



City of Springfield

Agenda

City Council

Ken McClure, Mayor

Zone Councilmembers

Monica Horton, Zone 1

Abe McGull, Zone 2

Brandon Jenson, Zone 3

Matthew Simpson, Zone 4

General Councilmembers

Heather Hardinger, General A

Craig Hosmer, General B

Callie Carroll, General C

Derek Lee, General D

November 20, 2023

6:30 PM

Regional Police-Fire Training Center

Rules and procedures can be found on the [Agenda Center](#).

1. ROLL CALL.

2. APPROVAL OF MINUTES.

- 2.1. The November 6, 2023, City Council Meeting minutes will be presented for approval at the December 11, 2023, 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, POLICE CHIEF REPORT, NUISANCE PROPERTY UPDATE PER RESOLUTION 10722, 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 2023-263 (McGull)

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' and Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones,' for the purpose of annexing approximately 5.5 acres of private property generally located at 5298 East Farm Road 104, and referenced as Annexation A-6-2023, into the City of Springfield. (Staff recommends approval.) (By: Kurt Wouk; 5298 East Farm Road 104; A-6-2023.)

6.2. Council Bill 2023-265 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 21.2 acres of property generally located at 901 South West Bypass from R-SF, Single-Family Residential District, and HC, Highway Commercial District, with Conditional Overlay District No. 2, to GR, General Retail District, with Conditional Overlay District

No. 228; establishing Conditional Overlay District No. 228; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Carleton Resources, LLC; 901 S. West Bypass; Z-8-2023 w/COD No. 228.)

6.3. Council Bill 2023-266 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.85 acres of property generally located at 1218, 1222, 1223, 1226, 1232, and 1238 East Pacific Street, and 1219 and 1225 East Locust Street, from GM, General Manufacturing District, to R-LD – Low-Density Multi-Family Residential District, with Conditional Overlay District No. 240; establishing Conditional Overlay District No. 240; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: JNE Holdings; 1218, 1222, 1223, 1226, 1232, and 1238 East Pacific Street and 1219 and 1225 East Locust; Z-27-2023 with Conditional Overlay District No. 240.)

6.4. Council Bill 2023-267 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 3.43 acres of property generally located at 4123 and 4149 West Chestnut Expressway and 430 North Meteor Avenue from HC, Highway Commercial District, and R-MHC, Manufactured Home Community District, to R-MD – Medium-Density Multi-Family Residential District, with Conditional Overlay District No. 241; establishing Conditional Overlay District No. 241; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Mearl Curtis ETAL TR, Revocable Living Trust; 4123 and 4149 West Chestnut Expressway and 430 North Meteor Avenue; Z-28-2023 with Conditional Overlay District No. 241.)

6.5. Council Bill 2023-269 (McGull, Simpson)

A special ordinance approving the plans and specifications for the Hunt Branch Trunk Sewer – Phase 1 Project, generally located south of US Highway 60 from Farm Road 189 to State Highway NN, and generally referred to as Plan No. 5PW5716; accepting the bid of JD Wallace Contracting, LLC, in the amount of \$3,919,875 for said project; authorizing the City Manager, or his designee, to enter into a contract for said project; establishing a trunk sewer fee; and approving a budget adjustment in the amount of the bid, plus a contingency, to amend the Fiscal Year 2023-2024 budget of the Department of Environmental Services Clean Water Fund by appropriating reserves of said fund in the amount of \$4,703,850.

6.6. Council Bill 2023-270 (Carroll)

A special ordinance amending the budget for Fiscal Year 2023-2024 for the Department of Environmental Services in the amount of \$1,924,000 to appropriate retained earnings from the Clean Water Fund for the construction of the James River Lift Station Improvements project.

6.7. Council Bill 2023-271 (Lee)

A special ordinance approving the selection of Restore SGF and the Springfield Community Land Trust as recipients of the City's Coronavirus State and Local Fiscal Recovery Funds allotted for affordable home ownership programs; and authorizing the City Manager, or his designee, to enter into agreements with these agencies to carry out these programs.

6.8. Council Bill 2023-272 (McGull)

A special ordinance amending the budget for Fiscal Year 2023-2024 of the Department of Public Works in the amount of \$950,000 to appropriate fund balance reserves of the 1/4-cent Capital Improvement Sales Tax to support construction of a stormwater improvement project on South Pickwick Avenue and East Grand Street.

6.9. Council Bill 2023-273 (Hardinger)

A special ordinance authorizing the City Manager, or his designee, to enter into an intergovernmental agreement with St. Louis County to effectuate the Springfield-Greene County Health Department's participation in the statewide Missouri prescription drug monitoring program.

7. RESOLUTIONS. Citizens May Speak. Except Item 7.1, Citizens may speak to the amendment only. May Be Voted On.

7.1. Amended Council Bill 2023-260 (Hosmer)

A resolution adopting the City of Springfield's Legislative Priorities for 2024.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS.

10. GRANTS.

Citizens May Speak. May Be Voted On.

10.1. Council Bill 2023-277 (Hardinger)

A special ordinance authorizing the City Manager, or his designee, to enter into a Governor's Transportation Cost Share Agreement with the Missouri Highways and Transportation Commission ("MHTC") for the purpose of funding construction of the extension of Eastgate Avenue from Division Street north and east to Springfield Underground's southern entrance on LeCompte Road and to exercise any and all powers to obtain such funding and carry out the identified activities; amending the Fiscal Year 2023-2024 budget of the Department of Public Works in the amount of \$3,480,858 to appropriate Governor's Transportation Cost Share funds; and declaring that this bill qualifies for approval in one reading.

10.2. Council Bill 2023-278 (Horton)

A special ordinance authorizing the City Manager, or his designee, to enter into a Direct Appropriation Project Agreement with the Missouri Highways and Transportation Commission ("MHTC") for the purpose of funding the rehabilitation of the Jefferson Avenue Community Footbridge and to exercise any and all powers necessary to obtain such funding and carry out the identified activities; amending the Fiscal Year 2023-2024 budget of the Department of Public Works in the amount of \$8,000,000 to appropriate State funds; and declaring that this Ordinance qualifies for approval in one reading.

10.3. Council Bill 2023-279 (Lee)

A special ordinance authorizing the City Manager, or his designee, to accept additional COVID-19 and Adult Vaccination Supplemental Grant funds from the Federal Department of Health and Human Services Centers for Disease Control and Prevention through the Missouri Department of Health and Senior Services, in the amount of \$296,870, for use by the Springfield-Greene County Health Department in maintaining a public health workforce and ensuring access to COVID-19 vaccinations and to enter into necessary agreements to carry out the grant; amending the Fiscal Year 2023-2024 budget in the amount of \$296,870 for the purpose of appropriating the grant funds; and declaring that this Ordinance qualifies for approval in one reading.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING.

13. FIRST READING BILLS.

Citizens May Speak. Not Anticipated To Be Voted On.

13.1. Council Bill 2023-280 (Carroll)

A special ordinance authorizing the City Manager, or his designee, to approve a reallocation of American Rescue Plan Act funds in the amount of \$637,049 from the City of Springfield's Planning Department to the Springfield-Greene County Health Department for use in implementing and operating the Family Connects Program to offer no-cost home visits to parents of newborns in Greene County, Missouri; and amending the Fiscal Year 2023-2024 budget in the amount of \$637,049 to re-appropriate the funds.

13.2. Council Bill 2023-281 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to accept supplies, equipment, software, and paid services with a combined value of \$219,411 from the Jordan Valley Community Health Center for use by the Springfield-Greene County Health Department to implement the Family Connects Program and to enter into necessary agreements to carry out the transfer.

13.3. Council Bill 2023-282 (Hardinger)

A special ordinance authorizing the City Manager, or his designee, to accept a grant from the Missouri Foundation for Health in the amount of \$600,000 for use by the Springfield-Greene County Health Department to implement the Family Connects Program to offer no-cost home visits to parents of newborns in Greene County, Missouri and to enter into necessary agreements to carry out the grant; and amending the Fiscal Year 2023-2024 budget in the amount of \$600,000 to appropriate the grant funds.

13.4. Council Bill 2023-283 (Hosmer)

A special ordinance amending the budget of the Springfield Fire Department Fiscal Year 2023-2024 in the amount of \$85,000 by transferring a portion of the Fire Training Fund to the operating budget of the Springfield Fire Department, for the purpose of supporting regional fire training programs and the pre-apprenticeship fire academy.

13.5. Council Bill 2023-284 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield to enter into a 2nd amended contract with Pictometry International Corporation and amended cooperative intergovernmental agreements with City Utilities of Springfield, Missouri and Greene County, Missouri; and amending the budget for the Department of Public Works for Fiscal Year 2023-2024 in the amount of \$307,443.27.

13.6. Council Bill 2023-285 (Lee)

A special ordinance approving the Fifth Amendment to the Employment Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter; authorizing the Mayor to execute the Fifth Amendment; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions of the Fifth Amendment.

13.7. Council Bill 2023-286 (McGull)

A special ordinance authorizing the City Manager, or his designee, to enter into the 3rd Amendment to the 2nd Amended and Restated Ballpark License Agreement with the Board of Governors of Missouri State University for the purpose of allowing renovations to facilities at Hammons Field utilized by its intercollegiate baseball team.

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

15. NEW BUSINESS.

As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

15.1. The Committee of the Whole recommends the following appointments to the Board of Public Utilities: Ben Shantz and Gerald Lee with terms to expire December 1, 2026.

15.2. The Committee of the Whole recommends the following reappointments to the Board of Public Utilities: Heather Ramsey and Clifton Smart with terms to expire December 1, 2026.

16. UNFINISHED BUSINESS.

17. MISCELLANEOUS.

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

18.1. Council Bill 2023-288 (McClure)

A special ordinance authorizing the City Manager, or his designee, to accept grant funds from the Musgrave Foundation for the benefit and use of the Mayor's Commission for Children in the amount of \$5,000 to help further the mission of the Commission in the upcoming year.

18.2. Council Bill 2023-289 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to enter into a Memorandum of Understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives to allow participation of the Springfield Fire Department in the State and

Local Overtime program to allow for reimbursement of overtime expenses associated with joint investigations.

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

19.1. Council Bill 2023-290 (Lee)

A special ordinance authorizing the City Manager, or his designee, to accept a grant of \$15,000 from the State Homeland Security Grant Program grant program to support the acquisition of a utility task vehicle; amending the budget of the Fire Department in the amount of \$15,000; and declaring that this Ordinance qualifies for approval in one reading.

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

20.1. Council Bill 2023-274 (Horton)

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 Kay Pointe Place, generally located at 901 South West Bypass, 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.)

20.2. Confirm the following appointment to the Mayor's Commission for Children: Brianna Coale with term to expire November 29, 2026.

21. END OF CONSENT AGENDA.

22. ADJOURN.



EXPLANATION TO COUNCIL BILL 2023-263 (MCGULL)

FILED: 11/13/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' and Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones,' for the purpose of annexing approximately 5.5 acres of private property generally located at 5298 East Farm Road 104, and referenced as Annexation A-6-2023, into the City of Springfield. (Staff recommends approval.) (By: Kurt Wouk; 5298 East Farm Road 104; A-6-2023.)

PURPOSE: To adopt an ordinance to annex approximately 5.5 acres of private property generally located at 5298 East Farm Road 104 into the City of Springfield as Annexation A-6-2023. (Staff recommends approval.)

BACKGROUND INFORMATION: The owner(s) of the private property generally located at 5298 E. Farm Road 104 are requesting annexation into the City of Springfield. The owner(s) of the private property have signed a petition to request annexation of approximately 5.5 acres into the City of Springfield. There is no public right-of-way being annexed as part of this request. The owner is proposing to annex and rezone for a new commercial development.

City Council is required to hold a public hearing to determine whether the annexation is reasonable and necessary for the proper development of the city and whether the city can furnish normal city services within a reasonable period. If no written objection is filed within fourteen (14) days of the public hearing, the City may annex the property by ordinance without further action.

REMARKS: The area to be annexed is contiguous to the City of Springfield. See "Exhibit B" for the location of the private property to be annexed.

RECOMMENDATIONS:

1. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
2. The area to be annexed is contiguous and compact to the City of Springfield.
3. The Forward SGF Comprehensive Plan supports this annexation request.
4. The property owner(s) have petitioned the City for annexation.
5. All City services can be provided to the property.

6. The City will receive property tax revenue upon annexation of the private property.

Based on the subject property's location in the Priority Two strategic annexation area of Chapter 6, Growth Areas, and Annexation, of the Forward SGF Comprehensive Plan, staff supports this request.

Submitted By: Daniel Neal, Senior City Planner

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

Attachments:

1. A-6-2023_ord
2. A-6-2023_exhA
3. A-6-2023_exhB

One-rdg. _____
P. Hrngs. X
Pgs. 17
Filed: 10-31-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-263

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Section 1-9 of the Springfield City Code, 'City Limits,' and Section 46-1
2 of the Springfield City Code, 'Boundaries of wards, precincts and
3 council zones,' for the purpose of annexing approximately 5.5 acres of
4 private property generally located at 5298 East Farm Road 104, and
5 referenced as Annexation A-6-2023, into the City of Springfield. (Staff
6 recommends approval.)
7 _____
8

9 WHEREAS, a verified petition requesting annexation was filed by the owners of
10 all fee interests of record in all tracts of real property located within the area proposed to
11 be annexed, as described in "Exhibit A," said area being generally located at 5298 East
12 Farm Road 104; and
13

14 WHEREAS, said petition was presented to City Council more than fourteen, but
15 less than sixty days, prior to the public hearing thereon; and
16

17 WHEREAS, proper notice was published at least seven days prior to the public
18 hearing; and
19

20 WHEREAS, City Council does find and determine that: (1) said annexation is
21 reasonable and necessary to the proper development of the City; (2) the City is able to
22 furnish normal municipal services to the area annexed herein within a reasonable time
23 after annexation; and (3) the area annexed herein is contiguous and compact to the
24 existing corporate boundaries of the City.
25

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

29 Section 1 – City Council, after holding a public hearing, hereby determines that
30 annexation of the property described in "Exhibit A," which is attached hereto and
31 incorporated herein by this reference, is reasonable and necessary to the proper
32 development of the City, the City has the ability to furnish normal municipal services to
33 the area annexed within a reasonable time, and the area is contiguous and compact to
34 the existing boundaries of the City as shown in "Exhibit B," which is attached hereto and

35 incorporated herein by this reference.

36
37 Section 2 – Pursuant to the provisions of Section 71.012 RSMo., the property
38 described in "Exhibit A," is hereby annexed into the City of Springfield, Missouri.

39
40 Section 3 – Section 1-9 of the Springfield City Code, 'City Limits,' is hereby
41 amended by adding thereto the land described in "Exhibit A."

42
43 Section 4 – Section 46-1 of the Springfield City Code, 'Boundaries of wards,
44 precincts and council zones,' is hereby amended by placing the property described in
45 "Exhibit A" into the appropriate ward and precinct as determined by the County Clerk in
46 accordance with the provisions of State law.

47
48 Section 5 – The City Clerk is directed to: (1) file certified copies of this
49 Annexation Ordinance with the Clerk of Greene County; (2) file certified copies of this
50 Annexation Ordinance with the Assessor of Greene County; and (3) forward to the
51 Missouri Director of Revenue, by certified mail, certified copies of this Ordinance, and
52 any other information that the Director of Revenue may require. The City Clerk is further
53 authorized and empowered to perform any other administrative acts which are
54 consistent with the intent of this Ordinance.

55
56 Section 6 – This Ordinance shall be in full force and effect from and after
57 passage.

58
59 Passed at meeting: _____

60
61 _____
62 Mayor

63
64 Attest: _____, City Clerk

65
66 Filed as Ordinance: _____

67
68 Approved as to form: Ca H, Assistant City Attorney

69
70
71 Approved for Council action: Jason A. Hays, City Manager
72

EXHIBIT A

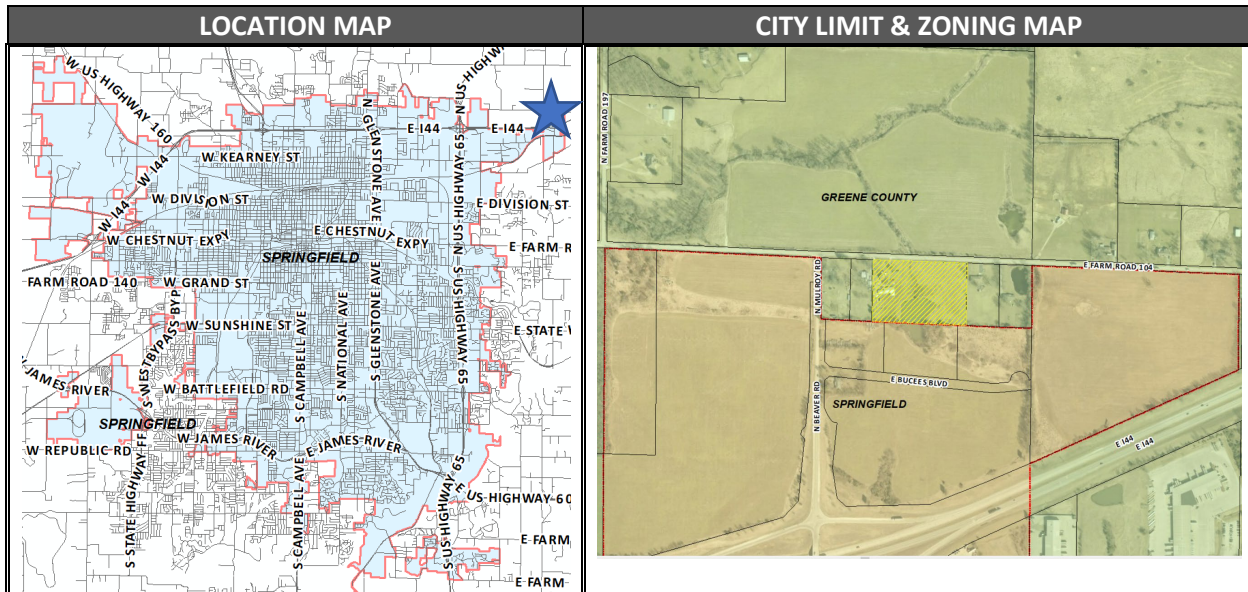
LEGAL DESCRIPTION
A-6-2023

ALL THAT PART OF THE EAST ONE-HALF ($\frac{1}{2}$) OF LOTS TWO (2) AND THREE (3), OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION ONE (1), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), NORTH OF HIGHWAY INTERSTATE (ROUTE 2), NOW INTERSTATE #44, EXCEPT BOOK 1502 AT PAGE 1617, BOOK 1549 AT PAGE 1814, BOOK 1550 AT PAGE 2128, BOOK 1554 AT PAGE 75, IN BOOK 1633 AT PAGE 2024 AND EXCEPT BOOK 1691 AT PAGE 839, IN GREENE COUNTY, MISSOURI. EXCEPT ALL THAT PART TAKEN OR USED FOR PUBLIC ROAD RIGHT-OF-WAY.

DEVELOPMENT REVIEW STAFF REPORT

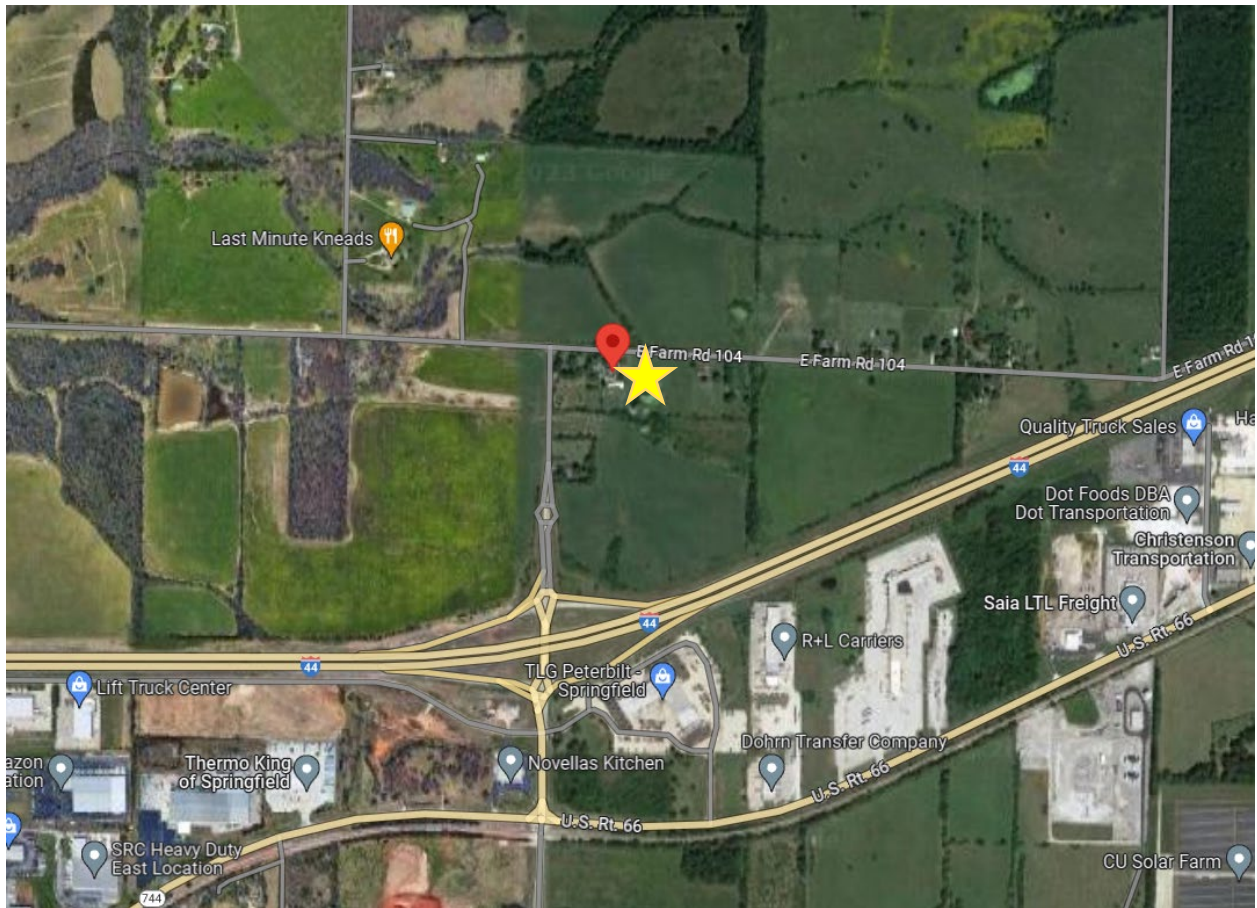
PROJECT INFORMATION	
Case Number:	A-6-2023
Location:	5298 East Farm Road 104
Total Acres:	5.5 acres
Applicant:	Kurt Wouk
Existing Land Use:	Single-family residential/agricultural
City Council:	November 6, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Daniel Neal, Senior Planner
Staff recommendation:	Staff recommends approval
PROJECT SUMMARY:	

Request to annex approximately 5.5 acres of private property generally located at 5298 E. Farm Road 104 into the City of Springfield.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



As viewed from Farm Road 104

DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property is outside the city limits in unincorporated Greene County. The subject property is zoned Greene County R-1, Suburban Residence District. The annexation is being processed concurrently with rezoning of the subject property and will have a public hearing at the same City Council meeting.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The subject property is in the Priority Two strategic annexation area of Chapter 6, Growth Areas and Annexation, of the Forward SGF Comprehensive Plan. The Plan indicates that the City should prioritize short-term and long-term areas for future annexation. While not every property identified in Priority One and Two areas can or should be annexed immediately, each represent areas where opportunities for economic and job growth are promising due to varying combinations of available infrastructure, city services, proximity to major transportation corridors, and advantageous land patterns and Priority Three areas include largely residential subdivisions and undeveloped tracts appropriate for future residential growth. As outlined above, some of these areas offer advantages over others, such as shorter response times for emergency services and lower utility costs and taxes. Short-term annexation areas target business development and job growth, while long-term annexation areas are primarily focused on residential growth.

Priority Two areas represent long-term growth areas. These growth areas are primarily located on the eastern side of the City in the vicinity of two important eastern gateways at Interstate 44 and Hwy 65 and James River Freeway and Hwy 65. The City should consider the strategic value of each property and assemble annexation proposals in advance of new development. While these areas represent great opportunities for economic development and job growth, comprehensive infrastructure and emergency service planning will need to be improved in these areas. As outlined in **Chapter 8: Economic Development** and **Chapter 10: Infrastructure and Community Facilities**, the City should prioritize planning of facilities and infrastructure to support new development over the course of the next 5 to 10 years to take advantage of existing land patterns and proximity to these emerging development corridors.

Annexation Considerations

The following strategies will help to further guide the prioritization of annexations:

1. The City should prioritize annexation of City, City Utilities, Park Board, and Ozark Greenways-owned properties.
2. The City should prioritize annexation of properties with an “Irrevocable Petition and Consent to Annexation Agreement” that are revenue-generating and located along major corridors and areas of potential economic activity.
3. The City should evaluate annexation proposals on a property-by-property or case-by-case basis but work to coordinate annexation of multiple properties simultaneously, when possible, to maximize the time and cost efficiency involved in processing.
4. The City should engage with area Fire Protection Districts in evaluation of potential impact resulting from annexation of property by the City.

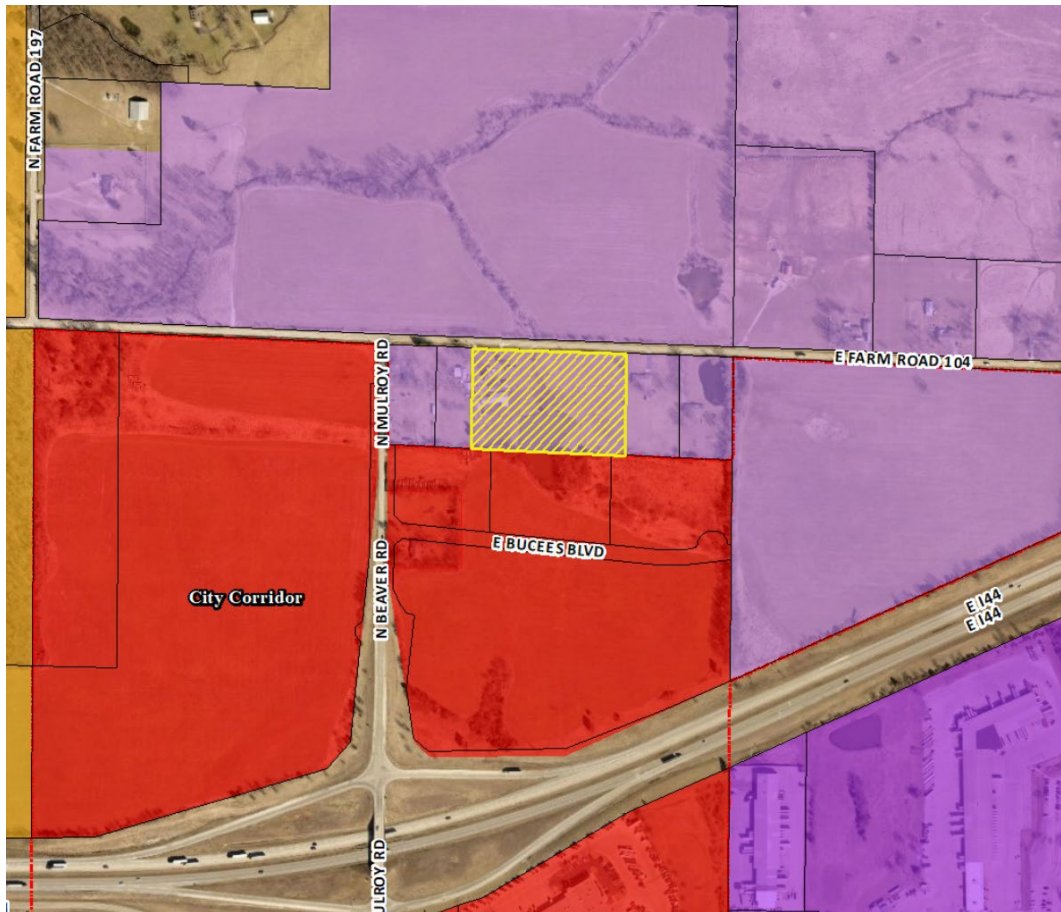
DEVELOPMENT REVIEW STAFF REPORT

5. The City should be conscious of impractical boundary configurations created when annexing properties on only one side of a street, skipping over properties, or creating islands of unincorporated properties.
6. The City should weigh the anticipated impact of annexation on the ability to provide timely and professional emergency services, including personnel requirements, capital requirements, necessary and available infrastructure, call volume, and standards of cover.
7. The City should evaluate the age and condition of existing infrastructure in areas desired for annexation, as well as future maintenance costs.
8. The City should weigh the comprehensive advantages of both long-term revenue growth and population growth, including a variety of demographic considerations associated with providing services to new residents and property owners.
9. The City should weigh the fiscal impacts of annexation against the opportunity to grow the population base, increase resident participation in city elections, tax referendums, and expand the reach of citizens to serve on city advisory boards and committees.
10. The City should weigh the strategic value of incorporating geographic areas that facilitate growth in new areas.

The property involved in this annexation request was included within the Business Flex Placetype during the formation of the new *Comprehensive Plan* (see the Future Placetype Map on page 7). This placetype includes areas with an eclectic mix of light industrial, office, storage, warehouse, and distribution centers, complemented by the occasional commercial sales and services. Business Flex areas are located on secondary roadways, where good street connectivity and access to major roadways and distribution routes can be easily accessed. Located in expanded areas adjacent to higher, more intense industrial uses and city corridors, Business Flex provide support services, sales, service, and supply of goods to consumers and contractors, where high visibility road frontage is not a priority. Planning for this placetype focuses on ensuring Business Flex operations have sufficient land available to expand and grow, while not dominating corridors where high visibility, retail frontage is prioritized.

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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, Colleges & Vocational Schools	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Services, 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	County R-1	HC	County R-1	County C-1
LAND USE	Agricultural uses	Retail uses and common area	Single-family residence	Single-family residence
PLACETYPES	Business flex	City Corridor	Business flex	Business flex

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No comments.
2. CITY UTILITIES:
No issues with the proposed annexation. CU water is not currently available to the property, but can be extended from Buc-ee's Blvd to the south per CU's extension policy.
3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:
No objection to annexation or rezoning however we have the following critical issues regarding connecting to public sewer:
 - a. Public sewer is located on the property to the south and is adjacent to this property. There is a trunkline connection fee of \$0.048 per sq. ft. of property connecting to public sewer. The area of this property according to the assessor's office is 239,144 sq. ft. Based on that the trunkline fee would be \$11,478.93 in addition to any sewer impact or other fees. If the owner has a more accurate area, this could be used instead of the assessor's information. This fee would be added to the sewer impact permit fee when building permits are issued.
 - b. This property is also not in a sewer district. Before a sewer permit could be issued, the property owner would need to sign and execute a special sewer connection agreement. These are required for sewer connections that are not in sewer districts. According to city code, no person shall connect to sanitary sewer located outside of a sewer district without obtaining a special connection agreement. This agreement does not relieve the property owner from special assessments for future sanitary sewer districts and/or joint sanitary sewer district connection fees (City Code Section 120-249 & Section 120-250). The city code can be viewed here:
https://library.municode.com/mo/springfield/codes/code_of_ordinances. Contact me at 417-864-1934 if you have any questions.

DEVELOPMENT REVIEW STAFF REPORT

- c. A sewer impact permit fee will be required for all new connections or building sites. This fee is based on the size and number of proposed water meter(s) according to city code no. 120.246. Specify the size and number of the proposed water meter(s) on the utility plan.
When building plans are submitted, specify the point of connection to public sewer on the utility plan. Dimension the distance to the up and down stream manholes and the size of the proposed lateral.
4. EMERGENCY 911:
No comments.
5. GREENE COUNTY HIGHWAY DEPARTMENT:
Any future access to Farm Rd. 104 requires a permit from the Greene County Highway Dept.
6. POLICE DEPARTMENT:
No issues with proposed annexation.
7. FIRE DEPARTMENT:

Service – The primary Fire Station responding to this area would be Station #4 located at 2423 N Delaware, which is approximately 5.5 miles from the northwest corner of the property. Fire Station #3 located at 205 N Patterson is the secondary station responding to this location, which is 6.8 miles from the northwest corner of the property.

ISO area – The proposed annexation is currently outside the recommended ISO 1.5-mile (ISO diamond) response distance by 4.2 miles for the 1st due unit. ***This will negatively impact our ISO rating.***

Response times/Standards of Cover – Estimated response time was calculated mathematically with an assumed travel speed of 55 miles per hour by the fire apparatus. The 1st due company has an estimated total response time of 8 minutes, 36 seconds. The 2nd due company has an estimated total response time of 9 minutes, 45 seconds. It is unlikely the standard of coverage benchmark could be met for both single company responses and the full 1st alarm response which requires 3 engines, 2 Trucks, 1 Rescue and 1 Battalion Chief to arrive on scene within 11 minutes and 24 seconds. ***The department expects that it will not meet the initial unit or ERF benchmarks. This location is covered by an established automatic aid agreement to offset the initial unit total response time for a fire emergency. This will negatively impact our accreditation standard of cover.***

DEVELOPMENT REVIEW STAFF REPORT

		Estimated Total Response Time	Benchmark*	Baseline**
1 st Due Company	Station 4	8-9 minutes	6 minutes 20 seconds	8 minutes 13 seconds
Total Effective Response Force	Station 4,3,12,7,1	13-14 minutes	10 minutes 20 seconds	13 minutes 18 seconds

Water Supply – Currently, there is a 12” water main servicing the property to the south. *The Fire Department does not have any concerns with the water supply for this proposed annexation after fire code requirements are met.*

Impact – The Fire Department is unable to estimate the call activity due to the unique type of development. *The Fire Department is concerned about extended response times to this address from existing stations.*

Fire Department Recommendation: *Based upon all of the relevant factors, the Fire Department is supportive of this annexation.*

8. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

The 5.5 acre property drains North across E Farm Road 104. No existing detention or water quality Stormwater Control Measures are present. The property is in the **South Dry Sac** 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 or other Karst feature at this location. The property **does not have a stream buffer on site.**

A fee in lieu of on-site stormwater detention **will be dependent on further analysis of the surrounding stormwater infrastructure and downstream impacts**

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 AND DISCHARGE REQUIREMENTS

1. The existing pond on site is a farm pond and does not contain any Stormwater Control Measures. 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. The only exception to building detention is a Fee in Lieu of detention application per the City of Springfield Code and the manual dependent on approvable by

DEVELOPMENT REVIEW STAFF REPORT

the Director of Public Works. The site drains through a culvert in E Farm Road 104 but there is not a drainage easement for the culvert or the drainage channel on the northside of the road.

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. 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.

(1) To a Public Right-of-way.

(2) A recorded drainage easement, continuing to a public right-of-way or public drainage system.

(3) A certified natural watercourse.

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.

2. 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.

FLOODPLAIN

N/A

NATURAL CHANNEL & STREAM BUFFERS

N/A

SINKHOLES & KARST FEATURES

N/A

ADDITIONAL STORMWATER REQUIREMENTS

1. 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.

a. As-builts of the detention and water quality improvements are required. we would like the following as-built notes on the plans:

The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.

DEVELOPMENT REVIEW STAFF REPORT

9. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:

TRAFFIC REPORT

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	E. Farm Road 104	Collector	County	30	20	NA	No	Yes	No

ACCESS - There are currently two driveway access points onto the property from E. Farm Road 104. All new or modified driveway approaches shall comply with current City of Springfield standards for the street classification.

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There are no Greenway Trails near the property. There are no bus stops along E. Farm Road 104 near the property.

IMPROVEMENTS - No improvements are required for this annexation. A traffic study may be required for this property at the time of development.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant, Kurt Wouk, has petitioned for the City of Springfield to annex approximately 5.5 acres of private property generally located at 5298 E. Farm Road 104 into the City. The applicant is concurrently processing a rezoning request to rezone the annexed property to the City's HC, Highway commercial district, with the intent to start an RV Park business.
2. The *Growth Areas & Annexation* chapter of the *Comprehensive Plan* supports the annexation because it meets the objective to prioritize areas for annexation where development will provide a positive benefit to potential new residents, businesses, and property owners without unduly high infrastructure costs or creating a long-term fiscal strain on City resources.
3. Based on the subject property's location in the Priority Two strategic annexation area of Chapter 6, Growth Areas and Annexation, of the Forward SGF Comprehensive Plan, staff supports this request.
4. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Business Flex placetype. This placetype includes areas with an eclectic mix of light industrial, office, storage, warehouse, and distribution centers, complemented by the occasional commercial sales and services. Business Flex areas are located on secondary

DEVELOPMENT REVIEW STAFF REPORT

roadways, where good street connectivity and access to major roadways and distribution routes can be easily accessed. Located in expanded areas adjacent to higher, more intense industrial uses and city corridors, Business Flex provide support services, sales, service, and supply of goods to consumers and contractors, where high visibility road frontage is not a priority. Planning for this placetype focuses on ensuring Business Flex operations have sufficient land available to expand and grow, while not dominating corridors where high visibility, retail frontage is prioritized.

5. There are adequate utility and sewer and water facilities existing or that can be provided to serve the uses that would be permitted if the property was annexed.
6. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
7. The area to be annexed is contiguous and compact to the City of Springfield and is bounded on one side by the City of Springfield.
8. The City will receive property tax revenue upon annexation of the private property and sales tax revenue if developed commercially.

