 350.29 feet (350.37' Plat); 3) S12°25'16"W (S12°25'10"W Plat), a distance of 142.26 feet; thence N87°06'48"W, a distance of 666.43 feet; thence S01°50'45"W, a distance of 21.27 feet; thence N87°06'48"W, a distance of 829.16 feet to a point on an existing public access easement recorded in Book 2020 at Page 001996-20; thence along said access easement and along a non-tangent curve to the left having a radius of 75.00 feet, an arc length of 38.19 feet, a central angle of 29°10'39" and a chord distance of 37.78 feet which bears N20°33'02"E, to a point on the Northerly line of said Lot 1; thence along said Northerly line the following three (3) courses: 1) S87°06'48"E (S87°07'18"E Plat), a distance of 767.33 feet; 2) N01°50'45"E (N01°50'15"E Plat), a distance of 503.04 feet (503.12' Plat); 3) S87°05'38"E (S87°05'41"E Plat), a distance of 738.76 feet (738.77' Plat) to the POINT OF BEGINNING.

Containing 9.450 acres, more or less, and subject to any rights-of-way, easements, and restrictions of record.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – March 9, 2023

Z-5-2023 w/COD #226
2202 North Belcrest Avenue
Applicant: SFC Real Estate, LLC

Mr. McGinnis stated that this is a request to rezone approximately 9.45 acres of property generally located within the 2200 block of N. Belcrest Avenue from HM, Heavy manufacturing district with Conditional Overlay District No. 163 to HC, Highway commercial district and establishing Conditional Overlay District No. 226. Staff recommends approval.

Mr. McGinnis noted that one of the existing zoning districts was not properly listed and was corrected and a new staff report was presented.

Mr. Colony asked if it was a brownfields site? Mr. McGinnis is not aware of any but could ask the developer.

Mr. Dan Scott asked about the access and extension to the Belcrest right-of-way and Mr. McGinnis noted that it is a future cul-de-sac.

Mr. Knuckles opened the public hearing.

Mr. Ricky Haase, 550 E. St. Louis Street here on behalf of the developer and neighborhood comments were about traffic and layout of the site. There was a traffic study done just recently and has submitted a replat and will be in coordination with Fish and Wildlife Departments and the Corps of Engineers.

Mr. Knuckles closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to approve Z-5-2023 w/COD #226 (2202 North Belcrest Avenue). Mr. Lebeck seconded the motion. Ayes: Knuckles, Colony, Lebeck, Pauly, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Jobe and Broekhoven



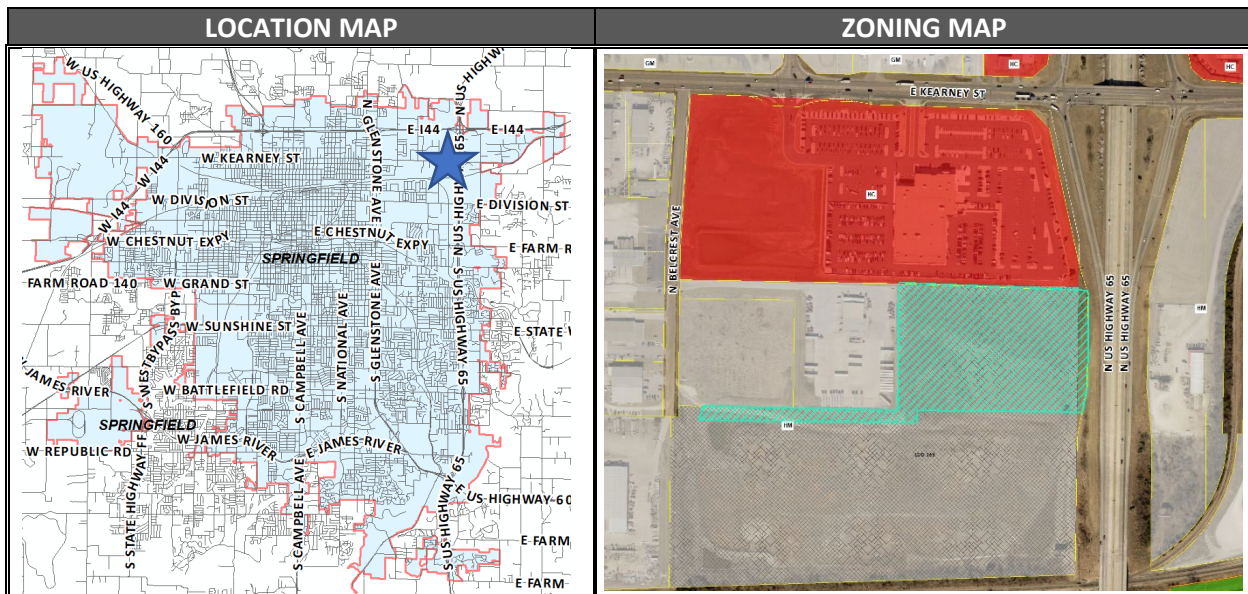
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Z-5-2023 w/COD #226
Location:	2202 N. Belcrest Avenue
Total Acres:	9.45 acres
Applicant:	SFC Real Estate LLC
Existing Land Use:	Vacant land
Neighborhood Meeting:	February 16, 2023
Planning and Zoning Commission:	March 9, 2023
City Council:	April 3, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Kyle McGinnis
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to rezone approximately 9.45 acres of property generally located within the 2200 block of N. Belcrest Avenue from HM, Heavy manufacturing district with Conditional Overlay District No. 163 to HC, Highway commercial district and establishing Conditional Overlay District No. 226.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE MAPS STREET VIEW:



PROPERTY HISTORY:

The property within which the subject area is contained was split-zoned HM, Heavy manufacturing district (south 25 acres fronting railroad right-of-way) and HC, Highway commercial district (north eight acres fronting U.S. Highway 65) in 1995 as part of the city-wide mapping approved via Ordinance No. 4494. In late 2018, a proposal came before City Council to rezone the entire 33-acre property to HM, Heavy manufacturing district and to establish Conditional Overlay District No. 163. The rezone request was processed concurrently with a Preliminary Plat for Morris Industrial Park Phase One, and both the rezone request and Preliminary Plat were approved by City Council in late January 2019. The Final Plat was approved by the Director of Planning & Development in February 2019. The property has since remained undeveloped.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezoning. 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;

DEVELOPMENT REVIEW STAFF REPORT

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 REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR HIGHWAY COMMERCIAL
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 operated 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).
Minimum Lot Size	Not applicable to the HC, Highway commercial district.
Maximum Height	Not applicable to the HC, Highway commercial district.
Bulk Plane	All structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts (generally unapplicable to the subject site).
Minimum Yard Requirements	Front yards – 25 feet when fronting on a street classified as collector or higher, or as required by Section 36-453, Supplemental open space and yard regulations. 15 feet when fronting a street classified as local, or as required by Section 36-453. 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 if a preliminary plat is approved in accordance with the City's subdivision regulations.

DEVELOPMENT REVIEW STAFF REPORT

	Side yards – None, except as required by Section 36-453 and the bufferyard requirements contained in Section 36-482, Landscaping and bufferyards. Rear yards – None, except as required by the bufferyard requirements contained in Section 36-482.
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, storage, 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.
Design Requirements	(a) A site plan, meeting the requirements of Section 36-360, Site plan review, shall be submitted and approved. (b) A landscape plan, meeting the requirements of Sections 36-482 and 36-483, Off-street parking and loading design standards, shall be submitted and approved. (c) Off-street parking and vehicular use areas shall be screened from all residential uses, in accordance with Section 36-480, Screening and fencing. (d) Refuse storage areas shall be screened from view in accordance with Section 36-480. (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with Section 36-480. (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with Section 36-484, Lighting standards. (g) Accessory buildings and structures shall meet the requirements of Section 36-450, Accessory structures and uses.
Buffering and Landscaping	Future development must comply with the interior and perimeter landscaping requirements, as applicable to a future site plan, per subsections 36-482 (9) (a) and (b), unless the property owner opts to utilize the point system described in subsection 36-482 (10) instead. Based on the proposed zoning for the subject area and the zoning of its neighbors, no bufferyard landscaping will be required.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

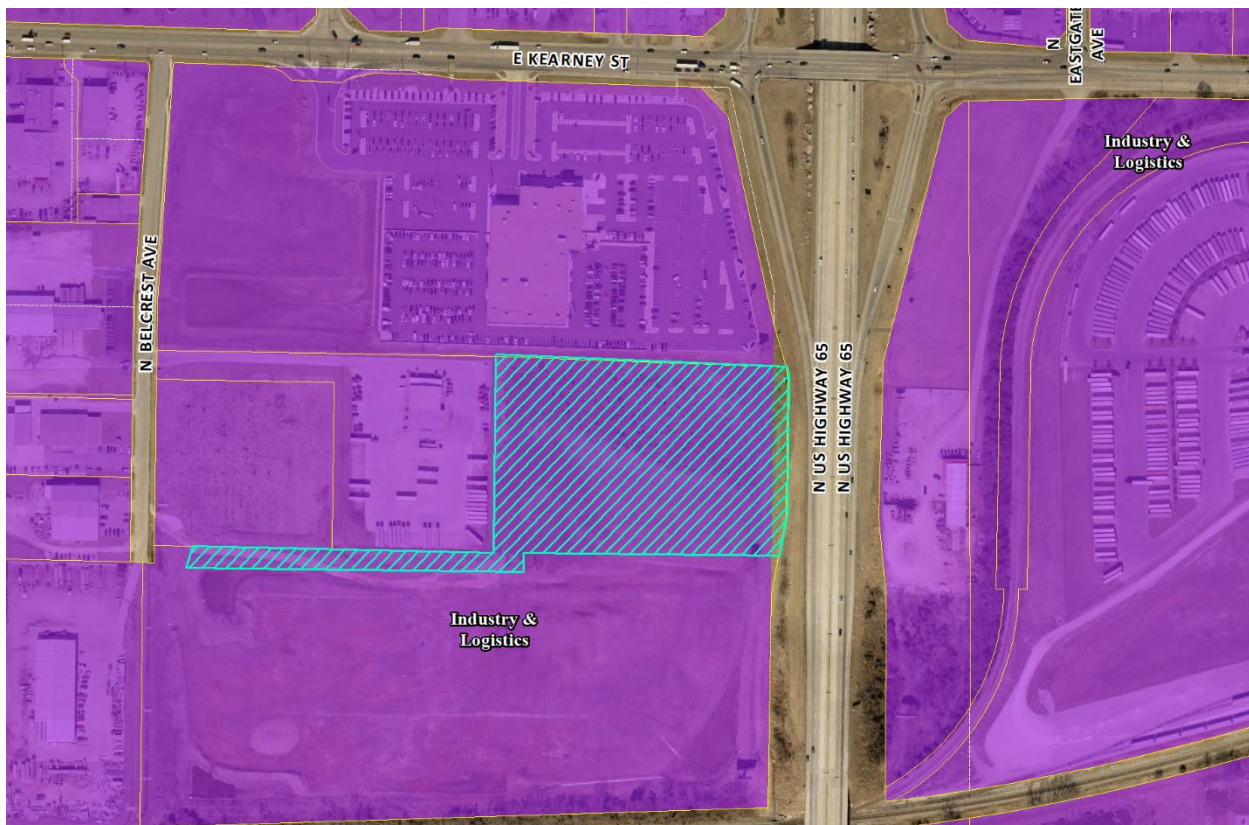
The project area is located within the Industry & Logistics placetype, which encompasses all of the property located within City Limits south of Interstate 44, north of E. Division Street, and east of N. Packer Road (see the Future Placetype Map on page 4 for reference). Per the *Land Use & Development* chapter of the *Comprehensive Plan*, this placetype primarily consists of, "...heavy and moderately intense manufacturing, distribution uses, and a range of operations

DEVELOPMENT REVIEW STAFF REPORT

that rely on proximity to the City's airport, interstate, and rail facilities." Based on these primary functions, this placetype also accommodates other activities typically associated with industry and manufacturing, including outdoor activity involving storage or parking of vehicles and equipment.

Placetypes are not as rigid as zoning districts and allow for supporting or ancillary uses which complement and enhance its sense of place; as an extension of this, a single placetype is not likely to be defined by a single zoning district or even a collection of closely related zoning districts (e.g. industrial districts), but rather a mix of tangentially related zoning districts which together form a cohesive sense of place when developed with similar character, scale, and form. The Industry & Logistics placetype allows for certain supporting uses which complement the placetype's primary industrial or manufacturing uses, including office, hospitality, retail sales and service uses, universities, colleges, and vocational schools, and government, healthcare, and institutional uses, to name a few. As a result, this placetype should include a mix of industrial zones complemented by office or commercial zones where deemed suitable. The HC, Highway commercial district, the City's most intense commercial district, which allows for a variety of commercial uses and outdoor activities, is a suitable match for the Industry & Logistics placetype.

FUTURE PLACETYPE MAP:



DEVELOPMENT REVIEW STAFF REPORT

PLACETYPES	LAND USES															
	Single-Family Detached	Single-Family Attached	Multi-family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office, Hospitality, Retail Sales & Service	Neighborhood Commercial	Maker, Artisan & Innovation Spaces	Public & Private Schools & Places of Worship	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehousing & Distribution Facilities	Heavy Industry & Manufacturing
Residential Neighborhood	●	○	◇	○	◇	◇	○									
Mixed Residential	●	●	○	○	◇	◇	○									
Downtown			●	○	○	○	●	○	○	○						
Mixed-Use	○	○	●	○	○	○	○	○	○							
City Corridor			●	○	○	○	○	○	○	○						
Institutional & Employment Center			○	○	○	○	○	○	○	○						
Business Flex				○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics				○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation			●	○												

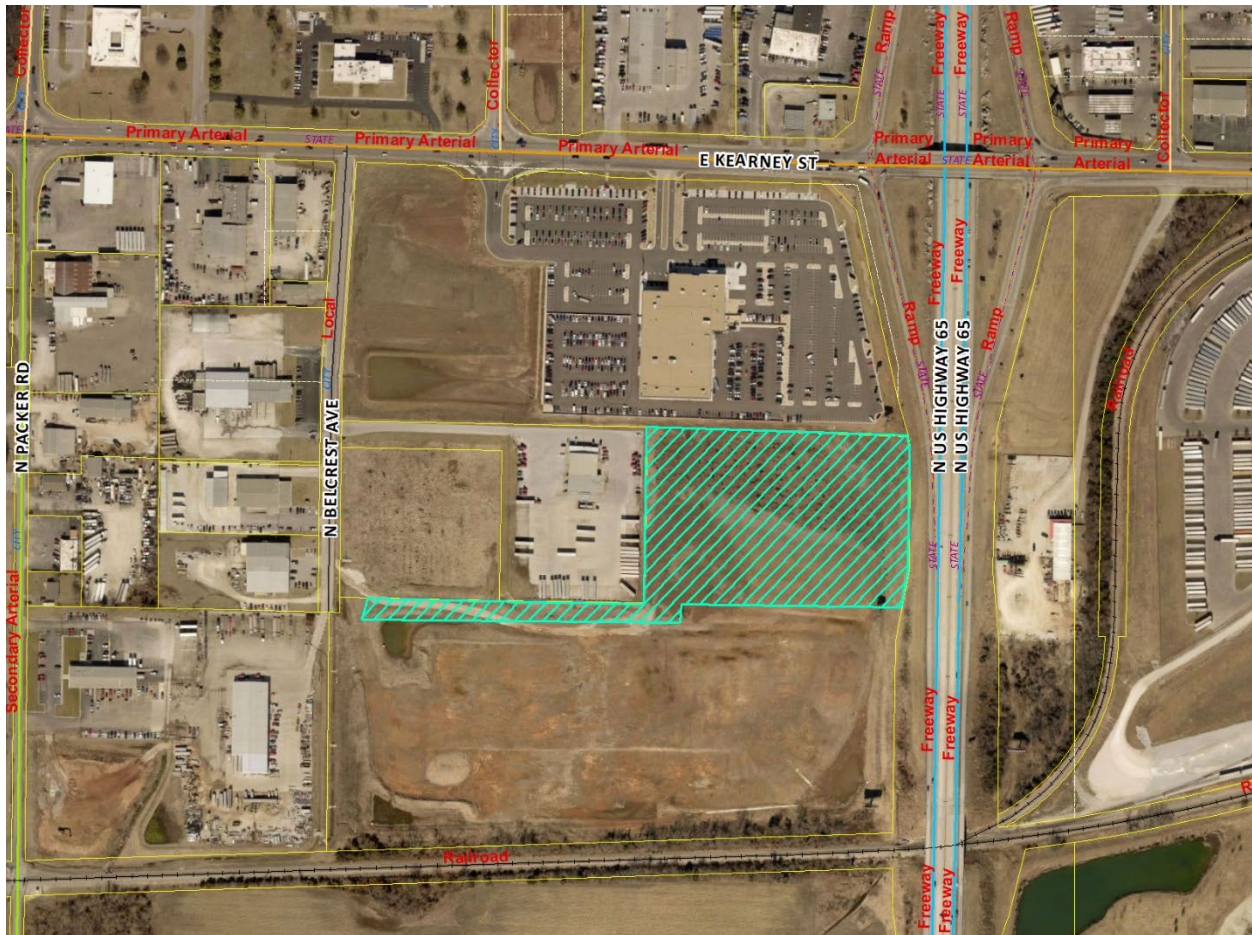
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **Supporting Land Use:**
Less prevalent and serve to support the primary land use.

◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	HC	HM	HM	HM
LAND USE	Auto sales	Vacant	Tool rentals	Trucking/freight
PLACETYPES	Industry & Logistics	Industry & Logistics	Industry & Logistics	Industry & Logistics

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No issues with the proposed rezoning.
2. CITY UTILITIES:
No issues with the proposed rezoning.

DEVELOPMENT REVIEW STAFF REPORT

3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objections to the proposed rezoning. Public sewer is available although any connections to it will need to occur via private laterals. Additional public sewer would probably not be possible because of the raw water main in the area.

4. FIRE DEPARTMENT:

No issues with the proposed rezoning.

5. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Jordan Creek North 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**.

Public Works – 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:

- a. 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.
 - i. The site has 75% complete detention design but was paused during construction. Site requires detention, and the current basins must be completed as part of the original permit or resubmit plans for completion.

Water Quality Requirements:

- a. 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 one acre or greater. Including projects less than one acre that are part of a larger common plan of development or sale that will disturb one or more acres of the life of the project. Chapter 10 Sec. 2.0.

Additional Stormwater Standards to be met:

- a. A land disturbance permit will be required with disturbing one acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
- b. As-builts of the detention and water quality improvements are required. We would like the following as-built notes on the plans:

DEVELOPMENT REVIEW STAFF REPORT

- i. 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 measures.
 - c. 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.
 - d. 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.
 - i. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
6. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:
Street Classification, Right-Of-Way, and Jurisdiction:
City's Transportation Plan classifies N. Belcrest Avenue as a Non-Residential Local roadway. The standard right-of-way width from the centerline of N. Belcrest Avenue is 30 feet. It appears that no additional right-of-way is needed along N. Belcrest Avenue. A survey is recommended to determine the exact amount of existing right-of-way. N. Belcrest Avenue is a city-maintained street.

Traffic Counts & On-Street Parking:

There is no recent traffic count for N. Belcrest Avenue. On-street parking is allowed along N. Belcrest Avenue.

Driveway Access:

There is one driveway access point onto the property from N. Belcrest Avenue. Access to this property will be allowed to N. Belcrest Avenue based on existing City of Springfield standards for the street classification.

Sidewalk:

There is no existing sidewalk along the property frontage of N. Belcrest Avenue. Sidewalk will be required along N. Belcrest Avenue at the time of subdivision or development.

Trails, Bus Stops, and Additional Information:

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along N. Belcrest Avenue near this property.

DEVELOPMENT REVIEW STAFF REPORT

Improvements:

This development will require the construction of a cul-de-sac, meeting City of Springfield standards, at the south end of N. Belcrest Avenue. A Traffic Impact Study may be required at the time of 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	N. Belcrest Avenue	Non-Residential Local	Yes	30	30
Street 2	-	-	-	-	-

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant, SFC Real Estate LLC, has requested to rezone this vacant property from HM, Heavy manufacturing district with Conditional Overlay District No. 163 to HC, Highway commercial district and establish Conditional Overlay District No. 226 with the intent to develop an automotive retail and maintenance land use.
2. Per Section 36-310, Establishment of use groups, the retail sales use group includes, "...the sale or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles if outdoor activities are permitted by the district." The retail sales use group and automobile service garages are permitted uses within the HC, Highway commercial district, in accordance with subsection 36-422 (2), provided all motor vehicle repair or maintenance activity which occurs outdoors is located further than 150 feet from the district boundary of any residential district (subsection 36-422 (4)). This use limitation is generally not applicable to the subject site given the absence of residential districts in the immediate vicinity of the area to be rezoned.
3. The subject site is located within the Industry & Logistics Placetype per the *Land Use & Development* chapter of the *Comprehensive Plan*. While this Placetype is predominately comprised of moderate to heavy manufacturing and distribution uses, supporting uses, including retail sales and services, are encouraged along secondary roadways and around the periphery of the Placetype. Access to the subject site will be limited to N. Belcrest Avenue, a non-residential local roadway, therefore meeting the first criteria encouraging access away from major roadways within the Placetype. The subject site is located within the periphery of the Placetype as well, bordering U.S. Highway 65 to the east. In addition to these criteria, the subject site borders an established automotive retailer to the north, providing an opportunity to further supplement the land use patterns which have developed in this area in recent years.

DEVELOPMENT REVIEW STAFF REPORT

4. Conditional Overlay District No. 226 (Attachment 1) has been proposed as part of this request. This Conditional Overlay District will not limit the use or design of future development in this district.
5. The proposed Highway commercial district and Conditional Overlay District No. 226 zoning district classification is consistent with the Springfield Comprehensive Plan. The subject area was included in the Industry & Logistics Placetype, which supports retail and other supporting commercial activities along the periphery of the placetype. Such commercial activity would be permitted via the Highway commercial district and Conditional Overlay District No. 226.
6. There are changing conditions in the area affected that make the proposed rezoning necessary. The property owner intends to construct a new facility for the retail sale of consumer vehicles, similar to the automotive retailer located north of this property along E. Kearney Street, which was rezoned to the Highway commercial district in 1995 as part of the citywide remapping which occurred that year. Furthermore, the adoption of the new *Comprehensive Plan* and its placetypes loosens the focus on strict zoning districts and instead encourages a mix of zoning districts (and, by extensions, land uses) that together form a cohesive and distinct sense of place. The Industry & Logistics Placetype is intended to provide space for manufacturing and distribution uses, with allowances for complementary commercial uses along the periphery of the placetype when located off of lower classification streets.
7. The range of uses in the proposed Highway commercial district and Conditional Overlay District No. 226 are compatible with the uses permitted on other property in the immediate vicinity. As stated above, the property north of the subject area is already zoned Highway commercial district in 1995, and was developed into a consumer vehicle retailer in 2021.
8. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned. Per the reviews provided by City Utilities and Environmental Services – Wastewater Management, no public extensions of services are necessary to serve the proposal area.
9. The impact the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity. While Public Works – Traffic has noted that there are no recent traffic counts for N. Belcrest Avenue, they have not expressed concerns with the anticipated traffic counts anticipated to be generated should this rezoning occur.
10. 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.
11. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

DEVELOPMENT REVIEW STAFF REPORT

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Industry & Logistics Placetype and on the findings of fact as noted above.

PLANNING AND ZONING OPTIONS:

The Planning and Zoning Commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification.
2. Recommend a change in the zoning district classification.
3. Recommend a change in the zoning district classification together with recommendations which, in the judgment of the Planning and Zoning Commission, will protect adjacent property and ensure that the proposed amendment is consistent with the purpose and intent of this article.

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1 Conditional Overlay District No. 226 Provisions

The requirements of Section 36-422, HC, Highway commercial 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 subject property shall be subdivided along the zoning district boundaries following the current Subdivision Regulations.
2. The developer shall construct a cul-de-sac at the south end of N. Belcrest Avenue in an access easement or public right-of-way. The cul-de-sac shall be constructed at the time of development following the City of Springfield's Public Works Design Standards.

ATTACHMENT 2

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: HM with COD 163 to HC with new COD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 4:00 PM to 6:30 PM on Thursday 2/16/2023
3. Meeting Location: Boulevard Baptist Church 1030 S. Eastgate Ave
4. Number of invitations that were sent: 15
5. How the mailing list was generated: By the City of Springfield Planning Staff
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).

No comments received.

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

N/A

I, Ricky Haase (print name), attest that the neighborhood meeting was held on 02/16/2023 (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."

Ricky D Haase

Signature of person completing affidavit

Ricky Haase

Printed name of person completing affidavit

Neighborhood Meeting

Rezoning @ 2202 N Belcrest Ave, Springfield, MO

February 16, 2023

4:00 p.m. – 6:30 p.m.

Name	Address	Phone
David Dixon	2201 N Belcrest	417-830-6657
Michael Smith	3253 E Chestnut	417-874-1400
Bob Newell	3253 E Chestnut	417-874-1400
John Griesemer	3253 E Chestnut	417-874-1400
Rick Haase	550 E St Louis	417-890-8802



EXPLANATION TO COUNCIL BILL 2023-077 (SCHILLING)

FILED: 03/28/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.21 acre of property generally located at 3503 West Washita Street from Greene County Plot Assignment District No. 1901 to R-SF, Single-family residential district; and adopting an updated Official Zoning Map. (Staff is requesting that this item be postponed.) (By: South Creek Development Corp; 3503 W. Washita Street; Z-6-2023.)

PURPOSE AND BACKGROUND INFORMATION: Purpose: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.21 acres of property generally located at 3503 W. Washita Street from Greene County Plot Assignment District No. 1901 to City of Springfield R-SF, Single-family residential district. (Staff is requesting that this item be postponed.)