STAFF RECOMMENDATION:

1. Staff recommends approval of the annexation request based on its compatibility with the *Comprehensive Plan's* Annexation policies.

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1
Annexation Schedule

ANNEXATION:

City Council public hearing..... November 6, 2023

City Council second reading and vote November 20, 2023



EXPLANATION TO COUNCIL BILL 2023-265 (HORTON)

FILED: 11/13/2023

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 21.2 acres of property generally located at 901 South West Bypass from R-SF, Single-Family Residential District, and HC, Highway Commercial District, with Conditional Overlay District No. 2, to GR, General Retail District, with Conditional Overlay District No. 228; establishing Conditional Overlay District No. 228; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Carleton Resources, LLC; 901 S. West Bypass; Z-8-2023 w/COD No. 228.)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 21.2 acres of subject property generally located at 901 S. West Bypass from R-SF, Single-Family Residential District and HC, Highway Commercial District with Conditional Overlay District No. 2 to GR, General Retail District and establishing a new Conditional Overlay District No. 228. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-8-2023/ CONDITIONAL OVERLAY DISTRICT NO. 228

The applicant is requesting to rezone approximately 21.2 acres of subject property generally located at 901 S. West Bypass from R-SF, Single-Family Residential District and HC, Highway Commercial District with Conditional Overlay District No. 2 to GR, General Retail District and establishing a new Conditional Overlay District No. 228. The applicant intends to develop a mixed-use development.

The proposed rezoning will create a mixed zoned property; however, a preliminary plat of Kay Pointe Place is being concurrently processed with this application and proposes a street (Lombard/Suburban) that will divide the existing R-SF from the new GR District.

Majority of the property being rezoned to GR (approx. 7.7 acres) is currently zoned HC, Highway Commercial District with COD No. 2 and allows for many of the same uses allowed in the GR District. Of the additional 13.5 acres being rezoned commercially, approximately four (4) acres is outside of the 100-year floodplain or floodway of Wilson's Creek and most will be utilized as open space, greenway trails or is the existing Wilson's Creek.

REMARKS: The Planning and Zoning Commission held a public hearing on October 5,

2023, and recommended to approve, by a vote of 8 to 0. The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The Comprehensive Plan's Land Use & Development chapter identifies the subject property as the Traditional Neighborhood placetype. Planning for Traditional Neighborhoods should strive to increase and integrate quality of place and complete neighborhood characteristics. These characteristics could include beautification efforts such as planting street trees, expanding connections and access to the greenway and trail system, and support for low-intensity multi-family, low-intensity neighborhood commercial, or a mix of uses to serve area residents. Multi-family, neighborhood commercial, or mixed use should be located on the edges of the greenway system, on higher classification roadways, or areas identified by residents during the neighborhood planning process. This property appears to meet these criteria by being located adjacent to West Bypass and having a trail on the southwest portion of the property.
2. The Traditional Neighborhood placetype identifies low-intensity, neighborhood commercial as a supporting use. The primary land use in the Traditional Neighborhood placetype is single-family detached. The Traditional Neighborhood placetype recommends a "stepped down" approach is used to transition from higher density/intensity residential and non-residential uses to single-family residential homes and uses, with greater densities/intensities located on higher functioning roadways, at the periphery of the neighborhood. It recommends that lower density residential uses are sufficiently screened and buffered between higher density housing and non-residential uses. It also recommends that the design of higher density residential uses integrated into the Residential Neighborhood Placetype should complement the scale and character of the surrounding neighborhood. Attention should be given to building height, orientation, architectural style, and setback to ensure the existing neighborhood character is retained. The applicant is proposing to leave the area north and west of the new Lombard/Suburban as R-SF and only multi-family uses along the south 110 feet from the proposed Lombard/Suburban connection. This will provide a step down from residential to commercial uses. The applicant is also proposing a mixed-use development with more intensity along West Bypass transitioning to lower density residential as it gets closer to the R-SF to the west.
3. The proposed COD has a couple of the same requirements as the existing COD No. 2, such as a required street connection between West Bypass and Kay Pointe Blvd and a traffic study with required improvements to be the responsibility of the developer. The COD also requires an enhanced perimeter landscaping than ordinarily prescribed along West Bypass and Kay Pointe Boulevard as recommended by the Comprehensive Plan.
4. The applicant is also requesting that only multi-family residential uses be allowed in the GR zoning within 110 feet of the proposed Lombard/Suburban Street as shown on the preliminary plat of Kay Pointe Place Subdivision. Residential uses are currently

allowed in the GR district provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses. A stream buffer easement will also need to be dedicated as shown on the preliminary plat of Kay Pointe Place Subdivision.

5. The subject property is located along West Bypass, classified as an Expressway roadway. Three other local streets, Lombard, Kay Pointe and Suburban, end at this property.

6. 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.

7. There are not any changing conditions in the area affected that make the proposed rezoning necessary at this time; however, the existing and proposed zoning have COD's that require the construction of a public street between West Bypass and Kay Pointe Boulevard that will significantly change conditions in the area. There will be additional traffic and development potential at this new intersection of West Bypass and Grand Street.

8. The range of uses in the proposed GR district and COD are compatible with the uses permitted on other property at intersections to the north and south along West Bypass.

9. 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.

10. The impact of the proposed uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic, or reduce traffic safety in the vicinity. The COD requires a traffic study at the time of development to determine impacts and assess any improvements that may be necessary. The existing COD prescribes improvements that would be required if Grand Street were extended. Grand Street is no longer on the Major Thoroughfare Plan to be extended through this property.

11. 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.

12. 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 finding of facts above.

Submitted By: Daniel Neal, Senior City Planner

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

- Attachments:**
1. Z-8-2023 w COD 228 901 S West Bypass_ord
 2. Z-8-2023 COD 228_exhA
 3. Z-8-2023 COD 228_exhB
 4. Z-8-2023 COD 228_exhC
 5. Z-8-2023 COD 228_exhD

One-rdg. _____
P. Hrngs. X
Pgs. 28
Filed: 10-31-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-265

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 21.2 acres of property generally located at 901 South West Bypass
4 from R-SF, Single-Family Residential District, and HC, Highway
5 Commercial District, with Conditional Overlay District No. 2, to GR,
6 General Retail District, with Conditional Overlay District No. 228;
7 establishing Conditional Overlay District No. 228; and adopting an
8 updated Official Zoning Map. (Staff and Planning and Zoning
9 Commission recommend approval.)
10 _____
11

12 WHEREAS, an application has been filed for a zoning change of the property
13 generally located at 901 South West Bypass from R-SF, Single-Family Residential
14 District, and HC, Highway Commercial District, with Conditional Overlay District No. 2,
15 to GR, General Retail District, with Conditional Overlay District No. 228; and
16

17 WHEREAS, Conditional Overlay District No. 228 shall modify the requirements of
18 the Springfield Land Development Code Section 36-421, General Retail District, by
19 requiring that the property described in "Exhibit B" comply with the requirements
20 described in "Exhibit A"; and
21

22 WHEREAS, following proper notice, the Planning and Zoning Commission held a
23 public hearing on October 5, 2023, a copy of the Record of Proceedings from said
24 public hearing being attached hereto and incorporated herein by this reference as
25 "Exhibit C," 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 D"; 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 B," which is attached hereto and
38 incorporated herein by this reference, is hereby rezoned from R-SF, Single-Family
39 Residential District, and HC, Highway Commercial District, with Conditional Overlay
40 District No. 2, to GR, General Retail District, with Conditional Overlay District No. 228.
41 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for
42 interpretation,' is hereby amended, changed, and modified consistent with this
43 Ordinance.

44
45 Section 2 – City Council hereby establishes Conditional Overlay District No. 228,
46 which shall contain the requirements and standards provided in "Exhibit A," which is
47 attached hereto and incorporated herein by this reference as though set forth herein.
48 The requirements of Conditional Overlay District No. 228 shall modify the requirements
49 of the Springfield Land Development Code Section 36-421, General Retail District, by
50 requiring the property described in "Exhibit B" comply with the requirements contained
51 in "Exhibit A."

52
53 Section 3 – City Council hereby directs the City Manager, or designee, to update
54 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
55 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
56 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
57 rules of interpretation.'

58
59 Section 4 – The Official Zoning Map herein adopted shall be maintained and
60 archived in the same digital form in which this Council has approved its adoption.

61
62 Section 5 – This Ordinance shall be in full force and effect from and after
63 passage.

64
65 Passed at meeting: _____

66
67
68 _____
69 Mayor

70 Attest: _____, City Clerk

71
72 Filed as Ordinance: _____

73
74 Approved as to form:  _____, Assistant City Attorney

75
76
77 Approved for Council action:  _____, City Manager
78

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-8-2023 COD 228

The requirements of Section 36-421, GR – General retail district, of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. Only multi-family residential uses are allowed within 110 feet south of proposed Lombard Street/Suburban Avenue as shown on the preliminary plat of Kay Pointe Place Subdivision. Non-residential uses are not allowed within 110 feet of the southern right-of-way line of proposed Lombard Street.
2. A public street system connection is required from the intersection of Kay Pointe Boulevard/Lombard Street/Suburban Avenue to the intersection of Grand Street at West Bypass as shown on the preliminary plat of Kay Pointe Place Subdivision.
3. Off-site improvements related directly to the intensity of development shall be required at the time of development. To determine the off-site improvements needed for the intensity of development, a traffic impact study (TIS) that is in a format acceptable to the City shall be submitted at the time of development. Development shall be approved only after the TIS is approved by the City Traffic Engineer, and only after the off-site improvements determined necessary by the TIS are incorporated into the approved site plan, public improvement plan, or other permits (as applicable). These off-site improvements shall be constructed at no cost to the City and in accordance with the requirements in Section 36-250 and applicable section of the Public Works Design Standards. All public improvements must be constructed and approved, or funds escrowed for such permits, prior to the issuance of any building permits.
4. A minimum 10-foot-wide landscape buffer, Type S3 as described in Section 36-482, along West Bypass and Kay Pointe Boulevard is required.
5. A Category “A” Large Stream is present along the southern side of the rezoning area and is shown for recording on the preliminary plat of Kay Pointe Place Subdivision. The rezoning triggers the requirement for recording the 100 feet wide stream buffer easement per Chapter 8, Section 4.1.1 of the Flood Control and Water Quality Protection Manual.

EXHIBIT B

LEGAL DESCRIPTION

COMMENCING AT AN EXISTING SURVEY MONUMENT MARKING THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 29, RANGE 22, GREENE COUNTY, MISSOURI; THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, N89°37'03"W, 216.22 FEET TO AN EXISTING SURVEY MONUMENT ON THE WEST RIGHT-OF-WAY LINE OF WEST BYPASS AND POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE, N89° 37'03"W, A DISTANCE OF 1117.89 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 29, RANGE 22; THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, S02°37'48"W, A DISTANCE OF 666.08 FEET TO AN EXISTING SURVEY MONUMENT; THENCE N89°53'27"W, A DISTANCE OF 263.92 FEET TO AN EXISTING SURVEY MONUMENT; THENCE ALONG THE EXTENSION OF THE EAST LINE OF TIMBERCREEK 6TH ADDITION, N02°00'40"E, A DISTANCE OF 667.10 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 20; THENCE ALONG SAID EAST LINE OF TIMBERCREEK 6TH ADDITION, N02° 56'09"E, A DISTANCE OF 2.14 FEET; THENCE N64°39'05"E A DISTANCE OF 152.01 FEET; THENCE N89°35'52"E A DISTANCE OF 69.11 FEET; THENCE S66°03'47"E A DISTANCE OF 61.18 FEET; THENCE N67°06'54"E A DISTANCE OF 76.83 FEET; THENCE N02°56'09"E A DISTANCE OF 384.48 FEET; THENCE ON A NON-TANGENT TO THE LEFT WITH AN ARC LENGTH OF 578.77 FEET, A RADIUS OF 575.00 FEET, A CHORD LENGTH 554.65 FEET, BEARING N55°41 '23"E; THENCE N30°17'10"E, A DISTANCE OF 83.52 FEET TO AN EXISTING SURVEY MONUMENT ON THE SOUTH LINES OF WESTWOOD HILLS FIRST ADDITION; THENCE ALONG THE SOUTH LINES OF SAID WESTWOOD HILLS SECOND ADDITION, THE FOLLOWING 3 COURSES: S63°15'01"E, A DISTANCE OF 239.90 FEET TO AN EXISTING SURVEY MONUMENT; 62°56'38"E, A DISTANCE OF 109.90 FEET TO AN EXISTING SURVEY MONUMENT; S89°14'06"E, A DISTANCE OF 255.58 FEET TO THE WEST RIGHT-OF-WAY LINE OF WEST BYPASS; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING 5 COURSES: S02°19'04"W, A DISTANCE OF 106.80 FEET; S08°16'57"W, A DISTANCE OF 100.54 FEET TO AN EXISTING SURVEY MONUMENT; S02°25'00"W, A DISTANCE OF 50.02 FEET TO AN EXISTING SURVEY MONUMENT; S03°41' 49"E, A DISTANCE OF 100.53 FEET TO AN EXISTING SURVEY MONUMENT; S02°19'04"W, A DISTANCE OF 433.20 FEET TO THE POINT OF BEGINNING, CONTAINING 21.2 ACRES.

EXHIBIT C

RECORD OF PROCEEDINGS
Planning and Zoning Commission – October 5, 2023

Z-8-2023 w/COD 228
901 South West Bypass (Applicant: Carleton Resources, LLC)

Daniel Neal stated that this is a request to rezone approximately 21.2 acres of subject property from R-SF, Single-Family Residential District and HC, Highway Commercial District with Conditional Overlay District No. 228 for a mixed-use development.

Bill Knuckles asked about the detention basin and sink holes.

Joe Codichini, Public Works, noted the two existing detention basins, sinkholes, floodplain and a stream buffer and is supportive of fee-in-lieu of and discharge to the existing flood plain and that will have to happen at the time of development when the two subdivisions discharge into this property.

Natalie Broekhoven opened the public hearing.

Todd Chandler, 186 Payne Stewart Drive, Branson MO, representing the applicant and here to answer any questions.

Natalie Broekhoven closed the public hearing.

Planning and Zoning Commission Board Member Lebeck moved to **approve** Z-8-2023 w/COD 228. Planning and Zoning Commission Board Member Knuckles seconded the motion, and it was Passed with the following vote: Ayes: Commissioner Scott, Commissioner Broekhoven, Commissioner Knuckles, Commissioner Ridge, Commissioner Pauly, Commissioner Colony, Commissioner Lebeck, Commissioner Gunther. Nays: None. Absent: Britton Jobe. Abstain: None.



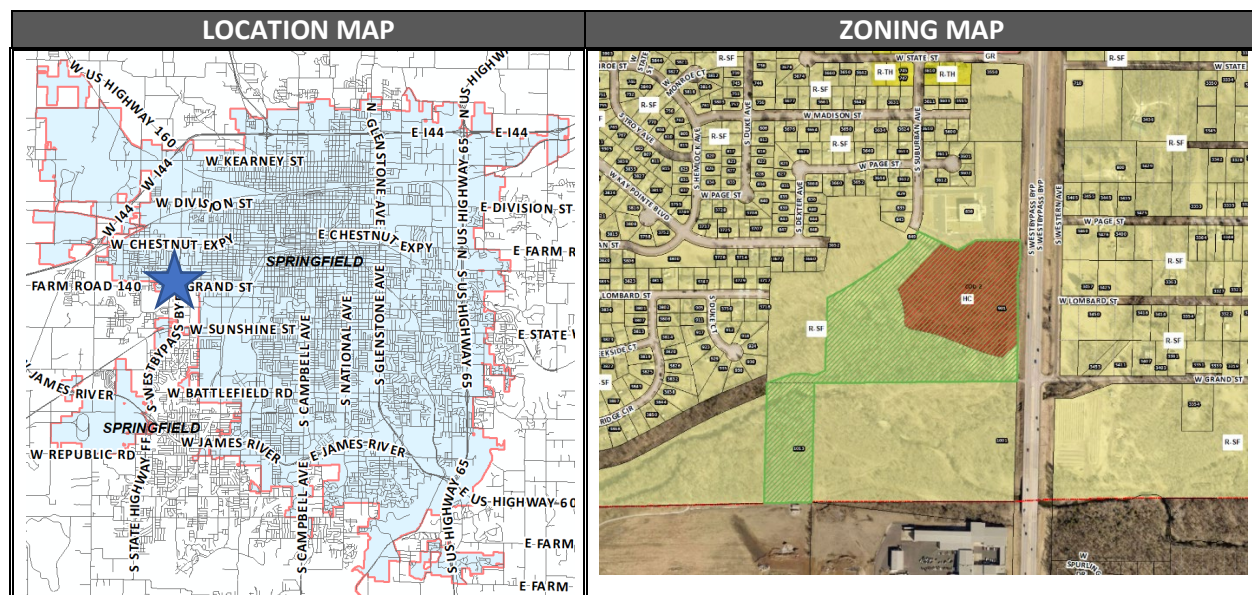
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Z-8-2023 w/COD No. 228
Location:	901 S. West Bypass
Total Acres:	21.2 acres
Applicant:	Carleton Resources, LLC
Existing Land Use:	Vacant/undeveloped land
Neighborhood Meeting:	May 17, 2023
Planning and Zoning Commission:	October 5, 2023
City Council:	November 6, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Daniel Neal, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-8-2023 with Conditional Overlay District No. 228 as set forth in Attachment 1. (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 21.2 acres of subject property generally located at 901 S. West Bypass from R-SF, Single-Family Residential District and HC, Highway Commercial District with Conditional Overlay District No. 2 to GR, General Retail District and establishing a new Conditional Overlay District No. 228.

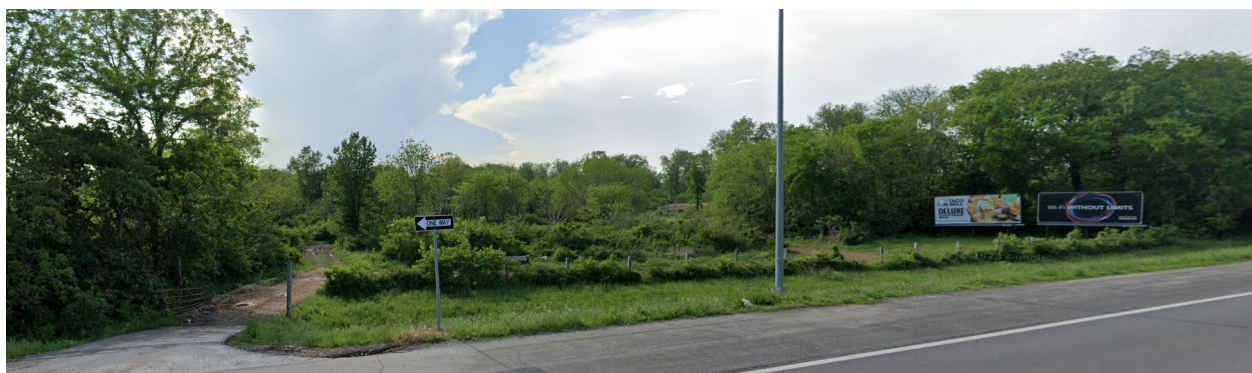


DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

This property was annexed by election in 1968 and was originally zoned R-SF, Single-Family Residential District during the Citywide remapping in 1995.

In 2007, a portion of the property, 7.7 acres, along West Bypass was rezoned to HC, Highway Commercial District with a Conditional Overlay District No. 2 that had the following requirements to be completed prior to any development was to occur:

1. A final plat is recorded to create the lot.
2. A street system connection is required from the intersection of Kay Pointe Boulevard/Lombard Street/Suburban Avenue to the intersection of Grand Street and West Bypass including construction of a portion of Grand Street.
3. Construction of one through lane in each direction and a left turn lane at West Bypass for Grand Street is required. A left turn lane for northbound West Bypass and widening the east approach of Grand Street at West Bypass is required with construction of Grand Street west of West Bypass. A traffic signal is required at the intersection of Grand Street and West Bypass.
4. No access is permitted to Grand Street within 315 feet of the centerline of West Bypass. A median will be constructed on Grand Street when it is improved to a four-lane roadway. One access point is permitted to Grand Street between Kay Pointe and West Bypass. Access on Grand Street will be to and from westbound lanes only.
5. Kay Pointe Boulevard must be designed to intersect with Grand Street in compliance with Springfield design standards for public improvements assuming that the center-to-center distance between Lombard/Suburban and Grand Street is 400 feet, the elevation of Grand Street is between 1202 and 1205 feet above sea level, and Grand Street has a 2% super elevation sloping north to south.
6. No access will be permitted to West Bypass.

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.

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 GENERAL RETAIL DISTRICT
Use Limitations	(a) All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorized or commercial vehicles shall be prohibited. Other outdoor activities that are not specifically permitted may only be allowed as an accessory use to the permitted uses as provided in subsection 36-421(2), permitted uses, as follows: 1. If any portion of the premises abuts any residential zoning district, the outdoor activities may be permitted, provided they meet the provisions of, and a conditional use permit is issued pursuant to Section 36-363, conditional use permits, of this article. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services. 2. If the premises abuts only nonresidential zoning districts, the outdoor activities may be permitted. A conditional use permit will not be required. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services. (b) No outdoor storage except as provided in subsection 36-421(2), permitted uses, and subsection 36-421(3), conditional uses. (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. (d) No use shall emit an odor that creates a nuisance as determined by Springfield City Code. (e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22). (f) Streets through an adjacent residential area shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.
Minimum Lot Size	Not applicable to the GR, General Retail District
Maximum Height	Not applicable to the GR, General Retail 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.

DEVELOPMENT REVIEW STAFF REPORT

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. 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

DEVELOPMENT REVIEW STAFF REPORT

	neighbors, a Bufferyard Type F will be required along the north and west property line where adjacent to property zoned R-SF, Single-Family Residential District.
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COMPATIBILITY WITH COMPREHENSIVE PLAN:

The subject property is located within the Traditional Neighborhood Placetype as designated on the Comprehensive Plan.

Traditional Neighborhoods are comprised of post-war residential neighborhoods that contain predominantly single-family detached dwellings with uniform setbacks, building designs, and parcel sizes, that are separated from dissimilar uses by distinct zoning boundaries and buffer yards. Housing in Traditional Neighborhoods range from bungalows to expansive ranch-style homes constructed with a variety of materials and methods. Neighborhood parks, schools, and churches are dispersed throughout to serve nearby residents. These neighborhoods can follow a gridded block pattern or curvilinear streets and are well connected internally with sidewalks and trails. Traditional Neighborhoods tend to be expansive, isolating residents from services and resources on the edges, often beyond walking distance.

Planning for Traditional Neighborhoods should strive to increase and integrate quality of place and complete neighborhood characteristics. These characteristics could include beautification efforts such as planting street trees, expanding connections and access to the greenway and trail system, and support for low-intensity multi-family, low-intensity neighborhood commercial, or a mix of uses to serve area residents. Multi-family, neighborhood commercial, or mixed use should be located on the edges of the greenway system, on higher classification roadways, or areas identified by residents during the neighborhood planning process. Preservation of residential housing and housing patterns should be prioritized where lots are predominately accessed from side or internal local streets.

Primary Land Uses:

Single-family detached

Supporting Land Uses:

- Single-family attached
- Low-intensity multifamily
- Low-intensity, neighborhood commercial
- Parks, greenways, and open space
- Public and private schools and places of worship
- Low-intensity urban agriculture

Characteristics

- Traffic-calming measures, such as speed-humps, bump-outs, roundabouts, landscaped chicanes with integrated stormwater management, and on-street parking are used to slow traffic.
- Best management practices for stormwater management are required in development projects and within public rights-of-way, such as permeable paving, rain gardens, green roofs, native landscaping, and other low impact design strategies.

DEVELOPMENT REVIEW STAFF REPORT

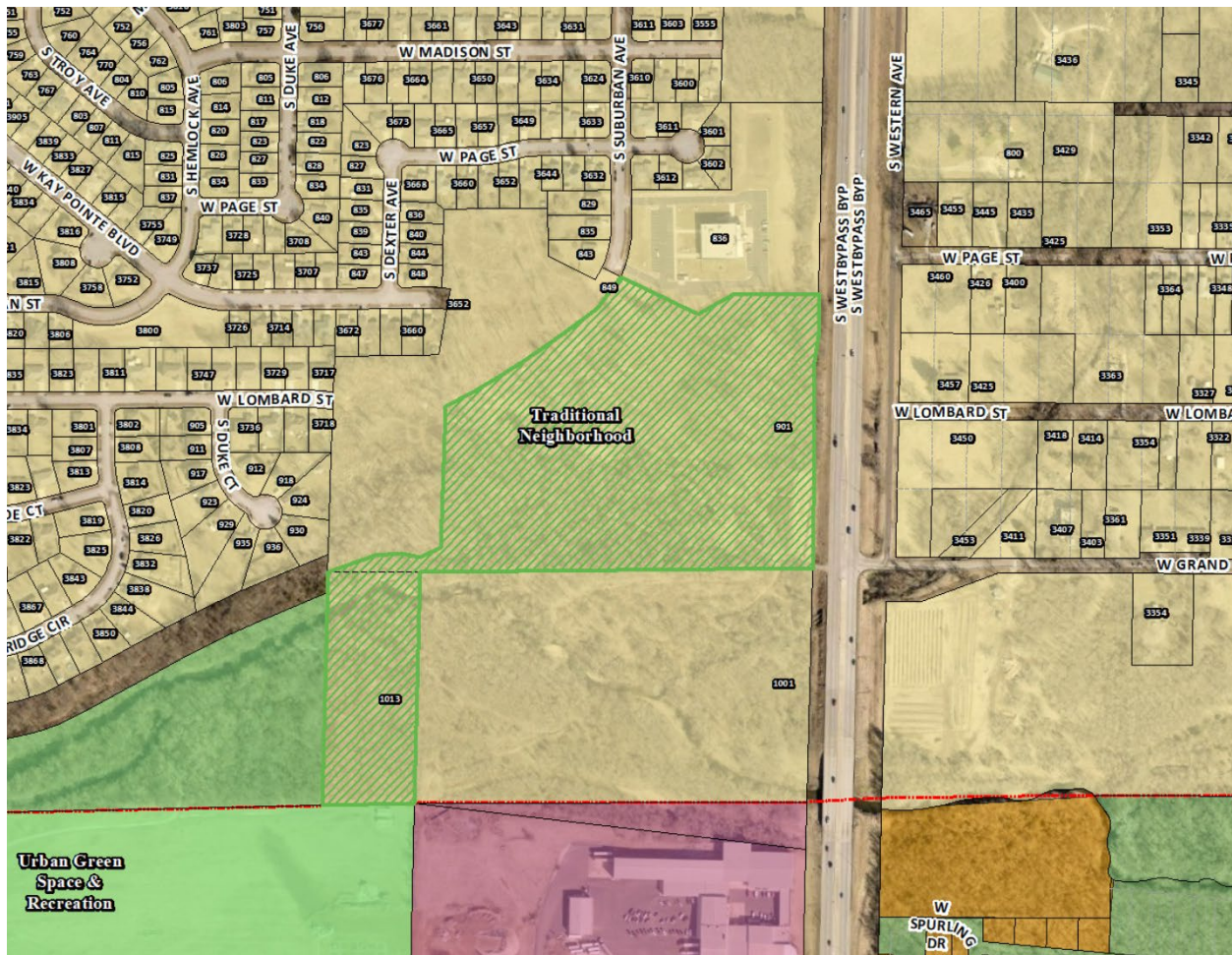
- Sidewalk gaps are filled, and sidewalks connect to transit routes, greenways and trails, and supportive uses are located within the neighborhood and around the perimeter.
- Sense of place and identity is enhanced through neighborhood organization efforts, preservation and planting trees, neighborhood identification signs, and traffic calming improvements that double as streetscape elements.
- As technology, trends, and funds permit, utilities are buried or are consolidated along rear property lines, reducing conflicts with street trees, pedestrian infrastructure, and viewsheds.
- Major entrances into neighborhoods are marked by identification signs and landscaping.
- When commercial buildings are located within or adjacent to the neighborhood, they are oriented to the street, focus on pedestrian-scale, and provide limited vehicle parking.

Transitions

- A “stepped down” approach is used to transition from higher density/intensity residential and non-residential uses to single-family residential homes and uses, with greater densities/intensities located on higher functioning roadways, at the periphery of the neighborhood.
- Lower density residential uses are sufficiently screened and buffered between higher density housing and non-residential uses.
- The design of higher density residential uses integrated into the Residential Neighborhood Placetype should complement the scale and character of the surrounding neighborhood. Attention should be given to building height, orientation, architectural style, and setback to ensure the existing neighborhood character is retained.

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, 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
Residential Neighborhood	●	○	◇	○	◇	◇	○	○	○	○	○	○	○	○
Mixed Residential	●	●	○	○	◇	◇	○	○	○	○	○	○	○	○
Downtown	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○

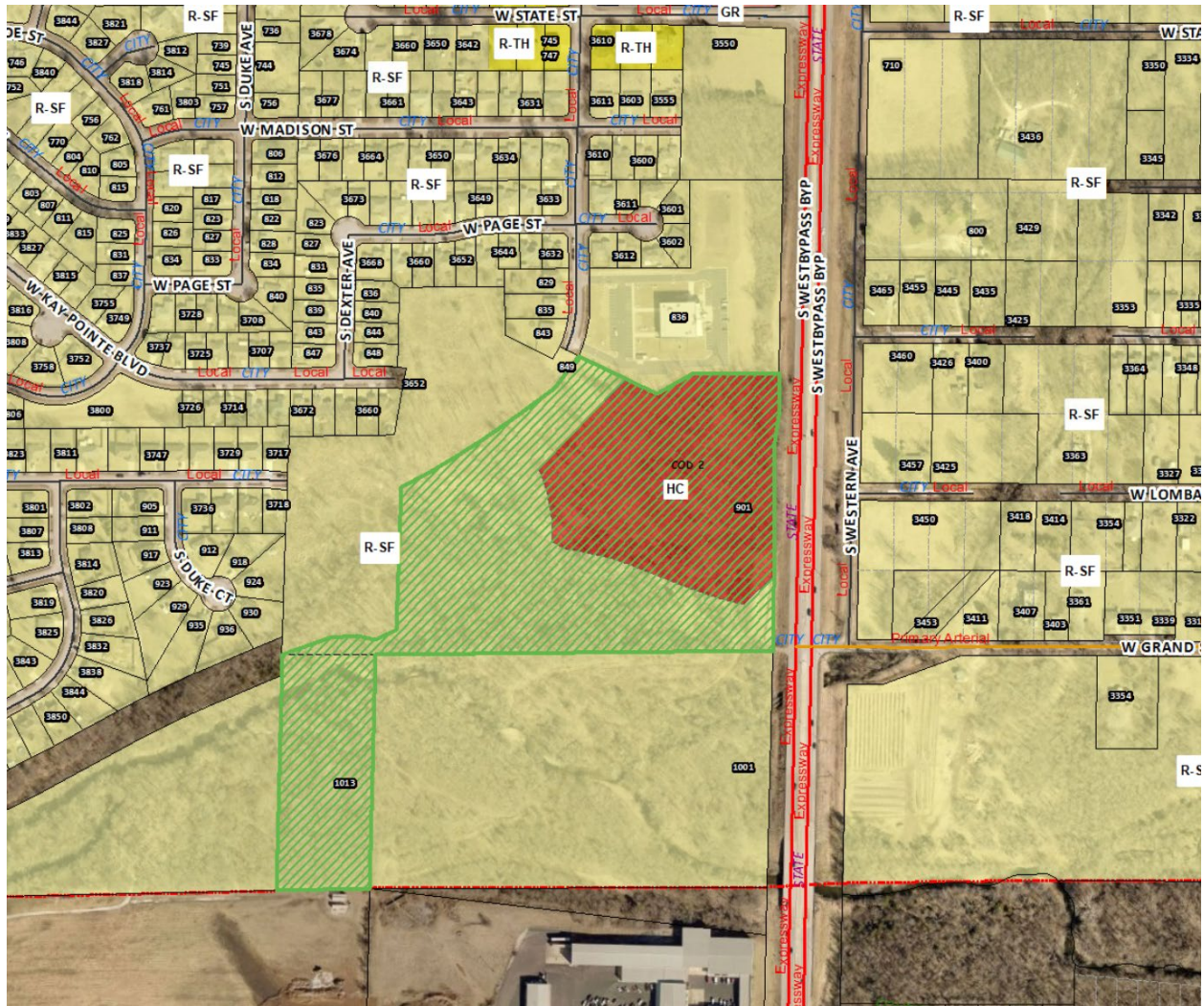
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **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-SF	R-SF	R-SF
LAND USE	Church uses	Undeveloped Wilson's Creek & Rutledge Wilson Park	Undeveloped and single-family residential uses	Undeveloped and single-family residential uses

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 or COD.
3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:
No objection to rezoning. Public sewer will be required via public improvement plans to serve each lot according to city design standards. Those plans will need to be constructed and accepted or escrowed before the final plat can be approved.
4. FIRE DEPARTMENT:
Installation of fire hydrants & fire access lanes shall comply with 2018 IFC when developed.
5. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:
901 N. West Bypass is an approx. 29-acre lot that is 0% existing impervious area. The site drains from North to South into the Wilson Creek stream and Floodplain. Two existing detention/water quality Stormwater Control Measures are present on site for off-site developments. The property is in the **Wilson's Creek** drainage basin. The property **is** located in a FEMA designated floodplain. Staff **is** aware of flooding problems in the local or downstream area. The city **is** aware of a sinkhole or other Karst feature at this location. The property **does have a stream buffer on site**. A fee in lieu of on-site stormwater detention **will be allowed due to proximity to the floodplain**.

PW Stormwater has no concerns for the proposed rezoning from R-SF/HC to GR. The submitted application does have a site plan. 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 AND DISCHARGE REQUIREMENTS

1. The future development will be all new development and will trigger the requirement for detention. A fee in lieu of detention application is permissible with the vicinity to the floodplain and stream.

WATER QUALITY REQUIREMENTS

1. Water Quality is required for the proposed new development with well over 1 acre of disturbance shown. No redevelopment is present with the proposed site plan.
2. 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.

DEVELOPMENT REVIEW STAFF REPORT

FLOODPLAIN

1. The proposed development is within the Floodplain of the Wilson Creek stream. Per Chapter 3, Sec 2.6 a Floodplain Development Permit is required.

NATURAL CHANNEL & STREAM BUFFERS

1. A Category A Large Stream is present on the Lot along the southern side and is shown for recording on the preliminary plat. The site was Rezoning triggers the requirement for recoding the 100 feet wide stream buffer easement. Chapter 8, Sec 4.1.1, the stream buffer requirements apply to streams for all new applications for land disturbance permits, building permits requiring site plan review, floodplain permits, public improvements, preliminary plats, subdivision, and zoning cases.

SINKHOLES & KARST FEATURES

1. The Site contains two mapped sinkholes and will discharge to both of them. Per Ch. 11 Sec. 2.0 a sinkhole evaluation must be completed by a professional engineer or geologist at time of development.

ADDITIONAL STORMWATER REQUIREMENTS

1. 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.
a. As-builts of the detention and water quality improvements are required at the final inspection of the Stormwater Permit.

6. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:

TRAFFIC REPORT

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	S. West Bypass	Expressway	State	65	90	NA	No	No	No
Street 2	S. Suburban Avenue	Local	City	25	25	NA	Yes	Yes	Yes
Street 3	W. Kay Pointe Boulevard	Local	City	25	25	NA	Yes	Yes	Yes
Street 4	W. Lombard Street	Local	City	25	25	NA	Yes	Yes	Yes

DEVELOPMENT REVIEW STAFF REPORT

ACCESS - All access to the development shall be per the approved traffic study, current MoDOT standards and/or current City of Springfield standards.

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There is a Greenway Trail near the property. There are no bus stops near the property.

IMPROVEMENTS - A traffic study will be required at the time of development. All requirements of the traffic study are required to be submitted on Public Improvement Plans (PIP). The approved PIP shall be constructed, or funds escrowed prior to approval of the final plat.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 21.2 acres of subject property generally located at 901 S. West Bypass from R-SF, Single-Family Residential District and HC, Highway Commercial District with Conditional Overlay District No. 2 to GR, General Retail District and establishing a new Conditional Overlay District No. 228. The applicant intends to develop a mixed-use development.
2. The proposed rezoning will create a mixed zoned property; however, a preliminary plat of Kay Pointe Place is being concurrently processed with this application and proposes a street (Lombard/Suburban) that will divide the existing R-SF from the new GR District.
3. Majority of the property being rezoned to GR (approx. 7.7 acres) is currently zoned HC, Highway Commercial District with COD No. 2 and allows for many of the same uses allowed in the GR District. Of the additional 13.5 acres being rezoned commercially, approximately four (4) acres is out of the 100-year floodplain or floodway of Wilson's Creek and most will be utilized as open space, greenway trails or is the existing Wilson's Creek.
4. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Traditional Neighborhood placetype. Planning for Traditional Neighborhoods should strive to increase and integrate quality of place and complete neighborhood characteristics. These characteristics could include beautification efforts such as planting street trees, expanding connections and access to the greenway and trail system, and support for low-intensity multi-family, low-intensity neighborhood commercial, or a mix of uses to serve area residents. Multi-family, neighborhood commercial, or mixed use should be located on the edges of the greenway system, on higher classification roadways, or areas identified by residents during the neighborhood planning process. This property appears to meet these criteria by being located adjacent to West Bypass and having a trail on the southwest portion of the property.
5. The Traditional Neighborhood placetype identifies low-intensity, neighborhood commercial as a supporting use. The primary land use in the Traditional Neighborhood placetype is single-family detached. The Traditional Neighborhood placetype recommends a "stepped down" approach is used to transition from higher density/intensity residential and non-residential uses to single-family residential homes and uses, with greater

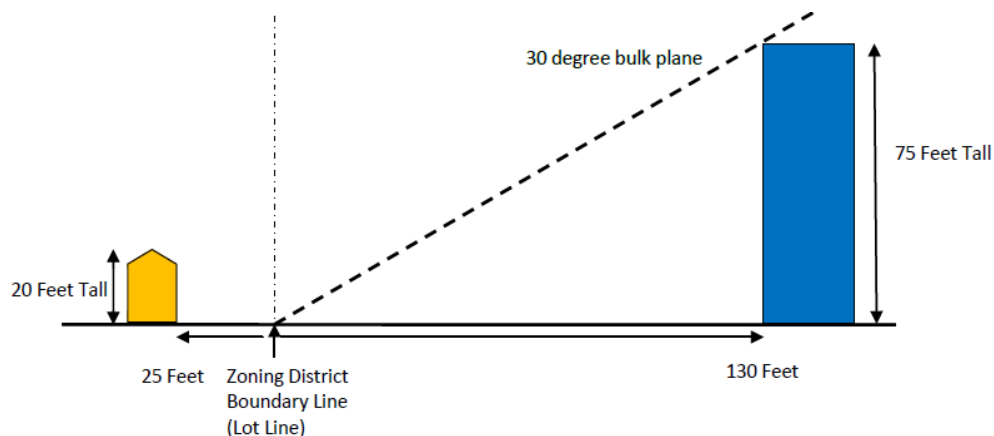
DEVELOPMENT REVIEW STAFF REPORT

densities/intensities located on higher functioning roadways, at the periphery of the neighborhood. It recommends that lower density residential uses are sufficiently screened and buffered between higher density housing and non-residential uses. It also recommends that the design of higher density residential uses integrated into the Residential Neighborhood Placetype should complement the scale and character of the surrounding neighborhood. Attention should be given to building height, orientation, architectural style, and setback to ensure the existing neighborhood character is retained. The applicant is proposing to leave the area north and west of the new Lombard/Suburban as R-SF and only multi-family uses along the south 110 feet from the proposed Lombard/Suburban connection. This will provide a step down from residential to commercial uses. The applicant is also proposing a mixed-use development with more intensity along West Bypass transitioning to lower density residential as it gets closer to the R-SF to the west.

6. The proposed COD has a couple of the same requirements as the existing COD No. 2, such as a required street connection between West Bypass and Kay Pointe Blvd and a traffic study with required improvements to be the responsibility of the developer. The COD also requires an enhanced perimeter landscaping than ordinarily prescribed along West Bypass and Kay Pointe Boulevard as recommended by the Comprehensive Plan.
7. The applicant is also requesting that only multi-family residential uses be allowed in the GR zoning within 110 feet of the proposed Lombard/Suburban Street as shown on the preliminary plat of Kay Pointe Place Subdivision. Residential uses are currently allowed in the GR district provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses. A stream buffer easement will also need to be dedicated as shown on the preliminary plat of Kay Pointe Place Subdivision.
8. The subject property is located along West Bypass, classified as an Expressway roadway. Three other local streets, Lombard, Kay Pointe and Suburban, end at this property.
9. 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.
10. There are not any changing conditions in the area affected that make the proposed rezoning necessary at this time; however, the existing and proposed zoning have COD's that require the construction of a public street between West Bypass and Kay Pointe Boulevard that will significantly change conditions in the area. There will be additional traffic and development potential at this new intersection of West Bypass and Grand Street.
11. The range of uses in the proposed GR district and COD are compatible with the uses permitted on other property at intersections to the north and south along West Bypass.
12. 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.

DEVELOPMENT REVIEW STAFF REPORT

13. The impact of the proposed uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic, or reduce traffic safety in the vicinity. The COD requires a traffic study at the time of development to determine impacts and assess any improvements that may be necessary. The existing COD prescribes improvements that would be required if Grand Street were extended. Grand Street is no longer on the Major Thoroughfare Plan to be extended through this property.
14. 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.
15. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.
16. Any building or structures within the GR District will be required to meet the 30-degree bulk plane from an R-SF or R-TH District. The bulk plane is a theoretical plane beginning at a district boundary (in this case) and rising over a slope determined by an acute angle measured up from the horizontal. The bulk plane defines the relationship of the height of a structure and the structure's setback from the district boundary. The Zoning Ordinance requires a **30-degree bulk plane** for the height of structures in a GR District measured from the R-SF District boundary line. **This means that for every one (1) foot of structure height, the building must be set back 1.73 feet from the district boundary line (example below).** This requirement would limit the height of the structure from the R-SF district boundaries to the north (adjacent private property), northwest (across Lombard/Suburban), east (across West Bypass), south (adjacent private property) and west (adjacent private property).



17. The General Retail District is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. Commercial uses permitted in this district are generally required to conduct business activities indoors. The need for

DEVELOPMENT REVIEW STAFF REPORT

community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets.

18. The development of the property will require a bufferyard along the west and north property lines immediately adjacent to the R-SF, Single-Family Residential zoning district. The normal bufferyard required between GR and R-SF would be a Bufferyard "Type F" at least twenty (20) feet wide. For each one-hundred (100) linear feet of bufferyard, there must be three (3) canopy trees, three (3) understory trees, four (4) evergreen tree and twenty (20) shrubs. A six-foot-tall solid wood fence is also required as part of this bufferyard. A bufferyard type S2 is required along the north side of the property that is across from Lombard/Suburban Street. This bufferyard is a minimum of 15 feet in depth with plantings. A structure (i.e. fence, wall, berm or hedge row) is not required as part of this bufferyard S2.
19. The proposed rezoning was reviewed by City departments and comments are contained in the staff report (above).
20. The applicant held a neighborhood meeting on May 17, 2023, regarding the rezoning request. A summary of the meeting is attached (Attachment 2).
21. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

STAFF RECOMMENDATION:

1. Staff recommends approval of the rezoning request based on its compatibility with the *Comprehensive Plan's* Traditional Neighborhood Placetype.

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. 228

The requirements of Section 36-421, GR – General retail district, of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. Only multi-family residential uses are allowed within 110 feet south of proposed Lombard Street/Suburban Avenue as shown on the preliminary plat of Kay Pointe Place Subdivision. Non-residential uses are not allowed within 110 feet of the southern right-of-way line of proposed Lombard Street.
2. A public street system connection is required from the intersection of Kay Pointe Boulevard/Lombard Street/Suburban Avenue to the intersection of Grand Street at West Bypass as shown on the preliminary plat of Kay Pointe Place Subdivision.
3. Off-site improvements related directly to the intensity of development shall be required at the time of development. To determine the off-site improvements needed for the intensity of development, a traffic impact study (TIS) that is in a format acceptable to the City shall be submitted at the time of development. Development shall be approved only after the TIS is approved by the City Traffic Engineer, and only after the off-site improvements determined necessary by the TIS are incorporated into the approved site plan, public improvement plan, or other permits (as applicable). These off-site improvements shall be constructed at no cost to the City and in accordance with the requirements in Section 36-250 and applicable section of the Public Works Design Standards. All public improvements must be constructed and approved, or funds escrowed for such permits, prior to the issuance of any building permits.
4. A minimum 10-foot-wide landscape buffer, Type S3 as described in Section 36-482, along West Bypass and Kay Pointe Boulevard is required.
5. A Category “A” Large Stream is present along the southern side of the rezoning area and is shown for recording on the preliminary plat of Kay Pointe Place Subdivision. The rezoning triggers the requirement for recording the 100 feet wide stream buffer easement per Chapter 8, Section 4.1.1 of the Flood Control and Water Quality Protection Manual.

Attachment 2

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: HC & RSF (existing zoning) to GR (proposed zoning)
2. Meeting Date & Time: 5.17.23 4pm - 6:30pm
3. Meeting Location: LIBRARY CENTER MEETING ROOM - N. KANSAS EXPRESSWAY
4. Number of invitations that were sent: 41
5. How the mailing list was generated: By City Planning & Zoning Department upon request by Wilson Survey
6. Number of neighbors in attendance (attach a sign-in sheet): 13
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 meeting Summary Notes on email from 9.21.23

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

See meeting Summary Notes on email from 9.21.23

I, Kevin Carleton (print name), attest that the neighborhood meeting was held on May 17, 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

Kevin Carleton
Printed name of person completing affidavit

From: [Kevin Carleton](#)
To: [Neal, Daniel](#); [Menke, Andrew](#)
Cc: tchandler@greatriv.com; dlundstrum@greatriv.com
Subject: Kay Pointe Place Neighborhood Meeting Info
Date: Thursday, September 21, 2023 10:42:22 AM
Attachments: [Kay Pointe Place Neighborhood Meeting Sign In Sheet 05.17.23.pdf](#)

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

Gentlemen

Please find attached the sign in sheet for the Kay Pointe Place Neighborhood Meeting from 05.17.23 that was held at the Library Center on N Kansas Expressway.

Meeting Summary

- A presentation was made to attendees by developer Kevin Carleton explaining the platting & rezoning details for the property.
- No questions or concerns about the platting or rezoning came up.
- Questions about the connection of Kay Pointe Boulevard to West Bypass were brought up by three attendees. The main concern was that there would be additional & unwanted traffic coming through their neighborhoods. I presented that the connection was a requirement for rezoning development & was not a negotiable item with the City & that a positive for them was that there would be a more convenient & safe connection to the West Bypass from their neighborhoods.
- Overall the meeting was pleasant & very positive & do not anticipate any real opposition to the platting & rezoning case.

Sincerely

Kevin Carleton
Carleton Resources LLC
417.827.8589

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Neighborhood Meeting

May 17, 2023

Attendance Sign-In Sheet

Name: Glenn Gohr
Address: 3853 W. Lombard St. 65812
Phone: 417-507-4128

Name: Justin + Kristalyn Crom
Address: 3718 W. Lombard St
Phone: 417-988-9903

Name: Tim & Kadi Horton
Address: 911 S. Duke Ct.
Phone: 417-849-4174

Name: Noe Loraño
Address: 9
Phone: 417 350 5193

Name: Mary Hasler
Address: 4138 W Tarkio
Phone: 1 417-516-6114

Name:
Address:
Phone:

Name: Betty Stewart
Address: 4255 W Tarkio
Phone: 417-844-1231

Name:
Address:
Phone:

Name: Kaiah Monroe
Address: 836 S. Suburban Ave
Phone: 417-860-0248

Name:
Address:
Phone:

Name: Jackie DeWitt
Address: 3701 W Kay Pointe Blvd.
Phone: 239-284-7887

Name:
Address:
Phone:

Name: Kenneth H. Gilmore
Address: 3664 W. Kay Pointe Blvd.
Phone: 417-862-5875

Name:
Address:
Phone:

Name: Karen Clayton
Address: 912 S Duke Ct
Phone: 417-849-8947

Name:
Address:
Phone:

Name: Jenny Lasley
Address: 3736 W. Lombard
Phone: 417-861-6659

Name:
Address:
Phone:



EXPLANATION TO COUNCIL BILL 2023-266 (MCGULL)

FILED: 11/13/2023

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 1.85 acres of property generally located at 1218, 1222, 1223, 1226, 1232, and 1238 East Pacific Street, and 1219 and 1225 East Locust Street, from GM, General Manufacturing District, to R-LD – Low-Density Multi-Family Residential District, with Conditional Overlay District No. 240; establishing Conditional Overlay District No. 240; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: JNE Holdings; 1218, 1222, 1223, 1226, 1232, and 1238 East Pacific Street and 1219 and 1225 East Locust; Z-27-2023 with Conditional Overlay District No. 240.)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.85 acres of property generally located at 1218, 1222, 1223, 1226, 1232, and 1238 East Pacific Street and 1219 and 1225 East Locust Street from GM, General Manufacturing to R-LD, Low-density Multi-family Residential District with Conditional Overlay District No. 240. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-27-2023/ CONDITIONAL OVERLAY DISTRICT NO. 240

The applicant is requesting to rezone approximately 1.85 acres of property generally located at 1218, 1222, 1223, 1226, 1232, and 1238 East Pacific Street and 1219 and 1225 East Locust from GM, General Manufacturing to R-LD, Low-density Multi-family Residential District with Conditional Overlay District No. 240. The applicant intends to develop housing with a limitation of eleven (11) dwelling units per acre.

The range of uses in the proposed R-LD district and COD are compatible with the uses permitted on other property in the immediate vicinity. The proposed COD limits the development of the property to eleven (11) dwelling units per acre. This residential density matches the adjacent properties to the west which are rezoned R-TH.

REMARKS: The Planning and Zoning Commission held a public hearing on October 5, 2023, and recommended to approve, by a vote of 8 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is requesting to rezone approximately 1.85 acres of property generally located at 1218, 1222, 1223, 1226, 1232, and 1238 East Pacific Street and 1219 and 1225 East Locust from GM, General Manufacturing to R-LD, Low-density Multi-family Residential District with Conditional Overlay District No. 240. The applicant intends to develop housing with a limitation of eleven (11) dwelling units per acre.
2. The Comprehensive Plan's Land Use & Development chapter identifies the subject property as the Center City Neighborhood placetype. Low-intensity multi-family is listed as a supporting land use which this application will permit.
3. This application will allow missing-middle housing types which the Comprehensive Plan recommends should be encouraged at neighborhood nodes and along edges. The subject property is located along a railroad line that could be considered an edge.
4. The proposed R-LD district matches the adjacent R-TH is maximum structure height to be consistent with the Comprehensive Plan's recommendation to design higher density residential housing to complement the existing scale in the area.
5. The proposed COD limits the development of the property to eleven (11) dwelling units per acre. This residential density matches the adjacent properties to the west which are rezoned R-TH.
6. The proposed COD requires street facing walls be articulated at least each 25 feet with bays, projections, or recesses.
7. This application substantially reduces the impact to the surrounding properties as the GM, General Manufacturing is an intensive industrial district. The properties were zoned GM due to the proximity to the railroad however the property has not developed into industrial uses and the surrounding area is predominately residential.
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 the development.
9. There are few changing conditions in the area affected that make the proposed rezoning necessary.
10. The range of uses in the proposed R-LD district and COD 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 of the uses, which would be permitted if the property were rezoned, is

not expected to 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 Center City neighborhood 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:

Attachments:

1. Z-27-2023 w COD 240 1218 et al E Pacific_ord
2. Z-27-2023 COD 240_exh A
3. Z-27-2023 COD 240_exhB
4. Z-27-2023 COD 240_exhC
5. Z-27-2023 COD 240_exhD

One-rdg. _____
P. Hrngs. X
Pgs. 23
Filed: 10-31-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-266

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 1.85 acres of property generally located at 1218, 1222, 1223, 1226,
4 1232, and 1238 East Pacific Street, and 1219 and 1225 East
5 Locust Street, from GM, General Manufacturing District, to R-LD –
6 Low-Density Multi-Family Residential District, with Conditional
7 Overlay District No. 240; establishing Conditional Overlay District
8 No. 240; and adopting an updated Official Zoning Map. (Staff and
9 Planning and Zoning Commission recommend approval.)
10 _____
11

12 WHEREAS, an application has been filed for a zoning change of the property
13 generally located at 1218, 1222, 1223, 1226, 1232, and 1238 East Pacific Street, and
14 1219 and 1225 East Locust Street, from GM, General Manufacturing District, to R-LD –
15 Low-Density Multi-Family Residential District, with Conditional Overlay District No. 240;
16 and
17

18 WHEREAS, Conditional Overlay District No. 240 shall modify the requirements of
19 the Springfield Land Development Code Section 36-382, Low-Density Multi-Family
20 Residential District, by requiring that the property described in "Exhibit B" comply with
21 the requirements described in "Exhibit A"; and
22

23 WHEREAS, following proper notice, the Planning and Zoning Commission held a
24 public hearing on October 5, 2023, a copy of the Record of Proceedings from said
25 public hearing being attached hereto and incorporated herein by this reference as
26 "Exhibit C," and said Commission made its recommendation; and
27

28 WHEREAS, the City has reviewed the applicant's request and prepared a staff
29 report concerning the application, which is attached hereto and incorporated herein by
30 this reference as "Exhibit D"; and
31

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

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

Section 1 – The property described in "Exhibit B," which is attached hereto and incorporated herein by this reference, is hereby rezoned from GM, General Manufacturing District, to R-LD – Low-Density Multi-Family Residential District, with Conditional Overlay District No. 240. Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed, and modified consistent with this Ordinance.

Section 2 – City Council hereby establishes Conditional Overlay District No. 240, which shall contain the requirements and standards provided in "Exhibit A," which is attached hereto and incorporated herein by this reference as though set forth herein. The requirements of Conditional Overlay District No. 240 shall modify the requirements of the Springfield Land Development Code Section 36-382, Low-Density Multi-Family Residential District, by requiring the property described in "Exhibit B" comply with the requirements contained in "Exhibit A."

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

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

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS NO.
240

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

1. The maximum density shall be limited to eleven (11) dwellings per acre.
2. Street facing walls shall be articulated at least each 25 feet with bays, projections, or recesses. Articulation means a difference in the vertical plane of the building of at least 18 inches or more.

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-27-2023 COD No. 240

All of Lots 16 through 23, inclusive, Block "B", in Coombs Addition to the City of Springfield, Greene County, Missouri, ALONG AND WITH a vacated alley lying south of and adjacent to Lots 16 through 20, ALSO ALONG AND WITH a vacated alleys running between Lot 21 and Lots 22 and 23 and a vacated alley running East of Lots 21, 22 and 23 and lying between said Lots and the railroad right-of-way containing 1.99 acres and being subject to easements, restrictions or rights-of-way, if any.

EXHIBIT C

RECORD OF PROCEEDING
ZONING CASE Z-27-2023 COD No. 240

Z-27-2023 w/COD 240

1218, 1222, 1223, 1226 & 1238 East Pacific Street and 1219 & 1225 East Locust Street
(Applicant: JNE Holdings)

Michael Sparlin stated that this is a request to rezone approximately 1.85 acres of property from GM, General Manufacturing, to R-LD, Low-Density Multi-family Residential District with Conditional Overlay District No. 240.

Natalie Broekhoven opened the public hearing.

Matt Baron, 1838 E. Bennett, and representing the owner and developer and we propose to develop the eight residential properties.

Bruce Colony asked how many homes would be built.

Mr. Baron noted that there would be 22 dwellings.

Natalie Broekhoven closed the public hearing.

Planning and Zoning Commission Board Member Knuckles moved to approve Z-27-2023 w/COD 240. Planning and Zoning Commission Board Member Pauly seconded the motion, and it was Passed with the following vote: Ayes: Commissioner Scott, Commissioner Broekhoven, Commissioner Knuckles, Commissioner Ridge, Commissioner Pauly, Commissioner Colony, Commissioner Lebeck, Commissioner Gunther. Nays: None. Absent: Britton Jobe. Abstain: None.



Bob Hosmer, AICP
Planning Manager

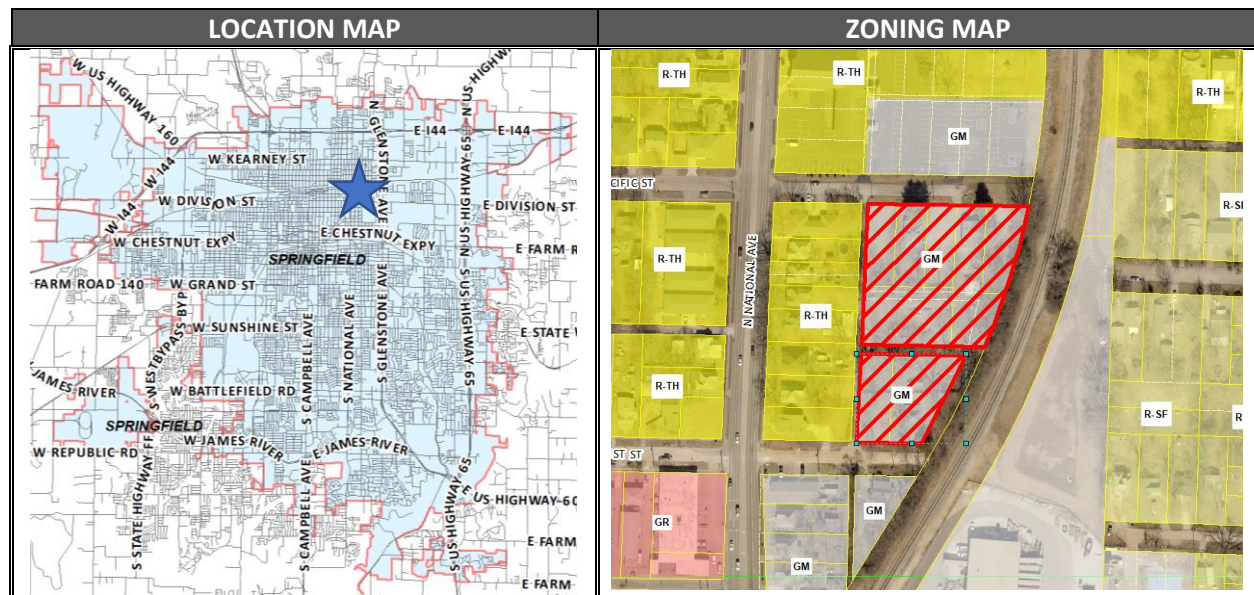
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-27-2023 with Conditional Overlay District No. 240
Location:	1218, 1222, 1223, 1226, 1232, and 1238 East Pacific Street and 1219 and 1225 East Locust
Total Acres:	1.85 acres
Applicant:	JNE Holdings
Existing Land Use:	Undeveloped land
Neighborhood Meeting:	September 14, 2023
Planning and Zoning Commission:	October 5, 2023
City Council:	November 6, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-27-2023 with Conditional Overlay District No. 240 as set forth in Attachment 1 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

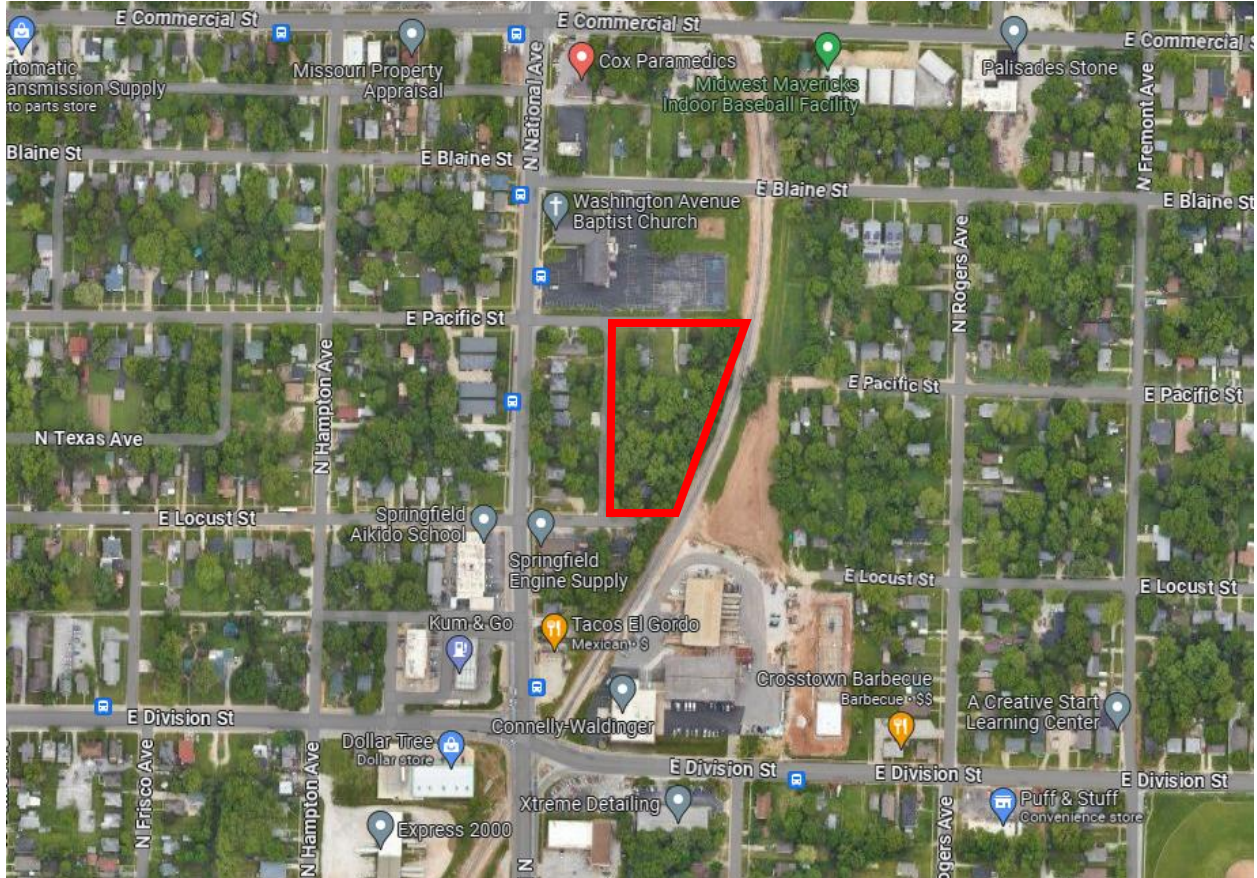
PROJECT SUMMARY:

Request to rezone approximately 1.85 acres of property generally located at 1218, 1222, 1223, 1226, 1232, and 1238 East Pacific Street and 1219 and 1225 East Locust from GM, General Manufacturing to R-LD, Low-density Multi-family Residential District with Conditional Overlay District No. 240.



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GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE STREETVIEW:



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PROPERTY HISTORY:

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

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.

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ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR R-LD
Minimum Yard Requirements	Front yard: - Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453. - Fifteen feet along a street classified as a local street or as required by section 36-453 (garages shall be set back a minimum of 20 feet).
Maximum Structure Height	- When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. - When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Minimum Open Space	Not less than 20 percent.
Buffering and Landscaping	Whenever any development in an R-LD district is located adjacent to another zoning district or a nonresidential use in an R-LD district is located adjacent to a residential use in an R-LD district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Center City neighborhood placetype. Center City Neighborhoods are Springfield's oldest residential neighborhoods, dating to before WWII. They are typically characterized by a diverse range of single-family homes with varying architectural styles, setbacks, compact and shared spaces, and parcel sizes. Center City neighborhoods historically had small scale neighborhood supporting retail services provided at key intersection, streetcar routes, and neighborhood centers. These building types and commercial uses were integrated into the neighborhood fabric. Most Center City Neighborhoods follow a gridded block pattern with alleys, tree-lined streets, and a well-connected sidewalk network that allows residents to walk to nearby neighborhood amenities. Due to their compact form and proximity to urban centers, these neighborhoods are places where residents should reasonably be able to walk, bike, or ride transit to meet some of their educational, employment, shopping, and recreational needs. Center City Neighborhoods are also integrated with key cultural and institutional uses, such as schools and places of worship that serve surrounding residents.

Primary Land Uses:

- Single-family detached

Supporting Land Uses:

- Single-family attached
- Low-intensity multifamily
- Low-intensity, neighborhood commercial

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- Parks, greenways, and open space
- Public and private schools and places of worship
- Low-intensity urban agriculture

Characteristics

TRANSPORTATION & INFRASTRUCTURE:

- Traffic-calming measures, such as speed-humps, bump-outs, roundabouts, landscaped chicanes with integrated stormwater management, and on-street parking are used to slow traffic.
- Best management practices for stormwater management are required in development projects and within public rights-of-way, such as permeable paving, rain gardens, green roofs, native landscaping, and other low impact design strategies.
- Sidewalk gaps are filled, and sidewalks connect to transit routes, greenways and trails, and supportive uses are located within the neighborhood and around the perimeter.
- Alleys provide pedestrian connections, alternative access to rear yards, detached garages, and other approved accessory uses.
- Sense of place and identity is enhanced through neighborhood organization efforts, preservation and planting trees, neighborhood identification signs, and traffic calming improvements that double as streetscape elements.
- As technology, trends, and funds permit, utilities are buried or are consolidated along rear property lines, reducing conflicts with street trees, pedestrian infrastructure, and viewsheds.
- Major entrances into neighborhoods are marked by identification signs and landscaping.

URBAN DESIGN - BUILDING AND SITE TYPOLOGY:

- The main entrances of new residential developments are oriented towards the primary street.
- Preservation and adaptive reuse of neighborhood schools and surplus buildings are encouraged.
- When appropriate, adaptive reuse of residential structures for low-intensity, neighborhood-scale nonresidential uses, including missing middle housing types, is encouraged at neighborhood nodes and along edges.
- Accommodations are made to allow expanded home occupations, without detracting from the character of the neighborhood, being conscious of changing trends and advances in technologies.
- New and infill buildings maintain the proportions and architectural features common in the existing block.
- When commercial buildings are located within or adjacent to the neighborhood, they are oriented to the street, focus on pedestrian-scale, and provide limited vehicle parking.

Center City Neighborhood Urban design characteristics unique to Center City Neighborhood character area include:

- Residential subdivisions are designed and platted in more conventional layouts with shorter blocks.

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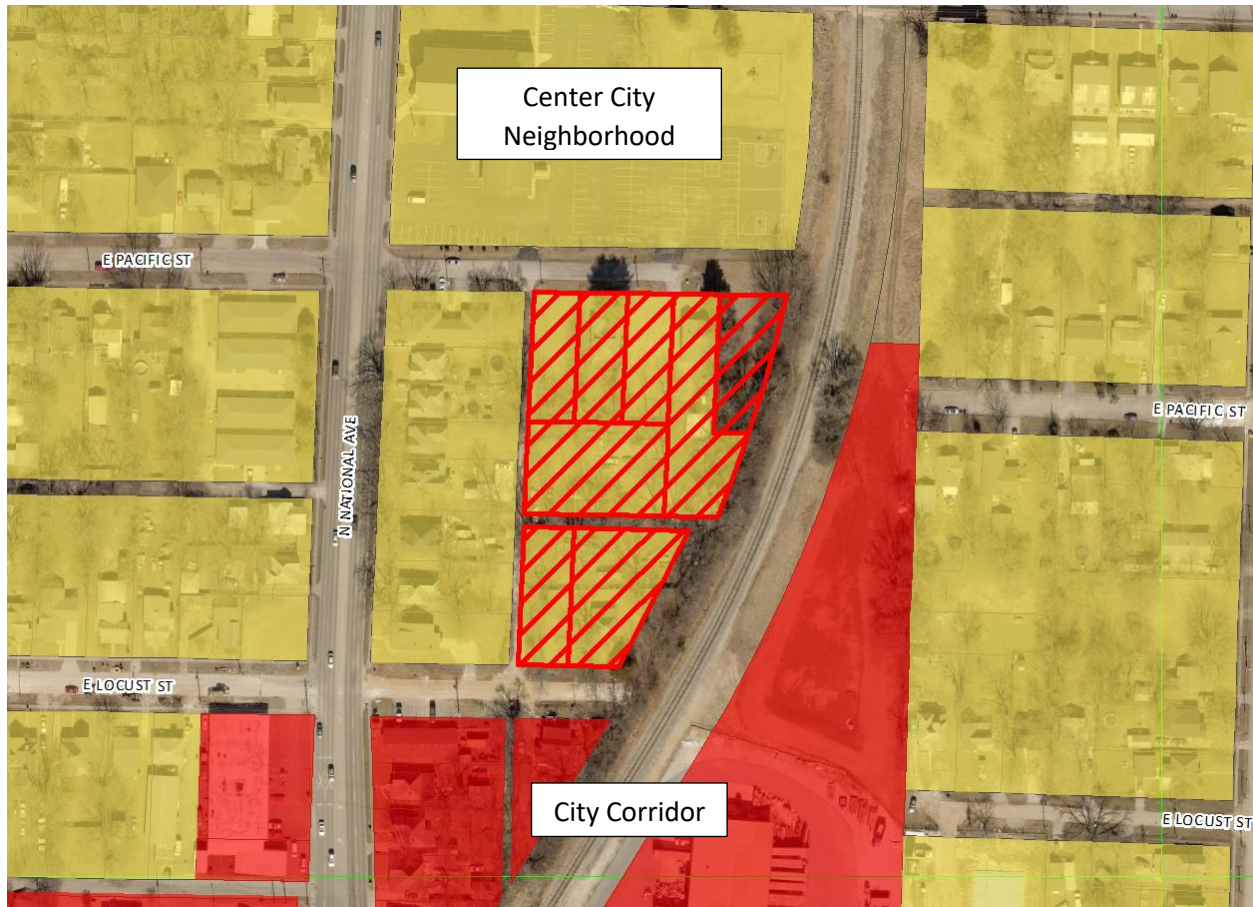
- Lots have a variety of widths, depths, and setbacks creating unique identity from neighborhood to neighborhood.
- While not as common, attached, and detached garages provide limited parking options and create a greater demand for on-street parking.
- Garages reflect the architectural style and scale of the primary buildings and are often setback well behind the front facade.
- Driveways are often accessed from the rear alley and are shared or absent in exchange for sidewalks to the front door or porch, which provides increased on-street parking opportunities.
- Properties and neighborhoods eligible for local historic designation are continually identified and preserved.
- Key corridors that offer transit and other multimodal, trail, or greenway connections can be enhanced with increased housing and neighborhood scale services, shops, and dining.
- Low-impact, neighborhood-scale commercial uses should be considered at locations where community facilities and amenities or other informal neighborhood hubs already exist, at former streetcar stops, along the edges of the neighborhood or at other significant neighborhood destinations.
- Neighborhood parks, community centers, greenway or trailheads, museums, gardens, schools, and churches can serve as anchors for neighborhood commercial hubs.

TRANSITIONS:

- A “stepped down” approach is used to transition from higher density/intensity residential and non-residential uses to single-family residential homes and uses, with greater densities/intensities located on higher functioning roadways, at the periphery of the neighborhood.
- Lower density residential uses are sufficiently screened and buffered between higher density housing and nonresidential uses.
- The design of higher density residential uses integrated into the Residential Neighborhood Placetype should complement the scale and character of the surrounding neighborhood. Attention should be given to building height, orientation, architectural style, and setback to ensure the existing neighborhood character is retained.

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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 & Vocational Schools	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			●	●	○									

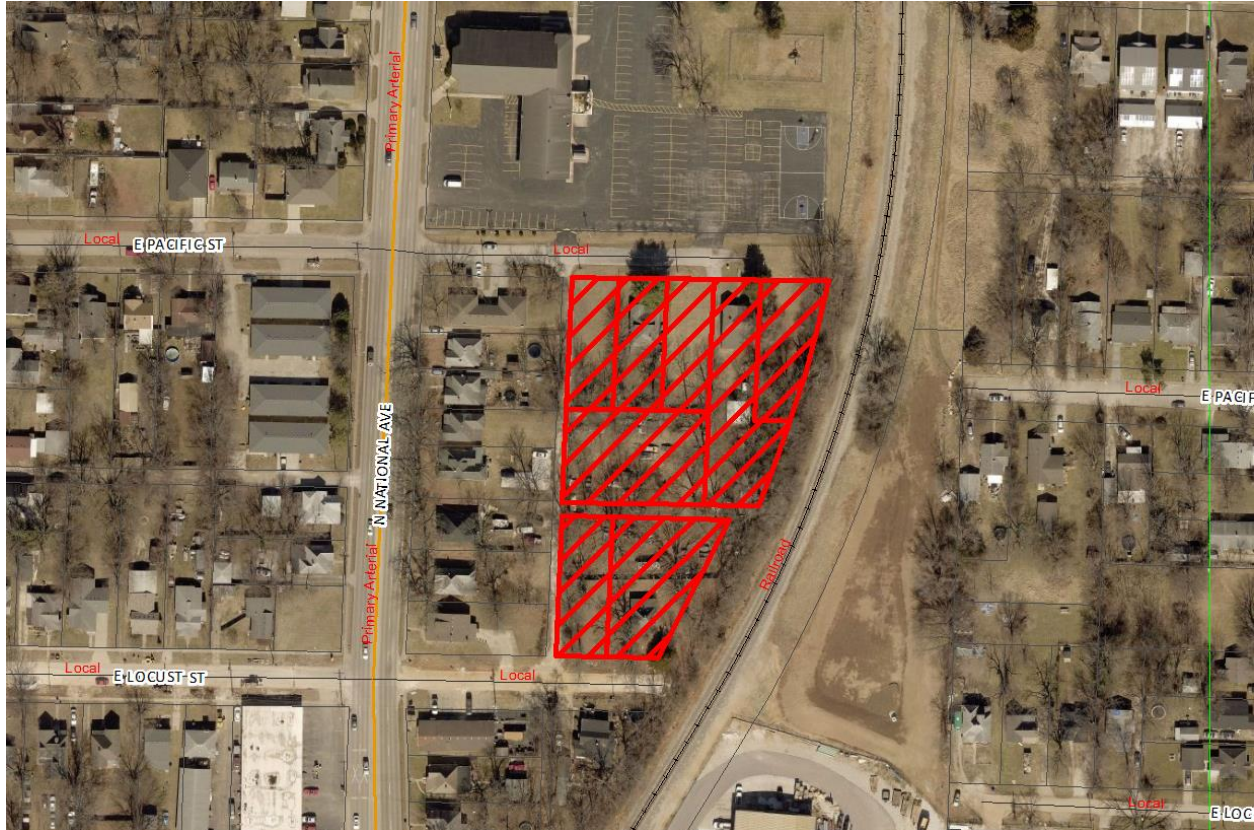
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **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

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MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	GM	GM	GM	R-TH
LAND USE	Church, parking lot	Single-family residence	Railroad, single-family residences	Duplex and single-family residences
PLACETYPES	Center City neighborhood	Center City neighborhood	City Corridor	Center City neighborhood

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

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No issues. Tract has access to public sewer.