ZONING CASE NUMBER Z-6-2023

Following the Planning & Zoning Commission's public hearing on March 9, 2023, zoning case Z-4-2023 with Conditional Overlay District No. 225 – which is related to this zoning case – was discovered to contain erroneous language within its proposed Conditional Overlay District provisions. In order to correct these errors, City staff is recommending that Z-4-2023 be remanded back to the Planning & Zoning Commission. Because Z-6-2023 is related to Z-4-2023, staff recommends that Z-6-2023 be postponed until Z-4-2023 and the associated annexations (A-2-2023) are ready to return to City Council for consideration.

The applicant, South Creek Development Corporation, is requesting to rezone approximately 0.21 acres of property generally located at 3503 W. Washita Street from Greene County Plot Assignment District No. 1901 to City of Springfield R-SF, Single-family residential district. The north portion of the subject property, a spite strip fronting on West Bypass, is included in a separate rezoning request to the HC, Highway commercial district as part of Z-4-2023 with Conditional Overlay District No. 225. The subject property would then be split along its zoning district boundaries through the Major Subdivision process, allowing the north half to provide limited access to the commercial development via West Bypass while reserving the southern portion along W. Washita Street for future residential development (or any other land use permitted in the R-SF district). The intent of the proposal is to ensure that the commercial zoning contemplated by Z-4-2023 with COD #225 does not further encroach upon the existing

single-family neighborhood in the area.

REMARKS: The Planning and Zoning Commission held a public hearing on March 9, 2023, and recommended to approve, by a vote of 7 to 0. The Planning and Development staff recommends the application be postponed until the related items (Z-4-2023 and A-2-2023) are returned to City Council for consideration.

FINDINGS FOR STAFF RECOMMENDATION:

The applicant, South Creek Development Corp, has requested to rezone the south portion of the property generally located at 3503 W. Washita Street from Greene County Plot Assignment District No. 1901 to the City of Springfield's R-SF, Single-family residential district. The intent of this proposal is to later subdivide this property, allowing the south portion in question to become a single-family home (or other permitted use within the R-SF district) while the north portion will be annexed and rezoned as part of the future commercial development proposed at the intersection of W. Sunshine Street and West Bypass (Z-4-2023 with COD #225).

2. During the formation of the new Comprehensive Plan, this property was assigned within the Traditional Neighborhood Placetype. The proposed rezoning would limit the development of this property to those uses permitted by the R-SF district, which is generally similar to Greene County's Plot Assignment District No. 1901 – the zoning of the single-family neighborhood to the east and south. Given the general compatibility between these districts, staff has determined that the rezoning is appropriate.

3. There are changing conditions in the area affected that make the proposed rezoning necessary. The applicant is associated with the proposal north of the subject area, to annex and rezone certain property for future commercial development at the intersection of W. Sunshine Street and West Bypass. As part of the applicant's intent to subdivide the commercial property in a future preliminary plat, the subject area will become its own lot, separate from the commercial development to the north. The rezoning of this site would then permit the construction of a new single-family home at this location.

4. The range of uses in the proposed R-SF, Single-family residential district are compatible with the uses permitted on other property in the immediate vicinity. Should the property be rezoned to the Single-family residential district, all of the uses listed in subsection 36-380 (2) would be permitted, including single-family homes, churches or other places of worship, community gardens, and police and fire stations. Any future land use would be required to meet the minimum property line setbacks noted in subsection 36-380 (6); based on the relatively small parcel size, it is unlikely that anything other than a single-family detached dwelling will be constructed at this location should the rezoning be approved.

5. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned. Per the



reviews provided by City Utilities and Environmental Services – Wastewater Management, neither entity has noted concerns with the proposed rezoning at this time.

6. The impact the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic, or reduce traffic safety in the vicinity. Per the review provided by Public Works – Traffic, there are no concerns regarding the traffic anticipated to be generated as a result of an approved rezoning at this location.

7. 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.

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

Submitted By: Kyle McGinnis, Senior City Planner

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Maurice S. Jones, Deputy City Manager 3/28/2023

Attachments:

1. Z-6-2023_ord
2. Z-6-2023_exhA
3. Z-6-2023_exhB
4. Z-6-2023_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 20
Filed: 03-28-23

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-077

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 0.21 acre of property generally located at 3503 West Washita
4 Street from Greene County Plot Assignment District No. 1901 to R-
5 SF, Single-family residential district; and adopting an updated
6 Official Zoning Map. (Staff is requesting that this item be
7 postponed.)
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at 3503 West Washita Street from Greene County Plot Assignment
12 District No. 1901 to R-SF, Single-family residential district; and
13

14 WHEREAS, following proper notice, the Planning and Zoning Commission held a
15 public hearing on March 9, 2023, a copy of the Record of Proceedings from said public
16 hearing being attached hereto and incorporated herein by this reference as "Exhibit B,"
17 and said Commission made its recommendation; and
18

19 WHEREAS, the City has reviewed the applicant's request and prepared a staff
20 report concerning the application, which is attached hereto and incorporated herein by
21 this reference as "Exhibit C;" and
22

23 WHEREAS, proper notice was given of a public hearing before City Council, and
24 said hearing was held in accordance with the law.
25

26 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
27 SPRINGFIELD, MISSOURI, as follows, that:
28

29 Section 1 – The property described in "Exhibit A," which is attached hereto and
30 incorporated herein by this reference, is hereby rezoned from Greene County Plot
31 Assignment District No. 1901 to R-SF, Single-family residential district. Springfield Land
32 Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is
33 hereby amended, changed, and modified consistent with this Ordinance.

34 Section 2 – City Council hereby directs the City Manager, or designee, to update
35 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
36 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
37 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
38 rules of interpretation.'

39
40 Section 3 – The Official Zoning Map herein adopted shall be maintained and
41 archived in the same digital form in which this Council has approved its adoption.

42
43 Section 4 – This Ordinance shall be in full force and effect from and after
44 passage.

45
46 Passed at meeting: _____

47
48 _____
49 Mayor

50
51 Attest: _____, City Clerk

52
53 Filed as Ordinance: _____

54
55 Approved as to form: Jill Bennis, Assistant City Attorney

56
57
58 Approved for Council action: Jason A. Hays City Manager
59

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-6-2023

Part of Lot 64, Plat for Marlborough Manor 17th Addition, Recorded in Book AAA, Page 547 and Part of the NE 1/4 of the NE 1/4 of Section 32, Township 29 North, Range 22 West of the Fifth Principal Meridian, Greene County, Missouri and being more particularly described as follows:

Commencing at the Northeast Corner of said NE 1/4 of the NE 1/4 of Section 32; thence South 2°45'07" West 425.83 feet along the East line of said Section 32 to a point on the Easterly Right of Way line for W. Bypass as described in General Warranty Deed, Recorded in Book 2579, Page 1062, MODOT Job No. J8U0509; thence continuing along the East line of said Section 32, South 0°32'16" West 242.67 feet to a found iron pin; thence continuing along the East line of said Section 32, South 1°14'19" West 162.89 feet to the Point of Beginning, a found iron pin at the Northwest corner of Lot 17, Final Plat, Windchime Subdivision, Recorded August 15, 1986 in Book JJ, Page 68; thence continuing along the East line of said Section 32, South 3°44'20" West 146.38 feet to a found iron at the Southwest corner of said Lot 17 and Southeast corner of said Lot 64; thence leaving the East line of said Section 32, North 88°50'45" West 79.75 feet along the South line of said Lot 64 to a point on the said W. Bypass Easterly Right of Way line; thence along the said W. Bypass Easterly Right of Way, around a curve to the left having a radius of 1363.24 feet, an arc length of 152.51 feet, a chord bearing of North 15°59'31" East and a Chord distance of 152.43; thence leaving said W. Bypass Easterly Right of Way line, South 87°29'51" East 47.33 feet to the Point of Beginning.

Contains 9,121 square feet or 0.209 acres of land, more or less.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – March 9, 2023

Z-6-2023
3503 West Washita Street
Applicant: South Creek Development Corporation

Mr. McGinnis stated that this is a request to rezone approximately 0.21 acres of property generally located at 3503 W. Washita Street from Greene County Plot Assignment District No. 1901 to City of Springfield R-SF, Single-family residential district. Staff recommends approval.

Mr. Knuckles opened the public hearing.

Mr. Thomas Walker, 2 Hawthorne Estate, Town & Country, MO is the developer and has built shopping centers all over the northeast of the United States and complimented staff on their efforts.

Mr. Knuckles closed the public hearing.

COMMISSION ACTION:

Mr. Scott motioned to approve Z-6-2023 (3503 West Washita Street). Mr. Colony seconded the motion. Ayes: Knuckles, Colony, Lebeck, Pauly, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Jobe and Broekhoven



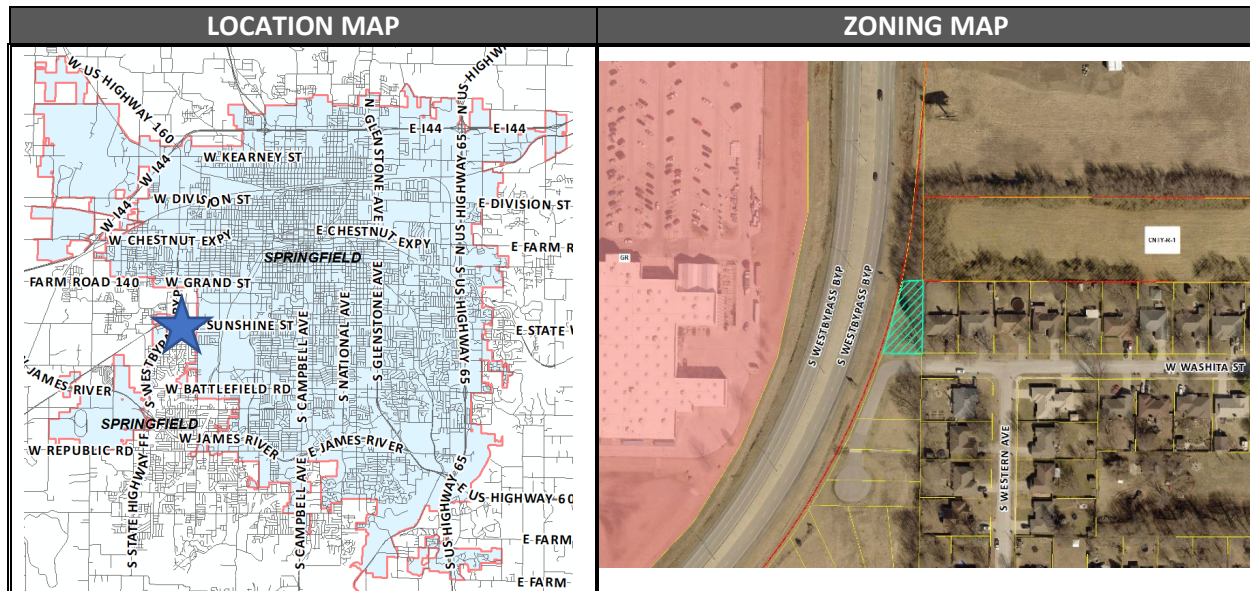
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Z-6-2023
Location:	3503 W. Washita Street
Total Acres:	0.21 acres
Applicant:	South Creek Development Corp
Existing Land Use:	Vacant land
Neighborhood Meeting:	February 14, 2023
Planning and Zoning Commission:	March 9, 2023
City Council:	April 3, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Kyle McGinnis
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to rezone approximately 0.21 acres of property generally located at 3503 W. Washita Street from Greene County Plot Assignment District No. 1901 to City of Springfield R-SF, Single-family residential district.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE MAPS STREET VIEW:



PROPERTY HISTORY:

This property is currently zoned Greene County Plot Assignment District No. 1901, and is undergoing rezoning in tandem with a proposal to annex the property into the City of Springfield. This district was approved in 2016 and regulates this property in the same manner as if it were zoned Greene County R-2, One- and two-family residence district. This district permits all uses and structures allowed within the R-1 district, but also permits two-family dwellings (duplexes).

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;

DEVELOPMENT REVIEW STAFF REPORT

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 REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL
Use Limitations	(a) All uses shall operate in accordance with the noise standards contained in Section 36-485, Noise standards. (b) No use shall emit an odor that creates a nuisance as determined by Chapter 2A, Article X, Springfield City Code.
Minimum Lot Size	Minimum lot area: 6,000 square feet Minimum lot width: 50 feet Minimum lot depth: 80 feet
Maximum Height	35 feet (or two and one-half stories) above finished grade when side yards are less than 15 feet. When side yards exceed 15 feet, the building's maximum height is increased to 45 feet (or three stories) above finished grade.
Bulk Plane	Not applicable to the R-SF, Single-family residential district.
Minimum Yard Requirements	Front yard: 15 feet along local streets or as required by Section 36-453, Supplemental open space and yard regulations, or 25 feet along a street classified as a collector or higher. Garages must be setback at least 20 feet regardless of street classification. Side yard: Five feet or as required by Section 36-453. Rear yard: Equal to 10% of the lot depth but may not be less than 10 feet nor shall more than 20 feet be required.
Minimum Open Space	Not less than 30% of the total lot 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 areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
Design Requirements	(a) A site plan meeting the requirements of Section 36-360, Site plan review, shall be submitted and approved for all uses except single-family detached dwellings. (b) A plot plan meeting the requirements of subsection 36-331 (3) shall be submitted and approved for all single-family detached dwellings. (c) A landscaping plan meeting the requirements of Section 36-482, Landscaping and bufferyards, and 36-483, Off-street parking and loading area design standards, shall be submitted and approved for all uses except single-family detached dwellings.

DEVELOPMENT REVIEW STAFF REPORT

	(d) All off-street parking lots and vehicular use areas for permitted nonresidential uses shall be screened from all residential uses in accordance with Section 36-480, Screening and fencing. (e) Refuse storage areas for permitted nonresidential uses shall be screened from view in accordance with Section 36-480, Screening and fencing. (f) Required front yards shall be landscaped with grass, ground cover, plants, shrubs, or trees. Decorative landscaping materials such as rock, bark, and mulch are also permitted. Impervious surfaces in required front yards shall be minimized and, unless otherwise meeting the provisions of subsection 36-483 (2), shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular driveways are permitted if sufficient frontage is available and if approved by the traffic engineer. (g) Storage of maintenance or other equipment incidental to any permitted or conditional use except a single-family detached dwelling shall be screened from view in accordance with the provisions of Section 36-480, Screening and fencing. (h) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with Section 36-480, Screening and fencing. (i) Accessory building and structures shall meet the requirements of Section 36-450, Accessory structures and uses.
Buffering and Landscaping	Based on the zoning classification of the surrounding properties, bufferyard landscaping will only be required should this property develop into a nonresidential use; however, given the site's narrow dimensions, it would qualify for a reduced bufferyard in alignment with subsection 36-482 (16). The interior and perimeter landscaping requirements of subsection 36-482 (9) (a) and (b) may be applicable depending on the future use of the property.

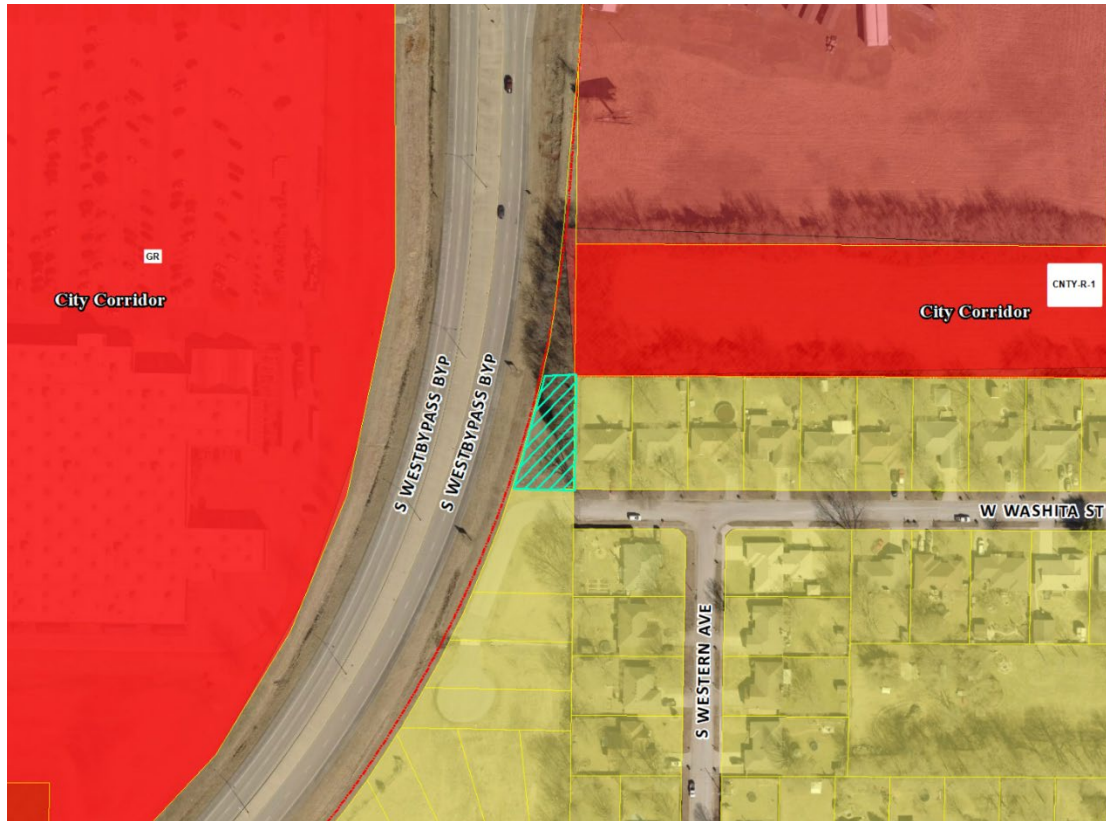
COMPATIBILITY WITH COMPREHENSIVE PLAN:

During the formation of the new *Comprehensive Plan*, all unincorporated Greene County property within identified growth areas near City Limits were given designated Placetypes to assist in the cohesive planning of property along the City's periphery. This property, along with the rest of the single-family residential neighborhood to the east and south, were given the Traditional Neighborhood Placetype designation, where one will typically find post-war single-family detached dwellings with uniform setbacks, building designs, and parcel sizes. The

DEVELOPMENT REVIEW STAFF REPORT

proposal to rezone this property to the R-SF, Single-family residential district would bring this property into compliance with the *Comprehensive Plan's* vision for this area.

FUTURE PLACETYPE MAP:



PLACETYPES	LAND USES													
	Single-Family Detached	Single-Family Attached	Multi-Family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office, Hospitality, Retail Sales & Service	Neighborhood Commercial	Maker, Artisan & Innovation Spaces	Public & Private Schools & Places of Worship	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehouse & Distribution Facilities
Residential Neighborhood	●	○	◇	○	◇	◇	○							
Mixed Residential	●	●	●	○	◇	◇	○							
Downtown		●	●	●	●	●	●	●	●	●	●	●	●	●
Mixed-Use	○	○	●	●	●	●	●	●	○					
City Corridor		●	○	●	○	●	●	○	○	○				
Institutional & Employment Center			○	○	○	○	○	○	○	○	○	○	○	○
Business Flex				○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics				○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation				●	●	○								

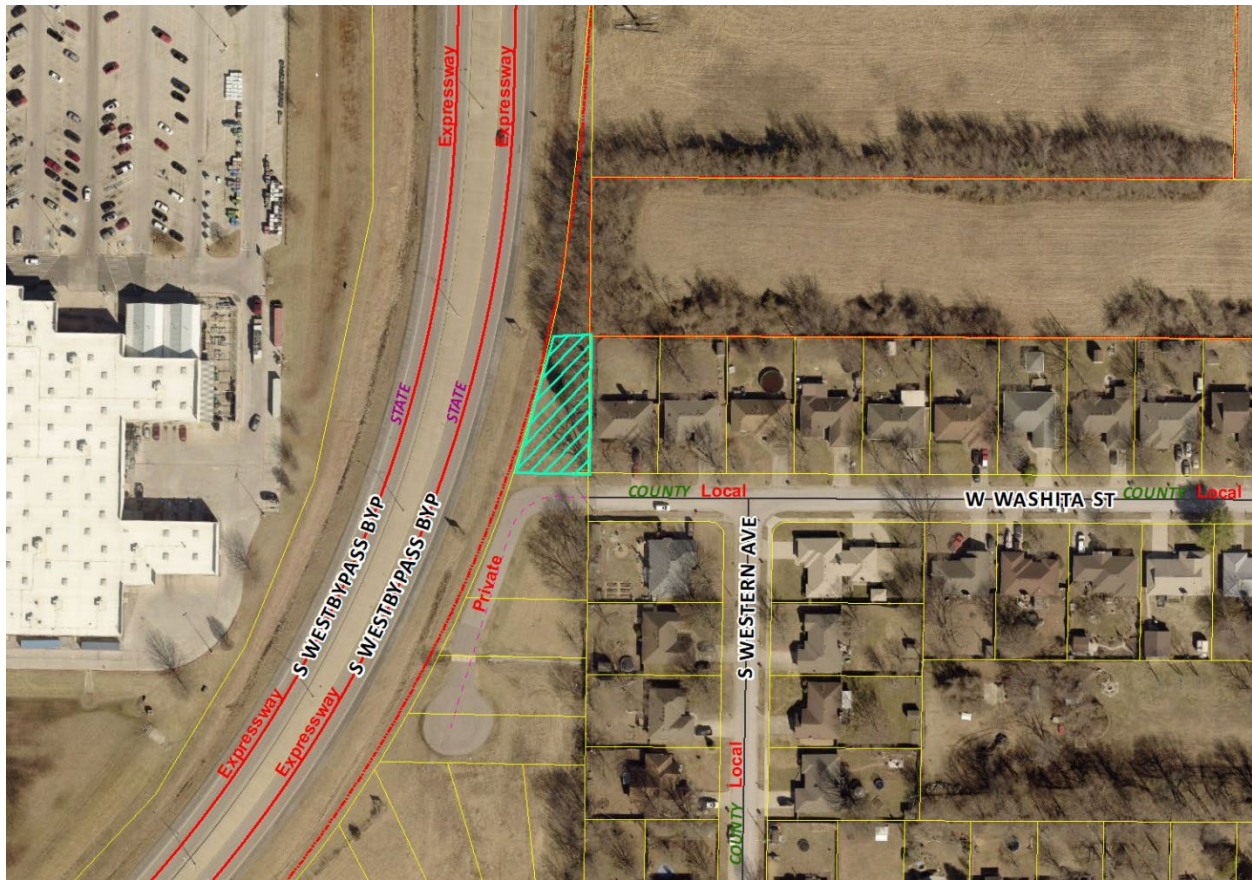
● Primary Land Use: More prominent and play a pivotal role in characterizing that placetype

○ Supporting Land Use: Less prevalent and serve to support the primary land use.

◇ Low Intensity Supporting Land Use: Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	PAD No. 1901	PAD No. 1901	PAD No. 1901	GR
LAND USE	Vacant	Vacant	Single-family home	Retail sales (Walmart)
PLACETYPES	Traditional Neighborhood	Traditional Neighborhood	Traditional Neighborhood	City Corridor

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No issues with the proposed rezoning.
2. CITY UTILITIES:
No issues with the proposed rezoning.
3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

DEVELOPMENT REVIEW STAFF REPORT

No objections to the rezoning; however, we have the following comments:

- a. Public sewer is available to each tract; and
- b. There is a \$0.033 per square foot trunkline connection fee for this property if it drains to the north. This fee is based on the area of the property and will be added to the sewer connection permit fee when building plans are submitted.

4. FIRE DEPARTMENT:

No issues with the proposed rezoning.

5. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **South Creek** 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**.

Public Works – 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:

- a. 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.
 - i. Detention is required as part of any development on this property and along with 3444 W. Sunshine Street/1819 S. Moore Road.

Water Quality Requirements:

- a. 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 one acre or greater. Including projects less than one acre that are part of a larger common plan of development or sale that will disturb one or more acres of the life of the project. Chapter 10 Sec. 2.0.
 - a. Water Quality is required as part of any development on this property and along with 3444 W. Sunshine Street/1819 S. Moore Road.

Additional Stormwater Standards to be met:

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

DEVELOPMENT REVIEW STAFF REPORT

- b. As-builts of the detention and water quality improvements are required. We would like the following as-built notes on the plans:
 - i. 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 measures.
- c. 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.
- d. 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.
 - i. Existing gravel surfaces meeting the above definition are eligible for 50% credit.

6. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:

Street Classification, Right-Of-Way, and Jurisdiction:

City's Transportation Plan classifies W. Washita Street as a Residential Local roadway and West Bypass as an expressway. The standard right-of-way width from the centerline for W. Washita Street is 25 feet and 65 feet from centerline for West Bypass. It appears that no additional right-of-way is needed along W. Washita Street or West Bypass. A survey is recommended to determine the exact amount of existing right-of-way. W. Washita Street is a county-maintained street. West Bypass is a state-maintained roadway.

Traffic Counts & On-Street Parking:

There are no recent traffic counts for W. Washita Street or West Bypass. On-street parking is allowed along W. Washita Street. On-street parking is not allowed along West Bypass.

Driveway Access:

There is no driveway access point onto the property from W. Washita Street or West Bypass. One access to this property will be allowed to W. Washita Street based on existing City of Springfield standards for the street classification. No access will be allowed to West Bypass.

Sidewalk:

There is no existing sidewalk along the property frontage of W. Washita Street or West Bypass. Sidewalk may be required along W. Washita Street at the time of development. Sidewalk will not be required along West Bypass.

DEVELOPMENT REVIEW STAFF REPORT

Trails, Bus Stops, and Additional Information:

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along W. Washita Street near this property.

Improvements:

A Traffic Impact Study is not required for this rezoning.