FIRE DEPARTMENT:

No objections to rezoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	E. Pacific Street	Local	City	25	25	NA	Yes	Yes	No
Street 2	E. Locust Street	Local	City	25	25	NA	Yes	Yes	No

ACCESS - All access to the development shall be per the approved traffic study, and current City of Springfield standards.

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There are no Greenway Trail near the property. There are two bus stops near the property.

IMPROVEMENTS - No improvements are required for this rezoning. A traffic study is not required for this rezoning.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

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 or other Karst feature at this location. The property **does not have a stream buffer on site**.

A fee in lieu of on-site stormwater detention **will not be allowed and detention is required**.

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 AND DISCHARGE REQUIREMENTS

1. Detention is required for any impervious area increase. No fee in lieu of detention application is permitted. Future Stormwater detention basins need to discharge to the Railway ROW on the East or to E Locust St with drainage to the East.

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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. 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.

(1) To a Public Right-of-way.

(2) A recorded drainage easement, continuing to a public right-of-way or public drainage system.

(3) A certified natural watercourse.

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.

2. 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.

FLOODPLAIN

N/A

NATURAL CHANNEL & STREAM BUFFERS

N/A

SINKHOLES & KARST FEATURES

N/A

ADDITIONAL STORMWATER REQUIREMENTS

1. 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.

a. As-builts of the detention and water quality improvements are required. we would like the following as-built notes on the plans:

The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.

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STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 1.85 acres of property generally located at 1218, 1222, 1223, 1226, 1232, and 1238 East Pacific Street and 1219 and 1225 East Locust from GM, General Manufacturing to R-LD, Low-density Multi-family Residential District with Conditional Overlay District No. 240. The applicant intends to develop housing with a limitation of eleven (11) dwelling units per acre.
2. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Center City Neighborhood placetype. Low-intensity multi-family is listed as a supporting land use which this application will permit.
3. This application will allow missing-middle housing types which the *Comprehensive Plan* recommends should be encouraged at neighborhood nodes and along edges. The subject property is located along a railroad line that could be considered an edge.
4. The proposed R-LD district matches the adjacent R-TH is maximum structure height to be consistent with the *Comprehensive Plan's* recommendation to design higher density residential housing to complement the existing scale in the area.
5. The proposed COD limits the development of the property to eleven (11) dwelling units per acre. This residential density matches the adjacent properties to the west which are rezoned R-TH.
6. The proposed COD requires street facing walls be articulated at least each 25 feet with bays, projections, or recesses.
7. This application substantially reduces the impact to the surrounding properties as the GM, General Manufacturing is an intensive industrial district. The properties were zoned GM due to the proximity to the railroad however the property has not developed into industrial uses and the surrounding area is predominately residential.
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 the development.
9. There are few changing conditions in the area affected that make the proposed rezoning necessary.
10. The range of uses in the proposed R-LD district and COD 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.

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12. The impact of the uses, which would be permitted if the property were rezoned, is not expected to 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 Center City neighborhood 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.

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ATTACHMENT 1

CONDITIONAL OVERLAY DISTRICT PROVISIONS NO. 240

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

1. The maximum density shall be limited to eleven (11) dwellings per acre.
2. Street facing walls shall be articulated at least each 25 feet with bays, projections, or recesses. Articulation means a difference in the vertical plane of the building of at least 18 inches or more.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: GM to R-LD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: September 14 - 4:30 to 6:30 PM
3. Meeting Location: At the Property
4. Number of invitations that were sent: _____
5. How the mailing list was generated: By the City of Springfield from GIS mapping
6. Number of neighbors in attendance (attach a sign-in sheet): 2
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).

Two Neighbors stopped by... The only concern was if this property will be apartments ⇒ No it will not. it will be 182 family patio homes.

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

No written comments

I, Mat Baran (print name), attest that the neighborhood meeting was held on 9-14-2023 (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

Mat. Baran

Printed name of person completing affidavit

DEVELOPMENT REVIEW NOTICE/COMMENT CARD

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

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

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

The Land Use or Zoning Change Process:

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

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

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

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

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

DATE:	9/14/13	Telephone No.	
YOUR NAME:	Carla Smith		
YOUR ADDRESS:	1600 N. National Ave		
PROJECT ADDRESS:			
COMMENTS:			

EXPLANATION TO COUNCIL BILL 2023-267 (HORTON)

FILED: 10/17/2023

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 3.43 acres of property generally located at 4123 and 4149 West Chestnut Expressway and 430 North Meteor Avenue from HC, Highway Commercial District, and R-MHC, Manufactured Home Community District, to R-MD – Medium-Density Multi-Family Residential District, with Conditional Overlay District No. 241; establishing Conditional Overlay District No. 241; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Mearl Curtis ETAL TR, Revocable Living Trust; 4123 and 4149 West Chestnut Expressway and 430 North Meteor Avenue; Z-28-2023 with Conditional Overlay District No. 241.)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 3.43 acres of property generally located at 4123 and 4149 West Chestnut Expressway and 430 North Meteor Avenue from HC, Highway Commercial and R-MHC, Manufactured Home Community to R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 241. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-28-2023/ CONDITIONAL OVERLAY DISTRICT NO. 241

The applicant is requesting to rezone approximately 3.43 acres of property generally located at 4123 and 4149 West Chestnut Expressway and 430 North Meteor Avenue from HC, Highway Commercial and R-MHC, Manufactured Home Community to R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 241. The applicant intends to develop multi-family apartments.

This application is consistent with the Comprehensive Plan's future Placetypes which recommend multi-family residential as primary land uses in both the City Corridor and Mixed Residential placetype.

REMARKS: The Planning and Zoning Commission held a public hearing on October 5, 2023, and recommended to approve, by a vote of 8 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is requesting to rezone approximately 3.43 acres of property generally located at 4123 and 4149 West Chestnut Expressway and 430 North Meteor Avenue from HC, Highway Commercial and R-MHC, Manufactured Home Community to R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 241. The applicant intends to develop multi-family apartments.
2. The Comprehensive Plan's Land Use & Development chapter identifies the subject property as the City Corridor and Mixed Residential Placetypes. These Placetypes list multi-family as primary land use.
3. The Revised Multi-Family Development Location and Design Guidelines help ensure that this application adheres to the Comprehensive Plan's recommendation to focus on site design, parking access, massing, and building orientation are adopted to ensure development that is complementary to adjacent lower density residential development.
4. The subject property is within the Chestnut Expressway Subarea Plan which spans from Interstate-44 to College Street. The subarea plans have been developed for distinct areas in the community that exhibit significant potential for change. The Subarea Frameworks highlight key concepts and strategies for land use and development, multimodal connectivity, and circulation, streetscaping, and placemaking. They provide insight on how city-wide policies can be applied to specific areas and sites throughout the community.

This section of Chestnut Expressway contains the greatest diversity of uses of the three sections with mobile homes, hotels, a gas station, a park, a mixed-commercial strip center, and modern commercial corridor development surrounding the West Bypass intersection. Recommendations within this subarea focus on enhancing the character of existing businesses through screening and landscaping improvements, as well as improving pedestrian connectivity. Opportunities also exist to transform the sizable Young/Lilley Park into an attractive, programmed park that can help meet the recreational needs of surrounding residents while also serving as an amenity to new corridor development.

The subject property is identified as having "development opportunities" on the subarea map. This application would allow for the appropriate development of the property and is consistent with that recommendation.

5. This application is consistent with the Comprehensive Plan's future Placetypes which recommend multi-family residential as primary land uses in both the City Corridor and Mixed Residential placetype.
6. The R-MD District is intended to accommodate multi-family developments at

densities up to approximately twenty-nine (29) dwelling units per acre. The applicant is requesting a maximum of eighteen (18) dwelling units per acre. This density has been determined to be appropriate for this area based on an assessment completed under the Revised Multi-Family Development Location and Design Guidelines. That assessment resulted in a density of 18 to 20 dwelling units per acre with the Opportunities and Constraints section. Further analysis of the proposed development under the Revised Multi-Family Development Location and Design Guidelines is attached ("Exhibit D - Attachment 2"). The development must be in conformance to the attached site plan and elevations ("Exhibit D - Attachment 4").

7. 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.

8. There are few changing conditions in the area affected that make the proposed rezoning necessary.

9. The range of uses in the proposed R-MD district and COD are compatible with the uses permitted on other property in the immediate vicinity.

10. 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.

11. The impact the uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.

12. 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.

13. 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 and Mixed Residential neighborhood 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 10/24/2023

- Attachments:**
1. Z-28-2023 w COD 241 4123 West Chestnut_ord
 2. Z-28-2023 COD 241_exh A
 3. Z-28-2023 COD 241_exhB
 4. Z-28-2023 COD 241_exhC
 5. Z-28-2023 COD 241_exh D

One-rdg. _____
P. Hrngs. X
Pgs. 33
Filed: 10-31-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-267

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 3.43 acres of property generally located at 4123 and 4149 West
4 Chestnut Expressway and 430 North Meteor Avenue from HC,
5 Highway Commercial District, and R-MHC, Manufactured Home
6 Community District, to R-MD – Medium-Density Multi-Family
7 Residential District, with Conditional Overlay District No. 241;
8 establishing Conditional Overlay District No. 241; and adopting an
9 updated Official Zoning Map. (Staff and Planning and Zoning
10 Commission recommend approval.)
11 _____
12

13 WHEREAS, an application has been filed for a zoning change of the property
14 generally located at 4123 and 4149 West Chestnut Expressway and 430 North Meteor
15 Avenue from HC, Highway Commercial District, and R-MHC, Manufactured Home
16 Community District, to R-MD – Medium-Density Multi-Family Residential District, with
17 Conditional Overlay District No. 241; and
18

19 WHEREAS, Conditional Overlay District No. 241 shall modify the requirements of
20 the Springfield Land Development Code Section 36-383, Medium-Density Multi-Family
21 Residential District, by requiring that the property described in "Exhibit B" comply with
22 the requirements described in "Exhibit A"; and
23

24 WHEREAS, following proper notice, the Planning and Zoning Commission held a
25 public hearing on October 5, 2023, a copy of the Record of Proceedings from said
26 public hearing being attached hereto and incorporated herein by this reference as
27 "Exhibit C," and said Commission made its recommendation; and
28

29 WHEREAS, the City has reviewed the applicant's request and prepared a staff
30 report concerning the application, which is attached hereto and incorporated herein by
31 this reference as "Exhibit D"; and
32

33 WHEREAS, proper notice was given of a public hearing before City Council, and

34 said hearing was held in accordance with the law.

35
36 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
37 SPRINGFIELD, MISSOURI, as follows, that:

38
39 Section 1 – The property described in "Exhibit B," which is attached hereto and
40 incorporated herein by this reference, is hereby rezoned from HC, Highway Commercial
41 District, and R-MHC, Manufactured Home Community District, to R-MD – Medium-
42 Density Multi-Family Residential District, with Conditional Overlay District No. 241.
43 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for
44 interpretation,' is hereby amended, changed, and modified consistent with this
45 Ordinance.

46
47 Section 2 – City Council hereby establishes Conditional Overlay District No. 241,
48 which shall contain the requirements and standards provided in "Exhibit A," which is
49 attached hereto and incorporated herein by this reference as though set forth herein.
50 The requirements of Conditional Overlay District No. 241 shall modify the requirements
51 of the Springfield Land Development Code Section 36-383, Medium-Density Multi-
52 Family Residential District, by requiring the property described in "Exhibit B" comply with
53 the requirements contained in "Exhibit A."

54
55 Section 3 – City Council hereby directs the City Manager, or designee, to update
56 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
57 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
58 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
59 rules of interpretation.'

60
61 Section 4 – The Official Zoning Map herein adopted shall be maintained and
62 archived in the same digital form in which this Council has approved its adoption.

63
64 Section 5 – This Ordinance shall be in full force and effect from and after
65 passage.

66
67 Passed at meeting: _____

68
69 _____
70 Mayor

71
72 Attest: _____, City Clerk

73
74 Filed as Ordinance: _____

75
76
77 Approved as to form:  _____, Assistant City Attorney

80 Approved for Council action: Jason A. Hage, City Manager

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS NO.
241

The requirements of Section 36-383 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. The maximum density shall be limited to eighteen (18) dwelling units per acre.
2. The development of the subject property shall be in conformance to the Revised Multi-Family Location and Design Guidelines and the attached site plan and elevations (Exhibit D - Attachment 3).

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-28-2023 COD No. 241

Tract 1:

The South 177.5 feet of Lot 112 and the West 32 feet of the South 177.5 feet of Lot 113, Junction City, Greene County, Missouri.

Tract 2:

The East 66 feet of Lot 113 and all of Lot 114, and vacated right-of-way located between Lots 113 & 114, Junction City, Greene County, Missouri.

Tract 3:

Beginning 177.5 feet North of the Northeast corner of Meteor and Chestnut Streets, thence North 327.2 feet, thence East 298 feet, thence South 150.2 feet, thence West 185 feet more or less, thence South 180 feet, thence West to beginning, all being in Section 17, Township 29, Range 22, Greene County, Missouri.

EXHIBIT C

RECORD OF PROCEEDING
ZONING CASE Z-28-2023 COD No. 241

Z-28-2023 w/COD 241

4123 & 4149 West Chestnut Expressway and 430 North Meteor Avenue (Applicant: Curtis Mearl Trust)

Michael Sparlin stated that this is a request to rezone approximately 3.43 acres of property from HC, Highway Commercial and R-MHC, Manufactured Home Community to R-MD, Medium-Density Family Residential District with Conditional Overlay No. 241.

Natalie Broekhoven opened the public hearing.

Ricky Haase, 550 E. St. Louis representing the property, 60 units on 3.4 acres and 18 du/a (two stories) and 2 to 3 bedrooms with each unit having 2 parking stalls. Traffic concerns of east bound due to back-ups and crossing on RR tracks. The neighbor's like the apartments on the northern portion, will have a solid fence with a landscape buffer.

Jeff Beckler, 1329 E. Lark Street, representative of the developer, and very excited about the location and if there are any questions.

Natalie Broekhoven closed the public hearing.

Planning and Zoning Commission Board Member Knuckles moved to approve Z-28-2023 w/COD 241. Planning and Zoning Commission Board Member Colony seconded the motion, and it was Passed with the following vote: Ayes: Commissioner Scott, Commissioner Broekhoven, Commissioner Knuckles, Commissioner Ridge, Commissioner Pauly, Commissioner Colony, Commissioner Lebeck, Commissioner Gunther. Nays: None. Absent: Britton Jobe. Abstain: None.



Bob Hosmer, AICP
Planning Manager

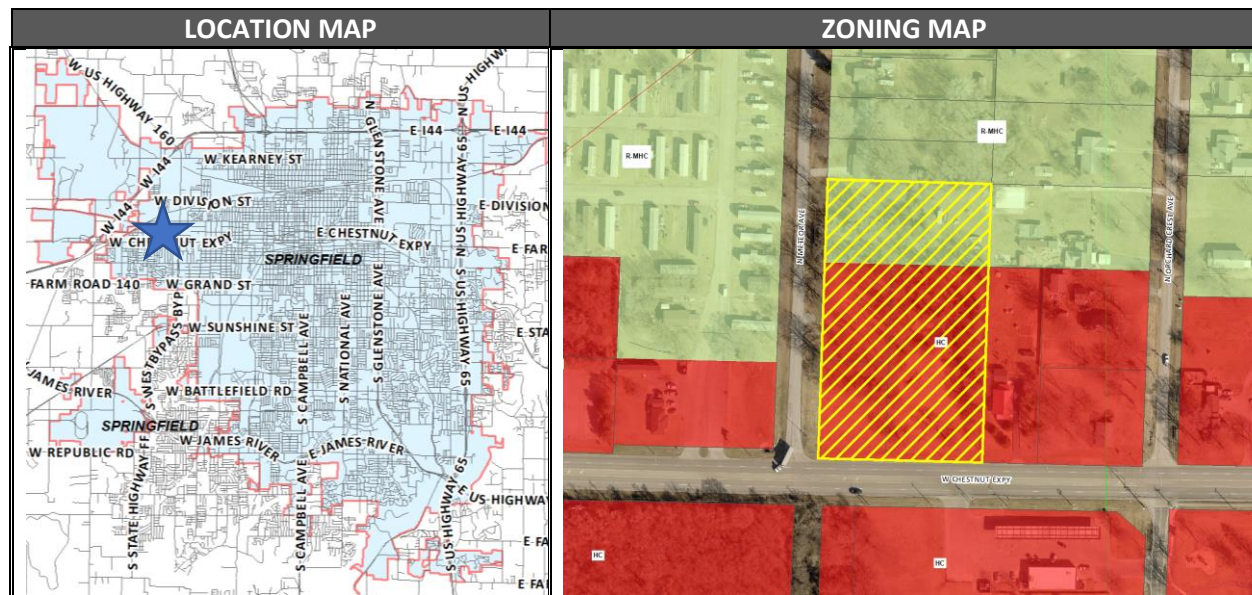
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-28-2023 with Conditional Overlay District No. 241
Location:	4123 and 4149 West Chestnut Expressway and 430 North Meteor Avenue
Total Acres:	3.43 acres
Applicant:	Mearl Curtis ETAL TR, Revocable Living Trust
Existing Land Use:	Undeveloped land
Neighborhood Meeting:	September 14, 2023
Planning and Zoning Commission:	October 5, 2023
City Council:	November 6, 2023
Public Notification:	Mail, posted property, and legal in Daily Events
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-28-2023 with Conditional Overlay District No. 241 as set forth in Attachment 1 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

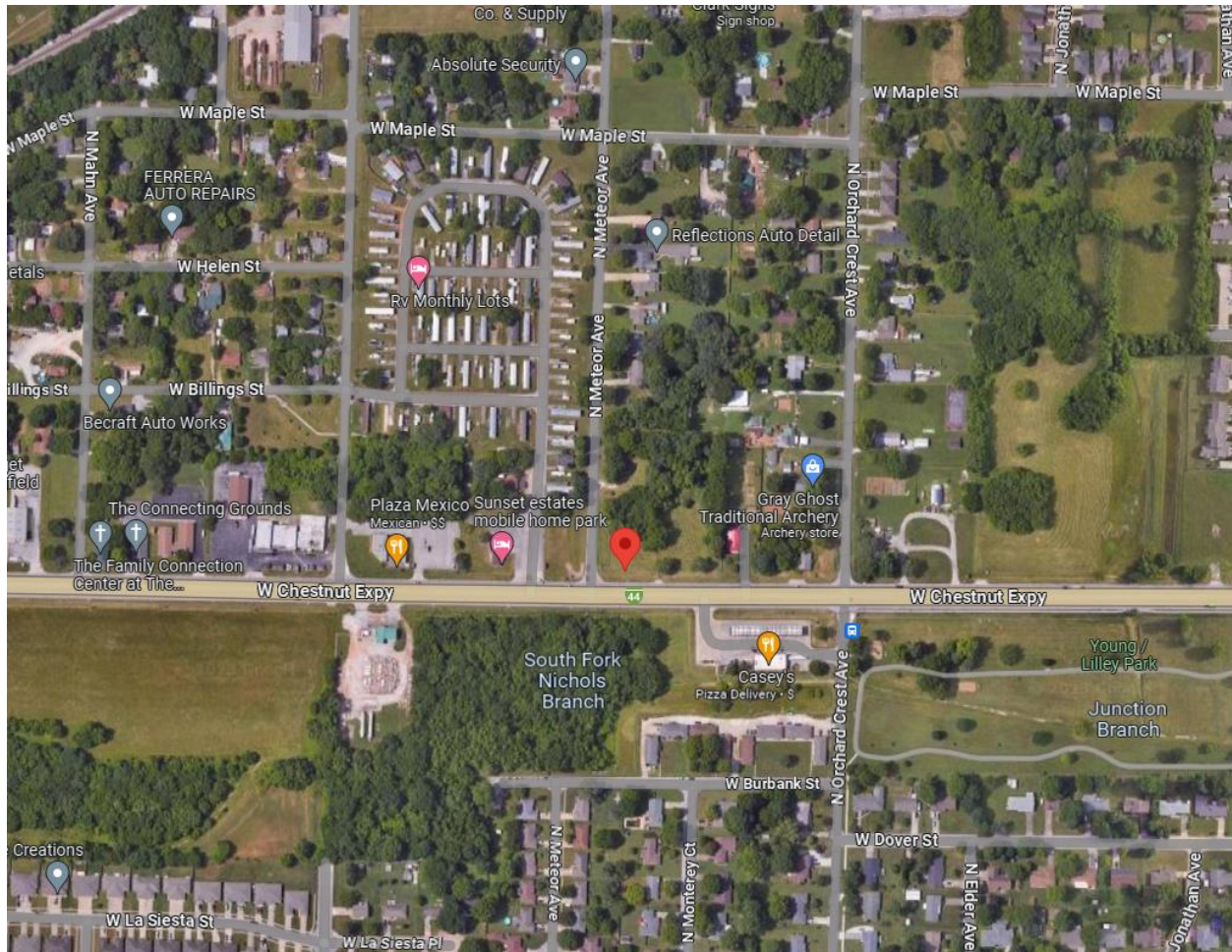
PROJECT SUMMARY:

Request to rezone approximately 3.43 acres of property generally located at 4123 and 4149 West Chestnut Expressway and 430 North Meteor Avenue from HC, Highway Commercial and R-MHC, Manufactured Home Community to R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 241.



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GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE STREETVIEW:



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PROPERTY HISTORY:

The subject property was rezoned HC and R-MHC in the city-wide remapping in 1995.

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 R-MD
Minimum Yard Requirements	Front yard: a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453. b. Fifteen feet along a street classified as a local street or as required by section 36-453 (garages shall be set back a minimum of 20 feet).
Maximum Structure Height	1. When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. 2. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Minimum Open Space	Not less than 20 percent.
Buffering and Landscaping	Whenever any development in an R-MD district is located adjacent to another zoning district or a nonresidential use in an R-MD district is located adjacent to a residential use in

DEVELOPMENT REVIEW STAFF REPORT

an R-MD district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the City Corridor and Mixed Residential Placetypes.

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.

Primary Land Uses:

- Office, hospitality, retail sales and service
- Multi-family
- Sports complexes and recreation facilities
- Maker, artisan, and innovation spaces

Supporting Land Uses:

- Public and private schools and places of worship
- Parks, greenways, and open space
- Urban agriculture
- Universities, colleges, and vocational schools
- Personal and outdoor storage

Characteristics

TRANSPORTATION & INFRASTRUCTURE

- Access management is improved for vehicles through curb cut consolidation and cross-access between commercial properties, reducing traffic conflicts and backups.
- Electric vehicle charging facilities, pedestrian and bicycle infrastructure, and automated vehicle parking and loading spaces are integrated along major corridors, installed at key destinations, and incorporated into private development plans.
- As technology, trends, and funds permit, utilities are buried or consolidated along rear property lines, reducing conflicts with street trees, pedestrian infrastructure, and viewsheds.

DEVELOPMENT REVIEW STAFF REPORT

- Transit service is expanded along key commercial corridors over the long term with bus stops enhanced with shelters and live timetables.

URBAN DESIGN - BUILDING AND SITE TYPOLOGY:

- Residential development and commercial buildings should be oriented to the street.
- Parking should be located behind or beside the primary buildings with abundant landscaping and screening to encourage greater interest and interaction between the adjoining street and the building, that contributes to community-wide quality of place.
- Pedestrian pathways within large parking lots provide safe access to business entrances.
- A greater focus on site design, parking access, massing, and building orientation are adopted to ensure development that is complementary to adjacent lower density residential development.
- Multi-story buildings designed with active ground floor spaces should be visible and inviting to increase a vibrant pedestrian environment.
- Use of quality materials, construction methods, workmanship, and design should be incorporated into new development and redevelopment.
- A mix of building heights is supported through structured site and building design strategies to soften the impact on adjacent lower intensity residential development.
- Lighting, landscaping, signage, mail, and delivery accommodations should also be proactively incorporated into the site design.
- Design should avoid the placement of mechanical equipment along major roadways or should be completely screened, along with adequate spacing for storage of waste receptacles.
- Best management practices for stormwater management are required in development projects and within public rights-of-way, such as permeable paving, rain gardens, green roofs, native landscaping, and other low impact design strategies.
- Encourage code adjustments regarding parking minimums instead of parking maximums.

TRANSITIONS:

- Office and multifamily uses can be placed on the periphery of the placetype to transition into adjacent lower density residential Placetypes.
- Higher density residential development should be integrated along existing commercial corridors in need of reinvestment, transitioning aging commercial properties to new uses and focusing future commercial development at high activity nodes.
- Commercial and higher density residential is sufficiently screened and buffered between low-density residential development.
- Multi-story buildings should be sited and designed to reduce the impact on adjacent lower intensity residential development.

The Mixed Residential placetype contains primarily higher density single-family attached and multi-family residential dwellings. This includes townhomes, rowhomes, duplexes, apartments, student housing, and single-family detached homes that have been converted into multiunit dwellings. Residential uses are supported by key cultural and institutional centers, such as schools and places of worship. Housing for university and college students, young professionals looking for housing close to work, and seniors desiring to downsize are

DEVELOPMENT REVIEW STAFF REPORT

prioritized within this placetype. Encouraging investment to enhance existing properties as well as attracting new high-quality development with attention to scale and building design is a key focus to ensure desirable character within the placetype.

Primary Land Uses:

- Single-family attached
- Single-family detached
- Multi-family

Supporting Land Uses:

- Parks, greenways, and open space
- Low-intensity urban agriculture
- Public and private schools and places of worship
- Low-intensity neighborhood commercial

Characteristics

TRANSPORTATION & INFRASTRUCTURE:

- Access management is improved for vehicles through curb cut consolidation and cross-access between properties, reducing traffic conflicts and backups.
- Electric vehicle charging facilities, pedestrian and bicycle infrastructure, and automated vehicle parking and loading spaces are integrated along major corridors and integrated into private development plans.
- Traffic-calming measures, such as speed-humps, bump-outs, roundabouts, landscaped chicanes with integrated stormwater management, and on-street parking are used to slow traffic.
- Quality of place and identity is enhanced through preserving and planting trees, and other landscaping and traffic calming improvements are made that double as streetscape elements.
- As technology, trends, and funds permit, utilities are buried or are consolidated along rear property lines, reducing conflicts with street trees, pedestrian infrastructure, and viewsheds.
- Sidewalk gaps are filled, and sidewalks connect to transit routes, greenways and trails, and supportive uses located within the neighborhood and around the perimeter.
- Transit service is expanded along key commercial corridors over the long term with bus stops enhanced with shelters and live timetables.
- Street network is well-connected, designed for slow traffic, and includes pedestrian facilities.
- The higher density nature of the placetype prioritizes these areas for future transit access and Transit-Oriented Development (TOD) as the City looks to expand the system in the long term.
- Best management practices for stormwater management are required in development projects and within public rights-of-way, such as permeable paving, rain gardens, green roofs, native landscaping, and other low impact design strategies.

URBAN DESIGN - BUILDING AND SITE TYPOLOGY:

DEVELOPMENT REVIEW STAFF REPORT

- Residential development and neighborhood-scale commercial buildings are oriented to the street and focus on pedestrian scale.
- Parking is to be located behind or beside the primary buildings with abundant landscaping and screening. Pedestrian pathways to provide safe access to business entrances.
- Preservation of neighborhood schools and adaptive reuse of existing residential and non-residential structures is encouraged.
- New structures reflect the character and context of the historic neighborhood fabric and developed area.
- A greater focus on site design, parking access, massing, and building orientation are adopted to ensure new development is complementary to adjacent lower density residential development.
- Multi-story buildings designed with active ground floor spaces are visible and inviting to the pedestrian with transparent, glass windows and doors.
- Quality materials, construction methods, workmanship, and design are incorporated into new development and redevelopment.
- A mix of building heights is supported through structured site and building design strategies to soften the impact on adjacent lower intensity residential development.
- The main entrance of new development is oriented towards the primary street.
- Windows, balconies, and porches are encouraged on upper stories to provide informal security with “eyes on the street” and activation.
- Lighting, signage, landscaping, mail, and delivery accommodations are proactively incorporated into the site design.
- Mechanical equipment, trash receptacles, and recycling bin storage areas are fully screened or located away from major roadway view.

TRANSITIONS:

- Mixed Residential Placetypes near the Downtown and city corridors help generate activity and increase access to local shoppers, while providing high-quality, affordable housing options.
- Mixed Residential developments are prioritized and supported in locations adjacent to major employment centers, activity centers, healthcare facilities, higher education facilities, schools, major parks, greenways, recreational facilities, and existing city corridors in need of an expanded customer-base and reinvestment.
- Higher density residential is sufficiently screened and buffered from lower density uses.

The subject property is within the Chestnut Expressway Subarea Plan which spans from Interstate-44 to College Street. The subarea plans have been developed for distinct areas in the community that exhibit significant potential for change. The Subarea Frameworks highlight key concepts and strategies for land use and development, multimodal connectivity, and circulation, streetscaping, and placemaking. They provide insight on how city-wide policies can be applied to specific areas and sites throughout the community.

This section of Chestnut Expressway contains the greatest diversity of uses of the three sections with mobile homes, hotels, a gas station, a park, a mixed-commercial strip center, and modern commercial corridor development surrounding the West Bypass intersection. Recommendations within this subarea focus on enhancing the character of existing

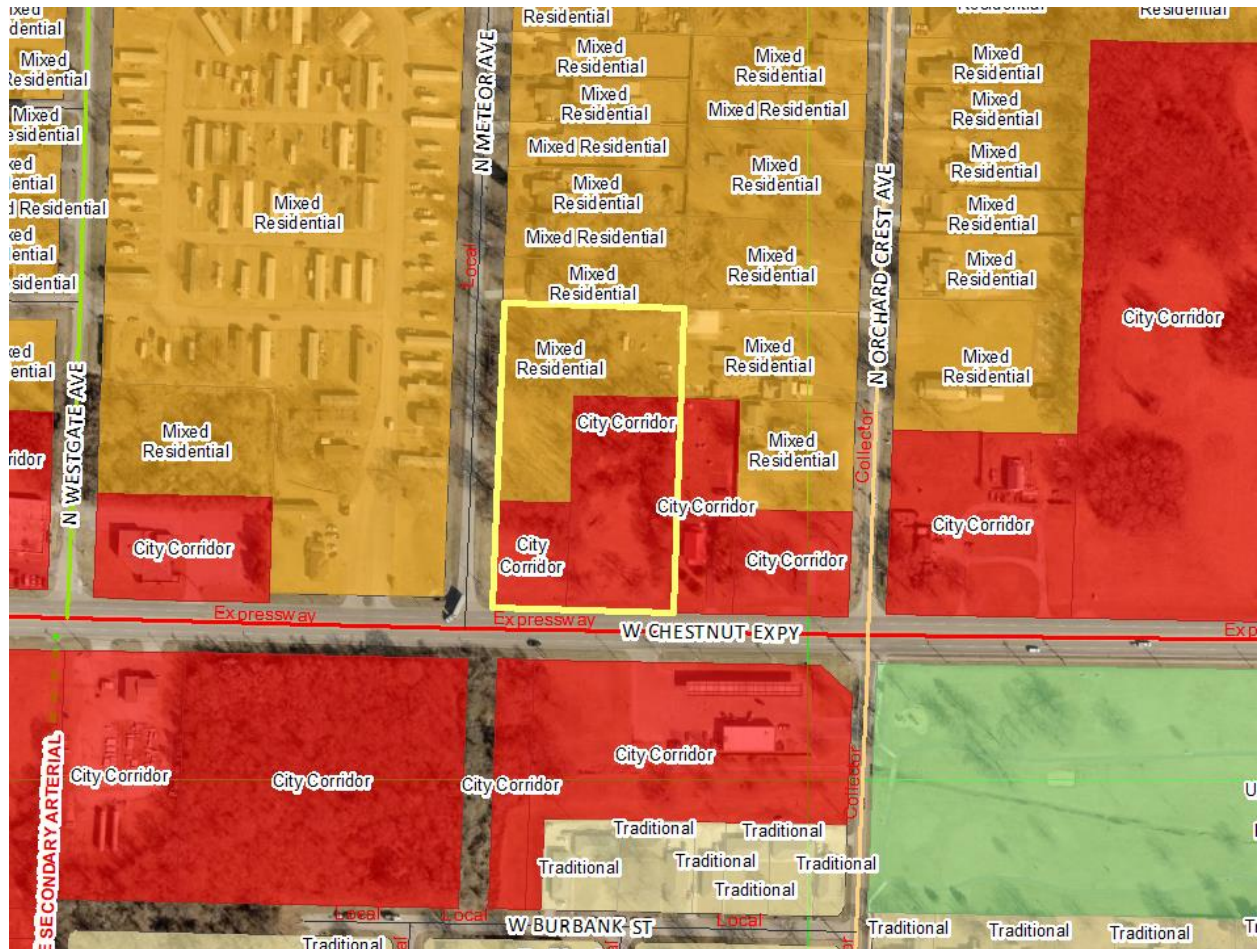
DEVELOPMENT REVIEW STAFF REPORT

businesses through screening and landscaping improvements as well as improving pedestrian connectivity. Opportunities also exist to transform the sizable Young/Lilley Park into an attractive, programmed park that can help meet the recreational needs of surrounding residents while also serving as an amenity to new corridor development.

The subject property is identified as having “development opportunities” on the subarea map. This application would allow for the appropriate development of the property and is consistent with that recommendation.

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, Retail Sales & Service	Neighborhood Commercial	Maker, Artisan & Innovation Spaces	Public & Private Schools & Places of Worship	Universities, Colleges & Vocational Schools	Government, Health Care & 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

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-MHC	HC	HC, R-MHC	HC, R-MHC
LAND USE	Single-family residence	Gas station	Single-family residence	Mobile home park
PLACETYPES	Mixed Residential	City Corridor	Mixed Residential, City Corridor	Mixed Residential, City Corridor

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

DEVELOPMENT REVIEW STAFF REPORT

CITY UTILITIES:

No issues

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues. Tract has access to public sewer.

FIRE DEPARTMENT:

No objections to rezoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	W. Chestnut Expressway	Expressway	State	65	35	NA	No	Yes	No
Street 2	N. Meteor Avenue	Local	City	30	30	NA	Yes	Yes	No

ACCESS - All access to the development shall be per the approved traffic study, current MoDOT standards and/or current City of Springfield standards.

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There is a Greenway Trail near the property. There is one bus stop near the property.

IMPROVEMENTS - A traffic study has been completed for this development. No improvements are required for this rezoning.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

The proposed development is for a 3.43-acre tract of land to develop into multiple structures and parking areas. No existing detention or water quality Stormwater Control Measures are present. The property is in the **Upper Wilsons 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 or other Karst feature at this location. The property **does not have a stream buffer on site**.

A fee in lieu of on-site stormwater detention **will not be allowed and detention is required**.

The rezoning will not trigger PW-Stormwater requirements currently. Please note that development of the property will be subject to the following conditions at the time of development:

DEVELOPMENT REVIEW STAFF REPORT

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

DETENTION AND DISCHARGE 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. Detention is required. No fee in lieu of detention application is permitted. The drainage is developed to drain into the Stream and Basin on the west side of N Meteor Ave. Detention will prevent any issues with overloading the local storm sewer.

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. 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.

(1) To a Public Right-of-way.

(2) A recorded drainage easement, continuing to a public right-of-way or public drainage system.

(3) A certified natural watercourse.

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.

2. 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.

FLOODPLAIN

N/A

NATURAL CHANNEL & STREAM BUFFERS

N/A

SINKHOLES & KARST FEATURES

N/A

ADDITIONAL STORMWATER REQUIREMENTS

1. 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.

a. As-builts of the detention and water quality improvements are required. we would like the following as-built notes on the plans:

The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to

DEVELOPMENT REVIEW STAFF REPORT

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.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 3.43 acres of property generally located at 4123 and 4149 West Chestnut Expressway and 430 North Meteor Avenue from HC, Highway Commercial and R-MHC, Manufactured Home Community to R-MD, Medium-density Multi-family Residential District with Conditional Overlay District No. 241. The applicant intends to develop multi-family apartments.
2. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the City Corridor and Mixed Residential Placetypes. These Placetypes list multi-family as primary land use.
3. The Revised Multi-Family Development Location and Design Guidelines help ensure that this application adheres to the *Comprehensive Plan's* recommendation to focus on site design, parking access, massing, and building orientation are adopted to ensure development that is complementary to adjacent lower density residential development.
4. The subject property is within the Chestnut Expressway Subarea Plan which spans from Interstate-44 to College Street. The subarea plans have been developed for distinct areas in the community that exhibit significant potential for change. The Subarea Frameworks highlight key concepts and strategies for land use and development, multimodal connectivity, and circulation, streetscaping, and placemaking. They provide insight on how city-wide policies can be applied to specific areas and sites throughout the community.

This section of Chestnut Expressway contains the greatest diversity of uses of the three sections with mobile homes, hotels, a gas station, a park, a mixed-commercial strip center, and modern commercial corridor development surrounding the West Bypass intersection. Recommendations within this subarea focus on enhancing the character of existing businesses through screening and landscaping improvements as well as improving pedestrian connectivity. Opportunities also exist to transform the sizable Young/Lilley Park into an attractive, programmed park that can help meet the recreational needs of surrounding residents while also serving as an amenity to new corridor development.