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. Washita Street	Residential Local	Yes	25	25
Street 2	West Bypass	Expressway	No	95	65

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant, South Creek Development Corp, has requested to rezone the south portion of the property generally located at 3503 W. Washita Street from Greene County Plot Assignment District No. 1901 to the City of Springfield's R-SF, Single-family residential district. The intent of this proposal is to later subdivide this property, allowing the south portion in question to become a single-family home (or other permitted use within the R-SF district) while the north portion will be annexed and rezoned as part of the future commercial development proposed at the intersection of W. Sunshine Street and West Bypass (Z-4-2023 with COD #225).
2. During the formation of the new *Comprehensive Plan*, this property was assigned within the Traditional Neighborhood Placetype. The proposed rezoning would limit the development of this property to those uses permitted by the R-SF district, which is generally similar to Greene County's Plot Assignment District No. 1901 – the zoning of the single-family neighborhood to the east and south. Given the general compatibility between these districts, staff has determined that the rezoning is appropriate.
3. There are changing conditions in the area affected that make the proposed rezoning necessary. The applicant is associated with the proposal north of the subject area, to annex and rezone certain property for future commercial development at the intersection of W. Sunshine Street and West Bypass. As part of the applicant's intent to subdivide the commercial property in a future preliminary plat, the subject area will become its own lot, separate from the commercial development to the north. The rezoning of this site would then permit the construction of a new single-family home at this location.
4. The range of uses in the proposed R-SF, Single-family residential district are compatible with the uses permitted on other property in the immediate vicinity. Should the property be

DEVELOPMENT REVIEW STAFF REPORT

rezoned to the Single-family residential district, all of the uses listed in subsection 36-380 (2) would be permitted, including single-family homes, churches or other places of worship, community gardens, and police and fire stations. Any future land use would be required to meet the minimum property line setbacks noted in subsection 36-380 (6); based on the relatively small parcel size, it is unlikely that anything other than a single-family detached dwelling will be constructed at this location should the rezoning be approved.

5. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned. Per the reviews provided by City Utilities and Environmental Services – Wastewater Management, neither entity has noted concerns with the proposed rezoning at this time.
6. The impact the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity. Per the review provided by Public Works – Traffic, there are no concerns regarding the traffic anticipated to be generated as a result of an approved rezoning at this location.
7. 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.
8. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the *Comprehensive Plan's* Traditional Neighborhood Placetype and on the findings of fact as noted above.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification.
2. Recommend a change in the zoning district classification.
3. Recommend a change in the zoning district classification together with recommendations which, in the judgment of the planning and zoning commission, will protect adjacent property and ensure that the proposed amendment is consistent with the purpose and intent of this article.

ATTACHMENT 1

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

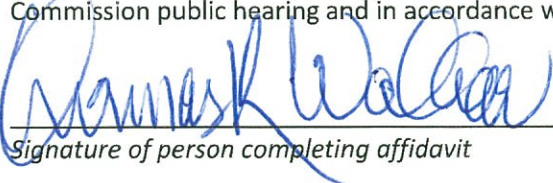
1. Request change to zoning from: County R-1 General Retail et al to Highway Commercial (HC)
(existing zoning) (proposed zoning)
2. Meeting Date & Time: February 14th, 2023
3. Meeting Location: Macedonia Preschool & Daycare
4. Number of invitations that were sent: 153
5. How the mailing list was generated: City Staff
6. Number of neighbors in attendance (attach a sign-in sheet): 40
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).

No negative feedback given

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

Not Applicable

I, THOMAS K WALKER (print name), attest that the neighborhood meeting was held on 2-14-23 (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

THOMAS K WALKER
Printed name of person completing affidavit

Date 02/14/2023



EXPLANATION TO COUNCIL BILL 2023-078 (MCGULL)

FILED: 03/28/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.37 acres of property generally located at 3710 and 3742 East Cherry Street from Greene County R-3, Multi-family residence district, and City of Springfield R-SF, Single-family residential district, to R-LD, Low-density multifamily residential district; and adopting an updated Official Zoning Map. (Staff is requesting that this item be referred back to the Planning and Zoning Commission.) (By: Hickory Village 55 Plus, LLC; 3710 & 3742 E. Cherry Street; Z-7-2023.)

PURPOSE AND BACKGROUND INFORMATION: Purpose: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.37 acres of property generally located at 3710 and 3742 E. Cherry Street from Greene County R 3, Multi-family residence district and City of Springfield R-SF, Single-family residential district to the City of Springfield's R-LD, Low-density multifamily residential district (Staff is requesting that this item be remanded to Planning and Zoning Commission).

ZONING CASE NUMBER Z-7-2023

Following the Planning & Zoning Commission public hearing held on March 9, 2023, City staff determined that the requested rezoning required an accompanying Conditional Overlay District to limit the future development of multifamily housing to a maximum density of 11 dwelling units per acre. Because this Conditional Overlay District provisions was not included in staff's initial report to the Planning and Zoning Commission, staff is requesting that this case be remanded back to the Commission to include this required limitation.

The applicant, Hickory Village 55 Plus, LLC, has requested to rezone the subject properties as part of their annexation into the City of Springfield (A-3-2023). The proposed zoning designation would permit the construction of new multifamily dwellings along E. Cherry Street and S. Hickory Avenue where infill opportunities are available.

REMARKS: The Planning and Zoning Commission held a public hearing on March 9, 2023, and recommended to approve, by a vote of 7 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 applicant, Hickory Village 55 Plus, LLC, has requested to rezone an area of land generally located at 3710 and 3742 E. Cherry Street from Greene County R-3, Multi-family residence district and City of Springfield R-SF, Single-family residential district to the City of Springfield's R-LD, Low-density multifamily residential district.
2. The proposed rezoning would align with the properties located to the south of the subject area, which are already zoned R-LD, Low-density multifamily housing, and were developed as such prior to 1980. Should the rezoning be approved, it would allow for the construction of new low-density multifamily housing on a site where the use is already present. All new construction on either side of S. Hickory Avenue would be limited to a maximum of 18 dwelling units per acre and would be subject to all of the bulk and open space requirements listed in subsection 36-382 (6). In addition to complementing the existing multifamily development to the south, approval of the requested rezoning would allow for uniform development along this portion of E. Cherry Street.
3. During the formation of the new *Comprehensive Plan*, all Greene County property located within identified growth areas surrounding the City were given Future Placetype designations to assist in the cohesive planning and development of property located along the City's periphery. The subject area, as well as all property within the immediate vicinity of this request, was included within the Traditional Neighborhood Placetype, which encourages support for low-density multifamily projects located along higher classification streets such as E. Cherry Street, a Secondary Arterial roadway.
4. There are changing conditions in the area affected that make the proposed rezoning necessary. The property owner has submitted an application to annex these properties into the City of Springfield, requiring that they be provided a Springfield zoning designation at this time.
5. The range of uses in the proposed R-LD, Low-density multifamily residential district are compatible with the uses permitted on other property in the immediate vicinity. As noted throughout staff's report on this matter, the rezoning of this property would allow for future multifamily development at a density complementary of the existing multifamily development located to the south of the subject area.
6. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned. Per the reviews provided by City Utilities and Environmental Services – Wastewater Management, there are no critical concerns with the proposed annexation and rezoning of these properties; however, Wastewater Management did note that future subdivision of these parcels may require an extension of public sewer, depending on the configuration of future lots.

7. The impact the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic, or reduce traffic safety in the vicinity. Per the review performed by Public Works – Traffic, there are no concerns regarding the vehicular or pedestrian traffic generated as a result of the proposed rezoning. Traffic did note, however, that additional public right-of-way is needed along E. Cherry Street.

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: Kyle McGinnis, Senior City Planner

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Maurice S. Jones, Deputy City Manager 3/28/2023

Attachments:

1. Z-7-2023_ord
2. Z-7-2023_exhA
3. Z-7-2023_exhB
4. Z-7-2023_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 22
Filed: 03-28-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-078

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 1.37 acres of property generally located at 3710 and 3742 East
4 Cherry Street from Greene County R-3, Multi-family residence
5 district, and City of Springfield R-SF, Single-family residential
6 district, to R-LD, Low-density multifamily residential district; and
7 adopting an updated Official Zoning Map. (Staff is requesting that
8 this item be referred back to the Planning and Zoning Commission.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 generally located at 3710 and 3742 East Cherry Street from Greene County R-3, Multi-
13 family residence district and City of Springfield R-SF, Single-family residential district, to
14 R-LD, Low-density multifamily residential district; and
15

16 WHEREAS, following proper notice, the Planning and Zoning Commission held a
17 public hearing on March 9, 2023, a copy of the Record of Proceedings from said public
18 hearing being attached hereto and incorporated herein by this reference as "Exhibit B,"
19 and said Commission made its recommendation; and
20

21 WHEREAS, the City has reviewed the applicant's request and prepared a staff
22 report concerning the application, which is attached hereto and incorporated herein by
23 this reference as "Exhibit C;" and
24

25 WHEREAS, proper notice was given of a public hearing before City Council, and
26 said hearing was held in accordance with the law.
27

28 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
29 SPRINGFIELD, MISSOURI, as follows, that:
30

31 Section 1 – The property described in "Exhibit A," which is attached hereto and
32 incorporated herein by this reference, is hereby rezoned from Greene County R-3,
33 Multi-family residence district, and City of Springfield R-SF, Single-family residential

34 district, to R-LD, Low-density multifamily residential district. Springfield Land
35 Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is
36 hereby amended, changed, and modified consistent with this Ordinance.
37

38 Section 2 – City Council hereby directs the City Manager, or designee, to update
39 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
40 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
41 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
42 rules of interpretation.'
43

44 Section 3 – The Official Zoning Map herein adopted shall be maintained and
45 archived in the same digital form in which this Council has approved its adoption.
46

47 Section 4 – This Ordinance shall be in full force and effect from and after
48 passage.
49

50 Passed at meeting: _____
51

52 _____
53 Mayor
54

55 Attest: _____, City Clerk
56

57 Filed as Ordinance: _____
58

59
60 Approved as to form: Jill Bennis, Assistant City Attorney
61

62
63 Approved for Council action: Jason A. Hage, City Manager

EXHIBIT A

LEGAL DESCRIPTION
ZONING CASE Z-7-2023

ALL THE NORTH 77.50 FEET OF LOT 9, ALL IN HICKORY VILLAGE, A
SUBDIVISION GREENE COUNTY, MISSOURI.

ALL THE NORTH 75.00 FEET OF LOTS 2 AND 3, ALL IN HICKORY VILLAGE, A
SUBDIVISION GREENE COUNTY, MISSOURI.

ALL OF LOT 1 IN HICKORY VILLAGE, A SUBDIVISION GREENE COUNTY,
MISSOURI.

EXHIBIT B

RECORD OF PROCEEDINGS
Planning and Zoning Commission – March 9, 2023

Z-7-2023
3710 East Cherry Street
Applicant: Hickory Village 55 Plus, LLC

Mr. McGinnis stated that this is a request to rezone approximately 1.37 acres of property generally located at 3710 and 3742 E. Cherry Street from Greene County R-3, Multi-family residence district and City of Springfield R-SF, Single-family residential district to the City of Springfield's R-LD, Low-density multifamily residential district. Staff recommends approval.

Mr. Knuckles opened the public hearing.

Mr. Cameron Hole, 3213 S. West Bypass, rezoning to match and complement the existing and surrounding zoning of low density.

Mr. Knuckles closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to approve Z-7-2023 (3710 East Cherry Street). Mr. Pauly seconded the motion. Ayes: Knuckles, Colony, Lebeck, Pauly, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Jobe and Broekhoven



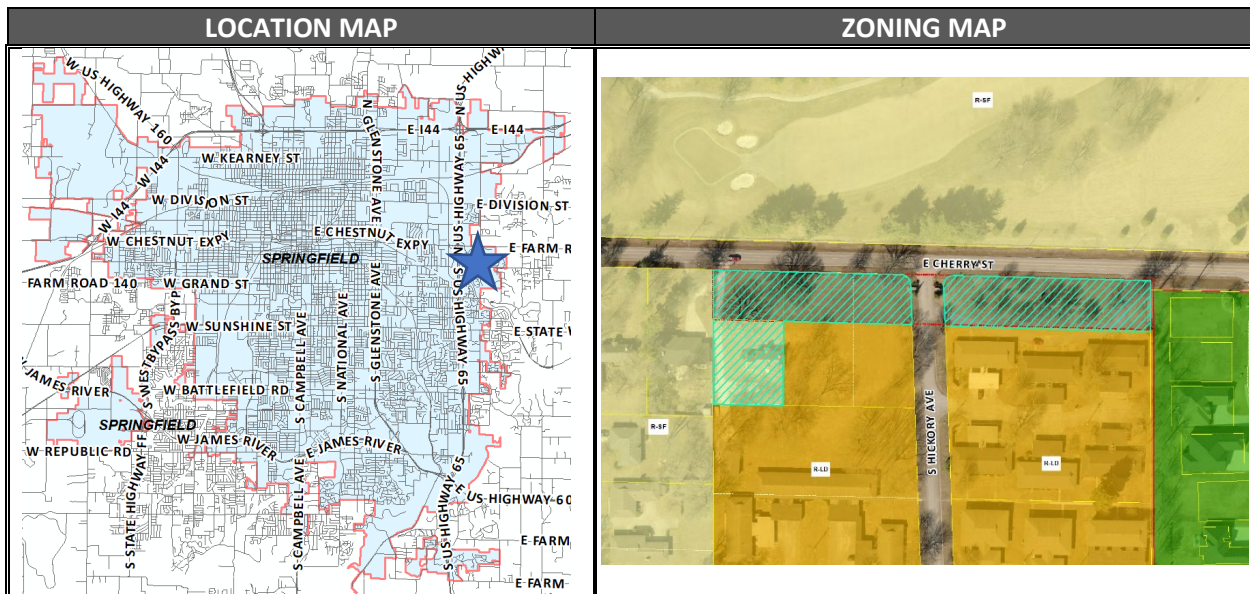
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Z-7-2023
Location:	3710 & 3742 E. Cherry Street
Total Acres:	1.37 acres
Applicant:	Hickory Village 55 Plus, LLC
Existing Land Use:	Single-family home, vacant
Neighborhood Meeting:	February 16, 2023
Planning and Zoning Commission:	March 9, 2023
City Council:	April 3, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Kyle McGinnis
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to rezone approximately 1.37 acres of property generally located at 3710 and 3742 E. Cherry Street from Greene County R-3, Multi-family residence district and City of Springfield R-SF, Single-family residential district to the City of Springfield's R-LD, Low-density multifamily residential district.



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GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT



PROPERTY HISTORY:

The only portion of the project area already located within Springfield City Limits is east of S. Hickory Avenue, and was rezoned R-SF, Single-family residential district in 1995 during the citywide remapping. The remainder of the project area has not yet been annexed into the City.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezoning. 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.

DEVELOPMENT REVIEW STAFF REPORT

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR LOW-DENSITY MULTIFAMILY RESIDENTIAL
Use Limitations	(a) Single-family detached dwellings are not permitted unless they exist at the time the district is mapped. (b) All uses shall operate in accordance with the noise standards contained in Section 36-485, Noise standards. (c) No use shall emit an odor that creates a nuisance as determined by Chapter 2A, Article X, Springfield City Code.
Minimum Lot Size	(a) Minimum lot area: 1. Each townhouse on a separate platted lot: 2,400 square feet. 2. Existing single-family detached dwellings: 5,000 square feet. 3. Duplexes: 6,500 square feet. 4. Single-family semi-detached dwellings: 3,750 square feet. 5. All other uses: 8,250 square feet. (b) Minimum lot width: 1. Each townhouse on a separate platted lot: a. End lots: 30 feet. b. Interior lots with driveway in front yard: 26 feet. c. Interior lots without driveway in front yard: 20 feet. 2. Single-family semi-detached dwelling units: 30 feet. 3. All other uses: 45 feet. (c) Minimum lot depth: 1. Each townhouse on a separate platted lot: 75 feet. 2. All other uses: 80 feet.
Maximum Height	(a) When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. (b) When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Bulk Plane	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.
Minimum Yard Requirements	(a) Front yard: 1. Twenty-five feet along a street classified as a collector or higher classification street or as required by Section 36-453. 2. 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).

DEVELOPMENT REVIEW STAFF REPORT

	(b) Side yards: Six feet or as required by Section 36-453, provided that no side yard is required for any building that has a common wall on a lot line. (c) Rear yard: Ten percent of the lot depth but may not be less than ten feet, nor will more than 20 feet be required.
Minimum Open Space	Not less than 20% of the total lot area shall be devoted to open space including required bufferyards unless modified in accordance with subsection 36-482 (15). Open space shall not include areas covered by buildings, structures, parking areas, driveways, and internal streets. Open space shall contain living ground cover and other landscaping materials.
Design Requirements	(a) A site plan meeting the requirements of Section 36-330, Zoning administration, shall be submitted and approved for all uses except improvements to duplex and single-family semi-detached dwellings and existing single-family detached dwellings. (b) A plot plan meeting the requirements of subsection 36-331 (3) shall be submitted and approved for improvements to all duplex and single-family semi-detached dwellings and existing single-family detached dwellings. (c) A landscaping plan meeting the requirements of Sections 36-482, Landscaping and bufferyards, and 36-483, Off-street parking and loading area design standards, shall be submitted and approved for all uses except improvements to duplex and single-family semi-detached dwellings and existing single-family detached dwellings. (d) Off-street parking lots and vehicular use areas for permitted nonresidential uses shall be screened from all residential uses in accordance with Section 36-480, Screening and fencing. (e) Storage of maintenance or other equipment incidental to any permitted or conditional use except for duplex and single-family semi-detached dwellings and existing single-family detached dwellings shall be screened from view in accordance with the provisions of Section 36-480. (f) The maximum length of any cluster of townhouse dwelling units shall not exceed 240 linear feet. (g) Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal and vertical surface. There shall be no more than two continuous townhouse dwelling units without a break in the horizontal and vertical elevations of at least three feet. (h) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with Section 36-484, Lighting standards.

DEVELOPMENT REVIEW STAFF REPORT

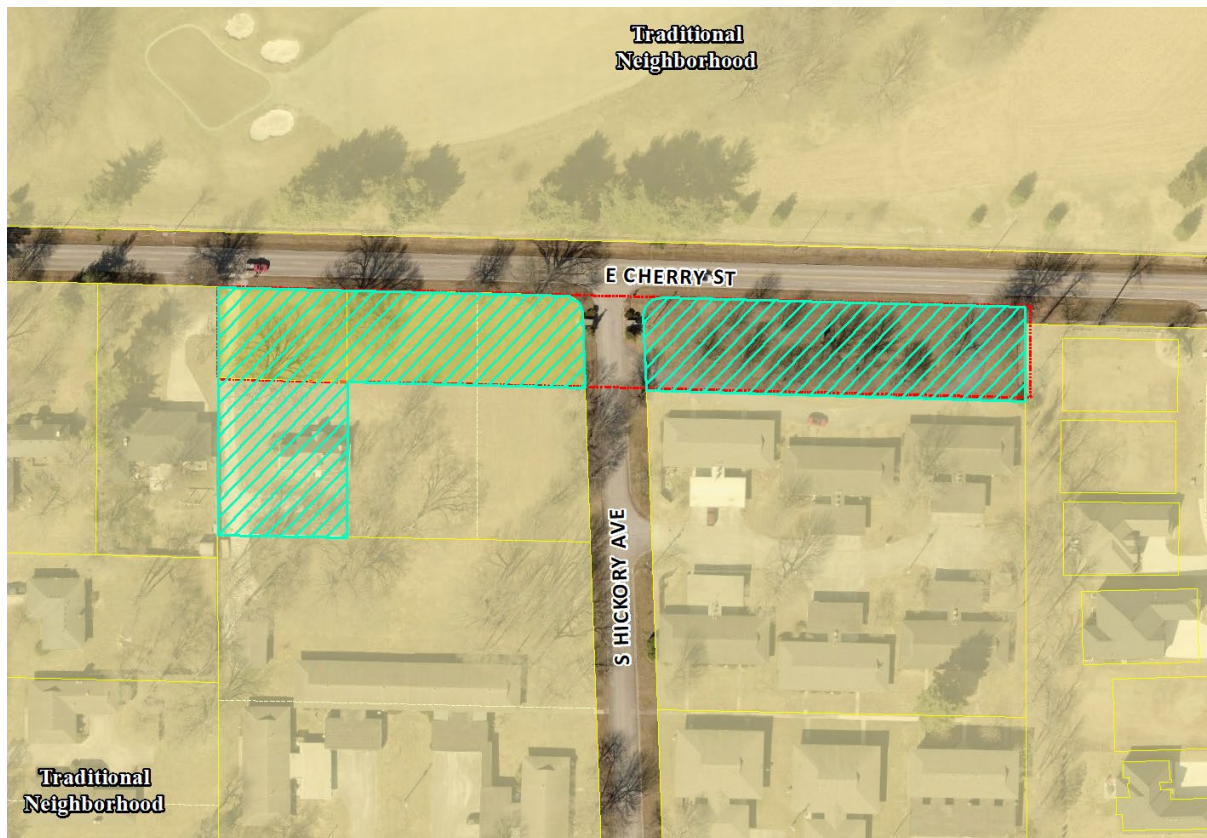
	(i) Refuse storage areas shall be screened from view in accordance with Section 36-480. (j) Required front yards shall be landscaped with grass, ground cover, plants, shrubs or trees. Decorative landscaping materials such as rock, bark, and mulch are also permitted. Impervious surfaces in required front yards shall be minimized and shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular driveways are permitted if sufficient frontage is available and if approved by the traffic engineer. (k) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with Section 36-480. (l) Accessory buildings and structures shall meet the requirements of Section 36-450, Accessory structures and uses.
Buffering and Landscaping	Future development may need to comply with the interior and perimeter landscaping requirements of subsection 36-482 (9), depending on the orientation of new structures and vehicular use areas. A bufferyard B will be required to the west due to the adjacent R-SF district; refer to subsections 36-482 (11) and (12) for further details.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

During the formation of the new *Comprehensive Plan*, the subject area was given the Traditional Neighborhood Placetype designation – the only Placetype in the immediate vicinity of the subject area. The Traditional Neighborhood Placetype is typically characterized by post-war single-family detached dwellings with uniform setbacks, building designs, and parcel sizes, with neighborhood parks, schools, and churches dispersed throughout the neighborhood area to serve nearby residents. Per the *Comprehensive Plan*, planning efforts within this Placetype should seek to improve a neighborhood's quality of place, which is not only achieved through beautification efforts such as the planting of street trees but is also accomplished by supporting low-intensity multifamily projects, amongst other low-intensity non-residential uses, when located near the greenway trail system or along higher classification streets, or as identified by residents during the neighborhood planning process. The proposed rezoning to R-LD, Low-density multifamily residential district along E. Cherry Street – a Secondary Arterial roadway – aligns with the *Comprehensive Plan's* vision for the Traditional Neighborhood Placetype.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:

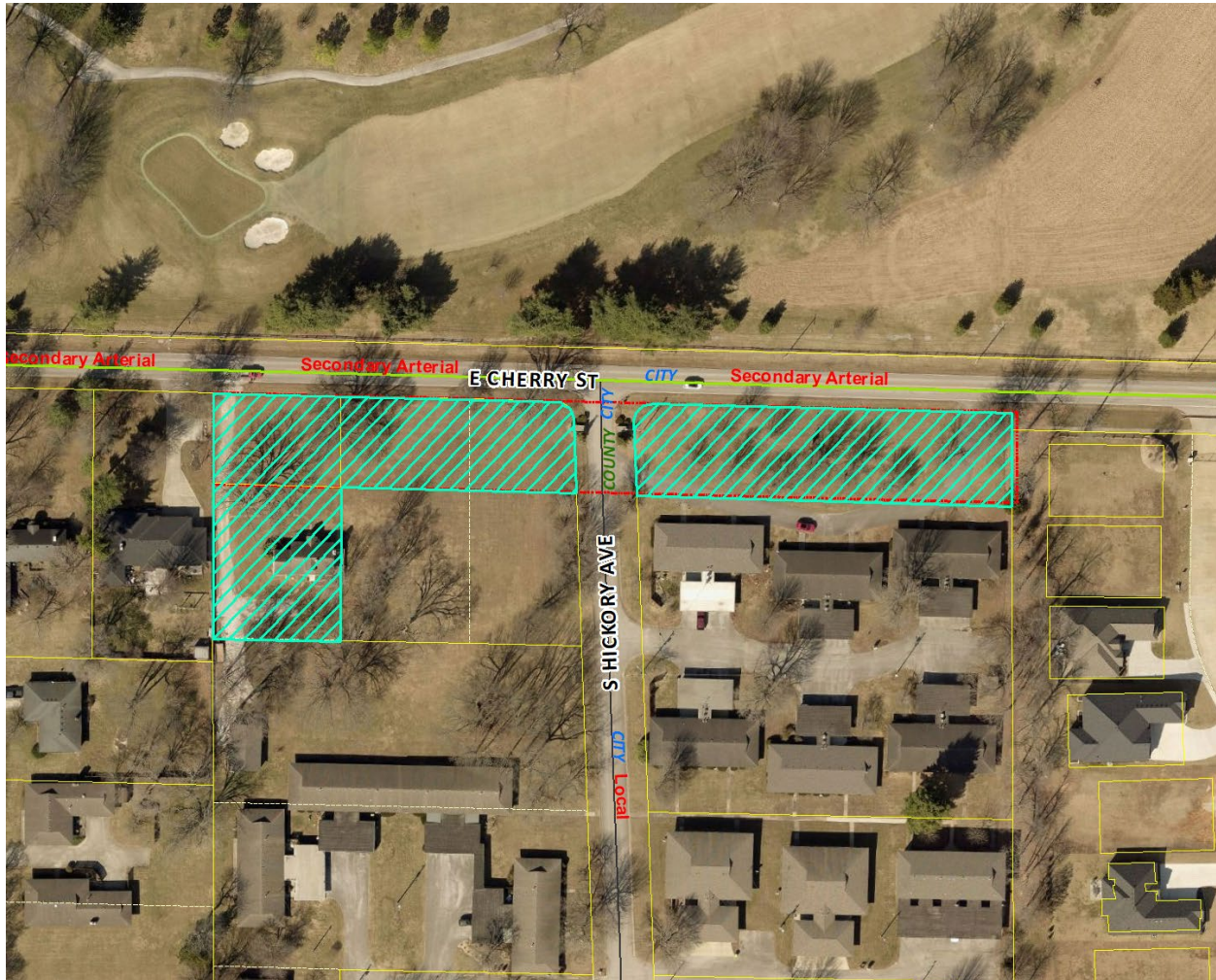


PLACETYPES	LAND USES															
	Single-Family Detached	Single-Family Attached	Multi-family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office / Hospitality	Neighborhood Retail Sales & Service	Major / Artisan & Innovation Spaces	Public & Private Schools & Places of Worship	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehouse & Distribution Facilities	Heavy Industry & Manufacturing
Residential Neighborhood	●	○	◇	○	◇	◇	○	○	○	○	○	○	○	○	○	○
Mixed Residential	●	●	○	○	◇	◇	○	○	○	○	○	○	○	○	○	○
Downtown	●	●	●	○	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

- **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype
- **Supporting Land Use:**
Less prevalent and serve to support the primary land use.
- ◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-LD	Planned Development No. 308	R-SF
LAND USE	Outdoor recreation	Multifamily dwellings	Single-family homes	Single-family homes
PLACETYPES	Traditional Neighborhood	Traditional Neighborhood	Traditional Neighborhood	Traditional Neighborhood

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No issues with the proposed rezoning.
2. CITY UTILITIES:
No issues with the proposed rezoning.
3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:
No objections to the rezoning although we have the following comments:
 - a. Public sewer is located in S. Hickory Avenue and across the north side of Lot 4, 633 S. Hickory Avenue. Any subdivision activity that changes the existing lot configuration may require additional public sewer improvements; and
 - b. There are existing Sewer Extension Cost Recovery (SECR) agreements for 633 S. Hickory Avenue and Lot 9. These agreements will trigger additional fees if new water meters are added for new buildings. Additional information will be needed in order to evaluate and comment.
4. FIRE DEPARTMENT:
No issues with the rezoning.
5. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:
The property is in the **Pierson Creek** 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**.

Public Works – 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:

- a. 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.
 - i. Detention will be evaluated at the time of development based on the design and further analysis.

DEVELOPMENT REVIEW STAFF REPORT

Water Quality Requirements:

- a. 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 one acre or greater. Including projects less than one acre that are part of a larger common plan of development or sale that will disturb one or more acres of the life of the project. Chapter 10 Sec. 2.0.

Additional Stormwater Standards to be met:

- a. A land disturbance permit will be required with disturbing one acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
 - b. As-builts of the detention and water quality improvements are required. We would like the following as-built notes on the plans:
 - i. 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 measures.
 - c. 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.
 - d. 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.
 - i. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
6. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:

Street Classification, Right-Of-Way, and Jurisdiction:

City's Transportation Plan classifies E. Cherry Street as a Secondary Arterial roadway and S. Hickory Avenue as a Residential Local roadway. The standard right-of-way width from the centerline of E. Cherry Street is 35 feet and 35 feet from the centerline of S. Hickory Avenue. It appears that approximately 15 feet of additional right-of-way is needed along E. Cherry Street. It appears that no additional right-of-way is needed along S. Hickory Avenue. A survey is recommended to determine the exact amount of existing right-of-way. E. Cherry Street and S. Hickory Avenue are city-maintained streets.

Traffic Counts & On-Street Parking:

There are no recent traffic counts for E. Cherry Street or S. Hickory Avenue. On-street parking is not allowed along E. Cherry Street. On-street parking is allowed along S. Hickory Avenue.

DEVELOPMENT REVIEW STAFF REPORT

Driveway Access:

There are two driveway access points onto the property from E. Cherry Street. Access to this property will be allowed to E. Cherry Street and S. Hickory Avenue based on existing City of Springfield standards for the street classification.

Sidewalk:

There is no existing sidewalk along the property frontage of E. Cherry Street and S. Hickory Avenue. Sidewalk will be required along E. Cherry Street and S. Hickory Avenue at the time of subdivision or development.

Trails, Bus Stops, and Additional Information:

There are no Greenway Trails in the area surrounding the property pertaining to this zoning. There are no bus stops along E. Cherry Street or S. Hickory Avenue near this property.

Improvements:

None required. A Traffic Impact Study may be required at the time of 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	E. Cherry Street	Secondary Arterial	No	20	35
Street 2	S. Hickory Avenue	Residential Local	Yes	25	25
		AM Peak	PM Peak	Weekday	Weekend
	Existing Trips Generated	5	7	62	-
	*Proposed Trips Generated	12	15	156	-
	Additional Trips Generated	7	8	94	-

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

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant, Hickory Village 55 Plus, LLC, has requested to rezone an area of land generally located at 3710 and 3742 E. Cherry Street from Greene County R-3, Multi-family residence district and City of Springfield R-SF, Single-family residential district to the City of Springfield's R-LD, Low-density multifamily residential district.

DEVELOPMENT REVIEW STAFF REPORT

2. The proposed rezoning would align with the properties located to the south of the subject area, which are already zoned R-LD, Low-density multifamily housing, and were developed as such prior to 1980. Should the rezoning be approved, it would allow for the construction of new low-density multifamily housing on a site where the use is already present. All new construction on either side of S. Hickory Avenue would be limited to a maximum of 18 dwelling units per acre and would be subject to all of the bulk and open space requirements listed in subsection 36-382 (6). In addition to complementing the existing multifamily development to the south, approval of the requested rezoning would allow for uniform development along this portion of E. Cherry Street.
3. During the formation of the new *Comprehensive Plan*, all Greene County property located within identified growth areas surrounding the City were given Future Placetype designations to assist in the cohesive planning and development of property located along the City's periphery. The subject area, as well as all property within the immediate vicinity of this request, was included within the Traditional Neighborhood Placetype, which encourages support for low-density multifamily projects located along higher classification streets such as E. Cherry Street, a Secondary Arterial roadway.
4. There are changing conditions in the area affected that make the proposed rezoning necessary. The property owner has submitted an application to annex these properties into the City of Springfield, requiring that they be provided a Springfield zoning designation at this time.
5. The range of uses in the proposed R-LD, Low-density multifamily residential district are compatible with the uses permitted on other property in the immediate vicinity. As noted throughout staff's report on this matter, the rezoning of this property would allow for future multifamily development at a density complementary of the existing multifamily development located to the south of the subject area.
6. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned. Per the reviews provided by City Utilities and Environmental Services – Wastewater Management, there are no critical concerns with the proposed annexation and rezoning of these properties; however, Wastewater Management did note that future subdivision of these parcels may require an extension of public sewer, depending on the configuration of future lots.
7. The impact the uses, which would be permitted if the property were rezoned, will not significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity. Per the review performed by Public Works – Traffic, there are no concerns regarding the vehicular or pedestrian traffic generated as a result of the proposed rezoning. Traffic did note, however, that additional public right-of-way is needed along E. Cherry Street.
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.

DEVELOPMENT REVIEW STAFF REPORT

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

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Traditional Neighborhood Placetype, and on the findings of fact as noted above.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification.
2. Recommend a change in the zoning district classification.
3. Recommend a change in the zoning district classification together with recommendations which, in the judgment of the planning and zoning commission, will protect adjacent property and ensure that the proposed amendment is consistent with the purpose and intent of this article.

ATTACHMENT 1
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-SF & Greene County Residential to R-LD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 02/16/2023 4 PM - 630 PM
3. Meeting Location: 1030 S Eastgate Ave, Springfield, MO 65809
4. Number of invitations that were sent: 66
5. How the mailing list was generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 3
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).

N/A

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

N/A

I, Jared Davis (print name), attest that the neighborhood meeting was held on 02/16/2023 (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

Jared Davis

Printed name of person completing affidavit

Hickory Village
Neighborhood Mtg

CHARLES F. COLLIER 3810 E CHERRY

Missy Collier 3810 E Cherry St + Steve Kronbenger

Jean White 3634 Allen



EXPLANATION TO COUNCIL BILL 2023-072 (HOSMER)

FILED: 03/31/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A special ordinance authorizing the City Manager, or his designee, to apply to the United States Department of Housing and Urban Development for Federal Fiscal Year 2023 Community Development Block Grant and HOME Investment Partnership Program funds under the Consolidated Plan, to accept Community Development Block Grant and HOME Investment Partnership Program funds, to enter into any necessary agreements to carry out the grants, and to exercise any and all powers necessary to implement selected projects; selecting projects for funding for the City of Springfield Fiscal Year 2023-2024; and reaffirming the City Council Objectives and Community Development Priorities.

PURPOSE AND BACKGROUND INFORMATION: Purpose: authorizing the City Manager, or his designee, to apply to the United States Department of Housing and Urban Development ("HUD") for Federal Fiscal Year 2023 Community Development Block Grant ("CDBG") and HOME Investment Partnerships Program ("HOME") funds under the Consolidated Plan, to accept CDBG and HOME funds, to enter into any necessary agreements to carry out the grants, and to exercise any and all powers necessary to implement selected projects; selecting projects for funding for the City of Springfield Fiscal Year 2023-2024.

The City received a letter dated February 27, 2023, from Marion Mollegen McFadden, the HUD Principal Deputy Assistant Secretary for Community Planning and Development ("CPD"), providing the funding allocations for the City's Fiscal Year 2023 CDBG and HOME Grants. HUD allocated \$1,584,058 in CDBG funds and \$1,274,238 in HOME funds for the next fiscal year beginning July 1, 2023. Staff is submitting this for approval currently in order to meet a HUD-required application due date of May 15, 2023. The CDBG Funding Recommendations of the Planning and Development Department Staff are described in "Exhibit A," attached hereto. "Exhibit B" is the HOME Program funding recommendations, which are principally dedicated to affordable housing development and support for homeownership projects. The CDBG Discretionary Public Service Grant program Evaluation Criteria are described in "Exhibit C." The City Council Community Development Priorities are attached as "Exhibit D."

City Staff solicited proposals from non-profit agencies that provide public services. The proposed spending plan for the CDBG discretionary public service grant activities were presented at a joint City Council and the Citizens' Advisory Committee for Community Development ("CACCD") public hearing on January 11, 2023. Following the joint public hearing, the Planning and Development Department Staff rated the projects as high, medium, or low priority activities using City Council's objectives and priorities and the



HUD CDBG requirements, pursuant to City Council Resolution 8720, attached as “Exhibit E.” The CACCD subsequently held a public hearing on February 28, 2023, to review the staff assessment and recommendations in concert with the staff.

In order to meet HUD deadlines, an ordinance authorizing the City to make an application, must be adopted by April 17, 2023, to allow public review and comment prior to submission of the Annual Action Plan to HUD (which serves as the City’s grant application).

REMARKS: No other public comments have been received at this time.

Submitted By: Bob Jones, Grants Administrator

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Maurice S. Jones, Deputy City Manager 3/28/2023

- Attachments:**
1. Authorize FY23 CDBG & HOME Fund_ord (1)
 2. Authorization FY23 CDBG & HOME_exh A
 3. Authorization FY23 CDBG & HOME_exh B
 4. Authorization FY23 CDBG & HOME_exh C
 5. Authorization FY23 CDBG & HOME_exh D
 6. Authorization FY23 CDBG & HOME_exh E

One-rdg. X
P. Hrngs.
Pgs. 29
Filed: 03-28-23

Sponsored by: Hosmer

First Reading:

Second Reading:

COUNCIL BILL 2023-072

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to apply to the United States
2 Department of Housing and Urban Development for Federal Fiscal
3 Year 2023 Community Development Block Grant and HOME
4 Investment Partnership Program funds under the Consolidated Plan,
5 to accept Community Development Block Grant and HOME
6 Investment Partnership Program funds, to enter into any necessary
7 agreements to carry out the grants, and to exercise any and all
8 powers necessary to implement selected projects; selecting projects
9 for funding for the City of Springfield Fiscal Year 2023-2024; and
10 reaffirming the City Council Objectives and Community Development
11 Priorities.
12 _____
13

14 WHEREAS, it is anticipated that the City of Springfield, Missouri, will receive
15 approximately \$1,584,058 in Community Development Block Grant (“CDBG”) funds and
16 approximately \$1,274,238 in HOME Investment Partnership Program (“HOME”) funds
17 for the Fiscal Year beginning July 1, 2023; and
18

19 WHEREAS, CDBG proposals were received at a joint public hearing of City
20 Council and the Citizens’ Advisory Committee for Community Development (“CACCD”)
21 on January 11, 2023; and
22

23 WHEREAS, City staff prepared recommendations on discretionary project
24 funding, and the CACCD reviewed said recommendations at a public hearing on
25 February 28, 2023; and
26

27 WHEREAS, pursuant to Resolution 8720, which is attached hereto as “Exhibit E,”
28 the CACCD’s role is to provide City Council with comments regarding City staff’s
29 recommendations, and the CACCD provided no comments regarding the staff’s
30 recommendations; and
31

WHEREAS, in order to meet HUD deadlines and allow for adequate public comment, an ordinance authorizing the City to apply to HUD for CDBG and HOME funds must be adopted by April 17, 2023.

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 make application to HUD for grant funding in the amount of \$1,584,058 in CDBG funds and \$1,274,238 in HOME funds for those projects set out in “Exhibits A and B,” said exhibits being attached hereto and incorporated herein by this reference.

Section 2 – The City Manager, or his designee, is hereby authorized to accept CDBG and HOME grant funds awarded by HUD for Fiscal Year 2023 and implement those projects set out in “Exhibits A and B,” upon acceptance and approval by HUD of such application and agreement, and to do all things necessary and convenient to carry out any CDBG or HOME grants awarded in connection with said application, including the execution of contracts, provided the form of any such contracts is approved by the City Attorney.

Section 3 – City Council authorizes the City Manager, or his designee, to file a final statement of Community Development Objectives and a HOME Program Description with HUD as set out in Section 1 and 2 of this Ordinance.

Section 4 – City Council hereby authorizes the City Manager, or his designee, to exercise any and all powers necessary or convenient to obtain Community Development funding and implement those projects set out in “Exhibits A and B,” including the right to execute a sub-grant agreement or agreements for the administration of said projects, provided that the form of any such agreements is approved by the City Attorney.

Section 5 – City Council hereby reaffirms the City Council Objectives, attached hereto as part of “Exhibit D” and incorporated herein by this reference, and the Community Development Priorities, attached hereto as “Exhibit C” and incorporated herein by this reference.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

76
77 Approved as to form: Jill Bunn, Assistant City Attorney

78
79
80 Approved for Council action: Jason A. Hays, City Manager

EXHIBIT A

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
PROPOSALS FOR FY 2023-24**

		Staff Recommendation				
PROJECT #	PROJECT NAME	SPONSOR	FY2023 STAFF RECOMMENDED	RE-PROGRAMMED FUNDS	CHAP REVOLVING INCOME OR PY GRANT	COMMERICAL REVOLVING LOAN PROGRAM
PRIORITIES						
*AP-1	CDBG Administration	Department of Planning and Development	151,061.00		195,439.00	
AP-2	Planning and Neighborhood Conservation	Department of Planning and Development	164,092.00			
*H-1	Comprehensive Housing Assistance Program (CHAP)	Department of Planning and Development	422,121.00		280,779.00	
*ED-1	Commercial Loan Program	Department of Planning and Development	250,000.00			1,316,000.00
PS-1	One Door	Community Partnership of the Ozarks	104,468.00			
#H-2	Emergency Home Repairs	Ozarks Area Community Action Corporation	71,993.00	3,007.00		
#H-3	Emergency Home Repairs	Drew Lewis Foundation, Inc	71,993.00	3,007.00		
#H-4	Emergency Home Repairs	Catholic Charities of Southern Missouri, Inc	71,994.00	3,006.00		
#H-5	Emergency Home Repairs	Habitat for Humanity of Springfield Missouri, Inc	71,994.00	3,006.00		
Total Priorities			1,379,716.00	12,026.00	476,218.00	1,316,000.00
DISCRETIONARY PUBLIC SERVICES						
PS-10	Emergency Shelter - Meals Program	Family Violence Center, Inc.	22,186.00			
PS-15	Transitional Living Program for Youth Aging Out of Foster Care	Good Samaritan Boys Ranch	22,186.00			
PS-13	Forensic Interviewer Services	The Child Advocacy Center	22,186.00			
PS-8	LifeHouse Crisis Maternity Home, Residential and AfterCare Program	Catholic Charities of Southern Missouri, Inc.	22,186.00			
PS-7	Preventing Child Abuse by Supporting Families in Crisis	Crisis Nursery of the Ozarks	16,993.00			
PS-3	Emergency Social Services Program	The Salvation Army	19,721.00			
PS-11	Rare Breed Youth Services	The Kitchen, Inc	19,721.00			
PS-2	Empowering Youth 2023-2024	Great Circle	19,721.00			
PS-6	Weekend Backpack Program	Ozarks Food Harvest	19,721.00			
PS-4	Mental Healthcare for Low Income Springfieldians	Bobby & Betty Allison Ozarks Counseling Center	19,721.00			
PS-12	Diaper Bank of the Ozarks and Crosslines Resources Center	Council of Churches of the Ozarks, Inc	0.00			
PS-9	Making Sense of Money Financial Literacy Program	Community Partnership of the Ozarks	0.00			
PS-14	Trauma- Focused Healing	The Child Advocacy Center	0.00			
PS-17	Advancement of BBBSO Site Based Mentoring Program	Big Brothers Big Sisters of the Ozarks	0.00			
PS-5	RISE Kids Programming	Drew Lewis Foundation, Inc	0.00			
PS-16	Crisis Cold Weather Shelter	Unity of Springfield	0.00			
Total Discretionary			\$ 204,342.00			
Grand Total			\$ 1,584,058.00			

* Partially or fully funded by Revolving Loans and prior year grants.
Expenditures may begin upon passage of the Ordinance.

EXHIBIT B

**PROGRAM DESCRIPTION FOR USE OF HOME FUNDS
2023-24 FISCAL YEAR**

LOANS FOR HOUSING REHABILITATION, NEW INFILL CONSTRUCTION, & DPA	\$ 905,679.00
CHDO SET-ASIDE*	\$ 191,136.00
CHDO OPERATING EXPENSES*	\$ 50,000.00
HOME ADMINISTRATION	\$ 127,423.00
TOTAL	\$ 1,274,238.00
HOME PROGRAM INCOME MAY BE USED FOR ELIGIBLE HOME ACTIVITIES	\$ 1,300,000.00

*Community Housing Development Organizations (CHDO) are required by statute to receive approximately 15% of the total HUD appropriation. An additional approximate 5% shown above is to be utilized for operating expenses for the CHDO to maintain its development capacity.

COMMUNITY DEVELOPMENT PRIORITIES

1. Funding commitments necessary to satisfy goals established in the Comprehensive Housing Affordability Strategy are given highest priority.
2. Commercial property rehabilitation and assistance to small business in targeted areas shall remain a priority.
3. Priority shall be given to maintenance of a policy planning and management capacity in order to determine needs, establish short and long term goals and objectives, and evaluate progress on programs and activities in accomplishing overall goals and objectives. The focus shall be neighborhood conservation, business revitalization and commercial viability, historic preservation and affordable housing in the older, built environment of the City.
4. Staff funding shall continue to (a) implement specifically assigned community development projects, (b) provided technical assistance in the planning, formulation and implementation of public-private partnerships, particularly in relation to affordable housing and other activities of principal benefit to persons of low and moderate income, (c) pursue funds and resources to further enhance the community development program, and (d) administer the CDBG Program and meet other necessary and unavoidable program requirements.
5. The following target areas shall be priorities for channeling fiscal resources for housing and economic development;
 - Comprehensive Housing Assistance Program (CHAP) Revitalization Area:
Area bounded by I-44, principally) Glenstone/National, Grand/Sunshine, and West Bypass
 - Commercial Property Rehabilitation and Assistance Areas:
Citywide
6. Funding commitments for HUD required homeless assistance and homeless prevention activities (such as central intake and coordination of services) are given a high priority.
7. Priority consideration shall also be given to projects which contribute to environmental sustainability; housing accessibility; employment and business opportunities for low income and minority residents; support for fair housing; and emergency home repair.

CDBG DISCRETIONARY PROJECT EVALUATION CRITERIA

National Objectives: All activities must qualify as meeting at least one of the three CDBG Program National Objectives. If not, the application will not be evaluated, ranked, or funded.

- Benefit persons of low and moderate income
- Elimination of Slum and Blight
- Address Urgent Need created by a disaster or other declared public emergency.

WHAT STEPS ARE FOLLOWED BY CITY STAFF WHEN REVIEWING DISCRETIONARY GRANT PROPOSALS?

1. **Why is it called the Discretionary Grant Program?**
 - a. HUD does not require a City to fund Public Services. It is at the City's discretion to have Public Service grants.
 - b. Public Service grants represent activities that are the most vulnerable for non-compliance.
 - c. HUD does limit Public Service funding to no more than 15% of the grant; In recent years the City established this discretionary grant program to be approximately \$200,000. The number of non-profit grants that the City staff is able to effectively monitor is limited by staff availability.
2. **All proposals are reviewed for completeness**
 - a. Current proposal form was used
 - b. Applicant DUNS Number
 - c. Budget document included
 - d. System for Award Management (SAMS) registration verified
3. **All proposals are screened for HUD eligibility (24 CFR 570) and the applicable National Objective Matrix Codes. Eligibility notes are added to each proposal.**
 - a. Is it an eligible activity? If not, the proposal will not be evaluated, ranked, or funded.
 - b. Is it a Public Service or eligible housing activity (housing proposals must be owner-occupied repair-type activities)?
 - c. Is the applicant an IRS Code 501 (c)(3) agency? If not, the proposal will not be evaluated, ranked, or funded.
4. **City Planning and Development staff (usually 5 people) are assigned to complete the proposal evaluations based upon City Council established Community Development Objectives, in compliance with City Council Ordinance 8720, as amended.**
5. **A meeting may be scheduled with representatives from other local agencies that provide funding support to local Public Service and non-profit agencies to obtain a broader perspective on the agencies submitting requests and the activities being considered.** These local agencies may include such funding organizations as the United Way, Community Foundation of the Ozarks, and/ or Junior League.
6. **Final scoring is completed by staff, with a review and comments by the Citizens Advisory Committee for Community Development (CACCD) will be submitted as part of the HUD Annual Action Plan for City Council approval.**

COMMUNITY DEVELOPMENT OBJECTIVES and SCORING CRITERIA

Established by City Council with CACCD additions in 2016. (S.O. 26708).

Is the project consistent with priorities identified in the CONSOLIDATED PLAN?

<u>PRIORITY NEED</u>	<u>PRIORITY</u>
Affordable Rental Housing	High
Affordable Housing (Owner)	High
Economic Development	High
Homelessness	High
Public Services (15% CAP)	Low
Public Facilities (Affordable Housing Ctr)	High
Public Improvements Infrastructure	Low
Program Administration	High
Planning and Neighborhoods	High

Does the applicant clearly show experience and capacity for the proposed activity as evidenced in the proposal or past program performance?

This criterion has two parts:

- ***Experience*** with this or similar programs
- ***Capacity*** to carry-out the activity

GENERAL EVALUATION CRITERIA

Activity Implementation

An activity should provide a clear plan to alleviate community needs and the applicant should be able to provide performance measures for carrying out the plan

This criterion has two parts:

- Plan to alleviate a **community need**
- Provide **performance measures**

Project Readiness

A project should be ready to proceed as defined in the proposal. The ability to start a project and bring to completion is emphasized by HUD. However, the applicant should be cautioned to NOT begin implementing a project or take any steps after proposal submission until approval is given and a contract executed.

CITY COUNCIL OBJECTIVES (Resolution 7130)

Leveraging

Priority is given to the use of community development funds and resources to leverage direct private and non-Federal investment and to stimulate spin-off and ancillary development and activities consistent with established community development objectives and targets. The degree of leveraging will be considered in the evaluation of projects and progress. ***For the purposes of this Scoring Criteria, private investment means non-Federal funds but includes State funding sources, private donations, including volunteer time.***

Cost-Benefit

All allocations of community funds and resources should produce a benefit level measured in terms of community objectives and targets that justifies the expenditure. Projects and programs should demonstrate a high degree of benefit to cost. Benefits should be described and measured in terms of the community objectives and targets for the activity. ***Specifically, the question must be answered, how does this project accomplish community goals or priorities that justifies the expenditure?***

Targeting

The allocation of community development funds and resources is most effective when an array of tools, projects and programs is directed toward a specific geographic area or particular sphere of concern consistent with prior planning and systematic needs assessment. Priority is thus given to programs and projects that demonstrate a high degree of benefit to cost. Indicate how the activity targets beneficiaries in either the CDBG target area (see attached map) or the City of Springfield and how it interacts with other community development programs or projects.

Citizen Involvement

Community Development efforts are most apt to prove effective where there is active involvement by those citizens affected by and benefitting from such efforts. Such involvement should begin in the earliest stages of program formulation and continue through implementation, organization, and commitment for sustained and continuing involvement. Active involvement by citizens affected by or benefitting from the activity or non-staff persons selected for input due to their knowledge or experience. ***This can be some or all of the stages of program development including program implementation, program reviews or feedback, program assessment that is consistent and on-going. Involvement that is not staff or not board members. This may include assessment reviews, surveys, or follow-up input activities that provide feedback and or guidance for activity direction and changes, if necessary.***

Self-Sufficiency

The establishment of a sustained community development program depends at least in part upon reliable and predictable revenue sources. Reduced reliance on outside funding sources is a high priority management objective. Preference is thus given to revolving programs or programs that produce revenues to the community development program. ***Will the program generate funds that will re-pay all or part of the City Grants? Is there a plan for the activity to become self-sustaining over time?***

Pub. Imp. _____
 Govt. Grnt. _____
 Emer. _____
 P. Hrngs. _____
 Pgs. 4
 Filed: 12-14-99

Sponsored by: Gannaway

AMENDED

COUNCIL BILL NO. 99 - 437

RESOLUTION NO. 8720

A RESOLUTION

ADOPTING three new policies as a part of the City of Springfield, Missouri's Community Development Block Grant procedures which would include (1) a conflict of interest provision, (2) greater staff involvement in evaluation of projects, and (3) establishing a maximum for Community Development Block Grant discretionary projects in Federal fiscal year 2000 with a provision for increasing such amount in the future. (City Council Governmental Relations Committee recommends approval.)