The subject property is identified as having “development opportunities” on the subarea map. This application would allow for the appropriate development of the property and is consistent with that recommendation.

5. This application is consistent with the *Comprehensive Plan's* future Placetypes which recommend multi-family residential as primary land uses in both the City Corridor and Mixed Residential placetype.
6. The R-MD District is intended to accommodate multi-family developments at densities up to approximately twenty-nine (29) dwelling units per acre. The applicant is requesting a

DEVELOPMENT REVIEW STAFF REPORT

maximum of eighteen (18) dwelling units per acre. This density has been determined to be appropriate for this area based on an assessment completed under the Revised Multi-Family Development Location and Design Guidelines. That assessment resulted in a density of 18 to 20 dwelling units per acre with the Opportunities and Constraints section. Further analysis of the proposed development under the Revised Multi-Family Development Location and Design Guidelines is attached (Attachment 2). The development must be in conformance to the attached site plan and elevations (Attachment 4).

7. 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.
8. There are few changing conditions in the area affected that make the proposed rezoning necessary.
9. The range of uses in the proposed R-MD district and COD are compatible with the uses permitted on other property in the immediate vicinity.
10. 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.
11. The impact the uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.
12. 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.
13. 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 and Mixed Residential 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

DEVELOPMENT REVIEW STAFF REPORT

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 PROVISIONS NO. 241**

The requirements of Section 36-383 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. The maximum density shall be limited to eighteen (18) dwelling units per acre.
2. The development of the subject property shall be in conformance to the Revised Multi-Family Location and Design Guidelines and the attached site plan and elevations (Attachment 4).

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 2

MULTI-FAMILY DEVELOPMENT LOCATION AND DESIGN GUIDELINE ASSESSMENT

ZONING CASE Z-28-2023 & CONDITIONAL OVERLAY DISTRICT NO. 241

The applicant is requesting approval of eighteen (18) dwelling units per acre for multi-family apartments on 3.43 acres of property. According to the Multi-Family Location and Design Assessment Matrix, the proposed development has attained 11 points. This density increase would allow for 18-20 dwelling units per acre.

Below is an analysis of the four categories used to calculate the Matrix score.

Land Use Accessibility (2/3 points)

Two points were given for land use accessibility. There is neighborhood retail mix and greenway within 1/4 mile and a public library kiosk within a 1/2 mile of the subject property.

A. Connectivity Analysis (2/5 points)

Two out of a maximum of five points were given for connectivity. The proposed development received scores for its proximity to transit, sidewalks, and roadways.

B. Road Network Evaluation (1/2 points)

One point was given for the road network evaluation.

C. Design Guidelines (6/6 points)

A maximum of six points were given for design guideline criteria. Below are the design considerations that have been incorporated into the proposed development.

1. Pedestrian Amenities - Pedestrian amenities shall include benches placed near walkways at appropriate locations throughout the development. Lighting sources or luminaries that do not have a cutoff and are used in parking lots and pedestrian ways shall not exceed a maximum of 15 feet in height. Pedestrian-scale lighting shall be provided within the development. Lighting sources or luminaries that do have a cutoff shall not exceed a maximum of 30 feet in height. All lighting shall be glare-free and shielded from the sky and adjacent residential properties and structures, either through external shields or through optics within the fixture. A site lighting and photometric plan shall be submitted conforming to these requirements for building permits.
2. Building Scale and Articulation - Street facing walls that are greater than 50 feet in length shall be articulated at least each 25 feet with bays, projections, or recesses. Articulation means a difference in the vertical plane of the building at least 18 inches or more. This project shall be in compliance with the attached site plan and elevations.

DEVELOPMENT REVIEW STAFF REPORT

3. Building Orientation and Interior Landscaping – Building orientations will address public streets to receive design points for this element. Landscaping and open spaces shown shall be provided with approved ground cover and/or plantings per required city ordinances and zoning requirements. Landscaping islands with plantings shall be located throughout the parking lot. A landscaping plan shall be submitted conforming to these requirements for building permits.
4. Avoidance of Blank Walls along pedestrian circulation areas - Facades that face public streets or connecting pedestrian frontage that are greater than 25 feet in length shall be subdivided and proportioned using at least one or more of the following features: windows; entrances; arcades; arbors; awnings (over windows or doors), distributed along the façade at least once every 25 feet. This project shall be in conformance with the attached site plan and elevations.
5. Internal Connectivity – Internal sidewalks shall connect internally and to the public sidewalk system in accordance with the attached site plan.
6. Useable Recreational Area/Facility – Benches will be located throughout the common areas providing for useable tenant amenities in accordance with the attached site plan; however, a minimum of 20% usable open space is required.
7. Amenity Calculation – Three of the following amenities shall be provided: a tot lot with a minimum of 900 square-feet, dog park and clubhouse.
8. Preservation of Trees –All existing trees of 6” caliper or greater shall be preserved or replaced with 2-inch caliper trees in accordance with the attached site plan and the city ordinance.

DENSITY: The initial assessment criteria resulted in a total of 11 points for a maximum density of 18 to 20 dwelling units per acre. The applicant has requested a density of 18 dwelling units per acre.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: HC and R-MHC to R-MD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 09/14/2023 from 4:00 pm to 6:30 PM
3. Meeting Location: Foundation of Life
4. Number of invitations that were sent: 44
5. How the mailing list was generated: City of Springfield Provided
6. Number of neighbors in attendance (attach a sign-in sheet): 7
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

See attached document.

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

No written comments have been provided to date.

I, [REDACTED], attest that the neighborhood meeting was held on [REDACTED] 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."

[REDACTED]

Signature of person completing affidavit

[REDACTED]

Printed name of person completing affidavit

Neighborhood Meeting Notes:

- We have 7 neighbors show up with a lot of great feedback.
- We tried to address many of the concerns.
- We let the neighborhood know that we will be pursuing work force apartments. We told them the project is contingent on rezoning approval as well as funding approval.
- We showed the site plans, renderings, and elevations to the neighbors. The neighbors liked the look of the units as well as only being 2 story.
- Neighbors said they would rather have this than trailers or many uses currently allowed in HC.
- Concerns:
 - Neighbors are concerned about lights shining on their houses. Developer will provide a solid fence around the site.
 - Neighbors are concerned about building heights. We said we would be 2 stories. This was well received by the neighbors. Neighbors thought the buildings would be right on the property line but we explained the buildings will be at least 15 feet from the property line.
 - Traffic was a big concern. Ricky told the neighbors we completed a traffic memo that has been approved by the City. They said there is a lot of industrial traffic on Meteor and Orchard Crest Ave. It might be worth discussing closing the Junction Street rail crossing? The neighborhood wants that and so does our developer. Not sure what implications that has.
 - Neighbors would like to see Meteor widened.
- Neighbors were very happy to hear that the site would have multiple cameras for security.
- We communicated that the quickest this could start construction is spring/summer of 2024.

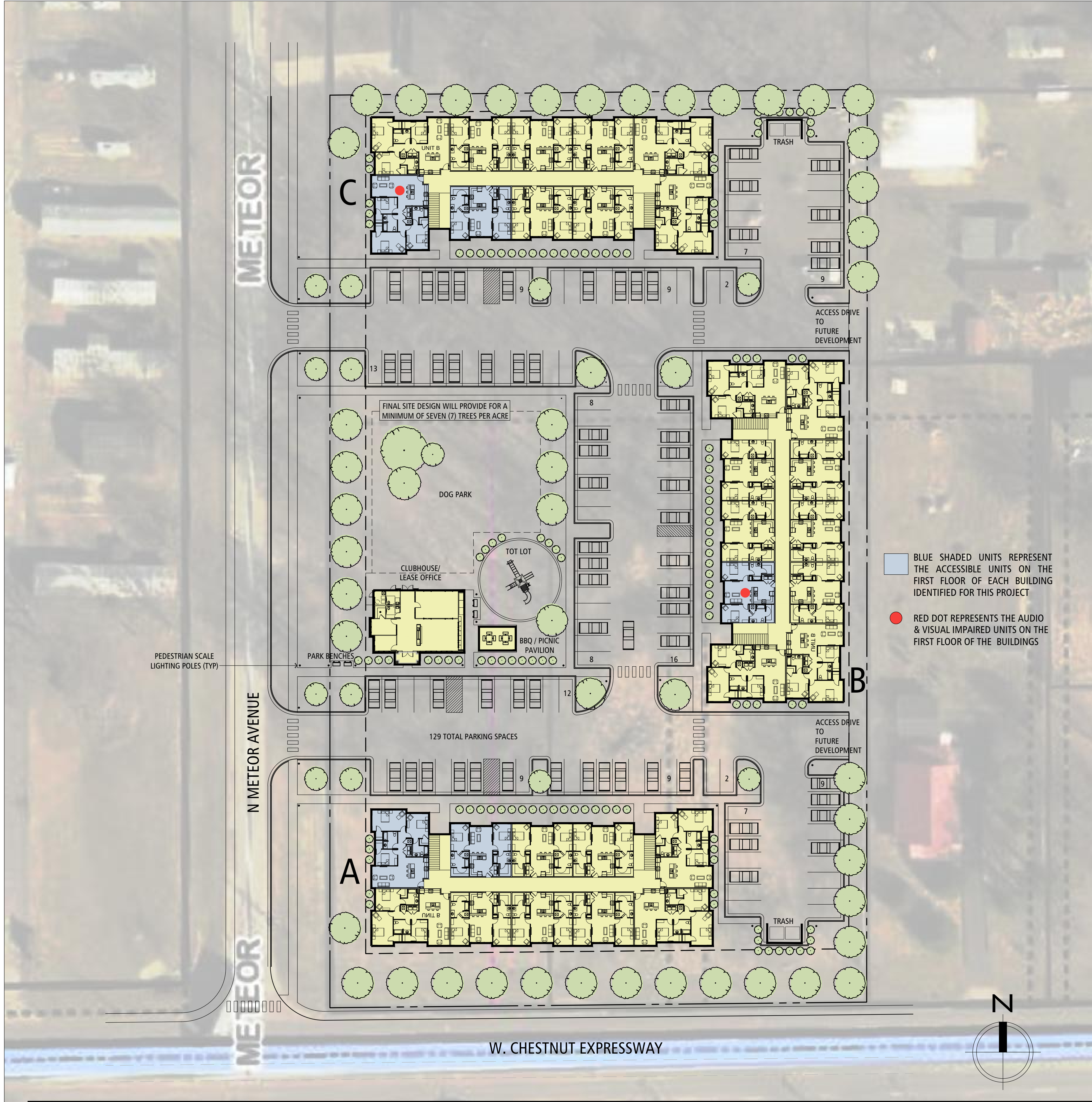
Neighborhood Meeting

ZIMMERMAN WEST CHESTNUT REZONING

SEPTEMBER 14, 2023

4:00 p.m. – 6:30 p.m.

Name	Address	Phone
Joe Ann Epperson	534 N. Meteor Spk.	417-942-9131
Rocky Kelly Kathy Curtis	618 N Meteor	417-860-9739
Nylanda Hancey	544 N. Meteor	417-865-8983
Robert Curtis	5152 S 115 BOOKER	417-882-954
Phillip L. Curtis	12087 W. Farm Rd 156 Republic MO 65738	417-988-0824
Karen Stokes	534 N Meteor	417-209-9151
BRIAN KUBIK	1554 RIVER OAKS LN 65804	417-299-5000
Ricky Haase	550 E St Louis	417-890-8802
Jeff Beckler	1329 E. LARK ST.	417-872-7813

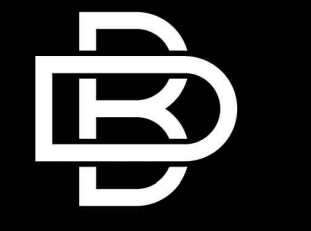


ZIMMERMAN
PROPERTIES

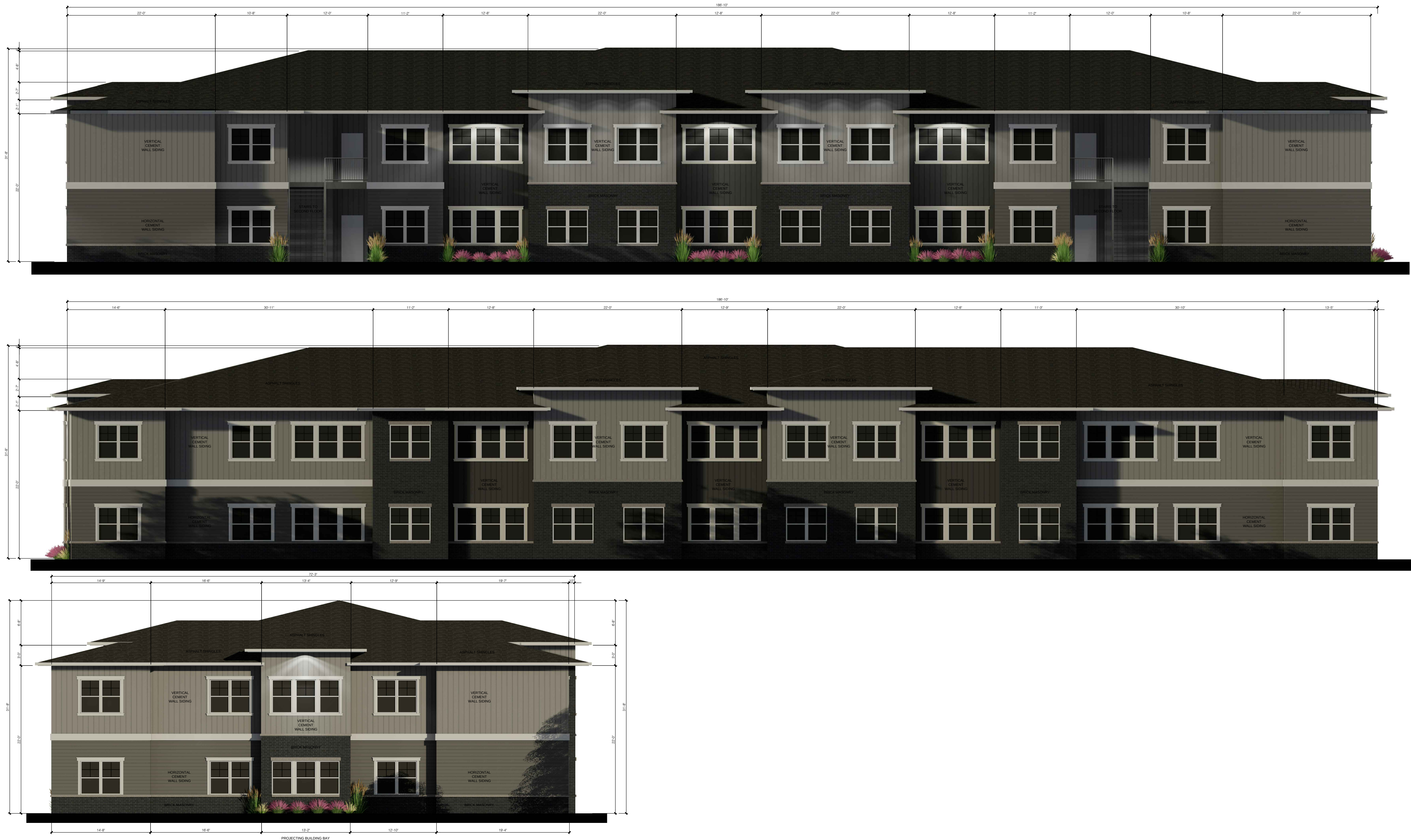
The Springs

N. METEOR AVENUE AND W. CHESTNUT EXPRESSWAY
SPRINGFIELD MISSOURI
September 25, 2023

OVERALL SITE PLAN
SCALE 1"=30'-0"



BUXTON KUBIK DODD
DESIGN COLLECTIVE



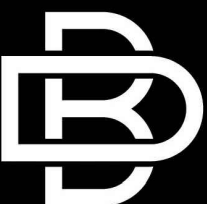
ZIMMERMAN
PROPERTIES

The Springs

N. METEOR AVENUE AND W. CHESTNUT EXPRESSWAY
SPRINGFIELD MISSOURI
September 25, 2023

Planning & Zoning Commission Page 23 of 23

BUILDING ELEVATIONS
SCALE 1/8" = 1'-0"



BUXTON KUBIK DODD
DESIGN COLLECTIVE

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NOT FOR CONSTRUCTION



EXPLANATION TO COUNCIL BILL 2023-269 (MCGULL, SIMPSON)

FILED: 11/13/2023

ORIGINATING DEPARTMENT: Environmental Services

TITLE: A special ordinance approving the plans and specifications for the Hunt Branch Trunk Sewer – Phase 1 Project, generally located south of US Highway 60 from Farm Road 189 to State Highway NN, and generally referred to as Plan No. 5PW5716; accepting the bid of JD Wallace Contracting, LLC, in the amount of \$3,919,875 for said project; authorizing the City Manager, or his designee, to enter into a contract for said project; establishing a trunk sewer fee; and approving a budget adjustment in the amount of the bid, plus a contingency, to amend the Fiscal Year 2023-2024 budget of the Department of Environmental Services Clean Water Fund by appropriating reserves of said fund in the amount of \$4,703,850.

PURPOSE: Approving the plans and specifications for the Hunt Branch Trunk Sewer – Phase 1 project; accepting the bid of JD Wallace Contracting LLC, for the project; authorizing the City Manager, or his designee, to enter into a contract for said project; establishing a trunk sewer fee; and approving a budget adjustment in the amount of the bid, plus a contingency, to amend the Fiscal Year 2023-2024 budget of the Department of Environmental Services Clean Water Fund by appropriating reserves of said fund in the amount of \$4,703,850.00.

BACKGROUND INFORMATION:

1. The Hunt Branch Trunk Sewer – Phase 1 project (“Project”) involves installing new sanitary sewer mains east of Highland Springs to State Highway NN. A location map for the Project is attached as “Exhibit A.”
2. Plans, specifications, and a cost estimate have been prepared by the Department of Environmental Services and are on file in the Director’s office.
3. The project was advertised in The Daily Events on September 5, 2023, through September 7, 2023.
4. Bids were opened in the Busch Building, 2nd Floor West Conference Room, on October 10, 2023, at 10:00 a.m. The following bids were received:

<u>Contractor</u>	<u>Bid Amount</u>
Rosetta Construction, LLC	\$4,264,690.50
Radmacher Brother Excavating Co. Inc	\$4,636,958.70
JD Wallace Contracting, LLC	\$3,919,875.00
Engineer's Estimate	\$6,000,000.00

5. The trunk sewer fee for the Hunt Branch Trunk Sewer-Phase 1 Service Area will be calculated as described in Section 7 of the council bill. The estimated range of the trunk sewer fee for the Hunt Branch Trunk Sewer Service Area will be \$0.0281 to \$0.0334 per square foot of property connected.

6. It is recommended that the City enter into a contract with JD Wallace Contracting, LLC for \$3,919,875.00, and to establish an approximate 20 percent contingency of additional funds for possible change orders.

7. This project will be funded by the reserves of the Department of Environmental Services Clean Water Fund, which are being budgeted by this Council bill.

REMARKS: Environmental Services recommends passage 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. Hunt Branch Trunk Sewer-Phase 1 Ordinance
2. Hunt Branch Trunk Sewer-Phase 1 Exhibit A
3. Hunt Branch Trunk Sewer-Phase 1 Exhibit B
4. Budget Adjustment Hunt BranchTrunk Sewer Phase1 Exhibit C

One-rdg. _____
P. Hrngs. _____
Pgs. 14
Filed: 10-31-23

Sponsored by: McGull, Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-269

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the plans and specifications for the Hunt Branch Trunk Sewer – Phase 1
2 Project, generally located south of US Highway 60 from Farm Road 189
3 to State Highway NN, and generally referred to as Plan No. 5PW5716;
4 accepting the bid of JD Wallace Contracting, LLC, in the amount of
5 \$3,919,875 for said project; authorizing the City Manager, or his
6 designee, to enter into a contract for said project; establishing a trunk
7 sewer fee; and approving a budget adjustment in the amount of the bid,
8 plus a contingency, to amend the Fiscal Year 2023-2024 budget of the
9 Department of Environmental Services Clean Water Fund by
10 appropriating reserves of said fund in the amount of \$4,703,850.
11 _____
12

13 WHEREAS, the proposed Hunt Branch Trunk Sewer – Phase 1 Project
14 (“Project”), posted September 5, 2023, will extend the sanitary sewer collection system;
15 and
16

17 WHEREAS, JD Wallace Contracting, LLC, is the lowest responsive and
18 responsible bidder for the Project with the low bid of \$3,919,875; and
19

20 WHEREAS, an amendment to the budget of the Department of Environmental
21 Services Clean Water Fund for Fiscal Year 2023-2024, in the bid amount of \$3,919,875
22 plus a twenty-percent contingency for possible field adjustments and change orders if
23 necessary to complete the project, has been approved and recommended by the City
24 Manager and by the Director of Environmental Services; and
25

26 WHEREAS, the City intends to recover its project costs through imposing a trunk
27 sewer fee to all properties within a defined service area that will potentially benefit from
28 the project.
29

30 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
31 SPRINGFIELD, MISSOURI, as follows, that:
32

33 Section 1 – City Council hereby approves the plans and specifications for the
34 Hunt Branch Trunk Sewer – Phase 1 Project, a copy of which is on file with the City
35 Clerk. A location map for the Project is attached hereto and incorporated herein by this
36 reference as “Exhibit A”.
37

38 Section 2 - The City Manager, or his designee, is authorized on behalf of the City
39 of Springfield, Missouri, to accept the low bid of JD Wallace Contracting, LLC, for the
40 Project at the price and sum of \$3,919,875, plus a twenty percent contingency as said
41 sum may be lawfully increased or decreased by the actual quantities of work units
42 involved, and is hereby authorized to enter into an agreement with said bidder,
43 substantially similar to that document attached hereto and incorporated herein by this
44 reference as “Exhibit B,” for such work in accordance with the terms of the bid, the
45 plans, and the specifications.
46

47 Section 3 – All workers performing work under the agreement attached hereto as
48 “Exhibit B,” shall be paid a wage of no less than the prevailing hourly rate of wages for
49 work of a similar character in this locality or the public works contracting minimum wage,
50 whichever is applicable. Contractor shall fully comply with the provisions and
51 requirements of the Missouri Prevailing Wage Law. Contractors and any subcontractor
52 performing work under the agreement for this project must provide a 10-hour OSHA
53 construction safety training program, or similar program approved by the Department of
54 Labor, for on-site employees, unless employees demonstrate they previously completed
55 the program.
56

57 Section 4 – The budget of the Department of Environmental Services for the
58 Fiscal Year 2023-2024, is hereby amended in the accounts and amounts as shown on
59 Budget Adjustment No.36, a copy of which is attached hereto and incorporated herein
60 by reference as “Exhibit C.”
61

62 Section 5 – City Council hereby finds that the budget adjustment described
63 herein has been recommended by the City Manager.
64

65 Section 6 – The City Manager is directed to cause the appropriate accounting
66 entries to be made in the books and records of the City.
67

68 Section 7 – The City Manager is authorized, once as-constructed project costs
69 are determined, to calculate a trunk sewer fee to be charged to all properties within the
70 Hunt Branch Trunk Sewer Service Area shown in “Exhibit A.” The trunk sewer fee will
71 be calculated by dividing final as-constructed project costs, including but not limited to
72 engineering fees, easement acquisition costs, and construction costs, by the
73 approximate 147,054,512 square feet contained within the estimated Hunt Branch
74 Trunk Sewer Service Area to determine a proportional cost per square foot of land area.
75 The proportional cost will be subsequently multiplied by the land area of each individual
76 tract to determine the trunk sewer fee for each tract of land. The trunk sewer fee will be
77 collected as a condition of issuing a permit for connecting the property to the City’s
78 Publicly Owned Treatment Works. The trunk sewer fee is separate and in addition to

any additional fees, including but not limited to connection fees, district sewer fees, or other trunk sewer fees, that may be applicable at time of connection.

Section 8 –This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

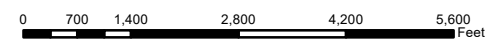
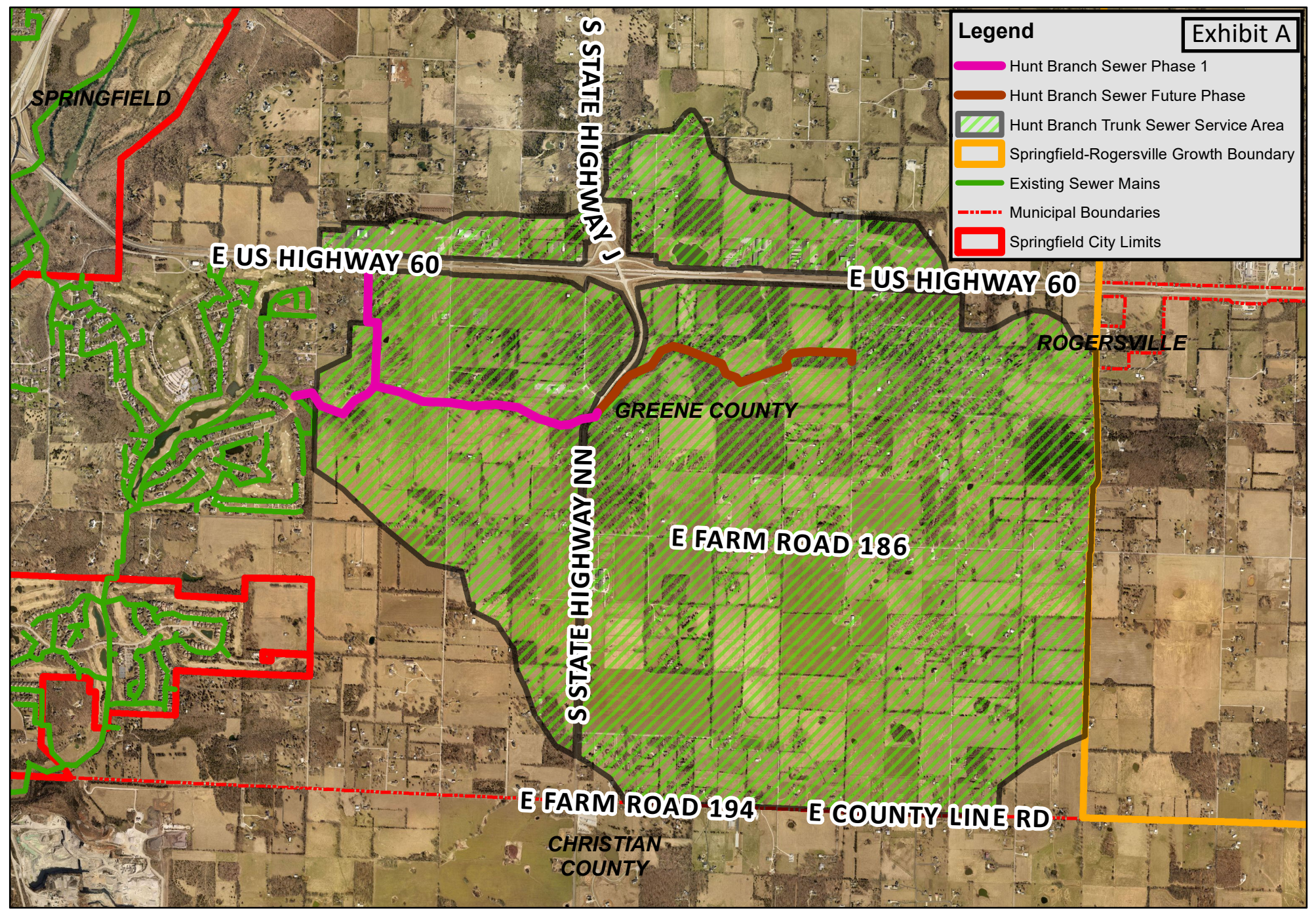
Filed as Ordinance: _____

Approved as to form: John Millington, Deputy City Attorney

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

Legend

- Hunt Branch Sewer Phase 1
- Hunt Branch Sewer Future Phase
- Hunt Branch Trunk Sewer Service Area
- Springfield-Rogersville Growth Boundary
- Existing Sewer Mains
- Municipal Boundaries
- Springfield City Limits



SCALE: 1:30,000



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

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: TIMOTHY SCHOENHOFF DEPT.: ENVIRONMENTAL SERVICES		NAME: JD WALLACE CONTRACTING, LLC ADDRESS: PO BOX 3754 SPRINGFIELD, MO 65804 PHONE: (417) 830-8309 FAX: ATTN: JUSTIN WALLACE	

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:

HUNT BRANCH TRUNK SEWER – PHASE 1, 5W5716

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 \$3,919,875.00 (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 **Three Million Nine Hundred Nineteen Thousand Eight Hundred Seventy-Five Dollars and No Cents (\$3,919,875.00)** 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
036

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	100931	00000	\$4,703,850.00	Hunt Branch Trunk Sewer Phase 1
Net Expenditure Adjustment						\$4,703,850.00	

Fund Balance Appropriation:

Fund	Title	Amount
53020	Clean Water Improvement Fund	(4,703,850.00)

Explanation: To amend the FY2023-24 budget of the Department of Environmental Services by appropriating fund balance reserves of \$4,703,850 from the Clean Water Enterprise Fund for the Hunt Branch Trunk Sewer Phase 1 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 2023-270 (CARROLL)

FILED: 11/13/2023

ORIGINATING DEPARTMENT: Environmental Services

TITLE: A special ordinance amending the budget for Fiscal Year 2023-2024 for the Department of Environmental Services in the amount of \$1,924,000 to appropriate retained earnings from the Clean Water Fund for the construction of the James River Lift Station Improvements project.

PURPOSE: To approve a budget adjustment to amend the Fiscal Year 2023-2024 Budget for the Department of Environmental Services in the amount of \$1,924,000 to appropriate retained earnings of the Clean Water Fund for the construction of the James River Lift Station Improvements project.

BACKGROUND INFORMATION: Special Ordinance 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. Results of the completed work were gathered and analyzed and Integrated Planning concepts were utilized to review the remaining OCP obligations. The analysis allowed the City to see the efficacy of the work performed and the need to adjust their investment strategy for optimal results. Special Ordinance 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, using an associated Supplemental Overflow Control Plan ("SOCP"), while providing a predictable sewer rate structure for the next 15 years.

The James River Lift Station is the largest lift station within Springfield's collection system. The lift station pumps and force main are used to convey approximately 25% of Springfield's sewer flows to the Southwest Wastewater Treatment Plant. This station was originally constructed in 1976 and was expanded in 1994. A recent condition assessment of the lift station identified several areas where the aging infrastructure requires rehabilitation and upgrading to ensure continued reliability and to mitigate risks of failure. This project will install electronic actuator valves to quickly isolate lift station pumps and force main piping in the event of a failure. Check valves and expansion joints will be replaced in the lift station and new vacuum relief valves will be installed on

the force mains to minimize the likelihood of failures. Other miscellaneous lift station rehabilitation, control improvements, and safety improvements will also be included in the project. This project scope includes collection system rehabilitation and prevention of sanitary sewer overflows which both align with the goals of the SOCP. This project has been listed as part of the City's Capital Improvements Program, Project Number 18-0004, since 2018.

Environmental Services is requesting funding approval prior to bidding to decrease the time between receiving bids and initiating construction. The requested budget adjustment includes some contingency funding to allow for market fluctuations and all unspent contingency funding will be returned to the Clean Water Fund upon project completion. This project is currently scheduled to bid by the end of calendar year 2023. This budget adjustment is necessary for Environmental Services to appropriate funding for the project within this fiscal year.

REMARKS: Plans, specifications, and cost estimates have been prepared and are on file with the Environmental Services Department. The project will be advertised through the City's Division of Purchasing. Bids will be advertised, publicly opened, and awarded pending a review by the City's evaluation committee. The requested budget adjustment of \$1,924,000 includes the construction, contingency, and additional materials that will be utilized for construction.

RECOMMENDATIONS: The Department of Environmental Services recommends approval of this Council bill and budget adjustment.

Submitted By: Ron Petering, Assistant Director of Environmental Services

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

Attachments:

1. JRLS Improvements
2. Budget Adjustment James River Lift Station Improvements Exhibit A

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 10-31-23

Sponsored by: Carroll

First Reading _____

Second Reading _____

COUNCIL BILL 2023-270

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the budget for Fiscal Year 2023-2024 for the Department of
2 Environmental Services in the amount of \$1,924,000 to appropriate
3 retained earnings from the Clean Water Fund for the construction of
4 the James River Lift Station Improvements project.
5 _____
6

7 WHEREAS, the City of Springfield, Missouri, by and through the Department of
8 Environmental Services (the "Department") desires to provide environmentally and
9 economically responsible wastewater management to the citizens of Springfield and the
10 region; and
11

12 WHEREAS, on April 5, 2021, through Special Ordinance 27480, the City
13 approved the 2021 Supplemental Overflow Control Plan ("SOCP") to comply with the
14 2nd Amended Consent Judgment, and the James River Lift Station Improvements project
15 is described as an anticipated project; and
16

17 WHEREAS, the James River Lift Station Improvements project includes collection
18 system rehabilitation and prevention of sanitary sewer overflows which both align with
19 the goals of the SOCP; and
20

21 WHEREAS, this project has been listed in the Council-approved Capital
22 Improvements Program ("CIP") as Project Number 18-0004 since 2018.
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 budget for the Fiscal Year 2023-2024 of the Department of
28 Environmental Services of the City of Springfield is hereby amended in the accounts
29 and in the amounts as shown on Budget Adjustment No. 037, a copy of which is
30 attached hereto and incorporated herein by reference as "Exhibit A."
31

32 Section 2 – City Council hereby finds that the budget adjustment made above
33 has been recommended by the City Manager.

34
35 Section 3 – The City Manager is directed to cause the appropriate accounting
36 entries to be made in the books and records of the City.
37

38 Section 4 – This Ordinance shall be in effect from and after passage.
39

40 Passed at meeting: _____
41

42 _____
43 Mayor
44

45 Attest: _____, City Clerk
46

47 Filed as Ordinance: _____
48

49
50 Approved as to form: John Millington, Deputy City Attorney
51

52
53 Approved for Council action: Jason A. Hays, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
037

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	103328	00000	\$1,924,000	James River Lift Station Improvements
Net Expenditure Adjustment						\$1,924,000	

Fund Balance Appropriation:

Fund	Title	Amount
53020	Clean Water Improvement Fund	\$ (1,924,000)

Explanation: To amend the FY2023-24 budget of the Department of Environmental Services by appropriating fund balance reserves of \$1,924,000 from the Clean Water Enterprise Fund for the James River Lift Station Improvement 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 2023-271 (LEE)

FILED: 11/13/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A special ordinance approving the selection of Restore SGF and the Springfield Community Land Trust as recipients of the City's Coronavirus State and Local Fiscal Recovery Funds allotted for affordable home ownership programs; and authorizing the City Manager, or his designee, to enter into agreements with these agencies to carry out these programs.

PURPOSE: To allocate the City's Coronavirus State and Local Fiscal Recovery Funds under Special Ordinance 27775 for homeownership assistance based on acceptable proposals from non-profit organizations and authorizing the City Manager to enter into funding agreements as necessary with the agencies.

BACKGROUND INFORMATION: By Special Ordinance 27538 City Council accepted the award of \$40,276,290 in Coronavirus State and Local Fiscal Recovery ("SLFRF") Funds from the U.S. Department of Treasury. SLFRF must be obligated by December 31, 2024, and all funds expended by December 31, 2026.

By Special Ordinance 27775 City Council allotted \$564,703 for affordable housing home ownership program(s) to be determined through a proposal ("RFP") process.

The Department of Planning and Development issued a Notice of Funding Availability ("NOFA") with a Request for Proposals ("RFP") on September 9, 2023, for home ownership down-payment assistance grants for agencies to provide low-barrier assistance to home buyers to increase Springfield's homeownership rates.

Two agencies responded to the RFP with proposals to provide a grant of up to \$9,000 to assist up to 50 qualified homebuyers for the purchase of homes to be their primary residence. Restore SGF and The Springfield Community Land Trust offered proposals to provide that assistance to increase homeownership. Each agency will also receive up to 2.5% of the homebuyer grant amounts for the marketing, review and reporting on these homeownership awards to home buyers. "Exhibit A" shows the amount proposed by each agency and the recommended funding for each.

REMARKS:

City Council must approve the selection of these agencies to be awarded these funds and authorize the City Manager to enter into the agreements to carry out the programs and reallocate any unused funds for homeownership to meet the grant obligation and expenditure deadlines.