WHEREAS, the application process for Community Development Block Grant funds is competitive among various community organizations; and

WHEREAS, the City Council wishes to avoid any conflict of interest, real or perceived, in the awarding of such funds; and

WHEREAS, such funds are limited in amounts available for discretionary projects; and

WHEREAS, the City Council desires to partially fund various projects rather than a few large projects; and

WHEREAS, the consideration of the granting of such funds should also include Council priorities and community needs which could be assisted by more staff participation in the evaluation of the various projects for consistency with priorities and identified needs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI:

That the City Council hereby adopts three new policies for the application process for the Community Development Block Grant funds which new policies shall read as follows:

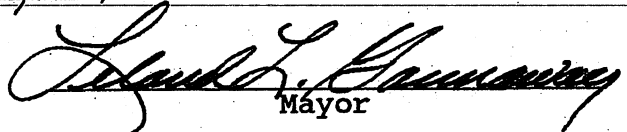
Policy 1 - The application process for limited Community Development Block Grant funds is highly competitive. Members of

the Citizens Advisory Committee for community development should exercise special care in order to preserve the integrity of the process and any appearance of impropriety or conflict of interest. Members are encouraged to seek advice from the City Attorney with respect to any questions which they may have concerning conflicts of interests or even the appearance of a conflict. A Committee member shall not be affiliated with any organization at the time an application for a Community Development Block Grant is made, or within a twelve month period preceding application. Affiliation is defined to mean serving as a board, committee or general member, a member of staff or involved in fund raising activities. If such a conflict exists, the Committee member shall no longer serve on the Committee.

Policy 2 - The City staff shall be involved in the evaluation of applications for Community Development Block Grant funds and include in this involvement a collaboration effort with other funding groups such as the United Way, Community Foundation and the Junior League with respect to Council's objectives and priorities for the community. This will permit a broader perspective on the agencies submitting applications and the projects to be considered. This evaluation shall also include a staff evaluation of budgets, financial data and the merits of the proposed activities. Staff should rate the projects as high, medium or low priority activities in meeting objectives and priorities of the City Council and federal CDBG requirements. The Citizens Advisory Committee will review with staff the staff assessment and recommendations and submit comments to the City Council. The City Council shall make the final decision on selection of projects and appropriation of funds. Public hearings shall continue as a part of the process of evaluating applications as outlined in the Citizen Participation Plan.

Policy 3 - No application should be granted for any one project in federal fiscal year 2000 for an amount that exceeds \$75,000.00. This amount may be raised in subsequent fiscal years if City Council determines such an increase is justified. In no event shall such an increase exceed three percent in any given year.

Passed at meeting: December 13, 1999


Mayor

Attest: David M. Giff, City Clerk

Approved as to form: R. Wright, City Attorney

Approved for Council action: Hammon, City Manager

N:\SHARE\CBILLS\am-cdbgpolicies.wpd

Exhibit E

Aff. Agcy. Noticed Yes
Emergency Required No
P. Hrngs. Required No
Fiscal Note Required No
Board Rec. Required No
Sponsors Carlson, Chancellor,
Gibson and Rhodes

Date November 15, 1999

EXPLANATION TO COUNCIL BILL NO. 99-

ORIGINATING DEPARTMENT: Planning & Development

PURPOSE: To adopt a resolution for the Community Development Block Grant (CDBG) Program process to establish policy to 1) avoid the potential for conflict of interest, real or perceived, by the Citizen Advisory Committee for Community Development (CAC), 2) provide for greater staff involvement in evaluating projects based upon City Council's objectives and priorities, and, 3) establish a \$75,000 maximum for CDBG discretionary projects in Federal fiscal year 2000 that may be increased in subsequent years with an inflationary factor not to exceed three percent. (The City Council Governmental Relations Committee recommends approval.)

BACKGROUND:

Following the CDBG funding allocation last Spring, the City Council asked staff to survey other cities on the CDBG process, particularly on how other cities involved citizen committees. Staff contacted other communities that were similar in size and geographically linked, namely: Davenport, Iowa; Little Rock, Arkansas; Tulsa, Oklahoma; and, Topeka and Wichita, Kansas. All utilized committees in the process but the composition of those committees was vast. The only similarity between the cities was greater staff involvement. All cities, either had staff committees only in the evaluation and recommendation process, or they had staff composition on the committees. The timing for reporting back to the City Council coincided with completion of our five-year Consolidated Plan and became the topic, along with reaffirmation of City Council's objectives and priorities for the Consolidated Plan, of two recent City Council luncheons. Members of the City Council were in agreement on adoption of objectives and priorities for the Consolidated Plan without change from those previously adopted. There was general consensus among Council members that those objectives and priorities should drive the selection of projects for CDBG funding.

The City Council Committee on Governmental Relations was delegated the task of reviewing the process and recommending policy. Focusing on three primary questions involving CAC conflict of interest, staff evaluation of proposals and the issue of ongoing funding for projects, the Committee met on November 9 and unanimously voted to support the policies contained herein for the full City Council's adoption.

REMARKS:

First, the resolution before the City Council will establish a provision intended to avoid the potential for a conflict of interest to occur as a result of CAC members having any form of affiliation with groups requesting funds. Because of the highly competitive nature of the funding process, this is a far reaching measure designed to avoid even the appearance of a conflict, although such conflict may not exist legally. Any member of the CAC would have to resign from the committee if such an affiliation existed at the time a request for funding was submitted or the twelve months prior to the submission. Current and future CAC members would sign and abide by the language spelled out in the Resolution.

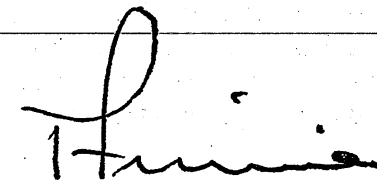
There was a consensus of opinion that greater staff involvement would benefit the process. Staff would collaborate with other funding groups, such as the United Way, Community Foundation and Junior League, to obtain a broader perspective on the agencies submitting requests and the projects being considered. Staff would evaluate budgets, financial data and the merits of the proposed activities. Staff would review the discretionary submissions in context with City Council's objectives and priorities. Based upon the above evaluation system, staff would assess projects and make funding recommendations to the CAC and to the City Council. Staff would detail which projects were judged as high, medium or low priority activities in meeting objectives and priorities. The CAC would then review the staff assessment and recommendations and submit its comments and evaluation to the City Council. The City Council would, as always, make the final decisions on selection of projects and appropriation of funds. To assure public participation in the process, public hearings would continue as outlined in our Citizen Participation Plan.

The Governmental Relations Committee was in agreement that a limitation on the ongoing funding of projects was contrary to allowing objectives and priorities to dictate which of the projects should be selected. The Committee did agree that a maximum amount that any one project could receive had merit. It was decided that \$75,000 was large enough to substantially fund the higher dollar requests and leave a sufficient amount to fund other projects that would fall into a high priority category. A small inflationary factor could be added if staff felt it was justified but should be limited to three percent in a given year.

Submitted by:

Approved by:


 Director
 Planning and Development Department


 City Manager



EXPLANATION TO COUNCIL BILL 2023-079 (HORTON)

FILED: 03/28/2023

ORIGINATING DEPARTMENT: Environmental Services

TITLE: A special ordinance approving the plans and specifications for the Pea Ridge Creek Sanitary Sewer Improvements – Doling Park Branch Project, generally located from Talmage Street to Bethany Drive east of Grant Avenue, and generally referred to as Plan No. 2020PW0044; accepting the bid of Rosetta Construction, LLC, in the amount of \$5,626,850 for said project; authorizing the City Manager, or his designee, to enter into a contract for said project; and approving a budget adjustment in the amount of the bid, plus a contingency, to amend the Fiscal Year 2022-2023 budget of the Department of Environmental Services Clean Water Enterprise Fund by appropriating reserves of said fund in the amount of \$6,752,220.

PURPOSE AND BACKGROUND INFORMATION: Purpose: Approving the plans and specifications for the Pea Ridge Creek Sanitary Sewer Improvements – Doling Park Branch project; accepting the bid of Rosetta Construction, LLC, for the project; authorizing the City Manager, or his designee, to enter into a contract for said project; and approving a budget adjustment to amend the Fiscal Year 2022-2023 budget of the Department of Environmental Services Clean Water Enterprise Fund in the amount of \$6,752,220 by appropriating reserves of said fund.

Special Ordinance No. 26047 passed by City Council on May 7, 2012, authorized the City to enter into an Amended Consent Judgement (“ACJ”) with the Missouri Department of Natural Resources (“MDNR”) to address issues concerning the Clean Water Act (“CWA”). This ACJ was approved by the Greene County Circuit Court on May 15, 2012.

A requirement of the ACJ was to submit for MDNR approval, a long term, Overflow Control Plan (“OCP”) designed to address the City’s aging sewer infrastructure. The City’s proposed OCP was approved by MDNR on or about May 1, 2015.

The City successfully completed the first 5 years of the 10-year OCP plan. Using an Integrated Planning Approach, results of the completed work was gathered and analyzed which allowed the City to see the efficacy of the work performed and the need to adjust their investment strategy for optimal results. Special Ordinance No. 27480 passed by City Council on April 5, 2021, authorized the City to enter into a 2nd ACJ with MDNR to extend the compliance schedule and meet its regulatory obligations under the 2nd ACJ while providing a predictable sewer rate structure for the next 15 years.

As required by the 2nd ACJ and approved by the SOCP, the Pea Ridge Creek Sanitary



Sewer Improvements – Doling Park Branch project (“Project”) involves replacing existing sewer mains with larger diameter mains, and in some places building larger parallel mains to existing sewer mains, to increase the City’s sewer system capacity. A location map for the Project is attached as “Exhibit A”. The added capacity will allow a larger amount of sewage to flow through the sewer system and remove the risk of sanitary sewer overflows within Doling Park.

Plans, specifications, and a cost estimate have been prepared by the Department of Environmental Services and are on file in the Director’s office.

The project was advertised in *TheDaily Events* on February 14, 2023, through February 18, 2023.

Bids were opened in the Busch Building, Conference Room 106, on March 7, 2023, at 10:30 a.m. The following bids were received:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Rosetta Construction, LLC	\$5,626,850.00
D & E Plumbing & Heating, Inc.	\$5,783,118.00
Radmacher Brothers Excavating	\$7,733,561.53
Engineer’s Estimate	\$4,070,820.00

The project includes two bores: one under Interstate-44 and one under Norton Road. The two bores total 596 LF of 42-inch diameter casing. The Engineer’s Estimate was prepared with the assumption of typical boring unit pricing based on current market pricing. However, the geological explorations performed prior to the bid showed the subsurface geological layers changing from solid rock on one end of the bore location to soil without rock on the other end of the bore location. Changing from rock to soil increases difficulty of installing a bore. The boring line item pricing provided by the contractors reflected this expected change in difficulty, while the Engineer’s Estimate line item pricing for boring did not. In addition, the two lowest bids were separated by less than \$200,000. This small range, on bids valued over \$5M, reaffirms the actual total cost of construction should be closer to the low bid amount instead of the Engineer’s estimated cost.

Based on the above determination, it is recommended that the City enter into a contract with Rosetta Construction, LLC for \$5,626,850.00, and to establish an approximate 20 percent contingency of additional funds for possible change orders.

This project will be funded by the reserves of the Department of Environmental Services Clean Water Enterprise Fund and is being budgeted by this council bill.



REMARKS: Environmental Services recommends passage of this Council Bill and budget adjustment.

Submitted By: Erick Roberts, Assistant Director of Environmental Services

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Maurice S. Jones, Deputy City Manager 3/21/2023

- Attachments:**
1. Pea Ridge-Doling SS Improvements-ord
 2. Pea Ridge-Doling SS Improvements-ExhA
 3. Pea Ridge-Doling SS Improvements_ExhB
 4. Pea Ridge-Doling SS Improvements_ExhC

One-rdg. _____
P. Hrngs. _____
Pgs. 15
Filed: 03-28-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-079

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the plans and specifications for the Pea Ridge Creek Sanitary Sewer
2 Improvements – Doling Park Branch Project, generally located from
3 Talmage Street to Bethany Drive east of Grant Avenue, and generally
4 referred to as Plan No. 2020PW0044; accepting the bid of Rosetta
5 Construction, LLC, in the amount of \$5,626,850 for said project;
6 authorizing the City Manager, or his designee, to enter into a contract for
7 said project; and approving a budget adjustment in the amount of the bid,
8 plus a contingency, to amend the Fiscal Year 2022-2023 budget of the
9 Department of Environmental Services Clean Water Enterprise Fund by
10 appropriating reserves of said fund in the amount of \$6,752,220.
11 _____
12

13 WHEREAS, the City of Springfield, Missouri (“City”) entered into an Amended
14 Consent Judgment (“ACJ”) with the Missouri Department of Natural Resources
15 (“MDNR”) on or about May 15, 2012, pursuant to the Clean Water Act (“CWA”). In
16 2015, pursuant to the ACJ, the City submitted and MDNR approved a City-wide
17 Overflow Control Plan (“OCP”) to reduce sanitary sewer overflows (“SSOs”); and
18

19 WHEREAS, the City completed the first five years of the 10-year OCP plan,
20 gathered data and analyzed results of completed work and, through Integrated Planning
21 for the future, determined the need to adjust their investment strategy for ultimate
22 results; and
23

24 WHEREAS, in April of 2021, the City submitted and MDNR approved a 2nd ACJ
25 and Supplemental OCP (“SOCP”), which was approved by the Greene County Circuit
26 Court on or about April 27, 2021; and
27

28 WHEREAS, the proposed Pea Ridge Creek Sanitary Sewer Improvements –
29 Doling Park Branch Project (“Project”), posted February 14, 2023, will increase the
30 sanitary sewer system’s capacity so as to mitigate the risk of SSOs within the Doling
31 Park area and north to Bethany Drive; and
32

33 WHEREAS, Rosetta Construction, LLC, is the lowest responsive and responsible
34 bidder for the Project with the low bid of \$5,626,850; and

35 WHEREAS, an amendment to the budget of the Department of Environmental
36 Services Clean Water Enterprise Fund for Fiscal Year 2022-2023, in the bid amount of
37 \$5,626,850, plus a twenty-percent contingency for possible field adjustments and
38 change orders if necessary to complete the project, has been approved and
39 recommended by the City Manager and by the Director of Environmental Services.
40

41 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
42 SPRINGFIELD, MISSOURI, as follows, that:
43

44 Section 1 – City Council hereby approves the plans and specifications for the
45 Pea Ridge Creek Sanitary Sewer Improvements – Doling Park Branch Project, a copy
46 of which is on file with the City Clerk. A location map for the Project is attached hereto
47 and incorporated herein by this reference as “Exhibit A.”
48

49 Section 2 - The City Manager, or his designee, is authorized on behalf of the City
50 of Springfield, Missouri, to accept the low bid of Rosetta Construction, LLC, for the
51 Project at the price and sum of \$5,626,850, plus authorize a twenty percent contingency
52 as said sum may be lawfully increased or decreased by the actual quantities of work
53 units involved, and is hereby authorized to enter into an agreement with said bidder,
54 substantially similar to that document attached hereto and incorporated herein by this
55 reference as “Exhibit B,” for such work in accordance with the terms of the bid, the
56 plans, and the specifications.
57

58 Section 3 – All workers performing work under the agreement attached hereto as
59 “Exhibit B,” shall be paid a wage of no less than the prevailing hourly rate of wages for
60 work of a similar character in this locality or the public works contracting minimum wage,
61 whichever is applicable. Contractor shall fully comply with the provisions and
62 requirements of the Missouri Prevailing Wage Law. Contractors and any subcontractor
63 performing work under the agreement for this project must provide a 10-hour OSHA
64 construction safety training program, or similar program approved by the Department of
65 Labor, for on-site employees, unless employees demonstrate they previously completed
66 the program.
67

68 Section 4 – The budget of the Department of Environmental Services for the
69 Fiscal Year 2022-2023, is hereby amended in the accounts and amounts as shown on
70 Budget Adjustment No. 048, a copy of which is attached hereto and incorporated herein
71 by reference as “Exhibit C.”
72

73 Section 5 – City Council hereby finds that the budget adjustment described
74 herein has been recommended by the City Manager.
75

76 Section 6 – The City Manager is directed to cause the appropriate accounting
77 entries to be made in the books and records of the City.
78

79 Section 7 – This Ordinance shall be in full force and effect from and after
80 passage.

81 Passed at meeting: _____

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Mayor

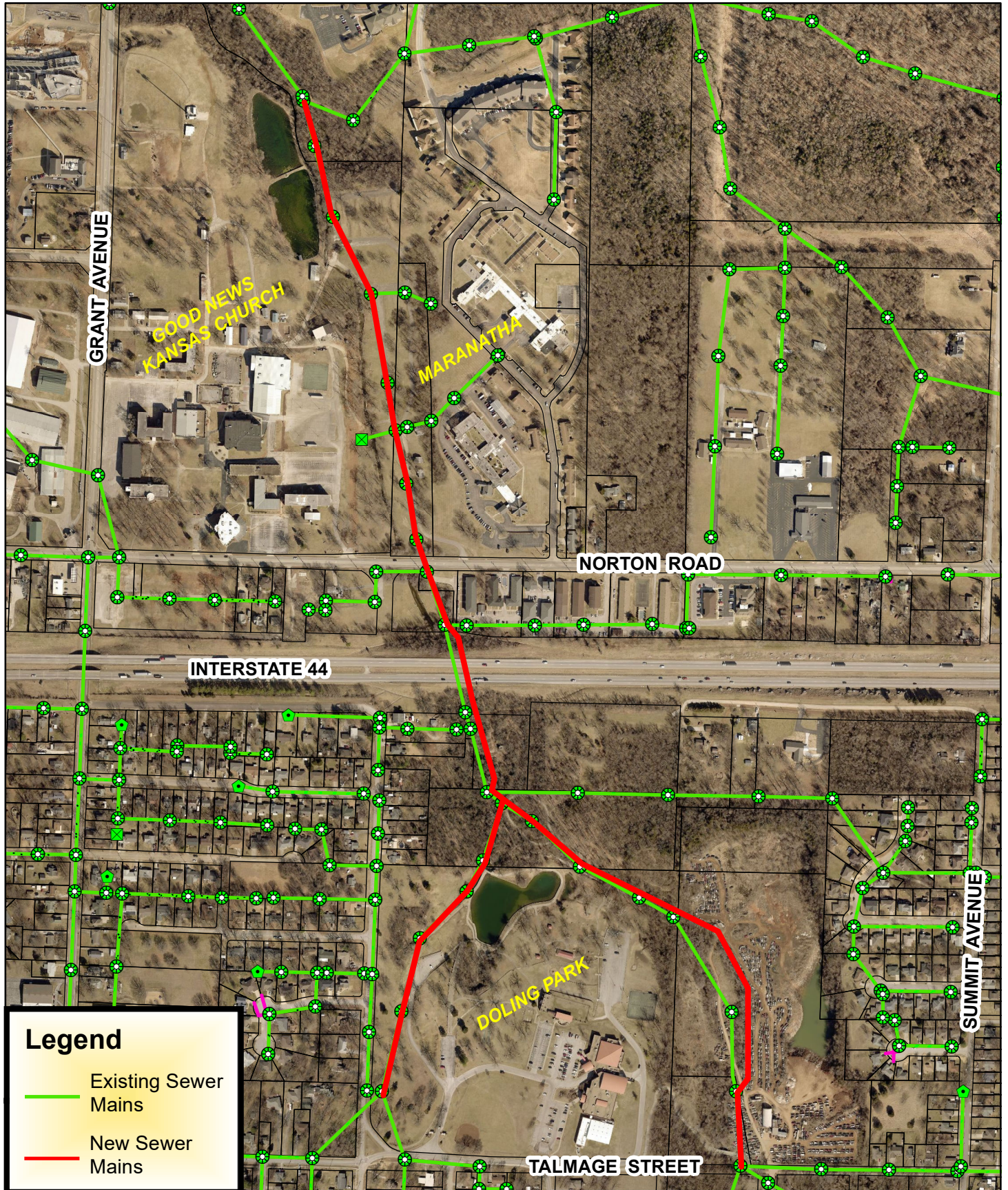
Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: John Millington, Deputy City Attorney

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

**PEA RIDGE CREEK
SANITARY SEWER IMPROVEMENTS
DOLING PARK BRANCH**



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 840 BOONVILLE, P.O. BOX 8368 SPRINGFIELD, MO 65802 PHONE: (417) 864-1928 FAX: (417) 864- ATTN: BRANDON FREEMAN DEPT.: ENVIRONMENTAL SERVICES		NAME: ROSETTA CONSTRUCTION, LLC ADDRESS: PO BOX 14024 SPRINGFIELD, MO 65814 PHONE: (417) 886-2094 FAX: ATTN: VICTOR ROSETTA	

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:

PEA RIDGE CREEK SANITARY SEWER IMPROVEMENTS – DOLING PARK BRANCH, 2020PW0044

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 365 calendar days from the date Contractor is ordered to proceed, which order shall be issued by the Director of Environmental Services within 30 days after the date of this contract.

2. Prevailing Wages. All workers performing work under this Contract 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. If 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 calendar day or portion of a calendar day for each worker paid less than the stipulated required rates for any work done under this Contract by the Contractor or by any subcontractor under the Contractor. 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 - Environmental Services, P.O. Box 8368, Springfield, MO 65801-8368

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. Owner's and Contractor's Protective Liability to protect the City, its agents, servants and employees from claims which may arise from the performance of this Contract, 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.

The Owner's and Contractor's Protective Liability Insurance must:

- (1) Be a separate policy with the named insured being: The City of Springfield; and
- (2) Be with the same insurance company with which the Contractor carries its Commercial General Liability Insurance; and
- (3) Contain an endorsement that disclaims coverage for any claim barred by the doctrines of sovereign immunity or official immunity, except attorney's fees and other litigation costs incurred in defending a claim. Nothing contained in this policy (or this endorsement thereto) shall constitute any waiver of whatever kind of these defenses or sovereign immunity or official immunity for any monetary amount whatsoever.

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 \$5,626,850.00 (full amount of contract) 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 \$500.00 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 Environmental Services 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 **Five Million Six Hundred Twenty-Six Thousand Eight Hundred Fifty Dollars and No Cents (\$5,626,850.00)** 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 (less five (5) percent retainage), 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. Proposal
- g. Statement of Bidder's Qualifications
- h. Acknowledgment
- i. Performance Bond
- h. Payment and Material Bond
- k. Instructions to Bidders
- l. Non-collusion Affidavit
- m. Notice to Proceed

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:

Assistant Director of Environmental Services or Acting Assistant

RECOMMENDED BY:

Director of Environmental Services 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 ☐ Women Owned ☐ Veteran Owned ☐

CITY OF SPRINGFIELD, MISSOURI

By: _____

City Manager or his/her designee

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit C

Budget Adjustment
048

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	000000	00000	\$ 6,752,220	Pea Ridge Creek Sewer Improvements - Doling Park Branch
Net Expenditure Adjustment						\$ 6,752,220	

Fund Balance Appropriation:

Fund	Title	Amount
53020	Clean Water Improvement Fund	(6,752,220)

Explanation: To amend the FY2022-23 budget of the Department of Environmental Services by appropriating fund balance reserves of \$6,752,220 from the Clean Water Enterprise Fund for the Pea Ridge Creek Sewer Improvements - Doling Park Branch project.

Requested By:

Approved By:

Authorization:

Department Head _____ Date _____

Director of Finance _____ Date _____

City Manager _____ Date _____

Council Bill No. _____
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-080 (HARDINGER)

FILED: 03/28/2023

ORIGINATING DEPARTMENT: Human Resources

TITLE: A special ordinance approving the Letter of Understanding regarding the July 1, 2021, Collective Bargaining Agreement between the City and the International Association of Fire Fighters, Southern Missouri Professional Fire Fighters Local 152, the Exclusive Representative of a certain Bargaining Unit within the Springfield Fire Department, and authorizing the City Manager to execute and deliver the Letter of Understanding to the Collective Bargaining Agreement to the Exclusive Representative.

PURPOSE AND BACKGROUND INFORMATION: Purpose: To approve the Letter of Understanding to the July 1, 2021, Collective Bargaining Agreement between the City and the Southern Missouri Professional Fire Fighters Local 152 ("IAFF"), the Exclusive Representative of a certain Bargaining Unit within the Springfield Fire Department, and to authorize the City Manager, or his designee, on behalf of the City, to execute and deliver the Letter of Understanding to the Collective Bargaining Agreement to the Exclusive Representative. The Letter of Understanding is attached to the Council Bill as "Exhibit A."

In light of the Missouri Supreme Court's rulings, the City, without affecting or superseding the authority of the Missouri State Board of Mediation, established a framework for certain regular employees of the City to engage in collective bargaining. Pursuant to City Code section 2-94, the City entered into collective bargaining with the IAFF, the Exclusive Representative of a certain Bargaining Unit within the Springfield Fire Department. The current collective bargaining agreement (The "IAFF Collective Bargaining Agreement") was entered into on July 1, 2021. The Letter of Understanding for The IAFF Collective Bargaining Agreement is a formal agreement as outlined and addresses a new Fire and Life Safety Specialist position, upcoming training for fire inspection, reclassification of certain Rescue Salvage positions, and several aspects concerning the Technical Rescue Team ("TRT") – including specialty team pay.

This Letter of Understanding was reached voluntarily by both parties and is to be effective as of the date of execution by the parties and valid through June 30, 2024.

REMARKS: The recommendations and explanations contained herein are consistent with City Council's policies.

BUDGET NOTE: No budget adjustment is necessary for the proposed change.

It is respectfully requested that City Council approve this Letter of Understanding for the Collective Bargaining Agreement.



Submitted By: Darla Morrison, Director of Human Resources

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Jason Gage, City Manager 3/21/2023

- Attachments:**
1. Letter of Understanding IAFF CBA 3-16-23
 2. Exhibit A Springfield IAFF 2023 03 16 LoU
 3. Exhibit 1 (to Exhibit A) Fire and Life Safety Specialist Job Description
 4. Exhibit 2 (to Exhibit A) From the Chief's Desk_Fire and Life Safety Specialist

One-rdg. _____
P. Hrngs. _____
Pgs. 13
Filed 03-28-23

Sponsored by Hardinger

First Reading _____

Second Reading _____

COUNCIL BILL 2023-080

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the Letter of Understanding regarding the July 1, 2021, Collective
2 Bargaining Agreement between the City and the International
3 Association of Fire Fighters, Southern Missouri Professional Fire
4 Fighters Local 152, the Exclusive Representative of a certain
5 Bargaining Unit within the Springfield Fire Department, and
6 authorizing the City Manager to execute and deliver the Letter of
7 Understanding to the Collective Bargaining Agreement to the
8 Exclusive Representative.
9 _____

10
11 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
12 SPRINGFIELD, MISSOURI, as follows, that:

13
14 Section 1 – The Letter of Understanding to the July 1, 2021, Collective
15 Bargaining Agreement (“CBA”) with Southern Missouri Professional Fire Fighters Local
16 152 (“IAFF”), attached hereto as “Exhibit A,” has been reviewed and considered by City
17 Council and City Council hereby approves entering into the Letter of Understanding.

18
19 Section 2 – City Council hereby authorizes and directs the City Manager, or his
20 designee, to execute and deliver the Letter of Understanding to the IAFF, as well as
21 such documents as may be necessary or desirable to carry out and comply with the
22 intent of this Ordinance.

23
24 Section 3 – This Ordinance shall be in full force and effect from and after
25 passage.

26
27 Passed at meeting: _____

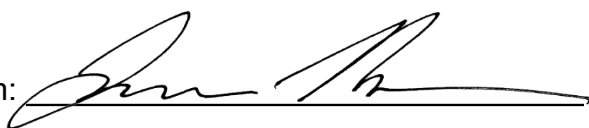
28
29 _____
30 Mayor

31
32 Attest: _____, City Clerk
33

34 Filed as Ordinance: _____

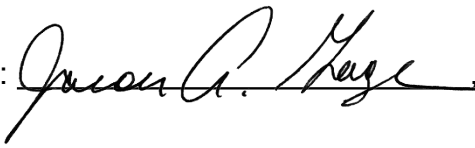
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36

37 Approved as to form:  Assistant City Attorney

38

39

40 Approved for Council action:  City Manager

Letter of Understanding

This Letter of Understanding is entered into by the City of Springfield, Missouri (“the City”) and the Springfield Fire Department of the Southern Missouri Professional Fire Fighters IAFF Local 152, (“the Union”) on _____, 2023.

Whereas, the parties wish to resolve their dispute and agree that this resolution will not be considered to set precedent regarding the Union’s ability to grieve future issues relating to the City of Springfield’s position on its rights under the terms of the collective bargaining agreement.

The parties agree to the following:

1. The grievance filed on June 27, 2022, will be withdrawn.
2. Following communication with the Union, the City has already undertaken the preparation and distribution of information about the Fire and Life Safety Specialist (FLSS) position, to include distribution of the job description (see attached Exhibit 1), summary of job duties and qualifications to be eligible for the promotional process, study ahead materials for the written examination (see attached Exhibit 2), and the anticipated schedule for posting of the position.
3. Following communication with the Union, the City has undertaken notification to all personnel of the upcoming Fire Inspector course (seated) scheduled for March 6th to March 10th. If necessary, overtime is authorized for any Firefighter, Equipment Operator, or Rescue & Salvage specialist interested in attending this course to provide

- for completion of the Fire Inspector certification to become eligible for the FLSS position.
4. The Fire and Life Safety Specialist will be a new, sworn position that will be part of the recognized IAFF Local 152 bargaining unit.
 5. Currently, seven personnel per shift make up the 21-person Technical Rescue Team (TRT), with 18 Rescue & Salvage Specialist (RS) and three Fire Captains assigned as the Team Leader. Resulting from the process of critical tasking for TRT classifications of risk, 8 non-RS members per shift will be added. These additions, combined with the reduction of six (6) RS positions, will result in the overall expansion of the TRT to a 39-member team, with 13 personnel assigned per shift.
 6. The City will prepare and distribute information about the expansion of the Technical Rescue Team (TRT), to include expanded team structure and make-up of team members, the process for selection of new team members, explanation of the training requirements, certification levels, and designated fire stations for TRT member deployment. The list of skills which will make up the selection process will be provided with this notice, as well as the date(s) and location for the evaluation process for new TRT member selection.
 7. Initial training for new TRT members will be provided through the scheduled Rescue Academy, or additional training programs to be scheduled. If needed, overtime is authorized for new team members completing required training. Scheduled vacation which coincides with training will not be affected for members selected for the TRT.

8. Firefighters seeking appointment to the TRT must have completed the Rescue Academy and be approved to work in an out-of-title role as RS consistent with Department Procedures 345, Out of Title to Rescue Specialist. Fire Equipment Operators and company officers seeking appointment to the TRT must complete the Rescue Academy within one year of appointment to the TRT.
9. New team members not at the RS rank or assigned as the Team Leader shall be required to complete training and certifications similar to Section 3.03, to include Rope 6.1, confined space and trench rescue technician, and structure collapse at the operation level. All required training will be provided through the department Professional Development Advanced Academy programs or supplemental training offerings. Any new non-RS, non-team leader member who joins prior to December 31, 2023, must complete all training within 24-months. New non-RS, non-team leader members who join after December 31, 2023, will have one year from the date of joining to fully complete all training. An additional training opportunity for the structure collapse operations course has been funded through the State Homeland Security Grant Program which is anticipated to accelerate this timeline.
10. Section 3.03 of the CBA will be modified to include the training requirements for team members who are not at the RS rank or assigned as a Team Leader.
11. The provision of proficiency pay for members of the TRT will be addressed during reopener negotiations between the Union and the City for FY24 wages as a separate matter, with an effective date to coincide with the wage agreement.

12. Starting on the effective date of the FY 2024 wage agreement, members of the new Technical Rescue Team of all ranks, including Rescue and Salvage Specialists, shall receive specialty team pay consistent with what is paid to members of the Hazardous Materials and Water Team.
13. Preparation for implementation of a new engine company and the removal of Rescue 4 from service will include starting the process for the reclassification of three vacant Rescue & Salvage Specialist positions to Fire Lieutenant, with promotions to follow. A reserve engine company will be placed into front-line status and the fire crew assigned. The initial deployment of this company will be to Fire Station 8.
 - a. All Rescue & Salvage Specialists currently assigned to Station 4 will be reassigned and transferred to Fire Station 1.
 - b. Reclassification of the other three Rescue & Salvage Specialist positions to Equipment Operator will occur at the time of attrition, with promotional opportunities to Equipment Operator to follow.
14. If vacancies are not filled voluntarily, the Department may assign qualified personnel to serve on the TRT consistent with the existing process for staffing the Water Rescue and Hazardous materials teams.
15. This Letter of Understanding is subject to ratification by the Springfield City Council.

Signature Date

Jason Gage, City Manager

Name, Title

Signature Date

Name, Title

Certification that this Letter of Understanding to the July 1, 2021, IAFF Collective Bargaining Agreement is within the purpose of any appropriation to which it is to be charged and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefor:

David Holtmann, Director of Finance

Approved as to form:

City Attorney or Designee

**JOB DESCRIPTION
CITY OF SPRINGFIELD, MO**

**HUMAN RESOURCES DEPARTMENT
EMPLOYMENT AND
COMPENSATION DIVISION**

Job Title	<u>Fire & Life Safety Specialist</u>
Sch & Grade	<u>FPS 4</u>
Class Code	<u>CC54</u>
FLSA Status	<u>Non-exempt</u>
Bargain Unit Elig.	<u>IAFF</u>
Occupational Group:	<u>Fire</u>

PRIMARY PURPOSE:

Serves as a Fire & Life Safety Specialist performing inspection duties in the areas of fire and life safety, fire prevention, and Fire Code administration and enforcement.

SUPERVISION:

Under the general supervision of the Battalion Fire Chief assigned to the Bureau of Fire Prevention.

**DESCRIPTION OF WORK:
ESSENTIAL FUNCTIONS**

1. Interprets and enforces the Fire Prevention Code as adopted by the City and as directed by the Fire Code Official or authorized designee.
2. Conducts fire and life safety inspections of public and private buildings or property within the scope and authority of the Fire Code, identifies violations, issues notices and coordinates corrective action as necessary to obtain compliance. Issues citations for violations, as needed.
3. Performs site inspections of permitted activities for completion and compliance with the fire code.
4. Explains ordinances, codes, and regulations to business occupants and owners and other interested parties; provides general information when necessary.
5. Takes photographs, as necessary, to document findings of inspections or other fire prevention activities.
6. Coordinates with various local, state, and federal agencies concerning inspections.
7. Performs prolonged sitting, walking or standing while conducting building or grounds inspections.
8. Climbs ladders and stairways; maneuvers under, over or around obstacles; and lifts and carries objects during inspections.
9. Operates fire department vehicles including cars, vans and pickups; travels to inspection sites.
10. Prepares and presents clear, accurate and detailed written reports.
11. Utilizes knowledge of computers for entering information into various records management databases, researches and retrieves information from various computer resources, and uses word processing for report writing.
12. Promptly receives and answers inquiries and complaints verbally or in writing.
13. Testifies in court when required.

IMPORTANT FUNCTIONS:

1. Provides exemplary customer service in support of the mission of the Fire Department.
2. Provides information to citizens and business owners regarding fire and life safety, as well as, fire code issues.
3. Works cooperatively with various other city departments as needed to complete the inspection process.
4. Attends conferences, seminars, workshops, and other training for professional development purposes.
5. Identifies and reports maintenance needs of assigned equipment.
6. Participates in refresher courses, in-service training, seminars and certification training as required.

Performs related work as required.

QUALIFICATIONS REQUIRED

Any combination of training or experience providing the following knowledge, skills and abilities:

Knowledge

Firefighting, fire science principles, and building construction principles; including but not limited to, fire inspection, fire prevention and City of Springfield Fire Code.

Abilities

Follow oral and written instructions including interpreting and enforcing fire safety codes and related ordinances; read and interpret building construction plans; compile clear and comprehensive reports; train and instruct others in fire science, and fire safety principles; exercise sound, independent judgment; react quickly and calmly under stress; deal effectively and courteously with associates and the general public; performs effectively as a member of the team in carrying out the City's stated mission and philosophy; perform the essential functions of the job without posing a direct threat to the health or safety of others.

Experience, Education, and Training

Must have a minimum of four years continuous service as a Firefighter with the City of Springfield Fire Department as of the announcement closing date; or graduation from an accredited college or university with an associate's degree in fire science or related degree field, plus a minimum of two years in fire code interpretation or enforcement, or related experience. Experience in plans review or International Code Council (ICC) code compliance inspection preferred.

Physical Requirements

Requires standing and walking for long periods of time while conducting inspections; bends, carries, climbs, kneels, reaches, holds and grips objects; distinguishes colors to review wiring, piping, and material specifications; must be able to visually observe and identify violations relating to building, electrical, mechanical, plumbing, dangerous building and housing code. Climbs ladders and stairways; maneuvers under, over or around obstacles; and lifts and carries objects during inspections.

Working Environment

Both indoor and outdoor environments; susceptible to a variety of extreme weather conditions as well as dust and pollen; subject to electrical, mechanical, and other safety hazards associated with building inspections; exposed to extreme noise, cramped spaces, poor lighting & ventilation during inspections. Often confined to a vehicle for long periods of time.

Licensing/Certification

Must possess and maintain a valid driver license and participate in the annual Springfield Fire Department Defensive Driving Course; Must possess Firefighter I and II certifications and valid Emergency Medical Technician-Basic license. Must possess IFSAC certification as Missouri Fire Inspector I as of announcement closing date, and obtain IFSAC certification as Fire Inspector II within 12 months of appointment. Must maintain licensure as an Emergency Medical Technician-Basic, and Fire Inspector I and II certifications, throughout the appointment.

Miscellaneous Requirements

Will be assigned to a 40-hour work schedule.

Last Revision: _____ General Ordinance No. _____

Comments: _____ Date: _____

I have read the foregoing job description in its entirety and understand its contents. I can perform the essential functions outlined with or without reasonable accommodation under the Americans with Disabilities Act.

Signed: _____ **Date:** _____



830 N. Boonville Ave
Springfield, MO 65801-8368

Ph: (417) 874-2300
Fax: (417) 864-1505
springfieldmo.gov/fire

David A. Pennington
Fire Chief

February 27, 2023

RE: New Fire and Life Safety Specialist Position

All Personnel:

Over the past nine months the Fire Department has been progressively working through the process of restructuring within the Bureau of Fire Prevention and within the Fire Operations Division. During this time, we have engaged in productive discussions to ensure all concerns have been heard and addressed. I appreciate the open dialog and the helpful information exchanged during this process, it has refined the reorganization to ensure benefit to the members of the Department and to the citizens and community we serve.

We are moving forward with the restructuring in the Bureau of Fire Prevention and beginning the process for posting and filling the new position of Fire and Life Safety Specialist (FLSS). This position is a sworn member of the department on the FPS-4 pay scale (equivalent to Equipment Operator or Rescue & Salvage Specialist) and will be assigned to the Bureau of Fire Prevention, creating a pathway for members interested in fire prevention or becoming a Fire Marshal.

The FLSS position will serve the department by working to ensure a fire safe community through the interpretation and enforcement of the Fire Code, conducting fire and life safety inspections of public and private buildings within the scope and authority of the Fire Code. Full details of the essential functions of this position are provided in the job description included with this letter. Refer to the official posting from Human Resources for the official job description and position requirements.

In order to qualify to participate in the process for promotion, candidates must meet the licensing & certification requirements, which include IFSAC certification as Missouri Fire Inspector I, as of the closing date of the posting. The tentative dates for posting and the testing process are:

- FLSS Posting: May 12th through June 2nd, 2023
- Written examination: June 13
- Practical Skills Assessment: June 26th through June 30th

The department is hosting a Fire Inspector I course (seated) scheduled for March 6th to March 10th at the Training Center. This course will be classified as "Priority" as defined by department Policy 3.T70, Training Classifications, with overtime authorized for any Firefighter, Equipment Operator, or Rescue &

We are the Springfield Fire Department, a professional organization dedicated to serving our community.

Salvage Specialist interested in attending this course to provide for attainment of the Fire Inspector I certification to become eligible for the FLSS position. Requests for attendance should be directed to Battalion Chief Ben Wahl in the Training Bureau and copied to Division Chief Eric Latimer.

Accompanying this letter, you will also find a document outlining the promotional materials from which the written exam will be compiled, and which may be used to direct preparation for this component of the process.

Please direct any questions to Assistant Fire Chief Olan Morelan.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Pennington', with a stylized flourish at the end.

David Pennington
Fire Chief

We are the Springfield Fire Department, a professional organization dedicated to serving our community.



EXPLANATION TO COUNCIL BILL 2023-081 (LEAR)

FILED: 03/29/2023

ORIGINATING DEPARTMENT: Law

TITLE: Amending the Springfield City Code, Chapter 78, 'Offenses and Miscellaneous Provisions,' Article VI, 'Offenses Against Public Health and Safety,' by amending Section 78-260, 'Possession of narcotics paraphernalia;' amending Section 78-261, "Possession of thirty-five grams or less of marijuana;" enacting Section 78-262, 'Public consumption of marijuana;' enacting Section 78-263, 'Consumption of marijuana in a motor vehicle;' and enacting Section 78-268, 'Marijuana accessories,' to regulate the possession and consumption of marijuana following recent amendments to the Missouri Constitution.

PURPOSE AND BACKGROUND INFORMATION: On November 8, 2022, the voters of the State of Missouri approved Amendment 3 to the Missouri Constitution, which legalized the possession and use of recreational marijuana in the State of Missouri. Amendment 3 allows local governments to regulate certain categories of possession and use of recreational marijuana, including possession by individuals under the age of twenty-one, possession of marijuana in amounts exceeding three ounces, and public consumption of marijuana. Amendment 3 also allows regulation of the possession of marijuana accessories by individuals under the age of twenty-one.

This Ordinance would establish regulations consistent with the limitations imposed by the Missouri Constitution. Generally, the Ordinance would restrict possession by individuals under twenty-one, restrict possession of recreational marijuana in amounts exceeding three ounces, and restrict possession in certain locations authorized by the Missouri Constitution, with exceptions for qualifying patients in possession of medical marijuana. This Ordinance would also restrict public consumption of marijuana and consumption in motor vehicles as allowed by the Missouri Constitution.

This Ordinance was prepared based on feedback from City Council during the March 27, 2023, Committee of the Whole meeting. Based on City Council feedback, this Ordinance contains a provision prohibiting marijuana smoke or odor from emanating from a nonpublic location into a public place. It would also prohibit consumption by any person operating a motor vehicle, smoking of marijuana by passengers of a motor vehicle while the vehicle is being operated, and consumption of marijuana within a motor vehicle parked in a public place. The definition of "public place" was refined based on feedback from City Council to remove references to otherwise private locations that are visible from a public place. Additionally, the Ordinance would prohibit the sale or transfer of marijuana to individuals under twenty-one.

This Ordinance would also update City Code to reflect protections for marijuana



accessories found in Amendment 3. The Ordinance would remove any reference to marijuana from the existing drug paraphernalia ordinance, and exempt marijuana accessories as defined by the Missouri Constitution from the scope of that ordinance. New restrictions on possession of marijuana accessories by individuals under twenty-one and sale or transfer of marijuana accessories to individuals under twenty-one are included in the Ordinance.

Submitted By: Chris Hoeman, Chief Litigator

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Jason Gage, City Manager 3/29/2023

Attachments: 1. Marijuana Code Revisions_ord

One-rdg. _____
P. Hrngs. _____
Pgs. _____
Filed: 03-28-23

Sponsored by: Lear

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-081

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 78, 'Offenses and Miscellaneous
2 Provisions,' Article VI, 'Offenses Against Public Health and Safety,'
3 by amending Section 78-260, 'Possession of narcotics
4 paraphernalia;' amending Section 78-261, "Possession of thirty-five
5 grams or less of marijuana;" enacting Section 78-262, 'Public
6 consumption of marijuana;' enacting Section 78-263, 'Consumption
7 of marijuana in a motor vehicle;' and enacting Section 78-268,
8 'Marijuana accessories,' to regulate the possession and
9 consumption of marijuana following recent amendments to the
10 Missouri Constitution.
11 _____
12

13 WHEREAS, on November 8, 2022, the electors of the State of Missouri approved
14 Amendment 3 to the Missouri Constitution, enacting Section 2 of Article XIV of the
15 Missouri Constitution legalizing the recreational use of marijuana within the State; and
16

17 WHEREAS, the newly enacted Section 2 of Article XIV authorizes the City of
18 Springfield, Missouri to impose, by ordinance, certain limitations regarding marijuana
19 within the City's jurisdiction; and
20

21 WHEREAS, to ensure the safety and well-being of its citizens, the Springfield
22 City Council desires to amend its City Code provisions to impose certain limitations
23 regarding marijuana within its City limits.
24

25 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
26 SPRINGFIELD, MISSOURI, as follows, that:
27

28 NOTE: **Bolded** language is being added and ~~stricken~~ language is being deleted.
29

30 Section 1 – Springfield City Code, Chapter 78, 'Offenses and Miscellaneous
31 Provisions,' Article VI, 'Offenses Against Public Health and Safety,' Section 78-261 is
32 hereby amended as follows:
33

Section 78-261 – Possession of ~~thirty-five grams or less of~~ marijuana.

- 1. Possession of marijuana by persons under twenty-one years of age.**
 - a. No person under twenty-one years of age shall possess marijuana.**
 - b. This subsection shall not apply to any qualifying patient in possession of a qualifying patient identification card issued by the Department of Health and Senior Services.**
 - c. Any person who violates this subsection shall be subject to a civil penalty not to exceed one hundred dollars and forfeiture of the marijuana, unless such individual is determined to be in possession of more than three ounces of dry, unprocessed marijuana or its equivalent, in which case the individual shall be subject to a civil penalty not to exceed two hundred and fifty dollars and forfeiture of the marijuana.**
 - d. Any person who is subject to a civil penalty pursuant to this subsection but is determined to be in possession of three ounces or less of marijuana shall be provided the option of attending up to four hours of drug education or counseling in lieu of payment of the penalty. Any person who is subject to a civil penalty pursuant to this subsection but is determined to be in possession of more than three ounces of marijuana shall be provided the option of attending up to eight hours of drug education or counseling in lieu of payment of the penalty. Any such person shall still be subject to forfeiture of the marijuana.**
 - e. Any person who is assessed a civil penalty or fine under this subsection may perform community service in lieu of payment. The rate of pay-down associated with this service option will be the greater of \$15 per hour or the minimum wage in effect at the time of judgment.**
- 2. Possession of marijuana by persons twenty-one years of age and older.**
 - a. No person who is twenty-one years of age or older shall possess in excess of three ounces of dried, unprocessed marijuana, or its equivalent.**
 - b. This subsection shall not apply to any person who is registered with the Department of Health and Senior Services for the cultivation of marijuana plants, provided any amount of marijuana in excess of three ounces is kept at one private residence in a locked space.**
 - c. No person who is registered with the Department of Health and Senior Services for the cultivation of marijuana shall possess marijuana plants in excess of the limits set forth in Article XIV, Section 2 of the Missouri Constitution.**
 - d. This subsection shall not apply to any qualifying patient or primary caregiver in possession of a qualifying patient or primary caregiver identification card and in possession of marijuana within the limits established by the Missouri Department of Health and Senior Services.**

- 80 e. Any person who violates this subsection shall be subject to:
- 81 i. For a first violation, a civil penalty not to exceed two hundred
- 82 and fifty dollars and forfeiture of the marijuana.
- 83 ii. For a second violation, a civil penalty not to exceed five
- 84 hundred dollars and forfeiture of the marijuana.
- 85 iii. For a third violation, a fine not to exceed one thousand
- 86 dollars and forfeiture of the marijuana.
- 87 f. Any person who is assessed a civil penalty or fine under this
- 88 subsection may perform community service in lieu of payment. The
- 89 rate of pay-down associated with this service option will be the
- 90 greater of \$15 per hour or the minimum wage in effect at the time of
- 91 judgment.
- 92 3. Possession of marijuana in schools or correctional facilities prohibited.
- 93 a. No person shall possess or consume marijuana on the grounds of
- 94 any public or private preschool, elementary or secondary school,
- 95 institution of higher education, in a school bus, or on the grounds
- 96 of any correctional facility.
- 97 b. This subsection shall not apply to any qualifying patient in
- 98 possession of a qualifying patient identification card issued by the
- 99 Department of Health and Senior Services.
- 100 c. Any violation of this subsection shall be punished as provided by
- 101 the provisions of section 1-7.
- 102 4. Delivery or distribution of marijuana to persons under twenty-one years of
- 103 age.
- 104 a. No person shall deliver or distribute marijuana, with or without
- 105 consideration, to a person younger than twenty-one years of age.
- 106 b. This subsection shall not apply to the delivery or distribution of
- 107 marijuana to any qualifying patient, as defined by Article XIV,
- 108 Section 1 of the Missouri Constitution, by any entity licensed by the
- 109 Missouri Department of Health and Senior Services for the
- 110 distribution of medical marijuana or by any parent or guardian of
- 111 the qualifying patient.
- 112 c. Any violation of this subsection shall be punished as provided by
- 113 the provisions of Section 1-7.
- 114 5. For purposes of this Section, the term “marijuana” shall have the same
- 115 definition found in Article XIV, Section 2 of the Missouri Constitution.
- 116 6. Subsections 1, 2, and 3 of this Section shall not apply to any individual
- 117 who is found to be in possession of more than twice the amount of
- 118 marijuana or more than twice the number of marijuana plants authorized
- 119 by Article XIV, Section 2 of the Missouri Constitution.
- 120

121 Section 2 – Springfield City Code, Chapter 78, ‘Offenses and Miscellaneous

122 Provisions,’ Article VI, ‘Offenses Against Public Health and Safety,’ is amended by

123 creating a new Section 78-262 as follows:

124

125 **Section 78-262 - Public consumption of marijuana.**

126
127 **1. Definitions:**

- 128 a. The term “public place” means any place to which the public or a
129 substantial number of the public have access. The term “public
130 place” includes, but is not limited to streets and highways,
131 sidewalks, transportation facilities, places of amusement, parks,
132 park properties, playgrounds, parking lots, and the common
133 areas of public and private buildings and facilities.
134 b. The term marijuana has the same definition as found in Article
135 XIV, Section 2 of the Missouri Constitution.