Submitted By: Bob Jones, Grants Administrator

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

Attachments:

1. ARPA Homeownership_ord
2. ARPA-Homeownership.Exh A

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 10-31-23

Sponsored by: Lee

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-271

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the selection of Restore SGF and the Springfield Community Land
2 Trust as recipients of the City's Coronavirus State and Local Fiscal
3 Recovery Funds allotted for affordable home ownership programs; and
4 authorizing the City Manager, or his designee, to enter into
5 agreements with these agencies to carry out these programs.
6 _____
7

8 WHEREAS, the City was awarded \$40,276,290 in Coronavirus State and Local
9 Fiscal Recovery Funds, and City Council accepted these funds through Special
10 Ordinance 27538 passed on July 26, 2021; and
11

12 WHEREAS, City Council, through Special Ordinance 27775 adopted on
13 November 14, 2022, allotted \$564,703 of the City's Coronavirus State and Local Fiscal
14 Recovery Funds for affordable housing home ownership program(s) to be determined
15 through a request for proposal ("RFP") process; and
16

17 WHEREAS, the Department of Planning and Development issued a Notice of
18 Funding Availability with an RFP on September 23, 2023, for home ownership
19 downpayment assistance grants for agencies to provide low-barrier assistance to home
20 buyers to increase the City's homeownership rates; and
21

22 WHEREAS, two agencies, Restore SGF and the Springfield Community Land
23 Trust, responded to the RFP with proposals to provide grants of up to \$9,000 to assist
24 up to 50 qualified homebuyers to purchase homes as primary residences; and
25

26 WHEREAS, City Council must approve the selection of these agencies to receive
27 the designated Coronavirus State and Local Fiscal Recovery Funds and must authorize
28 the City Manager, or his designee, to enter into agreements to carry out the programs.
29

30 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
31 SPRINGFIELD, MISSOURI, as follows, that:
32

33 Section 1 – City Council approves the selection of Restore SGF and the
34 Springfield Community Land Trust as recipients of the City’s Coronavirus State and
35 Local Fiscal Recovery Funds allotted for affordable home ownership programs.
36

37 Section 2 – City Council hereby authorizes the City Manager, or his designee, to
38 develop and enter into funding agreements with Restore SGF and the Springfield
39 Community Land Trust for the recommended funding amounts set forth in “Exhibit A,”
40 which is attached hereto and incorporated herein by reference, provided that any
41 agreements or documents executed pursuant to this authority are in a form approved by
42 the City Attorney.
43

44 Section 3 –This Ordinance shall be in full force and effect from and after
45 passage.
46

47 Passed at meeting: _____
48

49 _____
50 Mayor
51

52 Attest: _____, City Clerk
53

54 Filed as Ordinance: _____
55

56
57 Approved as to form: Ca H, Assistant City Attorney
58

59
60 Approved for Council action: Jason A. Hage City Manager

		EXHIBIT A			
	ARPA GRANT AVAILABLE	\$564,703.00			
	DPA APPLICANT	Funds Requested	Number of units	Recommended Funding	Number of units
	RESTORE SGF	\$500,000.00	54.6	\$466,000.00	51.0
	SCLT	\$110,700.00	12.0	\$98,703.00	10.7
	TOTAL	\$610,700.00	66.6	\$564,703.00	61.7
	ASSUMPTIONS:				
	All homebuyers will use the maximum amount of \$9,000 for their down payment.				
	Calculations include the proposed processing fees by Restore SGF and SCLT.				



EXPLANATION TO COUNCIL BILL 2023-272 (MCGULL)

FILED: 11/13/2023

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance amending the budget for Fiscal Year 2023-2024 of the Department of Public Works in the amount of \$950,000 to appropriate fund balance reserves of the 1/4-cent Capital Improvement Sales Tax to support construction of a stormwater improvement project on South Pickwick Avenue and East Grand Street.

PURPOSE: Amending the budget of Fiscal Year 2023-2024, for the Department of Public Works, in the amount of \$950,000 to appropriate fund balance reserves of the 1/4-cent Capital Improvement Sales Tax to support construction of a Stormwater Improvement Project on South Pickwick Avenue and East Grand Street.

BACKGROUND INFORMATION: Inspection of the underground stormwater system, as part of the ongoing Stormwater Condition Assessment Program, revealed a box culvert between South Pickwick Avenue and East Grand Street in poor structural condition in need of immediate replacement. The existing culvert is on private property, outside of public right-of-way.

The project will replace over 400 feet of box culvert with new reinforced concrete box culvert along a new alignment staying within the City's right of way along East Grand Street and South Pickwick Avenue. The project also provided an opportunity to address frequent roadway flooding along East Grand Street with the inclusion of additional curb inlets. The existing box culvert will be abandoned in place and fully stabilized with flowable cementitious fill.

Supports the following City Council Priorities:

- 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:

Attachments:

1. Stormwater Improvement Pickwick & Grand_ord
2. Pickwick & Grand Exhibit A
3. Pickwick & Grand Budget Adjustment Exhibit B

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 10-31-23

Sponsored by: McGull

First Reading _____

Second Reading _____

COUNCIL BILL 2023-272

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the budget for Fiscal Year 2023-2024 of the Department of Public
2 Works in the amount of \$950,000 to appropriate fund balance
3 reserves of the 1/4-cent Capital Improvement Sales Tax to support
4 construction of a stormwater improvement project on South
5 Pickwick Avenue and East Grand Street.
6 _____
7

8 WHEREAS, inspections conducted as part of the ongoing Stormwater Condition
9 Assessment Program revealed a box culvert in poor structural condition and in need of
10 immediate replacement between South Pickwick Avenue and East Grand Street; and
11

12 WHEREAS, the existing culvert is on private property outside the public right-of-
13 way; and
14

15 WHEREAS, the project will install over 400 feet of box culvert within the public
16 right-of-way, and will retire the existing box culvert by stabilizing it with flowable
17 cementitious fill, as depicted on "Exhibit A," attached hereto and incorporated herein by
18 reference.
19

20 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
21 SPRINGFIELD, MISSOURI, as follows, that:
22

23 Section 1 – The budget for the Fiscal Year 2023-2024 of the Department of
24 Public Works of the City of Springfield is hereby amended in the accounts and in the
25 amounts as shown on Budget Adjustment No. 039, a copy of which is attached hereto
26 and incorporated herein by reference as "Exhibit B."
27

28 Section 2 – City Council hereby finds that the budget adjustment made above
29 has been recommended by the City Manager.
30

31 Section 3 – The City Manager is directed to cause the appropriate accounting
32 entries to be made in the books and records of the City.
33

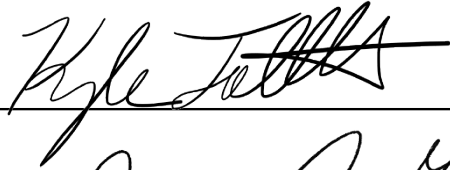
34 Section 4 – This Ordinance shall be in effect from and after passage.

35
36 Passed at meeting: _____

37
38 _____
39 Mayor

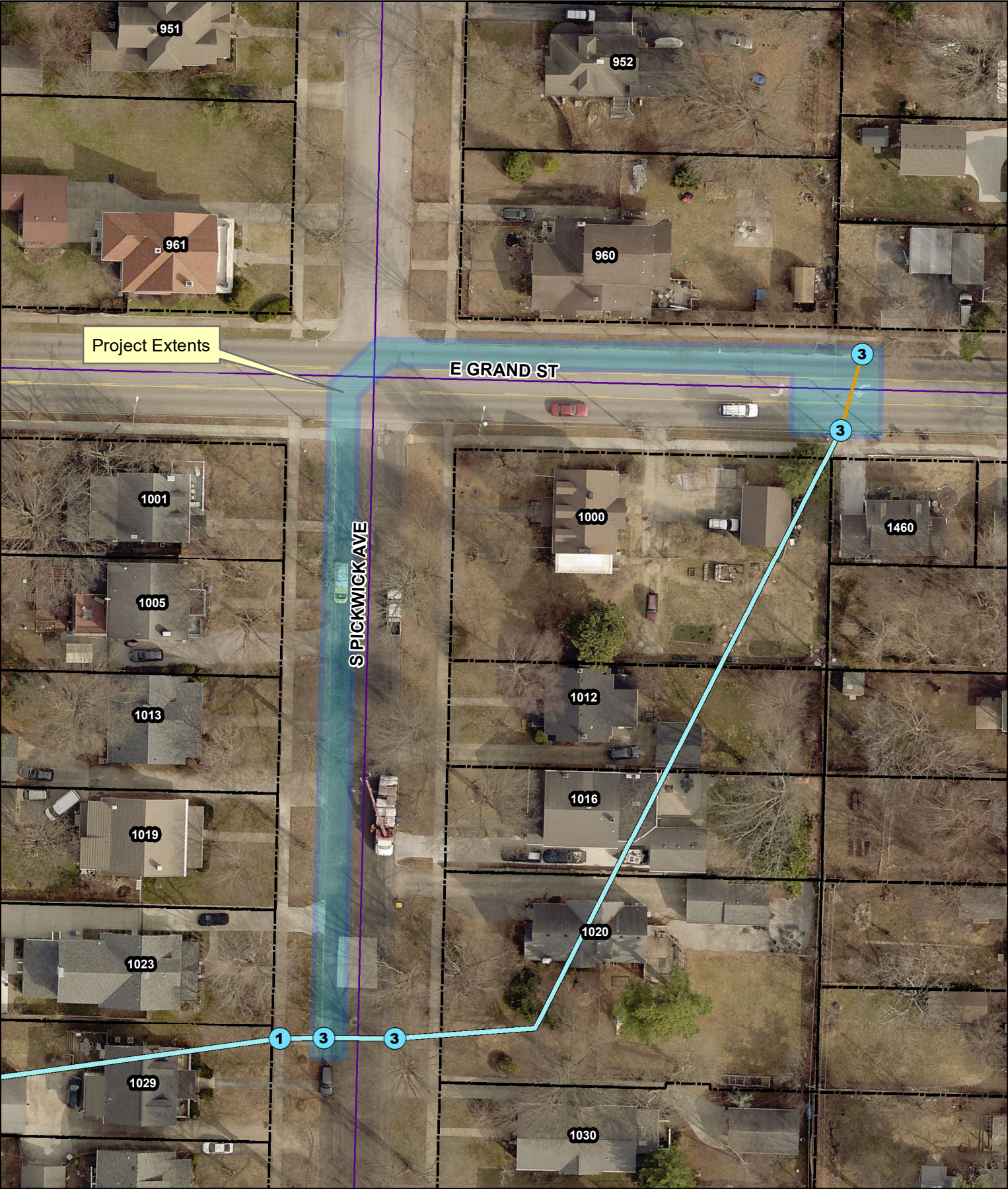
40
41 Attest: _____, City Clerk

42
43 Filed as Ordinance: _____

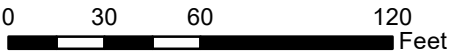
44
45
46 Approved as to form:  _____, Assistant City Attorney

47
48
49 Approved for Council action  _____, City Manager

EXHIBIT A



City of Springfield, Missouri



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

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
039

Revenues:

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

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
41040	20	73020	509110	000000	00000	\$ 650,000	South Pickwick/East Grand Street Stormwater Improvements
41080	20	73020	509110	000000	00000	300,000	South Pickwick/East Grand Street Stormwater Improvements
Net Expenditure Adjustment						\$ 950,000	

Fund Balance Appropriation:

Fund	Title	Amount
Various	1/4-cent Capital Imp. Sales Tax	(950,000)

Explanation: To amend the FY2023-24 budget by appropriating fund balance reserves from the 1/4-cent Capital Improvement Sales Tax in the amount of \$950,000 for Pickwick/Grand Stormwater Improvements.

Requested By:

Dan Smith 10-31-2023
Department Head Date

Approved By:

DL Hill 10-31-2023
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2023-272
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-273 (HARDINGER)

FILED: 11/13/2023

ORIGINATING DEPARTMENT: Health

TITLE: A special ordinance authorizing the City Manager, or his designee, to enter into an intergovernmental agreement with St. Louis County to effectuate the Springfield-Greene County Health Department's participation in the statewide Missouri prescription drug monitoring program.

PURPOSE: Authorizing the City Manager, or his designee, to enter into an intergovernmental agreement with St. Louis County to effectuate the Springfield-Greene County Health Department's participation in the statewide Missouri prescription drug monitoring program.

BACKGROUND INFORMATION: Special Ordinance 26919, approved by City Council on July 24, 2017, authorized the Springfield-Greene County Health Department ("SGCHD") to enter into a user agreement with St. Louis County ("SLC") to allow SLC to act as administrator of the City's local prescription drug monitoring program ("PDMP").

On May 12, 2021, the Missouri Legislature passed Senate Bill 63, which authorizes a statewide PDMP. Due to this transition to a statewide PDMP, SGCHD is requested to enter into a renewal PDMP user agreement with SLC in order to authorize the transfer of SGCHD's historical data to the State of Missouri.

The sharing of historical data is integral for healthcare providers, affording a continuity of care by having a full picture of their patients' controlled substance prescription history, thereby improving overall care. By participating with the statewide Missouri PDMP & retaining historical dispensation data, SGCHD will empower healthcare providers to prevent substance misuse & arm them with a critical tool needed in our collective battle against the opioid epidemic.

Submitted By: Brad Stulce, Public Health Resource Manager

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

Attachments: 1. PDMP Renewal Contract Ordinance

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed: 10-31-23

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-273

SPECIAL ORDINANCE _____

AN ORDINANCE

AUTHORIZING the City Manager, or his designee, to enter into an intergovernmental agreement with St. Louis County to effectuate the Springfield-Greene County Health Department's participation in the statewide Missouri prescription drug monitoring program.

WHEREAS, Special Ordinance 26919, approved by City Council on July 24, 2017, authorized the Springfield-Greene County Health Department ("SGCHD") to enter into a user agreement with St. Louis County ("SLC") to allow SLC to act as administrator of the City's local prescription drug monitoring program ("PDMP"); and

WHEREAS, on May 12, 2021, the Missouri Legislature passed Senate Bill 63, which authorized a statewide PDMP. Due to the transition to a statewide PDMP, SGCHD is requested to enter into a renewal PDMP user agreement with SLC in order to authorize the transfer of SGCHD's historical data to the State of Missouri; and

WHEREAS, the SGCHD sharing of historical data integral for healthcare providers, participating with the statewide Missouri PDMP, and retaining historical dispensation data will empower healthcare providers to prevent substance misuse and arm them with a critical tool needed in our collective battle against the opioid epidemic.

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

Section 1 – City Council hereby authorizes the City Manager, or designee, to enter into an intergovernmental agreement, and subsequent amendments thereto, with St. Louis County, provided the agreement is in a form approved by the City Attorney, for the purpose of effectuating the Springfield-Greene County Health Department's participation in the statewide Missouri prescription drug monitoring program.

Section 2 – This Ordinance shall be in full force and effect from and after passage.

34 Passed at meeting: _____
35
36

37 _____
38 Mayor

39 Attest: _____, City Clerk
40

41 Filed as Ordinance _____
42

43 Approved as to form: Mary B. Bozant, Assistant City Attorney
44
45

46 Approved for Council action: Jason A. Hays, City Manager
47



EXPLANATION TO AMENDED COUNCIL BILL 2023-260 (HOSMER)

FILED: 11/13/2023

ORIGINATING DEPARTMENT: City Manager

TITLE: A resolution adopting the City of Springfield's Legislative Priorities for 2024.

PURPOSE: Supplemental explanation sheet for Amended Council Bill 2023-260.

BACKGROUND INFORMATION: At the November 6, 2023, Council meeting, City Council voted to amend Council Bill 2023-260 to add a legislative priority asking the State of Missouri to do everything in its power to ensure people register and license their vehicles appropriately. "Exhibits A and B" of the Council bill have been amended to reflect the additional legislative priority.

Submitted By:

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

Jason Gage, City Manager 11/14/2023

Attachments:

1. 2023-260 Explanation Sheet
2. Legislative Priorities 2024_res-amended
3. CC Legislative Priorities 2024 Exh A amended 11-20-23
4. CC Legislative Priorities 2024 Exh B amended 11-20-23



EXPLANATION TO COUNCIL BILL 2023-260 (HOSMER)

FILED: 11/13/2023

ORIGINATING DEPARTMENT: City Manager

TITLE: A resolution adopting the City of Springfield's Legislative Priorities for 2024.

PURPOSE: To adopt the City of Springfield's Legislative Priorities for 2024.

BACKGROUND INFORMATION: This Resolution adopts the City of Springfield's 2024 Legislative Priorities. These priorities, once adopted, will guide the City's elected officials and staff in their work with state and federal legislators during 2024.

On October 17, 2023, City Council reviewed and provided guidance for the Legislative Priorities at a City Council Lunch meeting. The final version of the 2024 Legislative Priorities is attached as "Exhibit A." "Exhibit B" is provided in markup form for informational purposes only.

Submitted By:

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

Attachments:

1. Legislative Priorities 2024_res
2. CC Legislative Priorities 2024 Exh A
3. CC Legislative Priorities 2024 Exh B

One-rdg. X
P. Hrngs. _____
Pgs. 11
Filed: 11-14-2023

Sponsored by: Hosmer

AMENDED

COUNCIL BILL 2023 - 260

RESOLUTION _____

A RESOLUTION

1 ADOPTING the City of Springfield's Legislative Priorities for 2024.
2 _____
3

4 WHEREAS, City Council is concerned with legislative matters at the state and
5 federal level which have an impact on the governmental operations of the City of
6 Springfield, Missouri; and
7

8 WHEREAS, City Council has identified several important legislative items that may
9 be considered by federal and state legislatures in the upcoming year; and
10

11 WHEREAS, adoption of the legislative priorities will empower City officials, staff, and
12 representatives to advocate on the City's behalf, before and to members of the federal and
13 state legislatures.
14

15 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
16 SPRINGFIELD, MISSOURI, as follows, that:
17

18 Section 1 – City Council hereby adopts “Exhibit A,” a copy of which is attached
19 hereto and incorporated herein by reference, as its Legislative Priorities for 2024.
20

21 Section 2 – This Resolution shall be in effect immediately upon adoption.
22

23 Passed at meeting: _____
24

25 _____
26 Mayor
27

28 Attest: _____, City Clerk
29

30 Filed as Resolution: _____
31

32 Approved as to form: Rhonda Lewsader, City Attorney
33

34 Approved for Council action: Jason A. Hays, City Manager
35
36

City of Springfield Legislative Priorities – 2024

General Priorities

- **Retain Local Control** – The City of Springfield opposes legislation that would reduce or remove local authority, including the setting of user and license fees; result in a new net cost and related tax burden to the City of Springfield and/or its citizens; or move municipal elections from April to Fall or introduce partisanship into municipal elections.
- **Special Interest Legislation** – The City of Springfield requests that legislation with statewide impact not be used to address localized concerns.
- **Promote Public Safety** – The City of Springfield supports legislation that promotes safe communities and reduces violent crime.
- **Promote Economic Vitality** – The City of Springfield supports legislation that strengthens Springfield’s ability to: compete for jobs, enhance education and workforce development, improve transportation, provide affordable housing, create healthy neighborhoods, stimulate downtown revitalization, grow tourism funding, and ensure broadband access for all citizens – all without compromising our natural environment.
- **Promote Fiscal Sustainability** – The City of Springfield supports legislation that honors municipal taxing independence, preserves current revenue streams and ensures stable service delivery and infrastructure.
- **Promote Quality of Place** – The City of Springfield supports legislation that promotes projects that improve livability, strengthens our ability to retain and attract talent, enhances our neighborhoods, enriches our visitor experience, and encourages an inclusive and welcoming community.

Specific Priorities

- **Public Safety** – The City of Springfield supports:
 - sustained funding for mental health services, the Pretrial Witness Protection Service fund, rape kit testing, and sexual assault reduction and victim assistance needs, and

- efforts to reduce gun violence in our community and across the state of Missouri, including amending State law to match Federal law regarding the possession of handguns by minors.
- **Land Bank** – For the betterment of our neighborhoods, the City of Springfield supports legislation that allows Land Banks to accept property through the judicial tax sale system without its prior tax obligations (general or special real estate taxes, penalties, liens, etc.), and adds Springfield and other communities to the list of cities enabled to form a Land Bank.
- **Pay Day Loans** – The City of Springfield asks our local delegation to introduce and support legislation that will limit refinancing and cap the amount of interest that can be charged by pay-day loan and car title loan companies.
- **Municipal Court**
 - **Failure to Appear in Court for Traffic Violation (FACT Procedure)** – The City of Springfield asks our local delegation to reinstate the FACT (Failure to Appear in Court for Traffic Violation) procedure that was eliminated in 2015. This approach allows for a drivers license suspension after a 30-day warning/grace period for failing to appear in Municipal Court related to minor traffic violations. We also support other legal incentives that result in a higher court appearance rate.
 - **Municipal Court Warrants** – The City of Springfield asks our local delegation to introduce and support legislation that will amend RSMo 479.360.1(3) to *clearly* allow courts the ability to utilize bench warrants for those defendants that fail to abide by the judgment of the court or fail to show cause for not abiding by the judgment of the court.
 - **Municipal Community Service Support** – The City of Springfield asks our local delegation to introduce and support language to once again allow municipal courts that utilize community service in lieu of traditional sentencing to obtain program cost recovery from non-indigent probationers. We also support amendments that limit municipal liability for these programs.
- **Chronic Nuisance Properties and Dangerous Buildings**

Property Nuisances

The City of Springfield asks our local delegation to introduce and support a bill that will provide an accelerated abatement process for chronic nuisances by:

- Allowing a single, one-year notice for the abatement of tall grass and weed nuisances to more expeditiously address chronic violation locations;
- Allowing violation notices to be sent only to owner;
- Allowing flexible notice mailing alternatives such as Fed Ex or UPS, as long as the recipient's signature is required;

- Allowing nuisance abatement costs to run with the land;
- Allowing recovery of all direct costs associated with processing and abatement of nuisances; and
- The review of all related statutory narrative for topic and definitional clarity.

Dangerous/Unsafe Buildings

We ask our legislature to introduce and support a bill that:

- Allows flexible notice mailing alternatives such as Fed Ex or UPS, as long as the recipient's signature is required;
 - Allows recovery of all direct costs associated with processing and abatement;
 - Allows for collecting of processing and abatement costs through the County Collector (real estate tax bill) in lieu of a special tax bill; and
 - Limits formal notice requirement to 'violation notice' and 'need to abate' purposes only.
- **State Provided Mental Health Services** – The City of Springfield asks our local delegation to invest in community mental health services (e.g., call centers, mobile crisis, 24-hour rapid access units, etc.). Roughly 1 of 5 individuals live with a mental illness or substance use disorder. We believe this investment will pay for itself many times over in both community dollars spent and lives saved.
 - **SB 1662 Homes-based Business Law** – The City of Springfield asks our local delegation to support legislation to amend or repeal the home-based work/business statutes changed by HB 1662 in 2022. These laws create legal zoning inequities and severely constrain cities from reasonably protecting residential neighborhoods from incompatible commercial and industrial activities.
 - **Video Lottery Terminals** – The City of Springfield asks the State legislature to lawfully define video lottery terminals (VLTs) as illegal gambling devices under State law.
 - **Transportation Development Districts (TDDs)** – The City of Springfield asks the State legislature to clarify the statutory use of TDD funds.
 - **Annexation** – The City of Springfield asks the State legislature to amend State law to enhance the ability of cities to apply the voluntary annexation process.
 - **Vehicle Registration** – The City of Springfield asks the State legislature to do everything possible to ensure people register and license their vehicles on time, including a significant increase in late fees.
 - **Legislative Funding Requests** – The City of Springfield asks the State legislature to consider funding:

- Interstate 44 Improvements. To fully fund all I-44 (from Kansas Expressway to Highway 65) project components to include widening to six lanes, lane rehabilitation, bridge replacements, safe pedestrian/bicycle connectivity and safe interchange access from Highway 13.
- LeCompte Road/Eastgate Extension Funding. To fund \$3.4 million for the Eastgate Extension, which fully funds critical semi-truck transportation connections for up to 500 acres (200 acres immediately) of industrial development land above and adjacent to the Springfield Underground near I-44 and Highway 65.
- Family Connects Program Funding. To fund the Springfield-Greene County Family Connects at \$1 million per year for three years as an evidence-based newborn home visitation intervention that aims to help families during critical development which is vital to school readiness and healthy outcomes. Over time, home visitation programs are shown to reduce and prevent mental illness, reduce involvement in the criminal justice system and prepare children for successful education.

Exhibit B
markup version

City of Springfield Legislative Priorities – 2024

General Priorities

- **Retain Local Control** – The City of Springfield opposes legislation that would reduce or remove local authority, including the setting of user and license fees; **result in a new net cost and related tax burden to the City of Springfield and/or its citizens; or move municipal elections from April to Fall or introduce partisanship into municipal elections.**
- **Special Interest Legislation** – The City of Springfield requests that legislation with statewide impact not be used to address localized concerns.
- ~~**Avoid Unfunded Mandates** – The City of Springfield opposes any legislation that would result in a new net cost and related tax burden to the City of Springfield and/or its citizens.~~
- **Promote Public Safety** – The City of Springfield supports legislation that promotes safe communities and reduces violent crime.
- **Promote Economic Vitality** – The City of Springfield supports legislation that strengthens Springfield’s ability to: compete for jobs, enhance education and workforce development, improve transportation, provide affordable housing, create healthy neighborhoods, stimulate downtown revitalization, grow tourism funding, and ensure broadband access for all citizens – all without compromising our natural environment.
- **Promote Fiscal Sustainability** – The City of Springfield supports legislation that honors municipal taxing independence, preserves current revenue streams and ensures stable service delivery and infrastructure.
- **Promote Quality of Place** – The City of Springfield supports legislation that promotes projects that improve livability, strengthens our ability to retain and attract talent, enhances our neighborhoods, enriches our visitor experience, and encourages an inclusive and welcoming community.

Specific Priorities

- **Municipal Elections** – The City of Springfield opposes legislation that would move municipal elections from April to Fall or introduce partisanship into municipal elections.
- **Public Safety** – The City of Springfield supports:
 - sustained funding for mental health services, the Pretrial Witness Protection Service fund, rape kit testing, and sexual assault reduction and victim assistance needs, **and**
 - amending State law to match Federal law regarding the possession of handguns by minors,
 - expanding the collection of DNA samples by requiring a sample be collected from any individual aged 18 or older who is arrested for any felony crime as defined by the Revised Statutes of the State of Missouri, and
 - efforts to reduce gun violence in our community and across the state of Missouri, **including amending State law to match Federal law regarding the possession of handguns by minors.** U.S. active shooter cases have nearly doubled (31 incidents to 61 incidents) from 2017 to 2021, killing or wounding 243 people in 2021 alone. In 2020, Missouri was ranked 4th for firearm mortality (ranked 17th in 2005) and 5th for firearm homicides per 100,000 persons. In addition, Springfield calls for shots fired has increased 82% (227 to 414 proj.) since 2019. (Sources: U.S. Dept. of Justice – Federal Bureau of Investigation, CDC, Pew Research Center and SPD data)
- **Land Bank** – For the betterment of our neighborhoods, the City of Springfield supports legislation that allows Land Banks to accept property through the judicial tax sale system without its prior tax obligations (general or special real estate taxes, penalties, liens, etc.), and adds Springfield and other communities to the list of cities enabled to form a Land Bank.
- **Pay Day Loans** – The City of Springfield asks our local delegation to introduce and support legislation that will limit refinancing and cap the amount of interest that can be charged by pay-day loan and car title loan companies. ~~that tend to prey on the poor. According to the State Commissioner of Finance’s report to the Governor, the average interest rate for “pay day” loans in Missouri in 2021 was 414%.~~
- **Municipal Court**
 - **Failure to Appear in Court for Traffic Violation (FACT Procedure)** – The City of Springfield asks our local delegation to **reinstate the FACT (Failure to Appear in Court for Traffic Violation) procedure that was eliminated in 2015. This approach allows for a drivers license**

suspension after a 30-day warning/grace period for failing to appear in Municipal Court related to minor traffic violations. We also support other legal incentives that result in a higher court appearance rate. ~~introduce legislation that will reinstate the FACT Procedure. In 2015, SB 5 eliminated the FACT driver's license suspension procedure for "minor traffic violations" found in RSMo 302.341.2 for "minor traffic violations". Under current law, the driver's license for those who fail to appear in Municipal Court after receiving a citation can no longer be suspended for minor traffic violations. As a result, arrest warrants are immediately issued for these defendants. The prior FACT process did allow for driver's license suspensions after a 30-day warning/grace period. This process gives defendants a chance to address their case before their license is suspended. Additionally, we have found a much higher compliance rate with the FACT process than with the warrant process. Application of a comparable practice used by the State court system and/or other legal incentives that have the result of increasing court appearances are also supported.~~

- **Municipal Court Warrants** – The City of Springfield asks our local delegation to introduce and support legislation that will amend RSMo 479.360.1(3) to *clearly* allow courts the ability to utilize **bench** warrants for those **defendants** that fail to abide by the judgment of the court or fail to show cause for not abiding by the judgment of the court.
- **Municipal Community Service Support** – The City of Springfield asks our local delegation to introduce and support language to once again allow municipal courts that utilize community service in lieu of traditional sentencing to obtain program cost recovery from non-indigent probationers. We also support amendments that limit municipal liability for these programs.

- **Chronic Nuisance Properties and Dangerous Buildings**

Property Nuisances

The City of Springfield asks our local delegation to introduce and support a bill that will provide an accelerated abatement process for chronic nuisances by:

- ~~Provide Accelerated Abatement Process for Chronic Nuisances~~ – The City of Springfield asks our local delegation to introduce and support a bill that will **allowing** a single, one-year notice for the abatement of tall grass and weed nuisances to more expeditiously address chronic violation locations;
- **Allowing** violation notices to be sent only to owner;
- **Allowing** flexible notice mailing alternatives such as Fed Ex or UPS, as long as the recipient's signature is required;
- **Allowing** nuisance abatement costs to run with the land;
- **Allowing** recovery of all direct costs associated with processing and abatement of nuisances; **and**

- **The Review of all related** statutory narrative for topic and definitional clarity.

Dangerous/Unsafe Buildings

We ask our legislature to introduce and support a bill that:

- Allows flexible notice mailing alternatives such as Fed Ex or UPS, as long as the recipient's signature is required;
 - Allows recovery of all direct costs associated with processing and abatement;
 - Allows for collecting of processing and abatement costs through the County Collector (real estate tax bill) in lieu of a special tax bill; **and**
 - Limits formal notice requirement to 'violation notice' and 'need to abate' purposes only.
- **State Provided Mental Health Services** – The City of Springfield asks our local delegation to **invest in community mental health services (e.g., call centers, mobile crisis, 24-hour rapid access units, etc.). Roughly 1 of 5 individuals live with a mental illness or substance use disorder. We believe this investment will pay for itself many times over in both community dollars spent and lives saved.** ~~introduce and support legislation investing in community mental health services. Roughly 1 of 5 individuals live with a mental illness or substance use disorder. While progress is being made, decades of divestment has resulted in a significant need for services on the behavioral crisis continuum (includes crisis call centers, mobile crisis, 23-hour rapid access units, stabilization units, and co-responders), substance use disorder treatment and safety net services. We believe this investment will pay for itself many times over in both community dollars spent and lives saved.~~_____
 - **SB 1662 Homes-based Business Law** – The City of Springfield asks our local delegation to support legislation to **amend or repeal the home-based work/business statutes changed by HB 1662 in 2022. These laws create legal zoning inequities and severely constrain cities from reasonably protecting residential neighborhoods from incompatible commercial and industrial activities.** ~~repeal or significantly amend the home-based work and home-based business sections of HB 1662. This new law disrupts the equitable application of municipal zoning across residential, commercial and industrial areas. It also directly pre-empts Missouri cities from applying reasonable zoning regulations necessary to adequately protect the peace, quiet and tranquility of our residential neighborhoods from an unlimited list of incompatible commercial and industrial activities.~~
 - **Video Lottery Terminals** – The City of Springfield asks the State legislature to lawfully define video lottery terminals (VLTs) as illegal gambling devices under State law.
 - **Transportation Development Districts (TDDs)** – The City of Springfield asks the State legislature to clarify the statutory use of TDD funds.

- **Annexation** – The City of Springfield asks the State legislature to amend State law to enhance the ability of cities to apply the voluntary annexation process.
- **Vehicle Registration** – The City of Springfield asks the State legislature to do everything possible to ensure people register and license their vehicles on time, including a significant increase in late fees.
- **Legislative Funding Requests** – The City of Springfield asks the State legislature to consider funding:
 - **Interstate 44 Improvements.** To fully fund all I-44 (from Kansas Expressway to Highway 65) project components to include widening to six lanes, lane rehabilitation, bridge replacements, safe pedestrian/bicycle connectivity and safe interchange access from Highway 13.
 - **LeCompte Road/Eastgate Extension Funding.** To fund \$3.4 million for the Eastgate Extension, which fully funds critical semi-truck transportation connections for up to 500 acres (200 acres immediately) of industrial development land above and adjacent to the Springfield Underground near I-44 and Highway 65.
 - **Family Connects Program Funding.** To fund the Springfield-Greene County Family Connects at \$1 million per year for three years as an evidence-based newborn home visitation intervention that aims to help families during critical development which is vital to school readiness and healthy outcomes. Over time, home visitation programs are shown to reduce and prevent mental illness, reduce involvement in the criminal justice system and prepare children for successful education.



EXPLANATION TO COUNCIL BILL 2023-277 (HARDINGER)

FILED: 10/31/2023

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance authorizing the City Manager, or his designee, to enter into a Governor's Transportation Cost Share Agreement with the Missouri Highways and Transportation Commission ("MHTC") for the purpose of funding construction of the extension of Eastgate Avenue from Division Street north and east to Springfield Underground's southern entrance on LeCompte Road and to exercise any and all powers to obtain such funding and carry out the identified activities; amending the Fiscal Year 2023-2024 budget of the Department of Public Works in the amount of \$3,480,858 to appropriate Governor's Transportation Cost Share funds; and declaring that this bill qualifies for approval in one reading.

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Governor's Transportation Cost Share Agreement ("Exhibit 1") with the Missouri Highways and Transportation Commission ("MHTC"), for the purpose of funding construction of the extension of Eastgate Avenue from Division Street north and east to the Springfield Underground's southern entrance on LeCompte Road, and amending the Fiscal Year 2024 budget of the Department of Public Works in the amount of \$3,480,858 to appropriate the Governor's Transportation Cost Share funds; and declaring that this Ordinance qualifies for approval in one reading.

BACKGROUND INFORMATION: Eastgate Avenue serves as one of the main thoroughfares for the commercial and industrial land uses east of US 65. One item holding the area back from being developed is the lack of appropriate infrastructure to support it. To stimulate economic development in the area, the extension of Eastgate Avenue is needed. A conceptual plan and map are attached for reference in Exhibit 2.

The Governor's Transportation Cost Share Agreement allows for reimbursement of 100 percent of the first \$1,976,715 of the construction contract costs. The Commission will reimburse 50 percent of the construction contract costs in excess of \$1,976,715, not to exceed \$1,504,143 with total reimbursements from the Commission not to exceed \$3,480,858. The construction is currently estimated at \$4,985,000. Other costs associated with the project above the Governor's Transportation Cost Share funding amount will be covered by a future cost share agreement between the Erlen Group (formerly Springfield Underground) and the City.

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



Supports the following City Council Priorities:

- Economic Vitality
- Public Safety
- Fiscal Sustainability

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

Submitted By: Martin Gugel, Assistant Director of Public Works

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

Maurice S. Jones, Deputy City Manager 11/14/2023

Attachments:

1. Governor's Cost Share-Eastgate Extension_Ord
2. Governors cost share-Eastgate_exh1
3. Governors cost share-Eastgate_exh2
4. Governors cost share-Eastgate_exh3

One-rdg. X
P. Hrngs.
Pgs. 23
Filed: 11-14-23

Sponsored by: Hardinger

First Reading:

Second Reading:

COUNCIL BILL 2023-277

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Governor's
2 Transportation Cost Share Agreement with the Missouri Highways and
3 Transportation Commission ("MHTC") for the purpose of funding
4 construction of the extension of Eastgate Avenue from Division Street
5 north and east to Springfield Underground's southern entrance on
6 LeCompte Road and to exercise any and all powers to obtain such
7 funding and carry out the identified activities; amending the Fiscal Year
8 2023-2024 budget of the Department of Public Works in the amount of
9 \$3,480,858 to appropriate Governor's Transportation Cost Share
10 funds; and declaring that this bill qualifies for approval in one reading.
11
12

13 WHEREAS, Eastgate Avenue serves as one of the main thoroughfares for the
14 commercial and industrial land uses east of US 65, but the area lacks appropriate
15 infrastructure to support additional economic development; and
16

17 WHEREAS, extending Eastgate Avenue, as generally depicted in "Exhibit 2,"
18 attached hereto and incorporated herein by reference, will stimulate economic
19 development in the area; and
20

21 WHEREAS, the cost of construction is currently estimated to total \$4,985,000;
22 and
23

24 WHEREAS, the Governor's Transportation Cost Share Program ("Program") will
25 reimburse 100 percent of the first \$1,976,715 of construction contract costs and the
26 MHTC will reimburse 50 percent of construction contract costs in excess of \$1,976,715,
27 not to exceed \$1,504,143, with total reimbursements from the Program not to exceed
28 \$3,480,858; and
29

30 WHEREAS, other costs associated with the project will be covered in a future
31 cost share agreement between Erlen Group (formerly Springfield Underground) and the
32 City.
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 City Manager, or his designee, is hereby authorized to accept
38 grant funding in the amount of \$3,480,858 from the MHTC for the purpose of extending
39 Eastgate Avenue from Division Street north and east to LeCompte Road, and to do
40 those things necessary to receive and disburse such funds, including entering into an
41 agreement substantially the same as the document attached hereto and incorporated
42 herein by reference as “Exhibit 1.”
43

44 Section 2 – The budget of the City of Springfield for Fiscal Year 2023-2024 is
45 hereby amended in the accounts and in the amounts as shown on Budget Adjustment
46 No. 040, a copy of which is attached hereto and incorporated herein by reference as
47 “Exhibit 3.”
48

49 Section 3 – City Council hereby finds that the budget adjustment made above
50 has been recommended by the City Manager.
51

52 Section 4 – The City Manager is directed to cause the appropriate accounting
53 entries to be made in the books and records of the City.
54

55 Section 5 – City Council hereby finds and declares that this Ordinance may be
56 passed as a one-reading ordinance under City charter Section 2.16 (25) as it relates to
57 a contract for the acceptance of grant funds from a state or federal agency. Therefore,
58 this Ordinance shall be in full force and effect from and after passage.
59

60 Passed at meeting: _____
61

62 _____
63 Mayor
64

65 Attest: _____, City Clerk
66

67 Filed as Ordinance: _____
68

69
70 Approved as to form: Kyle Tolbert, Assistant City Attorney
71

72
73 Approved for Council action: Jason A. Hays, City Manager

CCO Form: FS35G
 Approved: 1/20 (MWH)

Revised: 3/23 (RSV)
 Modified:

Entity: City of Springfield
 Project Number/Name: Eastgate
 Avenue/LeCompte Phase II
 Improvements
 MoDOT Project Number: SNS0015
 eAgreement #: 2023-08-81580

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION GOVERNOR'S TRANSPORTATION COST SHARE AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and **City of Springfield** (hereinafter, "Entity").