- 136 **2. No person shall consume marijuana in a public place or any vehicle**
137 **parked in a public place.**
138 **3. No person shall consume marijuana in such a manner that marijuana**
139 **smoke or odor exits a residence or nonpublic place where consumption**
140 **of marijuana is otherwise lawful. In a multifamily residence or similar**
141 **dwelling, marijuana shall not be consumed in any common area.**
142 **4. Any person who violates this section is subject to a civil penalty not to**
143 **exceed one hundred dollars.**
144 **5. Any person who is assessed a civil penalty under this section may**
145 **perform community service in lieu of payment. The rate of pay-down**
146 **associated with this service option will be the greater of \$15 per hour or**
147 **the minimum wage in effect at the time of judgment.**
148

149 Section 3 – Springfield City Code, Chapter 78, ‘Offenses and Miscellaneous
150 Provisions,’ Article VI, ‘Offenses Against Public Health and Safety,’ is amended by
151 creating a new Section 78-263 as follows:
152

153 **Section 78-263 – Consumption of marijuana in a motor vehicle.**
154

- 155 **1. No person shall consume marijuana in any form while operating a motor**
156 **vehicle.**
157 **2. No occupant of a motor vehicle shall consume marijuana by smoking**
158 **while the motor vehicle is being operated.**
159 **3. Any violation of this section shall be punished as provided by the**
160 **provisions of section 1-7.**
161

162 Section 4 – Springfield City Code, Chapter 78, ‘Offenses and Miscellaneous
163 Provisions,’ Article VI, ‘Offenses Against Public Health and Safety,’ Section 78-260 is
164 hereby amended as follows:
165

166 **Section 78-260 – Possession of narcotics paraphernalia.**
167

- 168 **1. It is unlawful for any person to use, or to possess with intent to use, drug**
169 **paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture,**
170 **compound, convert, produce, process, prepare, test, analyze, pack,**
171 **repack, store, contain, conceal, inject, ingest, inhale, or otherwise**

172 introduce into the human body a controlled substance or an imitation
173 controlled substance.

- 174 2. "Drug paraphernalia", all equipment, products and materials of any kind
175 which are used, intended for use, or designed for use, in planting,
176 propagating, cultivating, growing, harvesting, manufacturing,
177 compounding, converting, producing, processing, preparing, storing,
178 containing, concealing, injecting, ingesting, inhaling, or otherwise
179 introducing into the human body a controlled substance or an imitation
180 controlled substance. It includes, but is not limited to:
- 181 (a) Kits used, intended for use, or designed for use in planting,
182 propagating, cultivating, growing or harvesting of any species of plant
183 which is a controlled substance or from which a controlled substance can
184 be derived;
 - 185 (b) Kits used, intended for use, or designed for use in manufacturing,
186 compounding, converting, producing, processing, or preparing controlled
187 substances or imitation controlled substances;
 - 188 (c) Isomerization devices used, intended for use, or designed for use in
189 increasing the potency of any species of plant which is a controlled
190 substance or an imitation controlled substance;
 - 191 (d) Testing equipment used, intended for use, or designed for use in
192 identifying, or in analyzing the strength, effectiveness or purity of
193 controlled substances or imitation controlled substances;
 - 194 (e) Scales and balances used, intended for use, or designed for use in
195 weighing or measuring controlled substances or imitation controlled
196 substances;
 - 197 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol,
198 mannite, dextrose and lactose, used, intended for use, or designed for use
199 in cutting controlled substances or imitation controlled substances;
 - 200 (g) Separation gins and sifters used, intended for use, or designed for
201 use in removing twigs and seeds from, or in otherwise cleaning or refining,
202 marijuana;
 - 203 (h) Blenders, bowls, containers, spoons and mixing devices used,
204 intended for use, or designed for use in compounding controlled
205 substances or imitation controlled substances;
 - 206 (i) Capsules, balloons, envelopes and other containers used, intended
207 for use, or designed for use in packaging small quantities of controlled
208 substances or imitation controlled substances;
 - 209 (j) Containers and other objects used, intended for use, or designed for
210 use in storing or concealing controlled substances or imitation controlled
211 substances;
 - 212 (k) Hypodermic syringes, needles and other objects used, intended for
213 use, or designed for use in parenterally injecting controlled substances or
214 imitation controlled substances into the human body;
 - 215 (l) Objects used, intended for use, or designed for use in ingesting,
216 inhaling, or otherwise introducing ~~marijuana, cocaine, hashish, or hashish~~
217 oil into the human body, such as:

- a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- b. Water pipes;
- c. Carburetion tubes and devices;
- d. Smoking and carburetion masks;
- e. Roach clips meaning objects used to hold burning material, ~~such as a marijuana cigarette~~, that has become too small or too short to be held in the hand;
- f. Miniature cocaine spoons and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bongs;
- m. Ice pipes or chillers;

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (a) Statements by an owner or by anyone in control of the object concerning its use;
- (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;
- (c) The proximity of the object, in time and space, to a direct violation of this section;
- (d) The proximity of the object to controlled substances or imitation controlled substances;
- (e) The existence of any residue of controlled substances or imitation controlled substances on the object;
- (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of this section;
- (g) Instructions, oral or written, provided with the object concerning its use;
- (h) Descriptive materials accompanying the object which explain or depict its use;
- (i) National or local advertising concerning its use;
- (j) The manner in which the object is displayed for sale;
- (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- (m) The existence and scope of legitimate uses for the object in the

community;

(n) Expert testimony concerning its use.

3. “Drug paraphernalia” shall not include any “marijuana accessories” as that term is defined by Article XIV, Section 2 of the Missouri Constitution.

Section 5 – Springfield City Code, Chapter 78, ‘Offenses and Miscellaneous Provisions,’ Article VI, ‘Offenses Against Public Health and Safety,’ is amended by creating a new Section 78-265 as follows:

Section 78-265 – Marijuana accessories.

- 1. For purposes of this section, the term “marijuana accessories” means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.**
- 2. For purposes of this section, the term “marijuana” shall have the same definition found in Article XIV, Section 2 of the Missouri Constitution.**
- 3. Possession of marijuana accessories by persons under twenty-one years of age.**
 - a. No person under twenty-one years of age shall possess marijuana accessories.**
 - b. This subsection shall not apply to any qualifying patient in possession of a qualifying patient identification card issued by the Department of Health and Senior Services.**
 - c. Any person who violates this subsection shall be subject to a civil penalty not to exceed one hundred dollars and forfeiture of the marijuana.**
 - d. Any person who is subject to a civil penalty pursuant to this subsection shall be provided the option of attending up to four hours of drug education or counseling in lieu of payment of the penalty. Any such person shall still be subject to forfeiture of the marijuana.**
 - e. Any person who is assessed a civil penalty or fine under this subsection may perform community service in lieu of payment. The rate of pay-down associated with this service option will be the greater of \$15 per hour or the minimum wage in effect at the time of judgment.**
- 4. Possession of marijuana accessories in schools or correctional facilities prohibited.**
 - a. No person shall possess marijuana accessories on the grounds of any public or private preschool, elementary or secondary school, institution of higher education, in a school bus, or on the grounds of any correctional facility.**

b. Any violation of this subsection shall be punished as provided by the provisions of Section 1-7.

5. Delivery of marijuana accessories to persons under twenty-one years of age prohibited.

a. No person shall deliver or distribute marijuana accessories, with or without consideration, to a person younger than twenty-one years of age.

b. Any violation of this subsection shall be punished as provided by the provisions of Section 1-7.

Section 6 – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 7 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. City Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

Section 8 – 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: [Signature], Assistant City Attorney

Approved for Council action: Christi Page, City Manager



EXPLANATION TO STEVEN BISHOP WISHES TO ADDRESS CITY COUNCIL.

FILED: 03/31/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE AND BACKGROUND INFORMATION:

Submitted By:

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Attachments: None



EXPLANATION TO CERTIFICATION OF REFERENDUM PETITION.

FILED: 03/31/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE AND BACKGROUND INFORMATION:

Submitted By:

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Attachments: None



**EXPLANATION TO THE FINANCE AND ADMINISTRATION COMMITTEE
RECOMMEND**

FILED: 03/29/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE AND BACKGROUND INFORMATION:

Submitted By:

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Attachments: None



**EXPLANATION TO THE PUBLIC INVOLVEMENT COMMITTEE RECOMMENDS THE
FO**

FILED: 03/29/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE AND BACKGROUND INFORMATION:

Submitted By:

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Attachments: None



**EXPLANATION TO THE PUBLIC INVOLVEMENT COMMITTEE RECOMMENDS THE
FO**

FILED: 03/29/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE AND BACKGROUND INFORMATION:

Submitted By:

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Attachments: None



**EXPLANATION TO THE PUBLIC INVOLVEMENT COMMITTEE RECOMMENDS THE
FO**

FILED: 03/29/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE AND BACKGROUND INFORMATION:

Submitted By:

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Attachments: None



**EXPLANATION TO THE PUBLIC INVOLVEMENT COMMITTEE RECOMMENDS THE
FO**

FILED: 03/29/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE AND BACKGROUND INFORMATION:

Submitted By:

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Attachments: None



**EXPLANATION TO THE PUBLIC INVOLVEMENT COMMITTEE RECOMMENDS THE
FO**

FILED: 03/29/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE AND BACKGROUND INFORMATION:

Submitted By:

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Attachments: None



**EXPLANATION TO THE PUBLIC INVOLVEMENT COMMITTEE RECOMMENDS THE
FO**

FILED: 03/29/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE AND BACKGROUND INFORMATION:

Submitted By:

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Attachments: None



**EXPLANATION TO THE PUBLIC INVOLVEMENT COMMITTEE RECOMMENDS THE
FO**

FILED: 03/29/2023

ORIGINATING DEPARTMENT: City Clerk

TITLE:

PURPOSE AND BACKGROUND INFORMATION:

Submitted By:

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Attachments: None



EXPLANATION TO COUNCIL BILL 2023-082 (MCGULL)

FILED: 03/28/2023

ORIGINATING DEPARTMENT: Police

TITLE: A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with the Board of Governors of Missouri State University for the purpose of continuing to provide enhanced law enforcement services within and around the Missouri State University campus.

PURPOSE AND BACKGROUND INFORMATION: Purpose: To authorize the City Manager, or his designee, to enter into an agreement with the Board of Governors of Missouri State University for the purpose of continuing to provide enhanced law enforcement services within and around the Missouri State University campus.

For over 25 years the City of Springfield ("City") has partnered with Missouri State University ("MSU") to staff a Springfield Police Department ("SPD") substation on MSU campus to promote public safety, prevent crime, and to foster the coordination of services to enhance quality of life in and around the expanding MSU campus. This agreement is an annual renewal of that partnership, designed to meet the evolving needs of the SPD Substation located at MSU and the area it serves.

Submitted By: Paul Williams, Police Chief

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Collin Quigley, Deputy City Manager 3/21/2023

Attachments:

1. MSU Substation 2023-2024 ordinance
2. Exhibit A- MSU and SPD Substation Contract 2023 Final

One-rdg. _____
P. Hrngs. _____
Pgs. 12
Filed: 03-28-23

Sponsored by: McGull

First Reading: _____ Second Reading: _____

COUNCIL BILL 2023-082 SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an
2 Intergovernmental Agreement with the Board of Governors of
3 Missouri State University for the purpose of continuing to provide
4 enhanced law enforcement services within and around the Missouri
5 State University campus.
6 _____
7

8 WHEREAS, the need exists to staff a police substation on the campus of
9 Missouri State University ("MSU") on a continuous basis to promote public safety,
10 prevent crime, and enhance the quality of life in and around the expanding MSU
11 campus; and
12

13 WHEREAS, the City of Springfield ("City") and MSU have worked together for
14 over 25 years in a partnership to meet that need by locating a substation of the
15 Springfield Police Department ("SPD") on MSU campus; and
16

17 WHEREAS, the City and MSU wish to continue working together to provide a
18 safe community in and around the MSU campus by renewing the Intergovernmental
19 Agreement Regarding Law Enforcement Services ("IGA") for a police substation on the
20 MSU campus; and
21

22 WHEREAS, this IGA outlines the terms for the continued operation of the SPD
23 substation on the MSU campus.
24

25 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
26 SPRINGFIELD, MISSOURI, as follows, that:
27

28 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
29 an Intergovernmental Agreement with the Board of Governors of Missouri State
30 University to continue providing enhanced law enforcement services, said agreement to
31 be substantially in the form and content as that document attached hereto and
32 incorporated herein by reference as "Exhibit A."
33

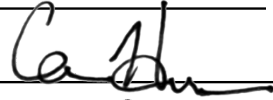
34 Section 2 – This Ordinance shall be in full force and effect from and after
35 passage.

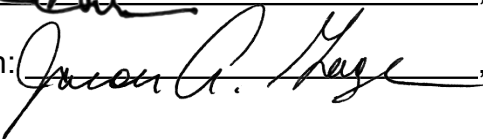
36
37 Passed at meeting: _____

38
39 _____
40 Mayor

41
42 Attest: _____, City Clerk

43
44 Filed as Ordinance: _____

45
46 Approved as to form:  _____, Assistant City Attorney

47
48 Approved for Council action:  _____, City Manager

ROUTING	(1) ORIGINATING DEPARTMENT	(2) MISSOURI STATE UNIVERSITY	(3) FINANCE DEPARTMENT
ORDER	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE JULY 1, 2023	TERMINATION DATE JUNE 30, 2024	CONTRACT NUMBER:	
() NEW CONTRACT		(X) RENEWAL OF CONTRACT No. _____	
CITY		BOARD OF GOVERNORS OF MISSOURI STATE UNIVERSITY	
CITY OF SPRINGFIELD 840 BOONVILLE, PO Box 8368 SPRINGFIELD, MO 65802 PHONE (417) 836-7612 FAX (417) 836-4663 ATTN: SGT. JOSHUA LUDWIG DEPT: MISSOURI STATE UNIV. POLICE SUBSTATION		BOARD OF GOVERNORS MISSOURI STATE UNIVERSITY 901 SOUTH NATIONAL SPRINGFIELD, MO 65897 PHONE (417) 836-4590 FAX (417) 836-7669 ATTN: VICE PRESIDENT- ADMINISTRATIVE SERVICES	

INTERGOVERNMENTAL AGREEMENT REGARDING LAW ENFORCEMENT SERVICES

THIS AGREEMENT, made and entered into this _____ day of _____, 2023, by the parties identified above.

WHEREAS, the City of Springfield, Missouri ("City"), a municipal corporation organized and operating under the Constitution and Laws of the State of Missouri and the Springfield City Charter, and the Board of Governors ("Board") of Missouri State University, a university organized and operating under the Constitution and Laws of the State of Missouri, are mutually desirous of revising, renewing, and extending the period of the preexisting intergovernmental agreement for providing police services within and around the immediate campus area of Missouri State University ("MSU"); and

WHEREAS, the City and the Board are resolved that an agreement providing for enhanced law enforcement services within and around the campus of MSU will be of mutual benefit to the parties to this agreement.

NOW, THEREFORE, IN CONSIDERATION OF THE TERMS AND CONDITIONS HEREIN STATED, THE CITY AND THE BOARD HEREBY ENTER INTO THE FOLLOWING AGREEMENT REGARDING LAW ENFORCEMENT SERVICES TO BE PROVIDED WITHIN AND AROUND THE CAMPUS OF MSU:

A. STAFFING OF THE POLICE SUBSTATION

1. The Board agrees to provide, at its expense, a facility deemed suitable by the City for a police substation, to be located on the MSU campus as defined in Section B.1. of this agreement.

2. The City agrees to staff the police substation located on the MSU campus as promised herein. The Springfield Police Department expressly reserves and retains the right to direct and supervise all police personnel assigned to the police substation at all times this agreement is in effect. If requested, the Board agrees to provide approximately 2 hours per week of clerical assistance for the substation operation. The City will provide personnel and equipment for the purpose of staffing the police substation in accordance with the following schedule:

a. The City agrees to staff the MSU substation with ten (10) full-time police officers. The minimum staffing of the MSU substation shall not fall below eight (8) full-time police officers, unless officers are reassigned pursuant to Section B, Paragraph 5 below. Those ten (10) police officers shall consist of: eight (8) police officers, one (1) police sergeant, and one (1) police corporal. In the event that the staffing is reduced to eight (8) full-time police officers, the officers shall consist of: seven (7) police officers, one (1) police sergeant or acting sergeant. The City agrees to provide 24-hour, 7-days per week police services on the campus. This will be accomplished through the assigned staff and the use of overtime. At the request of MSU, one (1) additional police officer may be added to bring the MSU substation to eleven (11) full-time police officers to reduce the overtime cost, provided sufficient notice is given to the Springfield Police Department to allow for the inclusion of the additional position into the recruit academy.

b. The division of costs for the ten (10) police officers provided to MSU under the terms of this agreement shall be that MSU fund 80% and the City fund 20% of the combined total of the salaries of the ten full-time officers assigned to the substation. The term "salaries" as used in this paragraph shall include: the officers' base salary and benefits. Should the parties agree in writing to increase the staffing of the substation to more than ten (10) officers, MSU shall be responsible for the entire salary of any additional officer assigned to the substation. If the staffing shall fall below ten (10) police officers pursuant to Section B, Paragraph 6 below for a period in excess of fourteen (14) days, MSU shall only be responsible for 80% of the total salaries of the remaining officers. (See Exhibit B attached hereto and incorporated herein by reference.)

c. Officers of the MSU substation who participate in special safety and enforcement projects agreed to between MSU safety and security staff and the Police MSU Substation Supervisor within and around the campus of MSU will be compensated at the guaranteed rate of time and one-half (money or compensatory time) for the actual time during which the officer is engaged in the performance of the special project. The cost of such compensation shall be reimbursed by the Board. Assignment of officers to such MSU special safety or enforcement projects is at the discretion of the Police MSU Substation Supervisor.

d. FISCAL YEARS SUBSEQUENT TO FY 13-14

(1) The parties may reassess the staffing needs for the police substation on an annual basis, or more frequently if either party deems it necessary to do so.

(2) The parties agree that the staffing levels designated in paragraph A.2.a will be continued for so long as this agreement is in effect, provided the staffing levels are not adjusted or revised in accordance with the terms and conditions of this agreement.

e. The City agrees to require all officers working on the MSU campus to attend MSU's Campus Security Authority training in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). In addition, the City agrees to notify MSU of incidents being investigated by the SPD that pose an imminent or impending threat to the campus. The notification will be made in a timely manner that allows MSU to notify the campus community to take protective actions as required in the Clery Act.

3. The City agrees to designate one (1) substation officer to participate in the University's Behavioral Intervention Team (BIT) meeting, occurring weekly on Wednesdays at 10:00 a.m. in room 415 of Plaster Student Union, and as may be otherwise modified from time to time. Such dedicated officer shall liaison with the University's BIT at no additional cost to the University and consistent to the University's obligations under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g; 34 CFR § 99 et seq. ("FERPA").

B. LAW ENFORCEMENT SERVICES TO BE PROVIDED BY THE CITY

1. The parties agree and understand that the primary purpose of the police substation is to bring the police and the campus community together in a unified effort to: (1) enhance public safety, (2) prevent crime, and (3) to make this, as a neighborhood, a better place to live. The parties therefore commit to exercise their best efforts to cooperate and communicate regarding matters of obvious concern. Recognizing the University may have helpful information, both parties are committed to open communication and, as appropriate, exchange of information. Nothing in this paragraph should be construed to require the divulgence of confidential or privileged information. The objective will be to create positive interaction and to establish a partnership between police and the campus community as defined in this section in the process of problem identification and problem resolution. MSU authorizes City of Springfield to enforce City of Springfield ordinances as well as state law on the campus.

a. The MSU campus is identified and delineated in the map, Exhibit A, and incorporated herein by reference. The MSU campus is generally described as two adjoining sections with the first area bounded by one block east of National Avenue on the east; Loren Street on the south; Kimbrough Avenue to the west; and St. Louis Street on the north; with the second area bounded by Benton Avenue/Kimbrough Avenue on the east; Walnut Street on the south; Main Avenue on the west and Tampa Street on the north. In addition, it is agreed that SPD officers assigned to the MSU Police Substation will routinely patrol and provide police services to all other satellite facilities owned or leased by MSU within the corporate city limits of the city of Springfield.

b. In addition to the defined area just described, the term "in and around the MSU campus area" shall include the perimeter streets, and shall also include all recognized Greek fraternity and sorority houses, without regard to their location, whether inside or outside the defined area.

2. Springfield police officers assigned to the police substation will work flexible shifts in accordance with the calls for service and crime-problem identification demands, based upon a 40 hour work week for each officer assigned.
3. The Springfield Police Department will assign an extra officer to the substation when requested, on designated Friday and Saturday nights, such as at the beginning and end of the school year, as determined by the substation supervisor.
4. Springfield police officers assigned to the police substation will provide a visible police presence to the MSU campus area.
5. The Springfield Police Department will investigate all accidents involving MSU and Bearline vehicles within the City of Springfield or on MSU property when requested.
6. The parties expressly agree and stipulate that, notwithstanding any other provision of this agreement to the contrary, the Springfield Police Department reserves and retains the right to temporarily reassign police officers assigned to the police substation to other duties in the following situations:
 - a. Emergency situations. In cases of emergency, or extraordinary needs for service in other locations the Springfield Police Department reserves and retains the right to utilize those officers assigned to the MSU substation as needed, for the duration of the emergency, including below the minimum staffing noted in Section A.2.A, if needed.
 - b. Staffing shortage reassignment. Staffing shortage reassignment shall mean reassignment of up to two (2) of the ten (10) police officer positions to a location other than the MSU substation on a full-time basis. In the event of reassignment, the City expressly agrees to restore the staffing of the police substation to the levels set out in Section A of this agreement as soon as possible in light of existing circumstances. Any reassignment will adhere to the minimum staffing levels agreed to in Section A.2.A.
 - c. Temporary reassignment. Temporary reassignment shall mean reassignment of MSU substation police officer positions to a location other than the MSU substation which reduces the MSU substation staffing below eight (8) positions on a full-time basis. Temporary reassignment may only be done by mutual agreement and for a specified amount of time.
7. The parties agree and understand that police officers assigned to the police substation will on occasion be absent from their duties as a result of illness, vacation leave, personal leave, funeral leave, compensatory time, training time, court appearances, military leave, and other similar causes of absence. In such cases the existing workload will be assumed by other members of the police substation staff. In the event an absence of any officer assigned to the police substation exceeds fourteen (14) days, the City will review the staffing needs of the police substation and will assign such additional personnel as may be necessary to the effective functioning of the unit depending upon availability of personnel.
8. The parties agree and understand that assignment to the MSU Substation will not penalize assigned employees and will not in any way threaten employment rights, promotional opportunities, training opportunities, or fringe benefits.
9. The Chief of the Springfield Police Department and the MSU President, or their designees, shall be responsible for developing all necessary procedures for the coordination of services between the two agencies.
10. The substation will maintain records which are available to the President (or his designee) to include but not limited to:
 - a. Substation payroll records.
 - b. Time sheet and detailed billing information sufficient for invoice reconciliation.
 - c. Work schedule of substation officers.
 - d. Calls For Service data within the designated substation area as defined by this contract.
 - e. Appropriate crime statistic information sufficient for Federal Clery reporting.
 - f. Provide information consistent with legal restrictions from police reports.
 - g. Equipment purchase orders.

h. Data by city service center.

C. RESPONSIBILITIES OF THE BOARD OF GOVERNORS

1. The Board agrees to provide and maintain a facility mutually deemed suitable by the City and the Board for a police substation, to be located in the MSU campus area as defined in Section B.1. of this agreement. The Board agrees to bear sole responsibility for the cost of operating and maintaining such facility for so long as this agreement is in effect.
2. The Board agrees to pay for services provided by the City in a total amount not to exceed One Million Fifteen Thousand Seven Hundred Ninety-Four Dollars and Forty-Two Cents (\$1,015,794.42) based on the cost projections set forth in Exhibit B and C attached hereto and incorporated herein by reference.
3. The Board agrees to pay the cost of the overtime, uniform allowance, equipment depreciation, transportation, software and training costs of all full-time officers assigned to the substation based on the cost projections set forth in the attached Exhibits B and C, attached hereto and incorporated herein by reference.
4. The City will bill the Board on a monthly basis for law enforcement services provided pursuant to this agreement. The Board shall remit to the city, money owed to the City under the terms of this agreement, on or before thirty (30) days after the date of the invoice, unless there is a dispute regarding the amount of the invoice in which case the parties agree to meet and discuss in good faith the invoice amount.
5. The Board agrees to provide an e-bicycle for each substation officer. The e-bicycle will meet the Springfield Police Department's specifications and will be replaced on a three-year cycle.

D. OTHER TERMS AND CONDITIONS

1. Conflicts. No salaried officer or employee of the City, and no member of the City Council or the Board shall have a financial interest, direct or indirect, in this contract. A violation of this provision renders the contract void.
2. Liability. The City hereby agrees to assume responsibility for the liabilities imposed by law on its employees, agencies, and institutions, including but not limited to all actions of its police officers undertaken on the MSU campus. The Board hereby agrees to assume responsibility for the liabilities imposed by law on its employees, agencies, and institutions. Nothing herein shall be construed to waive any sovereign, official or governmental immunity applicable to either party, its board or council members, officers or employees.
3. Notices. All notices required or permitted herein under and required to be in writing may be given by first class mail addressed to the Springfield City Manager, 840 Boonville, Springfield, Missouri 65802, and to the Board of Governors, Missouri State University, 901 South National, Springfield, Missouri 65897. The date of delivery of any notice shall be the date falling on the second full day after the date of its mailing.
4. Jurisdiction. This agreement and every question arising thereunder shall be construed and 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.
5. Termination of Agreement. Either party shall have the right to terminate this agreement upon giving written notice of intent to terminate to the other party at least 180 days prior to the date of termination.
6. Failure of Appropriations and Cancellation of Agreement. The parties mutually agree and understand that continuation of this agreement is subject to annual budget appropriations. Subject to the requirements of Section D.5., should the Springfield City Council or the Board fail to appropriate funds to continue staffing of the police substation, this agreement may be terminated by either party as of the last date upon which appropriated funds are available to either or both parties for continuation of staffing under the agreement.
7. Nondiscrimination. The parties agree not to discriminate on the basis of age, sex, religion, disability, race, national origin, ancestry, veteran status, sexual orientation, gender identity, or color, in employment, accommodation or provision of services in carrying out the terms and provisions of this agreement.
8. Term of the Agreement. Subject to all of the foregoing terms and conditions, the term of this Agreement shall be from July 1, 2023 through June 30, 2024. Thereafter, the parties may annually renew the Agreement for successive periods under such terms and conditions as may be agreed to at that time. Each addendum or renewal of the Agreement shall be in written form, executed by the Springfield City Manager and the President for MSU, on such terms and conditions as may be agreed

to by the City Manager and the President for MSU. Should the term of this contract end without a renewal being timely enacted, parties shall continue to follow these contract terms on a month-to-month basis until such time a new contract can be executed or one of the parties terminates the contract pursuant to Paragraph D.5 above.