WITNESSETH:

WHEREAS, pursuant to Section 4.445 of Truly Agreed to and Finally Passed House Bill 3004 from the 2022 legislative session (**TAFP HB 3004 2022**), the Missouri General Assembly (**GA**) has appropriated Seventy-Five Million dollars (\$75,000,000) in general revenue funds to the Commission to be expended for road and bridge projects under the *Governor's Transportation Cost Share Program* (**Program**); and

WHEREAS, the Entity applied to the Commission for participation in the Program; and

WHEREAS, on January 4, 2023, the Commission approved the Entity's application to the Program for a proposed road and bridge improvement project (**Project**) off the State Highway System subject to the terms and conditions of this Agreement; and

WHEREAS, the Commission will administer these Program funds to the Entity with the understanding that such funds will be used for the purpose of funding the Entity's proposed Project, as further described within TAFP HB 3004 2022 and within this Agreement.

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

(1) PROGRAM PURPOSE AND AMOUNT OF PROGRAM:

(A) The Program purpose is to provide financial assistance to public and private entities for public road and bridge projects satisfying a transportation need, provided that these funds shall not supplant, and shall only supplement, the current planned allocation of road and bridge expenditures under the most recently adopted State

Transportation and Improvement Plan (**STIP**), including all amendments thereto, as of the date of passage of TAFP HB 3004 2022 by the GA.

(B) The total amount of this Program, as provided within Section 4.445 of TAFP HB 3004 2022, is Seventy-Five Million dollars (\$75,000,000). These Program funds are subject to appropriations made by the GA and gubernatorial release of such funds appropriated to the Commission. The Commission will administer funds from the Program in an amount not to exceed Seventy-Five Million dollars (\$75,000,000); however, in the event state funds appropriated within Section 4.445 of TAFP HB 3004 2022 are reduced so that the Commission is incapable of completely satisfying its obligations to the Entity, the Commission may recompute and reduce this Program and the amount of this Agreement.

(C) The designation of this Program does not create a lump sum quantity contract, but rather only represents the amount of funding available for reimbursement of eligible Program expenses. In no event will the Commission reimburse the Entity for improvements or work that are not actually performed. The release of all funding under this Agreement is subject to review and approval of all Project expenses to ensure that they are eligible Program expenses.

(D) These Program funds are for construction contract costs only. All other non-construction costs, including but not limited to preliminary engineering, environmental services, right-of-way services and acquisitions, utilities, construction inspection, etc. are ineligible for funds from Section 4.445 of TAFP HB 3004 2022. The Entity shall be solely responsible for all ineligible costs.

(2) PROGRAM TIME PERIOD: This Agreement provides Program funding for expenditures during State Fiscal Year (**SFY**) 2023 (July 1, 2022 - June 30, 2023). In the event the funds are re-appropriated by the GA into another SFY, the Program time period will automatically be adjusted to reflect the new SFY.

(3) REQUEST FOR RE-APPROPRIATION OF FUNDS AND EXTENSION OF TIME FOR COMPLETION OF PROJECT: It is anticipated the Seventy-Five Million dollars (\$75,000,000) provided within Section 4.445 of TAFP HB 3004 2022 will not be fully expended by June 30, 2023, the end of SFY 2023. Therefore, the Commission will request for the re-appropriation of Program funds and extension of time for completion of the Project. If the re-appropriation is not approved by the GA, the Entity has the discretion to complete the construction of the Project at the Entity's expense and at no cost or expense whatsoever to the Commission.

(4) PURPOSE: The purpose of this Agreement is to coordinate participation by the Commission in the cost of the Entity's proposed Project in accordance with Section 4.445 of TAFP HB 3004 2022.

(5) LOCATION AND JOB NUMBER: The proposed Project that is the subject of this Agreement is identified as MoDOT job number SNS0015 and Entity job number/name 2023PW0068. The Project is contemplated at the following location:

The extension of Eastgate Avenue from north of Division Street (Route YY) to a new intersection with LeCompte Avenue, through an area colloquially known as Springfield Underground.

The general location of the Project is shown on the attachment marked as “**Exhibit A**” and is incorporated herein by reference.

(6) SCOPE OF WORK: The Entity shall undertake and complete the proposed Project described in the Entity’s Scope of Work Statement, which is attached and marked as “**Exhibit B**” and is incorporated herein by reference. The Project will be defined by the Entity’s Scope of Work Statement. Any proposed changes to the Entity’s Scope of Work, during design or construction of the Project, must be submitted in writing for Commission review and approval before the changes will be considered eligible for participation in the Program.

(7) 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 Entity and the Commission.

(8) 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.

(9) ENTITY REPRESENTATIVE: The Entity's City Manager is designated as the Entity's representative for the purpose of administering the provisions of this Agreement. The Entity's representative may designate by written notice other persons having the authority to act on behalf of the Entity in furtherance of the performance of this Agreement.

(10) PROJECT RESPONSIBILITIES: With regard to Project responsibilities under this agreement, the parties agree as follows:

(A) The Entity shall be responsible for design of the Project and shall prepare detailed right-of way and construction plans and specifications. The Entity shall provide the Commission with final construction Plans, Specifications and Estimate (PS&E) prior to bidding the Project.

(B) The Entity shall acquire right-of-way as needed for the Project in accordance with Commission requirements for Local Public Agency projects.

(C) The Entity shall be responsible for letting the road and bridge improvement Project, which includes advertising the Project for bids and awarding the construction contract. The Entity shall award the contract to the lowest, responsive, responsible bidder. The Commission will review all contractors' bids and concur with the selection of the apparent successful low bidder prior to the Entity awarding the construction contract.

(D) The Entity shall be responsible for construction of the Project which includes administration of the construction contract.

(E) The Entity shall be responsible for inspection of the Project work and is subject to the Commission's oversight, approval, and acceptance.

(11) FINANCIAL RESPONSIBILITIES: With regard to work under this Agreement, the Entity agrees as follows:

(A) The Program funds are only eligible to be used for construction contract costs on the Entity's proposed Project in accordance with Section 4.445 of TAFP HB 3004 2022. All other Project costs are ineligible for Program funds and shall be the responsibility of the Entity. The estimated construction contract cost for the Entity's proposed Project is four million, nine hundred eighty-five thousand dollars (\$4,985,000.00).

(B) The Commission will reimburse one hundred percent (100%) of the first one million, nine hundred seventy-six thousand, seven hundred fifteen dollars (\$1,976,715) of the construction contract costs. The Commission will reimburse fifty percent (50%) of the construction contract costs in excess of one million, nine hundred seventy-six thousand, seven hundred fifteen dollars (\$1,976,715) not to exceed one million, five hundred four thousand one hundred forty-three dollars (\$1,504,143) with total reimbursements not to exceed three million four hundred eighty thousand eight hundred and fifty-eight dollars (\$3,480,858).

(C) The Entity shall be one hundred percent (100%) responsible for the balance of the construction contract costs in excess of four million nine hundred eighty-five thousand dollars (\$4,985,000).

(D) The Commission and Entity will share any construction contract cost savings based on pro rata share between the parties. Any construction contract cost savings that reduce the Project cost below one million, nine hundred seventy-six thousand seven hundred fifteen dollars (\$1,976,715) are allotted entirely to the Commission.

(E) The estimated Construction Contract Cost, Project Responsibilities and Financial Responsibilities are shown in “**Exhibit C**”, which is attached hereto and incorporated herein by reference.

(12) REIMBURSEMENT FOR ELIGIBLE EXPENSES: The Commission will reimburse the Entity as discussed in section (11) for Project expenses based on eligible construction contract costs.

(A) The Entity may request reimbursement for eligible costs incurred at any time subsequent to the execution of this Agreement by both parties. Requests for reimbursement shall be submitted to the Missouri Department of Transportation (**MoDOT**) monthly and shall be supported with invoices and documentation that its providers were paid in full for the work performed.

(B) It is understood and agreed by and between the parties that the Commission shall make no reimbursement payment which could cause the aggregate of all payments under this Agreement to exceed three million four hundred eighty thousand eight hundred and fifty-eight (\$3,480,858) as approved by the Commission.

(C) The request for reimbursement must include a construction progress summary that includes an estimated percent complete, list of major items of work completed during the pay period and status of schedule.

(D) Within ninety (90) days of final inspection of the Project funded under this Program, the Entity shall provide to the Commission a final payment request and all financial performance and other reports as required by this Agreement.

(E) If the Commission determines that the Entity was overpaid, the Entity shall remit the amount of overpayment to the Commission.

(F) The Entity must submit reimbursement requests by May 31st of the Program Time Period to ensure reimbursement by the end of the SFY.

(13) EXPENDITURE OF PROGRAM FUNDS: All funds not expended by the Entity at the end of the Program Time Period within this Agreement may be redistributed to another applicant at the discretion of the Commission.

(14) WITHDRAWAL OF PROGRAM OFFER: The Commission reserves the right to amend or withdraw this Program offer at any time prior to acceptance by the Entity.

(15) MAINTENANCE:

(A) Upon completion of construction of this Project, the Entity shall accept maintenance and control of the improved Eastgate Avenue from Le Compte

Avenue to Route YY (Division Street) at no cost or expense whatsoever to the Commission. All obligations of the Commission under this Agreement shall cease upon completion of the Project.

(B) Upon completion of construction of this Project, the Commission will control and maintain the improved intersection of Eastgate Avenue and Route YY (Division Street), and shall thereafter keep, control, and maintain the same as a part of the State Highway System. Any traffic signals, signs, or other traffic control devices installed on Route YY will be turned over to the Commission upon completion of the Project for maintenance. Any aesthetic improvements installed on Route YY and Eastgate Avenue will be the sole responsibility of the Entity for maintenance as agreed to by the parties by a formal written **Missouri Highways and Transportation Maintenance Agreement** signed and approved by the duly authorized representatives of the parties.

(16) ACQUISITION OF RIGHT OF WAY:

(A) The Entity shall acquire any additional necessary right of way required for the 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 the Act.

(B) The Entity shall transfer ownership to the Commission of all right-of-way necessary for proper operation and maintenance of the improved intersection of Eastgate Avenue and Route YY (Division Street) as a part of the State Highway System. The Entity shall take all reasonable actions necessary to ensure marketable title to the right-of-way vests in the Commission.

(17) DESIGN AND CONSTRUCTION SPECIFICATIONS: The Entity agrees that all design and construction work for the proposed Eastgate Avenue from Le Compte Avenue to Route YY (Division Street) Project will be in accordance with policies, procedures, design criteria, design standards, and construction specifications adopted by the Entity for Entity's streets. In absence of such Entity adopted requirements, the Entity shall use Commission requirements for Local Public Agency projects. For work at the intersection of Eastgate Avenue and Route YY (Division Street), the Entity shall prepare preliminary plans, right of way plans, and final plans, specifications, and cost estimate and provide copies for review and approval by the Commission as design of the Project progresses. Any work on the State Highway System shall be in accordance with current Commission policies, procedures, design criteria, and the Missouri Standard Specifications for Highway Construction.

(18) PERMITS: The Entity shall secure any necessary approvals or permits from the Federal Government and the State of Missouri as required to permit the construction and maintenance of the Project.

(19) TRAFFIC CONTROL: The plans shall provide for temporary and permanent traffic control using signs, signals, and markings in accordance with the Manual of Uniform Traffic Control Devices (**MUTCD**).

(20) SOLICITATION FOR BIDS AND CONTRACT AWARD: The Entity shall solicit bids for the Project in accordance with plans developed by the Entity. The Entity shall review all contractor bids received and award the contract to the lowest, responsive, responsible bidder. Prior to awarding the contract, the Entity shall submit the bids to the Commission for review and concurrence. The Entity shall not make any award for the Project without prior written consent of the Commission.

(21) NOTICE TO PROCEED: After award of the construction contract, the Entity shall provide the Commission with copies of the executed construction contract between the Entity and the contractor, the performance and payment bonds, and any other documentation as required by this Agreement. Upon receipt of all necessary documents, the Commission will authorize the Entity to issue a notice to proceed with construction.

(22) CONSTRUCTION PROGRESS AND INSPECTION: The Entity shall provide and maintain adequate, competent, and qualified engineering supervision and construction inspection at the Project site during all stages of the work to ensure that the completed work conforms with the Project plans and specifications. The inspection staff shall utilize construction progress and inspection reports to sufficiently document the work and to document proper payments for completed work. Project oversight by other personnel does not relieve the Entity of this responsibility.

(23) PROMPT PAYMENT: The Commission and the Entity will require all contractors to pay all subcontractors and suppliers for satisfactory performance of services in compliance with section 34.057 RSMo, Missouri's prompt payment statute. Pursuant to section 34.057 RSMo, the Commission and the Entity will also require the prompt return of all retainage held on all subcontractors after the subcontractors' work is satisfactorily completed, as determined by the Entity and the Commission.

(24) AUDIT OF RECORDS: The Entity shall maintain all records relating to this Agreement, including but not limited to bidding documents, construction contracts, construction inspection reports, invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(25) NONDISCRIMINATION CLAUSE: The Entity shall comply with all state and federal statutes applicable to the Entity relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. Sections 2000d and 2000e, *et seq.*); and with any provision of the "Americans with Disabilities Act" (42 U.S.C. Section 12101, *et seq.*).

(26) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the Entity with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Entity.

(27) PROJECT SCHEDULE: The Project schedule is shown on the attachment marked as “**Exhibit D**” and is incorporated herein by reference. Any lack of progress which significantly endangers substantial performance of the Project within the specified time shall be deemed a material breach of this Agreement. The determination of lack of progress shall be solely within the discretion of the Commission. The Commission shall notify the Entity in writing once such a determination is made.

(28) PROJECT ACCEPTANCE AND CERTIFICATION: The Entity shall certify in writing that the Project was completed in accordance with all applicable state and federal laws and applicable construction requirements were met. The certification form is shown on the attachment marked as “**Exhibit E**” and is incorporated herein by reference. This certification will be submitted during the final closeout phase of the Project. The Commission will withhold final payment until certification is received.

(29) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the Entity.

(30) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(31) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(32) NO ADVERSE INFERENCE: This Agreement shall not be construed more strongly against one party or the other. The parties to this Agreement had equal access to, input with respect to, and influence over the provisions of this Agreement. Accordingly, no rule of construction which requires that any allegedly ambiguous provision be interpreted more strongly against one party than the other shall be used in interpreting this Agreement.

(33) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(34) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

(35) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or immediately after delivery in person, or by facsimile or electronic mail addressed as follows:

Commission to: Missouri Department of Transportation
Attn: Stacy Reese
District Engineer
3025 E. Kearney St.
Springfield, MO 65803
Email: stacy.reese@modot.mo.gov

Entity to: Attn: King Coltrin
Project Manager
840 N. Boonville Ave.
Springfield, MO 65802
Email: king.coltrin@springfieldmo.gov

or to such other place as the parties may designate in accordance with this Agreement.

(36) 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.

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

(38) WORK PRODUCT: All documents, reports, exhibits, etc. produced by the Entity at the direction of the Commission and information supplied by the Commission shall remain the property of the Commission.

(39) CONFIDENTIALITY: The Entity shall not disclose to third parties confidential factual matters provided by the Commission except as may be required by statute, ordinance or order of court, or as authorized by the Commission. The Entity shall notify the Commission immediately of any request for such information.

(40) NONSOLICITATION: The Entity warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Entity, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the Commission shall have the right to annul this Agreement without liability, or in its discretion, to deduct from this Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

(41) DISPUTES: Any disputes that arise under this Agreement shall be decided by the Commission or its representative.

(42) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the Entity 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 Entity's wrongful or negligent performance of its obligations under this Agreement.

(B) 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.

(43) INSURANCE: The Entity or the Commission will require any contractor procured to work on or under this Agreement:

(A) 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

(B) 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 Entity shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(44) NOTIFICATION OF CHANGE: The Entity shall immediately notify the Commission of any change in conditions or law which may significantly affect its ability to perform the Project in accordance with the provisions of this Agreement.

(45) ASSIGNMENT: The Entity shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(46) BANKRUPTCY: Upon filing for any bankruptcy or insolvency proceeding by or against the Entity, whether voluntarily, or upon the appointment of a receiver, trustee, or assignee, for the benefit of creditors, the Commission reserves the right and sole discretion to either cancel this Agreement or affirm this Agreement and hold the Entity responsible for damages.

(47) ENTITY RIGHT-OF-WAY: All Project improvements made within Entity-owned right-of-way shall become the Entity's property, and all future alterations, modifications, or maintenance thereof, will be the responsibility of the Entity. The Entity further agrees that the right of way provided for any improvement will be held and maintained inviolate for public highway or street purposes, and will enact and enforce any ordinances or regulations necessary to prohibit the presence of billboards or other advertising signs or devices and the vending or sale of merchandise on such right of way, and will remove or cause to be removed from such right of way any sign, private installation of any nature, or any privately owned object or thing which may interfere with the free flow of traffic or impair the full use and safety of the highway or street.

(48) COMMISSION RIGHT OF WAY: All Project improvements made within Commission-owned right of way shall become the Commission's property, and all future alterations, modifications, or maintenance thereof, will be the responsibility of the Commission unless otherwise agreed to by the parties by a formal written **Missouri Highways and Transportation Maintenance Agreement** signed and approved by the duly authorized representatives of the parties.

(49) STATE WAGE LAWS: The Entity's contractor and its subcontractors shall pay the prevailing hourly rate of wages for each craft or type of worker required to execute this Project work as determined by the Department of Labor and Industrial Relations of Missouri, and they shall further comply in every respect with the minimum wage laws of Missouri. The Entity shall take those acts which may be required to fully inform itself of the terms of, and to comply with, any applicable state wage laws.

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

Executed by the Entity on _____(DATE).

Executed by the Commission on _____ (DATE).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

By _____

Title _____

Title _____

Attest:

Attest:

By _____

Secretary to the Commission

Title _____

Approved as to Form:

Commission Counsel

EXHIBIT A
LOCATION

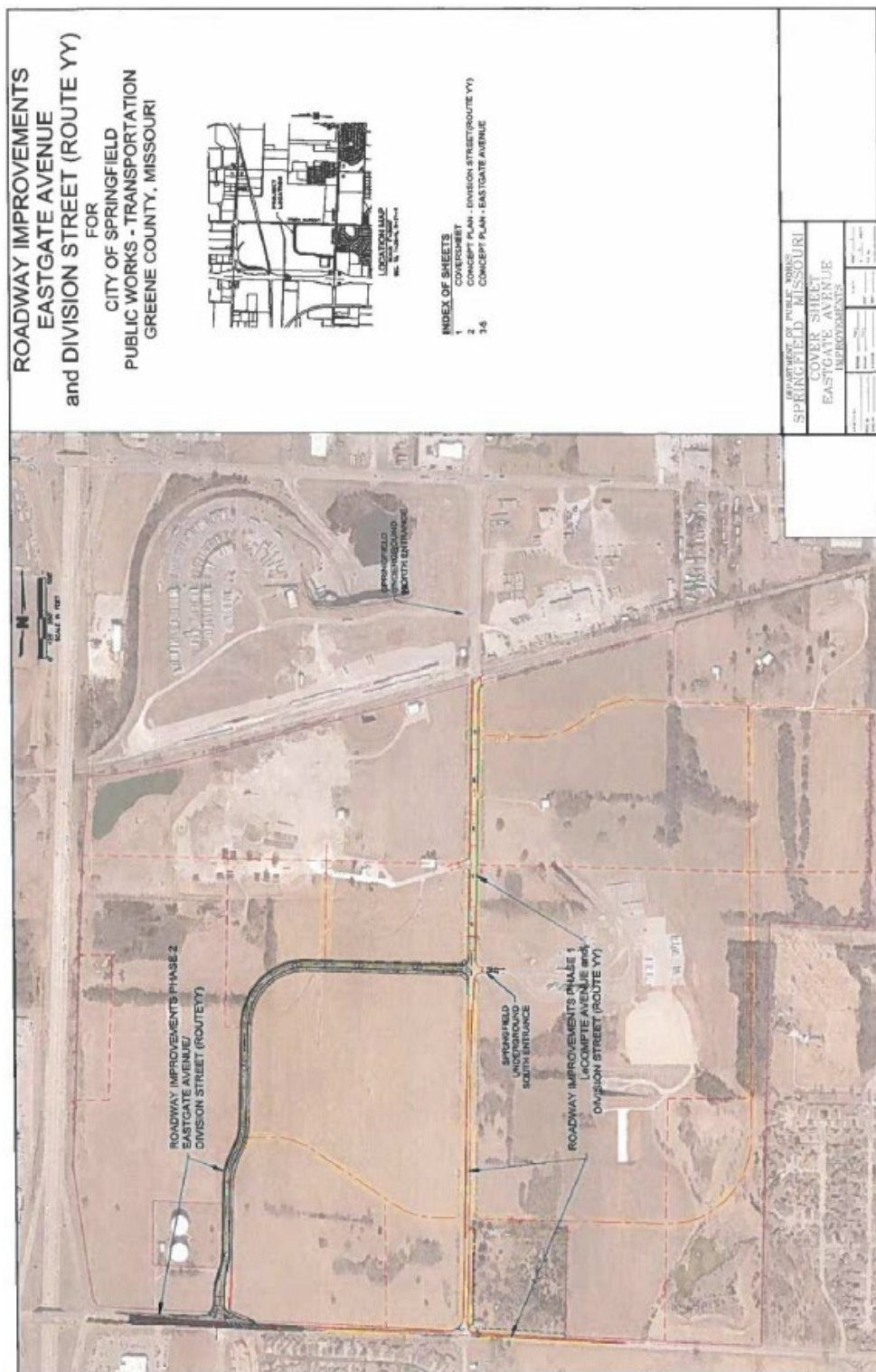


EXHIBIT B
SCOPE OF WORK

- Construction of new three-lane road with curb and gutter and sidewalk from Le Compte Avenue to Route YY (Division Street)
- Roadway to include industrial thickness of base rock and asphalt pavement for truck freight traffic.
- Signalize the intersection of Eastgate Avenue and Route YY (Division Street)

EXHIBIT C

FINANCIAL SUMMARY

Project Name: Eastgate Avenue Extension/Le Compte Avenue Improvements Phase II

Project Number: SNS0015

Description: Extension of Eastgate Avenue from Route YY (Division Street) to LeCompte Avenue and add signal at Route YY (Division Street) and Eastgate Avenue.

Total Construction Contract Cost Estimate: \$4,985,000

Local Entity: City of Springfield

	Current Estimate
Construction	\$4,985,000

Project Responsibilities:

Preliminary Engineering/Design	Entity
Right of Way Acquisition	Entity
Bid Letting and Construction	Entity
Utilities	Entity
Construction Engineering/Inspection	Entity

Financial Responsibilities for Cost Share Eligible:

Governor's Cost Share Funds	\$1,504,143	Total Program Share
Governor's Cost Share Economic Development Funds	\$1,976,715	\$3,480,858
Entity	\$1,504,142	Total Entity Share
		\$1,504,142
Total:	\$4,985,000	

How are overruns and underruns handled?

Commission receives all underruns under \$1,976,715.

Commission and Entity share underruns under \$3,480,858, but over \$1,976,715 equally (50%-50%).

Entity pays all costs over \$3,480,858, including any overruns over current project estimate of \$4,985,000.

EXHIBIT D
PROJECT SCHEDULE

- September 2023 – March 2024 Design and ROW acquisition
- Spring 2024 – Bid Letting
- Spring 2025 – Construction Complete

EXHIBIT E



Missouri Department of Transportation

Certification for Acceptance

Governor's Transportation Cost Share Program

Funding Recipient:					
Address					
City		State		Zip	
Project Identification Number:					
County		Route		Completion Date	
Project Location					
Type of Improvement					
I hereby certify the Governor's Cost share project identified above has been completed in accordance with all state and federal laws and the following requirements have been met: 1. Project field tests were performed in conformity with the governing specifications and the results were in reasonably close conformity with the specifications. 2. The project was constructed substantially in conformity with the plans and specifications. 3. A copy of the Final Invoice and a Final List of Pay Quantities have been submitted to MoDOT. 4. The Funding Recipient has received certification from the Contractor that all lawful claims in connection with the project have been paid and discharged. 5. For projects exceeding \$75,000, all Missouri Prevailing Wage laws were followed and enforced (for a checklist, see Form PW-5 at https://labor.mo.gov/).					
Signed by an Authorized Representative of the Funding Recipient:		_____ Signature _____ (Date)			

Location Map

Exhibit 2



City of Springfield, Missouri GIS

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 3

Budget Adjustment
040

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46120	20	73020	414110	000000	00000	\$ 3,480,858	Missouri Governor's Transportation Cost Share Agreement with the Missouri Highways & Transportation Commission State General Revenue Funds
Net Revenue Adjustment						\$ 3,480,858	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46120	20	73020	509110	000000	00000	\$ 3,480,858	Construction of Eastgate Avenue Extension from Division Street north and east to the Springfield Underground southern entrance on LeCompte Road
Net Expenditure Adjustment						\$ 3,480,858	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2023-24 budget by appropriating Missouri Governor's Transportation Cost Share funds of \$3,480,858 for partial funding of constructing the Eastgate Avenue Extension from Division Street north and east to the Springfield Underground southern entrance on LeCompte Road based on the terms of the related Cost Share Agreement.

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 2023-278 (HORTON)

FILED: 10/31/2023

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance authorizing the City Manager, or his designee, to enter into a Direct Appropriation Project Agreement with the Missouri Highways and Transportation Commission ("MHTC") for the purpose of funding the rehabilitation of the Jefferson Avenue Community Footbridge and to exercise any and all powers necessary to obtain such funding and carry out the identified activities; amending the Fiscal Year 2023-2024 budget of the Department of Public Works in the amount of \$8,000,000 to appropriate State funds; and declaring that this Ordinance qualifies for approval in one reading.

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Direct Appropriation Project Agreement ("Exhibit 1") with the Missouri Highways and Transportation Commission ("MHTC"), for the purpose of funding the rehabilitation of the Jefferson Avenue Community Footbridge and amending the Fiscal Year 2023-2024 budget for the Department of Public Works in the amount of \$8,000,000 to appropriate the State funds for this project; and declaring that this bill qualifies for approval in one reading.

BACKGROUND INFORMATION: The Jefferson Avenue Footbridge was built in 1902 and is on the National Register of Historic Places. The bridge is currently closed and in need of repair before reopening.

The Direct Appropriation Project Agreement provides funding up to \$8,000,000 for project construction. The City will contribute anything above this cost which is currently estimated at approximately \$8,300,000. The City's contribution will be funded from the 1/4-cent Capital Improvements Sales Tax and the 1/8-cent Transportation Sales Tax and is already budgeted.

As this Ordinance is for a state grant contract, 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:
Maurice S. Jones, Deputy City Manager 11/14/2023

Attachments:

1. Jefferson Avenue Footbridge_Ord
2. Jefferson Avenue Footbridge_exh1
3. Jefferson Avenue Footbridge_exh2

One-rdg. X
P. Hrngs.
Pgs. 22
Filed: 11-14-23

Sponsored by: Horton

First Reading:

Second Reading:

COUNCIL BILL 2023-278

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Direct Appropriation
2 Project Agreement with the Missouri Highways and Transportation
3 Commission ("MHTC") for the purpose of funding the rehabilitation of
4 the Jefferson Avenue Community Footbridge and to exercise any and
5 all powers necessary to obtain such funding and carry out the identified
6 activities; amending the Fiscal Year 2023-2024 budget of the
7 Department of Public Works in the amount of \$8,000,000 to
8 appropriate State funds; and declaring that this Ordinance qualifies for
9 approval in one reading.

10
11
12 WHEREAS, the Jefferson Avenue Community Footbridge was built in 1902, is on
13 the National Register of Historic Places, and has been closed for rehabilitation; and
14

15 WHEREAS, the City received two unresponsive bids to the project to rehabilitate
16 Jefferson Avenue Community Footbridge in 2021, each of which exceeded the amount
17 budgeted for the project; and
18

19 WHEREAS, the Missouri General Assembly has appropriated \$8,000,000 in
20 general revenue funds to be expended for the rehabilitation of the Jefferson Avenue
21 Community Footbridge; and
22

23 WHEREAS, the estimated total cost to rehabilitate the Jefferson Avenue
24 Community Footbridge is \$8,300,000; and
25

26 WHEREAS, the City will contribute any funds, above the amount appropriated by
27 the General Assembly, necessary to complete the rehabilitation from the 1/4-cent
28 Capital Improvements Sales Tax and the 1/8-cent Transportation Sales Tax, and said
29 estimated amount is already budgeted.
30

31 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
32 SPRINGFIELD, MISSOURI, as follows, that:
33

34 Section 1 – The City Manager, or his designee, is hereby authorized to accept
35 grant funding in the amount of \$8,000,000 from the MHTC for the purpose of
36 rehabilitating the Jefferson Avenue Community Footbridge, and to do those things
37 necessary to receive and disburse such funds, including entering into an agreement
38 substantially the same as the document attached hereto and incorporated herein by
39 reference as “Exhibit 1.”
40

41 Section 2 – The budget of the City of Springfield for Fiscal Year 2023-2024 is
42 hereby amended in the accounts and in the amounts as shown on Budget Adjustment
43 No. 041, a copy of which is attached hereto and incorporated herein by reference as
44 “Exhibit 2.”
45

46 Section 3 – City Council hereby finds that the budget adjustment made above
47 has been recommended by the City Manager.
48

49 Section 4 – The City Manager is directed to cause the appropriate accounting
50 entries to be made in the books and records of the City.
51

52 Section 5 – City Council hereby finds and declares that this Ordinance may be
53 passed as a one-reading ordinance under City Charter Section 2.16 (25) as it relates to
54 a contract for the acceptance of grant funds from a state or federal agency. Therefore,
55 this 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 _____
67 Approved as to form: _____, Assistant City Attorney
68

69 _____
70 Approved for Council action: _____, City Manager

CCO Form: FS35G
 Approved: 1/20 (MWH)

Revised: 3/23 (RSV)
 Modified: 10/23(RSV)

Entity: City of Springfield
 Project Number/Name: Jefferson
 Avenue Community Footbridge
 MoDOT Project #: SNS0026
 eAgreement #: 2023-08-81274

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

DIRECT APPROPRIATION PROJECT AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the **City of Springfield** (hereinafter, "Entity").

WITNESSETH:

WHEREAS, pursuant to Section 4.447 of Truly Agreed to and Finally Passed House Bill 4 from the 2023 legislative session ("**TAFP HB 4 2023**"), the Missouri General Assembly (**GA**) has appropriated eight million dollars (\$8,000,000) in general revenue funds to the Commission to be expended for the construction of the rehabilitation of the Jefferson Avenue Community Footbridge in Springfield, Missouri; and

WHEREAS, the Commission will administer these Appropriated funds with the understanding that such funds will be used for the purpose of funding the Entity's proposed Project, as further described within TAFP HB 4 2023 and within this Agreement.

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

(1) PURPOSE AND AMOUNT:

(A) The purpose of this Agreement is to coordinate the administration of funds appropriated for the cost of the Entity's proposed Project in accordance with Section 4.447 of TAFP HB 4 2023.

(B) The total amount of this Agreement as provided within TAFP HB 4 2023 is eight million dollars (\$8,000,000). These funds are subject to appropriations made by the GA and gubernatorial release of such funds appropriated to the Commission. The Commission will administer the appropriated funds in an amount not to exceed eight million dollars (\$8,000,000); however, in the event state funds appropriated within TAFP HB 4 2023 are reduced below eight million dollars (\$8,000,000), the Commission will reduce the amount of this Agreement in the same amount.

(C) The designation of this Agreement does not create a lump sum quantity contract, but rather only represents the amount of funding available for reimbursement of eligible Agreement expenses. In no event will the Commission reimburse the Entity for improvements or work that are not actually performed. The release of all funding under this Agreement is subject to review and approval of all Project expenses to ensure that they are eligible Agreement expenses.

(D) These Appropriated funds are for the construction of the rehabilitation of the Jefferson Avenue Community Footbridge. The Entity shall be solely responsible for all ineligible costs.

(2) APPROPRIATED TIME PERIOD: This Agreement provides Appropriated funding for expenditures during State Fiscal Year (**SFY**) 2024 (July 1, 2023 to June 30, 2024). In the event the funds are re-appropriated by the GA into another SFY, the Appropriated time period will automatically be adjusted to reflect the new SFY.

(3) REQUEST FOR RE-APPROPRIATION OF APPROPRIATED FUNDS AND EXTENSION OF TIME FOR COMPLETION OF PROJECT: It is anticipated the eight million (\$8,000,000) provided within of TAFP HB 19 2023 will not be fully expended by June 30, 2024, the end of SFY 2024. Therefore, the Commission will request for the re-appropriation of Appropriated funds and extension of time for completion of the Project. If the re-appropriation is not approved by the GA, the Entity is responsible for completing construction of the Project at the Entity's expense.

(4) LOCATION AND JOB NUMBER: The proposed Project that is the subject of this Agreement is identified as MoDOT job number SNS0026 and 2016PW0014. The Project is contemplated at the following location:

The Jefferson Avenue Community Footbridge, a pedestrian bridge over a BNSF railway yard, providing a pedestrian connection between the intersection of Commercial Street and Jefferson Avenue and Chase Street and Jefferson Avenue.

The general location of the Project is shown on the attachment marked as "**Exhibit A**" and is incorporated herein by reference.

(5) SCOPE OF WORK: The Entity shall undertake and complete the proposed Project described in the Entity's Scope of Work Statement, which is attached and marked as "**Exhibit B**" and is incorporated herein by reference. The Project will be defined by the Entity's Scope of Work Statement. Any proposed changes to the Entity's Scope of Work, during construction of the Project, must be submitted in writing for Commission review and approval before the changes will be considered eligible for participation in the Appropriated.

(6) 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 Entity and the Commission.

(7) 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.

(8) ENTITY REPRESENTATIVE: The Entity's City Manager is designated as the Entity's representative for the purpose of administering the provisions of this Agreement. The Entity's representative may designate by written notice other persons having the authority to act on behalf of the Entity in furtherance of the performance of this Agreement.

(9) PROJECT RESPONSIBILITIES: With regard to Project responsibilities under this Agreement, the parties agree as follows:

(A) The Entity shall be responsible for design of the Project and shall prepare detailed right-of-way and construction plans and specifications.

(B) The Entity shall acquire right-of-way as needed for the Project.

(C) The Entity shall be responsible for letting the Project, which includes advertising the Project for bids and awarding the construction contract. The Entity shall award the contract to the lowest, responsive, responsible bidder. The Commission will review all contractors' bids and concur with the selection of the apparent successful bidder prior to the Entity awarding the construction contract. The Entity will provide a concurrence checklist, included as "**Exhibit C**" in this agreement.

(D) The Entity shall be responsible for construction of the Project, which includes administration of the construction contract.

(E) The Entity shall be responsible for inspection of the Project work and is subject to the Commission's oversight, approval, and acceptance.

(10) FINANCIAL RESPONSIBILITIES: With regard to work under this Agreement, the Entity agrees as follows:

(A) The Appropriated funds are only eligible to be used for the utility relocation, railroad costs, and construction costs, including construction engineering costs, on the Entity's proposed Project in accordance with Section 4.447 of TAFP HB 4 2023. All other Project costs, including expenses prior to execution of this agreement, are ineligible for Appropriated funds and shall be the responsibility of the Entity. The

estimated total cost for the Entity's proposed Project is eight million dollars (\$8,000,000).

(B) The Commission will reimburse one hundred percent (100%) of the total cost not to exceed eight million dollars (\$8,000,000).

(C) The Entity shall be responsible for the balance of the total cost in excess of eight million dollars (\$8,000,000).

(D) The estimated Construction Contract Cost, Project Responsibilities, and Financial Responsibilities are shown in "Exhibit D", which is attached hereto and incorporated herein by reference.

(11) REIMBURSEMENT FOR ELIGIBLE EXPENSES: The Commission will reimburse the Entity as discussed in section (11) for Project expenses based on eligible total costs.

(A) The Entity may request reimbursement for eligible costs incurred at any time subsequent to the execution of this Agreement by both parties. Requests for reimbursement shall be submitted to the Missouri Department of Transportation (**MoDOT**) monthly and shall be supported with invoices and documentation that its providers were paid in full for the work performed.

(B) It is understood and agreed by and between the parties that the Commission shall make no reimbursement payment which could cause the aggregate of all payments under this Agreement to exceed eight million (\$8,000,000) as approved by the Commission.

(C) The request for reimbursement must include documentation of the incurred costs.

(D) Within ninety (90) days of final inspection of the Project funded under this Appropriated, the Entity shall provide to the Commission a final reimbursement request and all financial performance and other reports as required by this Agreement.

(E) If the Commission determines that the Entity was overpaid, the Entity shall remit the amount of overpayment to the Commission.