9. Compliance with all laws. The parties agree to abide and follow all federal, state, and local laws in performing the duties set forth in this contract including, without limitation, Mo. Rev. Stat § 173.2050, which requires the parties to establish and follow certain policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking involving Students and other members of MSU's campus community. Said policies and protocols are shown in Exhibit D, which is attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year herein stated.

APPROVED AS TO FORM

The Board of Governors of Missouri State University

By: _____
Attorney for Board of Governors

By: _____
President of the University or designee

APPROVED AS TO FORM

The City of Springfield, Missouri

By: _____
City Attorney or designee

By: _____
City Manager or designee

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 his designee

EXHIBIT A MSU CAMPUS MAP

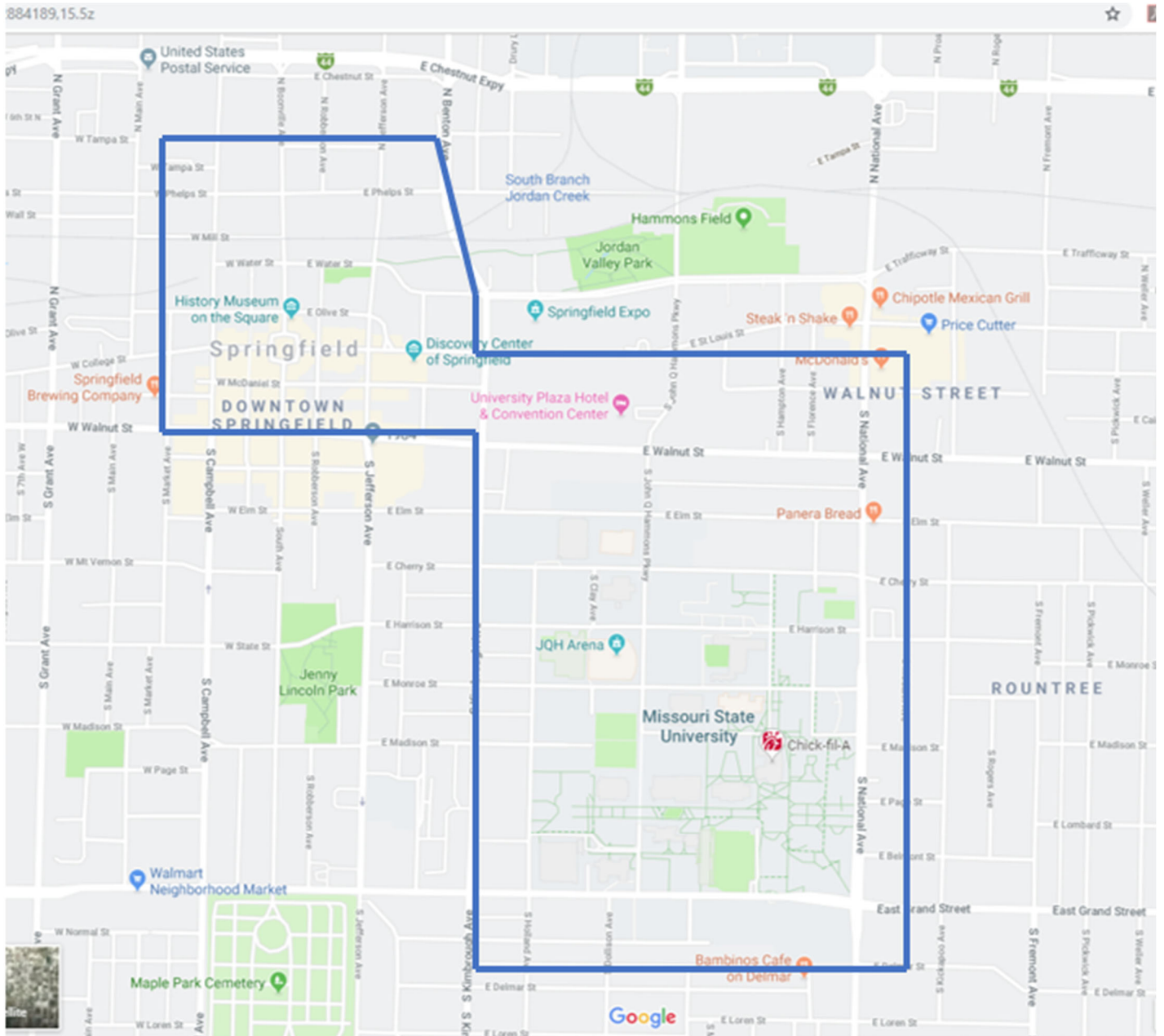


EXHIBIT B
Cost of MSU Substation Account
FY 2023-2024

	Totals
SALARIES / BENEFITS*	
Sergeant (1), Corporal (1), and Officers (8)	
MSU Cost – 80% of Total Cost _____	\$856,185.24
OVERTIME _____	\$106,553.00
Subtotal: _____	\$962,738.24
OVERHEAD:	
UNIFORM ALLOWANCE (10 Officers) _____	\$14,500.00
TRAINING COST _____	\$4,400.00
TRANSPORTATION AND SOFTWARE COST ** _____	\$34,156.18
Subtotal: _____	\$53,056.18
Total Contract Amount _____	\$1,015,794.42

* Salary information is calculated at actual officer's salaries and top step for vacant positions and includes longevity pay, education incentive, pension contribution, Medicare, workers' comp, etc.
Salaries and Benefits above is 80% of cost.

** (See Exhibit C)

EXHIBIT C
MSU Substation Transportation, Equipment and Software Cost
FY 2023-2024

Transportation

	2021	2017	2016
	Ford Interceptor	Ford Explorer	Ford Explorer
Purchase cost	48,017.43	\$48,048	\$38,350.00
7 Year Depreciation	6,859.63	\$6,864.00	Fully Depreciated

Annual Depreciation for two (2) vehicles	\$13,723.63
Fuel Cost **	\$3,841.55
Maintenance and Repair Cost **	\$9,498.90
Vehicle Subtotal	\$27,064.08

Equipment

Ten (10) Body Worn Cameras

	10 Body Worn Cameras
Purchase Cost Per Camera	\$2,551.57
5 Year Depreciation (Year 3 of 5)	\$510.31
Annual Depreciation for (10) Body Worn Cameras	\$5,103.10
Body Worn Camera Subtotal	\$5,103.10

Note: 5 e-Bikes are fully depreciated.

Software

Ten (10) Office 365 annual software license fees	\$198.90 each
Software Subtotal	\$1,989.00

Total Annual Transportation, Equipment and Software Cost \$34,156.18

* Cost of the vehicle with standard law enforcement, including mobile data terminal and emergency equipment. All equipment will be maintained in good working order.

**Figure based on actual and averages for FY23 (July 2022-June 2023). Figures from Fleet Administrator.

EXHIBIT D
Policies and Protocols Regarding
Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Consistent with the provisions of Title IX of the Education Amendments of 1972, 20 U.S.C.A. § 1681, *et seq.* ("Title IX"), and the Violence Against Women Act ("VAWA"), MSU will investigate all reports of sexual assault, domestic violence, dating violence and stalking that are brought to MSU's attention, regardless as to where the conduct is alleged to occur, which involve member(s) of the MSU campus community. (Note: Such reports will be investigated by MSU regardless as to where the conduct is alleged to have occurred, in that MSU is obligated to determine whether the alleged conduct occurred in the context of an educational program or activity, or has continuing effects on the MSU campus or in an off-campus educational program or activity.)

Consistent with the requirements of Title IX and VAWA, and the directives of the Department of Education's Office for Civil Rights ("OCR"), MSU will honor the wishes of a complainant/victim as to whether to notify the Springfield Police Department of an incident of alleged sexual assault, domestic violence, dating violence and or stalking. The reporting of any such offense will be the choice and the responsibility of the complainant/victim. Notwithstanding the foregoing, nothing in this Exhibit D shall be construed so as to preclude the Springfield Police Department from investigating any and all allegations of criminal activity – including allegations of sexual assault, domestic violence, dating violence, or stalking – that are reported to the Springfield Police Department or otherwise come to the attention of the Springfield Police Department.

Subject to its obligations under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g; 34 CFR § 99 *et seq.* ("FERPA"), MSU will cooperate with the Springfield Police Department, in terms of any law enforcement investigation of sexual assault, domestic violence, dating violence and or stalking involving members of the MSU campus community, if authorized by the complainant/victim or pursuant to a lawfully issued search warrant, subpoena, or court order. The Springfield Police Department agrees to use best efforts to communicate with MSU regarding investigations or reports of sexual assault, domestic violence, dating violence and or stalking involving members of MSU's campus community, provided that such communication, in the reasonable estimation of the Springfield Police Department or the Greene County Prosecuting Attorney, will not jeopardize the integrity of an investigation, or subsequent prosecution, of sexual assault, domestic violence, dating violence and or stalking.

Depending on the facts and circumstances of an individual case, one or both parties may have jurisdiction to investigation incident of sexual assault, domestic violence, dating violence and or stalking involving members of the MSU campus community. The term jurisdiction, as used herein, means that MSU shall have jurisdiction to conduct investigations consistent with its Title IX/VAWA obligations and its educational interests, whereas SPD shall have jurisdiction to conduct investigations from a law enforcement/criminal perspective. Both parties understand and agree that such investigations are independent and may happen simultaneously, and agree to provide one another with as much courtesy and communication as may be possible, given the facts and circumstances of the individual case.

The parties acknowledge and agree that this Exhibit D is intended fully conform to the requirements of Mo. Rev. Stats. § 173.2050. The parties further acknowledge that, pursuant to Mo. Rev. Stat. § 173.2050.3, the Missouri Department of Public Safety has been charged with promulgating rules and regulations by August 28, 2016, to facilitate the implementation of the requirements of Mo. Rev. Stat. § 173.2050. Thus, the parties agree to evaluate any and all such promulgating rules and regulations, and to work together in good faith to modify their collaborative practices and, as necessary, this Exhibit D, to ensure continued legal compliance.



EXPLANATION TO COUNCIL BILL 2023-083 (HOSMER)

FILED: 03/28/2023

ORIGINATING DEPARTMENT: Police

TITLE: A special ordinance authorizing the City Manager, or his designee, to accept a grant in the amount of \$8,100 from the State of Missouri, Department of Public Safety, for replacement of a Springfield Police Department canine; amending the budget for the Police Department for Fiscal Year 2022-2023 in the amount of \$8,100; and declaring this bill qualifies as a one-reading bill pursuant to Charter Section 2.16(25).

PURPOSE AND BACKGROUND INFORMATION: Purpose: Authorizing the City Manager, or his designee, to accept a grant from the State of Missouri, Department of Public Safety, for the purpose of replacing a police canine trained for the detection of illegal drugs.

The passage of Constitutional Amendment 3 (recreational marijuana) has caused police K9's that had been imprinted on Marijuana to be retired from service and replacement K9s to be purchased and trained. This grant will allow SPD to do so with one of their 3 dogs that are affected.

Submitted By: Paul Williams, Police Chief

Authorized for inclusion on the agenda pursuant to City Code section 2-33:

Collin Quigley, Deputy City Manager 3/22/2023

Attachments:

1. DPS Canine Ord
2. DPS Grant K-9 BA

One-rdg. X
P. Hrngs.
Pgs. 4
Filed: 03-28-23

Sponsored by: Hosmer

First Reading: Second Reading:

COUNCIL BILL 2023-083 SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept a grant in the amount
2 of \$8,100 from the State of Missouri, Department of Public Safety,
3 for replacement of a Springfield Police Department canine;
4 amending the budget for the Police Department for Fiscal Year
5 2022-2023 in the amount of \$8,100; and declaring this bill qualifies
6 as a one-reading bill pursuant to Charter Section 2.16(25).
7
8

9 WHEREAS, the voters of the State of Missouri recently passed Amendment 3,
10 which amended the Missouri Constitution to allow for recreational use of marijuana in
11 the State of Missouri; and
12

13 WHEREAS, the Springfield Police Department ("SPD") utilizes police canines
14 which have received specialized training for the detection of illicit substances, including
15 three canines that have been trained in the detection of marijuana; and
16

17 WHEREAS, as a result of Amendment 3 passing, police canines trained in the
18 detection of marijuana have limited investigative value for the detection of illegal
19 substances; and
20

21 WHEREAS, the State of Missouri, Department of Public Safety ("DPS"), has
22 made grants available to law enforcement agencies to replace canines trained in the
23 detection of marijuana with canines trained in the detection of controlled substances
24 other than marijuana; and
25

26 WHEREAS, DPS has awarded SPD a grant in the amount of \$8,100 for the
27 replacement of one canine which is anticipated to be retired early in response to the
28 passage of Amendment 3.
29

30 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
31 SPRINGFIELD, MISSOURI, as follows, that:
32

33 Section 1 – The City Manager, or his designee, is hereby authorized to accept
34 grant funds in the amount of \$8,100 from the State of Missouri, Department of Public

35 Safety, for the replacement of a police canine and to do all things necessary to accept
36 and to carry out the grant, including the execution of contracts, provided the form of any
37 such contract is approved by the City Attorney.
38

39 Section 2 – The budget of the Police Department, for the Fiscal Year 2022-2023,
40 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment
41 No. 049 in the Amount of \$8,100, a copy of which is attached hereto and incorporated
42 herein by reference as “Exhibit A.”
43

44 Section 3 – The City Council finds that the budget adjustment made above has
45 been recommended by the City Manager.
46

47 Section 4 – The City Manager is directed to cause the appropriate accounting
48 entries to be made in the books and records of the City. In the event additional funding
49 is provided under this grant by the grantor, the Director of Finance is hereby authorized
50 to adjust this appropriation by an amount not to exceed 20 percent.
51

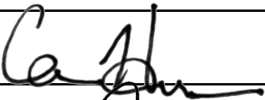
52 Section 5 – City Council hereby finds and declares that this Ordinance relates to
53 the acceptance of a grant from a state or federal agency and pursuant to Section
54 2.16(25) of the City Charter, this Ordinance shall require one reading. Therefore, this
55 Ordinance shall be in full force and effect from and after passage.
56

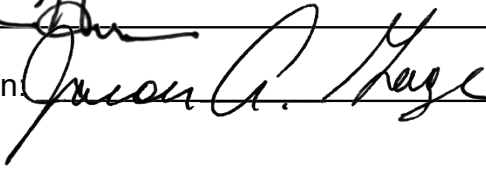
57 Passed at meeting: _____
58

59 _____
60 Mayor
61

62 Attest: _____, City Clerk
63

64 Filed as Ordinance: _____
65

66 Approved as to form:  _____, Assistant City Attorney
67

68 Approved for Council action:  _____, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
049

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
25060	18	90100	414110			\$ 8,100	DPS K-9 REIMBURSEMENT
Net Revenue Adjustment						\$ 8,100	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
25060	18	90100	501260			\$ 8,100	DPS K-9 EXPENDITURE
Net Expenditure Adjustment						\$ 8,100	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating grant funds from the Department of Public Safety for the purchase of a K-9 dog.

Requested By:

Paul F. Z. [Signature] 03-28-2023
Department Head Date

Approved By:

D. J. [Signature] 03-28-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-083
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2023-067 (LEAR)

FILED: 03/22/2023

ORIGINATING DEPARTMENT: Environmental Services

TITLE: A special ordinance authorizing the City Manager, or his designee, to accept pass-through federal grant funds from the Watershed Committee of the Ozarks, which received a Section 319 Nonpoint Source Grant from the Missouri Department of Natural Resources for the purpose of constructing stormwater green infrastructure projects; entering into an agreement with the Watershed Committee of the Ozarks; and amending the budget of the Department of Environmental Services for Fiscal Year 2022-2023 in the amount of \$40,000.

PURPOSE AND BACKGROUND INFORMATION: Purpose: Authorizing the City Manager, or his designee, to accept pass-through federal grant funds from the Watershed Committee of the Ozarks ("WCO"), who received a Section 319 Nonpoint Source Grant from the Missouri Department of Natural Resources ("MDNR") for the purpose of constructing stormwater green infrastructure projects; to enter into an agreement with WCO; and amending the budget of the Department of Environmental Services for Fiscal Year 2022-2023 in the amount of \$40,000 to appropriate the federal grant funds.

The Watershed Committee of the Ozarks applied for and received Section 319 Nonpoint Source federal grant funds from the Missouri Department of Natural Resources to improve water quality in the Upper Little Sac River watershed. The City supports the goals of the grant to improve water quality and desires to partner with WCO to implement green infrastructure projects to be partially funded by this Section 319 Grant Program in the maximum amount of \$40,000. This amount may be increased by up to 20% (\$8,000) should additional Section 319 Grant Program funds become available for green infrastructure projects.

The City will also provide in-kind services and/or non-federal matching funds with a total minimum value of \$20,000 for technical support, management, and implementation of green infrastructure projects. Additionally, the City routinely performs water quality monitoring and will document and report the value of that monitoring as in-kind match. Matching funds will be provided through the Clean Water Fund annual operating budget.

REMARKS: This Council bill will authorize the City of Springfield to accept the grant funds. Environmental Services recommends approval of this Council Bill and budget adjustment.

Submitted By: Ron Petering, Assistant Director of Environmental Services



Authorized for inclusion on the agenda pursuant to City Code section 2-33:

- Attachments:**
1. Watershed Committee 319 Grant_ord
 2. Watershed Committee 319 Grant_ExhA
 3. Watershed Committee 319 Grant_Exh1
 4. Watershed Committee 319 Grant BA_ExhB

One-rdg. _____
P. Hrngs. _____
Pgs. 9
Filed 03-14-23

Sponsored by Lear

First Reading _____

Second Reading _____

COUNCIL BILL 2023-067

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept pass-through federal
2 grant funds from the Watershed Committee of the Ozarks, which
3 received a Section 319 Nonpoint Source Grant from the Missouri
4 Department of Natural Resources for the purpose of constructing
5 stormwater green infrastructure projects; entering into an agreement
6 with the Watershed Committee of the Ozarks; and amending the
7 budget of the Department of Environmental Services for Fiscal Year
8 2022-2023 in the amount of \$40,000.
9 _____

10
11 WHEREAS, Watershed Committee of the Ozarks ("WCO") applied for and received
12 Section 319 Nonpoint Source federal grant funds from the Environmental Protection
13 Agency through the Missouri Department of Natural Resources to improve water quality
14 in the Upper Little Sac River watershed; and
15

16 WHEREAS, the City desires to partner with WCO to implement green infrastructure
17 projects and support the goals of the grant to improve water quality.
18

19 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
20 SPRINGFIELD, MISSOURI, as follows, that:
21

22 Section 1 – The City Manager, or his designee, is hereby authorized to accept pass-
23 through federal funds in the amount of \$40,000, from the WCO, for use in stormwater
24 green infrastructure projects, and to enter into an agreement similar to that attached
25 hereto as "Exhibit A" and incorporated herein by this reference, provided the form of any
26 such agreement is approved the City Attorney.
27

28 Section 2 – The budget of the Department of Environmental Services, for Fiscal
29 Year 2022-2023, is hereby authorized to be amended in the accounts and in the
30 amounts as shown on Budget Adjustment No. 042 in the Amount of \$40,000.00, a copy
31 of which is attached hereto and incorporated herein by reference as "Exhibit B" upon
32 receipt of funds from WCO.
33

34 Section 3 – City Council finds that the proposed budget adjustment above has been
35 recommended by the City Manager.

36
37 Section 4 – The City Manager is directed to cause the appropriate accounting
38 entries to be made in the books and records of the City. In the event additional funding
39 is provided under this grant by the grantor, the Director of Finance is hereby authorized
40 to adjust this appropriation by an amount not to exceed 20 percent.

41
42 Section 5 – This Ordinance shall be in full force and effect from and after passage.

43
44 Passed at meeting: _____

45
46 _____
47 Mayor

48
49 Attest: _____, City Clerk

50
51 Filed as Ordinance: _____

52
53
54 Approved as to form: John Millington, Deputy City Attorney

55
56
57 Approved for Council action: Jason C. Hays, City Manager

Exhibit A

INTERLOCAL AGREEMENT BETWEEN THE CITY OF SPRINGFIELD, MISSOURI, AND THE WATERSHED COMMITTEE OF THE OZARKS

This Interlocal Agreement is made and entered into this ____ day of _____ 2022, by and between the City of Springfield, acting by and through its governing body the City Council ("City") and the Watershed Committee of the Ozarks ("WCO"), all of Greene County, State of Missouri.

WHEREAS, this Agreement is made under the authority of City Council, Special Ordinance No. _____, passed the ____ day of _____ 2022; and

WHEREAS, WCO submitted an application to the Missouri Department of Natural Resources (MoDNR) under the United States Environmental Protection Agency (EPA) 319 Nonpoint Source Grant Program for federal funds for the Upper Little Sac Implementation Project. Funds shall be applied toward projects that reduce pollutant loadings for nutrients, sediment, and bacteria. WCO has received funding and approval from MoDNR in accordance with the Grant Agreement dated September 1, 2021.

WHEREAS, the City wants to partner with WCO on Green Infrastructure Projects to be partially funded by this 319 Grant Program in the maximum amount of \$40,000 which may be increased by up to 20% should additional 319 Grant Program funds become available for Green Infrastructure Projects. The City will provide in-kind services and/or non-federal matching funds with a total minimum match value of \$20,000 for technical support, management, and implementation of Green Infrastructure Projects.

WHEREAS, the City routinely performs water quality monitoring in the Upper Little Sac Watershed and desires to voluntarily support the Upper Little Sac Implementation Project by documenting and reporting the value of that monitoring as in-kind match.

NOW THEREFORE, the City of Springfield and the Watershed Committee of the Ozarks agree as follows:

Section 1. Services by City. The City agrees to provide in-kind services and/or non-federal matching funds with a total minimum match value of \$20,000 for technical support, management, and implementation of Green Infrastructure Projects, and to document and report the value of routine water quality monitoring in the Upper Little Sac Watershed as in-kind match.

Section 2. Payment for Services. WCO agrees to pay the City for design and construction expenses for Green Infrastructure Projects implemented by the City in accordance with the schedule set forth in "Exhibit 1" and incorporated herein ("Schedule for Payment").

Section 3. Other Terms and Conditions. The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

- a. Conflicts. No salaried officer or employee of the WCO, 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.
- b. Liability. The City hereby agrees to assume responsibility for the liabilities imposed by law on its employees, agencies, and institutions. WCO hereby agrees to assume responsibility for the liabilities imposed by law on its employees, agencies, and institutions. Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.
- c. Compliance with Laws. The City and WCO agree to comply with all laws, statutes, and regulations applicable to this Agreement.
- d. Assignment. No assignment of this Agreement can be made by either party without the prior written consent of the other party.
- e. Notices. All notices required or permitted herein under and required to be in writing may be given by first class mail addressed to the Springfield City Manager, 840 Boonville Ave., Springfield, MO 65802, and to the Watershed Committee of the Ozarks Executive Director, 2400 E. Valley Water Mill Rd., Springfield, MO 65803.
- f. Jurisdiction. This Agreement and every question arising thereunder shall be construed and 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.
- g. Term of the Agreement. The term of this Agreement shall be from _____ to _____. This Agreement may be amended in writing by both parties.
- h. Entire Agreement. This Agreement constitutes the entire and only agreement between the parties relating to the Project. No agreements altering or supplementing the terms hereof may be made except by means of a written document signed by the duly authorized representatives of the parties.

IN WITNESS WHEREOF the parties have executed this Agreement effective as of the _____ day of _____, 20____ by and through their authorized representatives.

CITY OF SPRINGFIELD, MISSOURI

Approved as to Form:

By: _____
Collin Quigley, Deputy City Manager

Assistant City Attorney

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 therefore.

David Holtmann, Director of Finance

WATERSHED COMMITTEE OF THE OZARKS

By: _____
Mike Kromrey, Executive Director

Exhibit 1 – Schedule for Payment

The City will request reimbursement of qualifying expenses from WCO on a quarterly basis and provide reasonable documentation, consisting of cover letter and progress pay estimate with eligible line items identified for reimbursement under this grant obtained by WCO.

It is expected that WCO will receive grant funds from MoDNR on a reimbursement basis. Therefore, it is expected that WCO will submit quarterly reimbursement requests to MoDNR by March 15, June 15, September 15 and December 15 of each calendar year as required by MoDNR. The City will submit reimbursement requests quarterly by March 1, June 1, September 1 or December 1 as may fall within the project timeline. Once WCO receives the grant funds from MoDNR (estimated 6 to 8 weeks from reimbursement request to MoDNR), WCO will forward reimbursement to the City within 10 business days.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
042

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
53300	08	33520	416010	000000	00000	\$40,000	Federal grant revenues from U.S. Environmental Protection Agency (EPA) 319 Nonpoint Source Grant Program through Missouri Department of Natural Resources and the Watershed Committee of the Ozarks
Net Revenue Adjustment						\$40,000	

Expenditures:

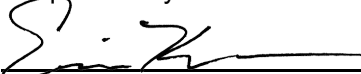
Fund	Dept	Org	Account	P&G	Location	Amount	Description
53300	08	33520	509110	000000	00000	\$40,000	Upper Little Sac River Watershed Green Infrastructure Stormwater Water Quality Projects
Net Expenditure Adjustment						\$40,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2022-23 budget by appropriating \$40,000 of federal EPA Section 319 grant funds for the Upper Little Sac River watershed Green Infrastructure Stormwater Water Quality projects.

Requested By:

 3-14-2023
Department Head Date

Approved By:

 3-14-2023
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2023-067
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____