(F) The Entity must submit reimbursement requests by May 31st of the Appropriated Time Period to ensure reimbursement by the end of the SFY.

(12) WITHDRAWAL OF APPROPRIATED OFFER: The Commission reserves the right to amend or withdraw this Appropriated offer at any time prior to acceptance by the Entity.

(13) MAINTENANCE: Upon completion of construction of this Project, the Entity shall accept maintenance and control of the improvements at no cost or expense

whatsoever to the Commission. The Entity shall operate the pedestrian bridge as a public facility and maintain the facility in a safe and accessible condition. All obligations of the Commission under this Agreement shall cease upon completion of the Project.

(14) DESIGN AND CONSTRUCTION SPECIFICATIONS: The Entity agrees that all design and construction work for the proposed Project will be in accordance with policies, procedures, design criteria, design standards, and construction specifications adopted by the Entity for Entity's streets. In absence of such Entity adopted requirements, the Entity shall use Commission requirements for Local Public Agency projects. Any work on the State Highway System shall be in accordance with current Commission policies, procedures, design criteria, and the Missouri Standard Specifications for Highway Construction.

(15) PERMITS: The Entity shall secure any necessary approvals or permits from the Federal Government, the State of Missouri, Railroad, or applicable Local Public Agency as required to permit the construction and maintenance of the contemplated improvements.

(16) TRAFFIC CONTROL: The plans shall provide for temporary and permanent traffic control using signs, signals, and markings in accordance with the Manual of Uniform Traffic Control Devices (**MUTCD**).

(17) SOLICITATION FOR BIDS AND CONTRACT AWARD: The Entity shall solicit bids for the Project in accordance with plans developed by the Entity, or as the plans may from time to time be modified in order to carry out the work as contemplated. The Entity shall review all contractor bids received and award the contract to the lowest, responsive, responsible bidder. Prior to awarding the contract, the Entity shall obtain concurrence in award from the Commission. The Entity shall not make any award for the project without prior written consent of the Commission.

(18) NOTICE TO PROCEED: After award of the construction contract, the Entity shall provide the Commission with copies of the executed construction contract between the Entity and the contractor, the performance and payment bonds, and any other documentation as required by this Agreement. Upon receipt of all necessary documents, the Commission will authorize the Entity to issue a notice to proceed with construction.

(19) CONSTRUCTION PROGRESS AND INSPECTION: The Entity shall provide and maintain adequate, competent, and qualified engineering supervision and construction inspection at the Project site during all stages of the work to ensure that the completed work conforms with the Project plans and specifications. The inspection staff shall utilize construction progress and inspection reports to sufficiently document the work and to document proper payments for completed work. Documentation of materials testing and certifications completed shall be included. Project oversight by other personnel does not relieve the Entity of this responsibility.

(20) PROMPT PAYMENT: The Commission and the Entity will require all contractors to pay all subcontractors and suppliers for satisfactory performance of services in compliance with section 34.057 RSMo, Missouri's prompt payment statute. Pursuant to section 34.057 RSMo, the Commission and the Entity will also require the prompt return of all retainage held on all subcontractors after the subcontractors' work is satisfactorily completed, as determined by the Entity and the Commission.

(21) AUDIT OF RECORDS: The Entity shall maintain all records relating to this Agreement, including but not limited to bidding documents, construction contracts, construction inspection reports, invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(22) NONDISCRIMINATION CLAUSE: The Entity shall comply with all state and federal statutes applicable to the Entity relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964 as amended (42 U.S.C. §2000d and §2000e, *et seq.*); and with any provision of the "Americans with Disabilities Act" (42 U.S.C. §12101, *et seq.*).

(23) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the Entity with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Entity.

(24) PROJECT SCHEDULE: The Project schedule is shown on the attachment marked as "**Exhibit E**" and is incorporated herein by reference. Any lack of progress which significantly endangers substantial performance of the Project within the specified time shall be deemed a material breach of this Agreement. The determination of lack of progress shall be solely within the discretion of the Commission. The Commission shall notify the Entity in writing once such a determination is made.

(25) PROJECT ACCEPTANCE AND CERTIFICATION: The Entity shall certify in writing that the project was completed in accordance with all applicable state and federal laws and applicable construction requirements were met. The certification form is shown on the attachment marked as "**Exhibit F**" and is incorporated herein by reference. This certification will be submitted during the final closeout phase of the Project. The Commission will withhold final payment until certification is received.

(26) ENTITY RIGHT OF WAY: All Project improvements made within Entity-owned right-of-way shall become the Entity's property, and all future alterations, modifications, or maintenance thereof, will be the responsibility of the Entity. The Entity further agrees that the right-of-way provided for any improvement will be held and

maintained inviolate for public purposes, and will enact and enforce any ordinances or regulations necessary to prohibit the presence of billboards or other advertising signs or devices and the vending or sale of merchandise on such right-of-way, and will remove or cause to be removed from such right-of-way any sign, private installation of any nature, or any privately owned object or thing which may interfere with the free flow of traffic or impair the full use and safety of the pedestrian facility.

(27) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the Entity.

(28) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(29) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(30) NO ADVERSE INFERENCE: This Agreement shall not be construed more strongly against one party or the other. The parties to this Agreement had equal access to, input with respect to, and influence over the provisions of this Agreement. Accordingly, no rule of construction which requires that any allegedly ambiguous provision be interpreted more strongly against one party than the other shall be used in interpreting this Agreement.

(31) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(32) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

(33) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or immediately after delivery in person, or by facsimile or electronic mail addressed as follows:

Commission to: Missouri Department of Transportation
Attn: Stacy Reese
Southwest District Engineer
3025 E. Kearney St.
Springfield, MO 65803
Email: stacy.reese@modot.mo.gov

Entity to: City of Springfield
Attn: Jason Gage
City Manager
840 N. Boonville Ave.
Springfield, MO 65802
Email: jgage@springfieldmo.gov

or to such other place as the parties may designate in accordance with this Agreement.

(34) 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.

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

(36) WORK PRODUCT: All documents, reports, exhibits, etc. produced by the Entity at the direction of the Commission and information supplied by the Commission shall remain the property of the Commission.

(37) CONFIDENTIALITY: The Entity shall not disclose to third parties confidential factual matters provided by the Commission except as may be required by statute, ordinance or order of court, or as authorized by the Commission. The Entity shall notify the Commission immediately of any request for such information.

(38) NONSOLICITATION: The Entity warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Entity, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the Commission shall have the right to annul this Agreement without liability, or in its discretion, to deduct from this Agreement price or consideration, or otherwise recover, the full amount of such fee,

commission, percentage, brokerage fee, gift or contingent fee.

(39) DISPUTES: Any disputes that arise under this Agreement shall be decided by the Commission or its representative.

(40) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the Entity 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 Entity's wrongful or negligent performance of its obligations under this Agreement.

(B) 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.

(41) INSURANCE: The Entity or the Commission will require any contractor procured to work on or under this Agreement:

(A) 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

(B) 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 Entity shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(42) NOTIFICATION OF CHANGE: The Entity shall immediately notify the Commission of any change in conditions or law which may significantly affect its ability to perform the Project in accordance with the provisions of this Agreement.

(43) ASSIGNMENT: The Entity shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(44) BANKRUPTCY: Upon filing for any bankruptcy or insolvency proceeding

by or against the Entity, whether voluntarily, or upon the appointment of a receiver, trustee, or assignee, for the benefit of creditors, the Commission reserves the right and sole discretion to either cancel this Agreement or affirm this Agreement and hold the Entity responsible for damages.

(45) STATE WAGE LAWS: The Entity's contractor and its subcontractors shall pay the prevailing hourly rate of wages for each craft or type of worker required to execute this Project work as determined by the Department of Labor and Industrial Relations of Missouri, and they shall further comply in every respect with the minimum wage laws of Missouri. The Entity shall take those acts which may be required to fully inform itself of the terms of, and to comply with, any applicable state wage laws.

*Remainder of Page Intentionally Left Blank; Signatures and Execution Appear
On Following Page.*

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

Executed by the Entity on _____(DATE).

Executed by the Commission on _____ (DATE).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

By _____

Title _____

Title _____

Attest:

Attest:

By _____

Secretary to the Commission

Title _____

Approved as to Form:

Commission Counsel

EXHIBIT A LOCATION



EXHIBIT B

SCOPE OF WORK

- Rehabilitate bridge: replacement of steel, bridge painting
- Installation of elevators for ADA compliance
- Construct new sidewalk connections to north side of bridge.
- Utility relocations and railroad flagging
- Construction Engineering

EXHIBIT C CONCURRENCE CHECKLIST

BID CONCURRENCE CHECKLIST		
Cover Letter	The cover letter from the sponsor requesting MoDOT concurrence in award should indicate the following:	
	The bid opening date and the number of bids received	☐
	The legal name of the contractor to whom the entity is requesting to the award bid	☐
	The requested construction award amount	☐
	If applicable, the project to be awarded (ie: base project only or base with the number of add alternates)	☐
	Whether the contractors were required to be pre-qualified (and if the low and second low bidders were qualified)	☐
	Whether any bidders were declared non-responsive/irregular and the reason for the declaration	☐
	If not low bid, describe evaluation process to select the winning contractor.	☐
	Whether the Entity had any required submittals, such as sub-contractor disclosures, beyond what is listed below, and whether the submittals were received in the appropriate timeframe	☐
	The letter must include the following certification statement:: "I hereby certify the Governor's Direct Appropriation Project identified above has been advertised, bid, and awarded in accordance with all state laws, regulations, and requirements."	
Bid Documents	In addition to the cover letter, the request for MoDOT's concurrence in award should be comprised of the following:	
	A tabulation of all bids received and the Entity's engineer's estimate shown for comparison (preferably with any items inconsistent with the submitted bid indicated)	☐
	The tabulation of bids must include itemized bid subtotals for all contract bid items.	☐
	Itemized bid forms, including the signature page, from the lowest and second lowest bidders. The signature should be that of someone with the authority to enter the company into a legally binding contract and in accordance with the bid documents.	☐
	Documentation showing proof that the project was advertised for 21 days. We encourage these projects to be advertised on the LPA website.	☐
	Verification that ALL bidders received all addendums issued for the project.	☐

EXHIBIT D
FINANCIAL SUMMARY

Project Name: Jefferson Avenue Community Footbridge Rehabilitation

Project Number: SNS0026

Description: Rehabilitation of the Jefferson Avenue Footbridge, ADA accommodations and installation of elevators, sidewalk connections.

Total Project Cost Estimate: \$8,303,891 (excluding completed phases)

Local Entity: City of Springfield

Project Responsibilities:

Preliminary Engineering/Design	Entity (complete)
Right of Way Acquisition	Entity (complete)
Bid Letting and Construction	Entity
Utilities	Entity
Construction Engineering/Inspection	Entity

Financial Responsibilities for Cost Share Eligible:

Preliminary Engineering and Design	complete	Total Program Share
ROW Acquisition	complete	\$8,000,000
Utility and Railroad Costs	\$497,659	
Construction Contract	\$7,149,280	Total Entity Share
Construction Engineering	\$656,952	\$303,891*
Total:	\$8,303,891	

How are overruns and underruns handled?

City will be responsible for all project costs over \$8,000,000

Commission (State of Missouri) will receive any costs savings under \$8,000,000

City has expended approximately \$550,000 in Design and ROW costs to date for completed design and right-of-way acquisition. These project phases are not eligible for funding under this agreement.

EXHIBIT E
PROJECT SCHEDULE

Design – Complete

ROW Acquisition – Complete

Bid Letting – Winter 2024

Construction – complete by Spring 2025

EXHIBIT F



Missouri Department of Transportation

Certification for Acceptance

Governor's Transportation Cost Share Program

Funding Recipient:					
Address					
City		State		Zip	
Project Identification Number:					
County		Route		Completion Date	
Project Location					
Type of Improvement					
I hereby certify the Governor's Cost share project identified above has been completed in accordance with all state and federal laws and the following requirements have been met: 1. Project field tests were performed in conformity with the governing specifications and the results were in reasonably close conformity with the specifications. 2. The project was constructed substantially in conformity with the plans and specifications. 3. A copy of the Final Invoice and a Final List of Pay Quantities have been submitted to MoDOT. 4. The Funding Recipient has received certification from the Contractor that all lawful claims in connection with the project have been paid and discharged. 5. For projects exceeding \$75,000, all Missouri Prevailing Wage laws were followed and enforced (for a checklist, see Form PW-5 at https://labor.mo.gov/).					
Signed by an Authorized Representative of the Funding Recipient:		_____ Signature _____ (Date)			

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment
041

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46120	20	73020	414110	102266	00000	\$ 8,000,000	Direct Appropriation Project Agreement with the Missouri Highways & Transportation Commission - State General Revenue Funds
Net Revenue Adjustment						\$ 8,000,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46120	20	73020	509110	102266	00000	\$ 8,000,000	Jefferson Avenue Community Footbridge Repairs
Net Expenditure Adjustment						\$ 8,000,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2023-24 budget by appropriating \$8,000,000 of State of Missouri General Revenue Funds for repairs to the Jefferson Avenue Community Footbridge based on the terms of the related Direct Appropriation Project Agreement. Project costs exceeding \$8,000,000, if any, will be funded by the 1/4-cent Capital Improvement Sales Tax and 1/8-cent Transportation Sales Tax from funds that are already budgeted for this 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 2023-279 (LEE)

FILED: 11/01/2023

ORIGINATING DEPARTMENT: Health

TITLE: A special ordinance authorizing the City Manager, or his designee, to accept additional COVID-19 and Adult Vaccination Supplemental Grant funds from the Federal Department of Health and Human Services Centers for Disease Control and Prevention through the Missouri Department of Health and Senior Services, in the amount of \$296,870, for use by the Springfield-Greene County Health Department in maintaining a public health workforce and ensuring access to COVID-19 vaccinations and to enter into necessary agreements to carry out the grant; amending the Fiscal Year 2023-2024 budget in the amount of \$296,870 for the purpose of appropriating the grant funds; and declaring that this Ordinance qualifies for approval in one reading.

PURPOSE: Authorizing the City Manager, or his designee, to accept additional COVID-19 and Adult Vaccination Supplemental Grant funds from the Federal Department of Health and Human Services Centers for Disease Control and Prevention through the Missouri Department of Health and Senior Services in the amount of \$296,870 for use by the Springfield-Greene County Health Department in maintaining a public health workforce to ensure access to COVID-19 vaccinations and to enter into necessary agreements to carry out the grant; amending the Fiscal Year 2023-2024 budget in the amount of \$296,870 for the purpose of appropriating the grant funds; and declaring that this bill qualifies for approval in one reading.

BACKGROUND INFORMATION: The Springfield-Greene County Health Department ("SGCHD") has the opportunity to accept additional COVID-19 and Adult Vaccination Supplemental grant funds from the Federal Department of Health and Human Services Centers for Disease Control and Prevention ("CDC"), through the Missouri Department of Health and Senior Services ("DHSS"). Springfield City Council previously accepted COVID-19 and Adult Vaccination Supplemental Grant funding of \$197,913 on June 28, 2021 (Ordinance 27528), \$331,225 on October 18, 2021 (Ordinance 27590), and \$296,400 on December 23, 2021 (Ordinance 27620)

The additional funding from DHSS will continue to be used by SGCHD to support staff salaries necessary to maintain a public health workforce, ensuring access to COVID-19 and other vaccines for underserved and high-risk communities through local outreach, collaborative partnerships, and vaccination clinics.

This budget adjustment accepts the increase in funds and budgets the amount of \$296,870.00 in expenditures in the SGCHD Fiscal Year 2023-2024.

This Ordinance authorizes the acceptance of grant funds from the state or federal



government and may be passed as a one-reading ordinance pursuant to City Charter Section 2.16(25).

REMARKS: The Springfield-Greene County Health Department recommends approval of this Council bill and budget adjustment appropriating the grant funds.

Submitted By: Brad Stulce, Public Health Resource Manager

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Collin Quigley, Deputy City Manager 11/6/2023

Attachments:

1. COVID-19 and Adult Vaccination Grant Amendment_Ord
2. Ex. A - COVID-19 and Adult Vaccination Amendment BA

One-rdg. X
P. Hrngs.
Pgs. 5
Filed: 11-14-23

Sponsored by: Lee

First Reading: Second Reading:

COUNCIL BILL 2023-279 SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept additional COVID-19
2 and Adult Vaccination Supplemental Grant funds from the Federal
3 Department of Health and Human Services Centers for Disease
4 Control and Prevention through the Missouri Department of Health
5 and Senior Services, in the amount of \$296,870, for use by the
6 Springfield-Greene County Health Department in maintaining a public
7 health workforce and ensuring access to COVID-19 vaccinations and
8 to enter into necessary agreements to carry out the grant; amending
9 the Fiscal Year 2023-2024 budget in the amount of \$296,870 for the
10 purpose of appropriating the grant funds; and declaring that this
11 Ordinance qualifies for approval in one reading.
12 _____
13

14 WHEREAS, the Springfield-Greene County Health Department (“SGCHD”) has
15 the opportunity to accept \$296,870 in additional COVID-19 and Adult Vaccination
16 Supplemental Grant funds from the Federal Department of Health and Human Services
17 Centers for Disease Control and Prevention (“CDC”) through the Missouri Department
18 of Health and Senior Services (“DHSS”); and
19

20 WHEREAS, Springfield City Council previously accepted COVID-19 and Adult
21 Vaccination Supplemental Grant funding of \$197,913 on June 28, 2021 (Special
22 Ordinance 27528), \$331,225 on October 18, 2021 (Special Ordinance 27590), and
23 \$296,400 on December 23, 2021 (Special Ordinance 27620); and
24

25 WHEREAS, the additional funding from DHSS will continue to be used by
26 SGCHD to support staff salaries necessary to maintain a public health workforce,
27 ensuring access to COVID-19 and other vaccines for underserved and high-risk
28 communities through local outreach, collaborative partnerships, and vaccination clinics.
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 \$296,870 and to execute contracts, on forms approved by
35 the City Attorney, necessary to carry out the intent of this grant.
36

37 Section 2 – The Fiscal Year 2023-2024 budget of the Springfield-Greene County
38 Health Department is hereby amended in the accounts and in the amounts as shown on
39 Budget Adjustment No. 042, a copy of which is attached hereto and incorporated herein
40 by reference as “Exhibit A.”
41

42 Section 3 – City Council finds that the budget adjustment made above has been
43 recommended by the City Manager.
44

45 Section 4 – The City Manager is directed to cause the appropriate accounting
46 entries to be made in the books and records of the City. In the event additional funding
47 is provided under this grant by the grantor, the Director of Finance is hereby authorized
48 to adjust this appropriation by an amount not to exceed 20 percent.
49

50 Section 5 – City Council hereby finds and declares that this Ordinance may be
51 passed as a one-reading ordinance under City Charter Section 2.16(25) as it relates to
52 a contract for the acceptance of grant funds from a state or federal agency. Therefore,
53 this Ordinance shall be in full force and effect from and after passage.
54
55

56 Passed at meeting: _____
57

58 _____
59 Mayor
60

61 Attest: _____, City Clerk
62

63 Filed as Ordinance: _____
64

65
66 Approved as to form: Mary B. Bozarth, Assistant City Attorney
67

68
69 Approved for Council action: Jason A. Hays, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
042

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
27270	11	50010	416010	103246		\$ 296,870	Additional funds for COVID-19 & Adult Vaccination
Net Revenue Adjustment						\$ 296,870	

Expenditures:

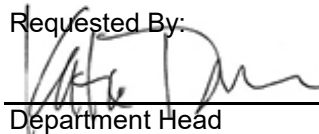
Fund	Dept	Org	Account	P&G	Location	Amount	Description
27270	11	50010	500110	103246		\$ 296,870	Salary
Net Expenditure Adjustment						\$ 296,870	

Fund Balance Appropriation:

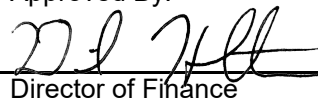
Fund	Title	Amount

Explanation: To amend the FY24 budget by appropriating grant funds from the CDC to continue COVID vaccine efforts.

Requested By:


Department Head 11-14-2023
Date

Approved By:


Director of Finance 11-14-2023
Date

Authorization:

Council Bill No. 2023-279
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2023-280 (CARROLL)

FILED: 11/01/2023

ORIGINATING DEPARTMENT: Health

TITLE: A special ordinance authorizing the City Manager, or his designee, to approve a reallocation of American Rescue Plan Act funds in the amount of \$637,049 from the City of Springfield's Planning Department to the Springfield-Greene County Health Department for use in implementing and operating the Family Connects Program to offer no-cost home visits to parents of newborns in Greene County, Missouri; and amending the Fiscal Year 2023-2024 budget in the amount of \$637,049 to re-appropriate the funds.

PURPOSE: Authorizing the City Manager, or his designee, to approve a reallocation of American Rescue Plan Act funds in the amount of \$637,049 from the City of Springfield's Planning Department to the Springfield-Greene County Health Department for use in implementing and operating the Family Connects Program to offer no-cost home visits to parents of newborns in Greene County, Missouri; and amending the Fiscal Year 2023-2024 budget in the amount of \$637,049 to re-appropriate the funds.

BACKGROUND INFORMATION: The Springfield-Greene County Health Department ("SGCHD") has the opportunity to accept a reallocation of American Rescue Plan Act ("ARPA") funding in the amount of \$637,049 from the City of Springfield's Planning Department. The ARPA funds were originally awarded to the Planning Department in conjunction with Jordan Valley Community Health Center's ("Jordan Valley") application to implement and operate the Family Connects Program ("Family Connects") in Greene County. Now that Jordan Valley has transferred this program to SGCHD, the ARPA funding will be used to support SGCHD's implementation and operation of Family Connects.

Family Connects identifies and aligns community services that support families and young children, resulting in improved communication and continuity across service providers. Through this alignment, Family Connects also identifies gaps between family needs and available community resources. Family Connects aims to reach at least 60 to 70 percent of families with newborns in each community it serves. Through Family Connects, SGCHD will offer newborn and postpartum health assessments to systematically assess family needs, provide supportive guidance, and link Greene County families to community resources, as needed and desired.

Pursuant to City Charter Section 5.17, the City Manager, with the approval of the Council and upon the recommendation of a department or agency head, may transfer any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within an office, department, or agency. This budget adjustment



accepts the reallocation in funding and budgets between the City of Springfield Planning Department to SGCHD in the amount of \$637,049 for expenditures in the SGCHD Fiscal Year 2023-2024.

REMARKS: The Springfield-Greene County Health Department recommends approval of this Council bill and budget adjustment appropriating the funds.

Submitted By: Brad Stulce, Public Health Resource Manager

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

Collin Quigley, Deputy City Manager 11/6/2023

Attachments:

1. ARPA Funding Reallocation for Family Connects_Ord
2. Exh A - ARPA Funding Reallocation BA

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 11-14-23

Sponsored by: Carroll

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-280

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to approve a reallocation of
2 American Rescue Plan Act funds in the amount of \$637,049 from the
3 City of Springfield's Planning Department to the Springfield-Greene
4 County Health Department for use in implementing and operating the
5 Family Connects Program to offer no-cost home visits to parents of
6 newborns in Greene County, Missouri; and amending the Fiscal Year
7 2023-2024 budget in the amount of \$637,049 to re-appropriate the
8 funds.
9 _____

10
11 WHEREAS, the Springfield-Greene County Health Department ("SGCHD") seeks
12 to accept a reallocation of American Rescue Plan Act ("ARPA") funding in the amount of
13 \$637,049 from the City of Springfield's Planning Department; and
14

15 WHEREAS, the ARPA funds were originally awarded to the Planning Department
16 in conjunction with Jordan Valley Community Health Center's ("Jordan Valley")
17 application to implement and operate the Family Connects Program ("Family Connects")
18 in Greene County, and now that Jordan Valley has transferred this program to SGCHD,
19 the ARPA funding will be used to support SGCHD's implementation and operation of
20 Family Connects; and
21

22 WHEREAS, Family Connects identifies and aligns community services that
23 support families and young children, resulting in improved communication and continuity
24 across service providers. Family Connects aims to reach at least 60 to 70 percent of
25 families with newborns in each community it serves; and
26

27 WHEREAS, through Family Connects, SGCHD will offer newborn and
28 postpartum health assessments to systematically assess family needs, provide
29 supportive guidance, and link Greene County families to community resources, as
30 needed and desired.
31

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

34 Section 1 – The City Manager, or his designee, is hereby authorized to reallocate
35 \$637,049 in ARPA funding from the City’s Planning Department to the Springfield-
36 Greene County Health Department.
37

38 Section 2 – The Fiscal Year 2023-2024 budgets of the Planning Department and
39 Springfield-Greene County Health Department are hereby amended in the accounts and
40 in the amounts as shown on Budget Adjustment No. 043, a copy of which is attached
41 hereto and incorporated herein by reference as “Exhibit A.”
42

43 Section 3 – City Council finds that the budget adjustment made above has been
44 recommended by the City Manager.
45

46 Section 4 – The City Manager is directed to cause the appropriate accounting
47 entries to be made in the books and records of the City.
48

49 Section 5 – This Ordinance shall be in full force and effect from and after
50 passage.
51

52
53 Passed at meeting: _____
54

55 _____
56 Mayor
57

58 Attest: _____, City Clerk
59

60 Filed as Ordinance: _____
61

62
63 Approved as to form: Mary B. Bozarth, Assistant City Attorney
64

65
66 Approved for Council action: Jason A. Hays, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
043

Revenues:

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

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22520	11	18050	500110	103246		\$ 637,049	Move ARPA funds to Health from Planning for the Family
22520	17	18050	504580	103246		(637,049)	Connects program.
Net Expenditure Adjustment						\$ -	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY24 budget to move ARPA funds from Planning to Health to be used for the Family Connects program.

Requested By:

 11-14-2023
Department Head Date

Approved By:

 11-14-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-280
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2023-281 (HOSMER)

FILED: 11/01/2023

ORIGINATING DEPARTMENT: Health

TITLE: A special ordinance authorizing the City Manager, or his designee, to accept supplies, equipment, software, and paid services with a combined value of \$219,411 from the Jordan Valley Community Health Center for use by the Springfield-Greene County Health Department to implement the Family Connects Program and to enter into necessary agreements to carry out the transfer.

PURPOSE: Authorizing the City Manager, or his designee, to accept supplies, equipment, software, and paid services with a combined value of \$219,411 from the Jordan Valley Community Health Center for use by the Springfield-Greene County Health Department to implement the Family Connects Program to offer no-cost home visits to parents of newborns in Greene County, Missouri and to enter into necessary agreements to carry out the transfer.

BACKGROUND INFORMATION: The Springfield-Greene County Health Department ("SGCHD") has the opportunity to accept supplies, equipment, and paid services with a combined value of \$219,411 from Jordan Valley Community Health Center ("Jordan Valley") in relation to Jordan Valley's transfer of the implementation and operation of the Family Connects Program to SGCHD.

The transferred supplies include items for home health visits such as thermometers, stethoscopes, and digital scales, with a total value of \$41,562. The equipment includes laptop computers with a total value of \$7,500. The services include a cross-sector collaboration resource, advertising resources, and an implementation service fee with a total value of \$170,349.

The accepted supplies, equipment, and services will be used to support the implementation and operation of the Family Connects Program, which identifies and aligns community services that support families and young children, resulting in improved communication and continuity across service providers. Through this alignment, the Family Connects Program also identifies gaps between family needs and available community resources. Family Connects aims to reach at least 60 to 70 percent of families with newborns in each community it serves. Through the Family Connects Program, SGCHD will offer newborn and postpartum health assessments to systematically assess family needs, provide supportive guidance, and link Greene County families to community resources, as needed and desired.

REMARKS: The Springfield-Greene County Health Department recommends approval of this Council bill.



Submitted By: Brad Stulce, Public Health Resource Manager

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Collin Quigley, Deputy City Manager 11/6/2023

Attachments: 1. Family Connects Supplies, Equipment, and Services
Transfer_Ord

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 11-14-23

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-281

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept supplies, equipment,
2 software, and paid services with a combined value of \$219,411 from
3 the Jordan Valley Community Health Center for use by the
4 Springfield-Greene County Health Department to implement the
5 Family Connects Program and to enter into necessary agreements to
6 carry out the transfer.
7 _____
8

9 WHEREAS, the Springfield-Greene County Health Department ("SGCHD") has
10 the opportunity to accept supplies, equipment, and paid services with a collective value
11 of \$219,411 from Jordan Valley Community Health Center ("Jordan Valley") in relation
12 to Jordan Valley's transfer of the implementation and operation of the Family Connects
13 Program to SGCHD; and
14

15 WHEREAS, transferred supplies include items for home health visits such as
16 thermometers, stethoscopes, and digital scales, with a total value of \$41,562. The
17 equipment includes laptop computers with a total value of \$7,500. The services include
18 a cross-sector collaboration resource, advertising resources, and an implementation
19 service fee with a total value of \$170,349; and
20

21 WHEREAS, the accepted supplies, equipment, and services will be used to
22 support SGCHD's implementation and operation of the Family Connects Program,
23 which identifies and aligns community services that support families and young children,
24 resulting in improved communication and continuity across service providers, identifies
25 gaps between family needs and available community resources, and aims to reach 60
26 to 70 percent of families with newborns in each community it serves; and
27

28 WHEREAS, through the Family Connects Program, SGCHD will offer newborn
29 and postpartum health assessments to systematically assess family needs, provide
30 supportive guidance, and link Greene County families to community resources, as
31 needed and desired.
32

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

36 Section 1 – The City Manager, or his designee, is hereby authorized to accept
37 supplies, equipment, and paid services with a collective value of \$219,411 from Jordan
38 Valley Community Health Center and to execute contracts necessary to carry out the
39 intent of this transfer, provided said contracts are on forms approved by the City
40 Attorney.
41

42 Section 2 – This Ordinance shall be in full force and effect from and after
43 passage.
44

45 Passed at meeting: _____
46

47 _____
48 Mayor
49

50 Attest: _____, City Clerk
51

52 Filed as Ordinance: _____
53

54
55 Approved as to form: Mary B. Bozart, Assistant City Attorney
56

57
58 Approved for Council action: Jason A. Hage, City Manager



EXPLANATION TO COUNCIL BILL 2023-282 (HARDINGER)

FILED: 11/02/2023

ORIGINATING DEPARTMENT: Health

TITLE: A special ordinance authorizing the City Manager, or his designee, to accept a grant from the Missouri Foundation for Health in the amount of \$600,000 for use by the Springfield-Greene County Health Department to implement the Family Connects Program to offer no-cost home visits to parents of newborns in Greene County, Missouri and to enter into necessary agreements to carry out the grant; and amending the Fiscal Year 2023-2024 budget in the amount of \$600,000 to appropriate the grant funds.

PURPOSE: Authorizing the City Manager, or his designee, to accept a Missouri Foundation for Health grant in the amount of \$600,000 for use by the Springfield-Greene County Health Department to implement the Family Connects Program to offer no-cost home visits to parents of newborns in Greene County, Missouri and to enter into necessary agreements to carry out the grant; and amending the Fiscal Year 2023-2024 budget in the amount of \$600,000 to appropriate the grant funds.

BACKGROUND INFORMATION: The Springfield-Greene County Health Department ("SGCHD") has the opportunity to accept a \$600,000 grant from the Missouri Foundation for Health ("MFH"), a Missouri non-profit corporation. MFH will provide \$200,000 annually for the Family Connects Program. The funding is renewable for an additional two years, for a total of \$600,000. This funding will be used to support the implementation and operation of the Family Connects Program, which identifies and aligns community services that support families and young children, resulting in improved communication and continuity across service providers. Through this alignment, the Family Connects Program also identifies gaps between family needs and available community resources. Family Connects aims to reach at least 60 to 70 percent of families with newborns in each community it serves. Through the Family Connects Program, SGCHD will offer newborn and postpartum health assessments to systematically assess family needs, provide supportive guidance, and link Greene County families to community resources, as needed and desired.

This budget adjustment accepts the increase in funds and budgets the amount of \$600,000 in expenditures in the SGCHD Fiscal Year 2023-2024.

REMARKS: The Springfield-Greene County Health Department recommends approval of this Council bill and budget adjustment appropriating the grant funds.

Submitted By: Brad Stulce, Public Health Resource Manager



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

Collin Quigley, Deputy City Manager 11/6/2023

Attachments:

1. Missouri Foundation for Health Family Connects Grant_Ord
2. Exh A - MFH Grant BA

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 11-14-23

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-282

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept a grant from the
2 Missouri Foundation for Health in the amount of \$600,000 for use by
3 the Springfield-Greene County Health Department to implement the
4 Family Connects Program to offer no-cost home visits to parents of
5 newborns in Greene County, Missouri and to enter into necessary
6 agreements to carry out the grant; and amending the Fiscal Year
7 2023-2024 budget in the amount of \$600,000 to appropriate the grant
8 funds.
9 _____

10
11 WHEREAS, the Springfield-Greene County Health Department ("SGCHD") has
12 the opportunity to accept \$600,000 in funding from the Missouri Foundation for Health
13 ("MFH"), a Missouri non-profit corporation. MFH will provide \$200,000 annually for the
14 Family Connects Program. The funding is renewable for an additional two years, for a
15 total of \$600,000; and
16

17 WHEREAS, this funding will be used to support the implementation and
18 operation of the Family Connects Program, which identifies and aligns community
19 services that support families and young children, resulting in improved communication
20 and continuity across service providers. Through this alignment, the Family Connects
21 Program also identifies gaps between family needs and available community resources.
22 Family Connects aims to reach at least 60 to 70 percent of families with newborns in
23 each community it serves; and
24

25 WHEREAS, through the Family Connects Program, SGCHD will offer newborn
26 and postpartum health assessments to systematically assess family needs, provide
27 supportive guidance, and link Greene County families to community resources, as
28 needed and desired.
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 \$600,000 from the Missouri Foundation for Health and to
35 execute contracts necessary to carry out the intent of this grant on forms approved by
36 the City Attorney.

37
38 Section 2 – The Fiscal Year 2023-2024 budget of the Springfield-Greene County
39 Health Department is hereby amended in the accounts and in the amounts as shown on
40 Budget Adjustment No. 045, a copy of which is attached hereto and incorporated herein
41 by reference as “Exhibit A.”

42
43 Section 3 – City Council finds that the budget adjustment made above has been
44 recommended by the City Manager.

45
46 Section 4 – The City Manager is directed to cause the appropriate accounting
47 entries to be made in the books and records of the City. In the event additional funding
48 is provided under this grant by the grantor, the Director of Finance is hereby authorized
49 to adjust this appropriation by an amount not to exceed 20 percent.

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

53
54
55 Passed at meeting: _____

56
57
58 _____
59 Mayor

60 Attest: _____, City Clerk

61
62 Filed as Ordinance: _____

63
64
65 Approved as to form: Mary B. Bozant, Assistant City Attorney

66
67
68 Approved for Council action: Jason A. Hage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
045

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
27150	11	53590	416020	103246		\$ 600,000	Family Connects funding from Missouri Foundation for Health
Net Revenue Adjustment						\$ 600,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
27150	11	53590	501260	103246		\$ 600,000	Family Connects funding from Missouri Foundation for Health
Net Expenditure Adjustment						\$ 600,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY24 budget by accepting grant funds from Missouri Foundation for Health for the Family Connects program.

Requested By:

 11-14-2023
Department Head Date

Approved By:

 11-14-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-282
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2023-283 (HOSMER)

FILED: 11/02/2023

ORIGINATING DEPARTMENT: Fire

TITLE: A special ordinance amending the budget of the Springfield Fire Department Fiscal Year 2023-2024 in the amount of \$85,000 by transferring a portion of the Fire Training Fund to the operating budget of the Springfield Fire Department, for the purpose of supporting regional fire training programs and the pre-apprenticeship fire academy.

PURPOSE: To authorize the City Manager, or his designee, to transfer a portion of the fund balance from the Fire Training Fund to the Fire Department operating budget for the purpose of supporting regional fire training program(s) and the pre-apprenticeship academy, and to amend the Fire Department budget.

BACKGROUND INFORMATION: The Springfield Fire Department is a registered U.S. Department of Labor Registered Apprenticeship Program agency. As such, the department, in collaboration with the City of Springfield Workforce Development, provides a pre-apprenticeship fire academy supported through revenue provided by the Apprentice Build America grant program. This Council bill will provide for an appropriation of \$85,000 from the Fire Training Fund to the department operating budget to be used for sustainment and necessary enhancements at the Springfield Fire Academy, to include replacement tables and chairs, training props, and consumable materials required for delivery of the Spring 2024 pre-apprentice academy.

Remarks: To date, the regional pre-apprenticeship fire academy has graduated 32 students with a 96% initial placement in area emergency services agencies at the time of graduation.

Submitted By: David Pennington, Fire Chief

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

Collin Quigley, Deputy City Manager 11/7/2023

Attachments:

1. Fire Training Fund Adjustment Ordinance
2. Fire Training Fund BA_ Ex A

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 11-14-23

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023 -283

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the budget of the Springfield Fire Department Fiscal Year 2023-2024 in
2 the amount of \$85,000 by transferring a portion of the Fire Training
3 Fund to the operating budget of the Springfield Fire Department, for the
4 purpose of supporting regional fire training programs and the pre-
5 apprenticeship fire academy.
6 _____
7

8 WHEREAS, in 2012 City Council approved the creation of a special revenue
9 fund, known as the Fire Training Fund, for use by the Springfield Fire Department
10 ("SFD") to accept payment for training provided to outside agencies; and
11

12 WHEREAS, in 2022 SFD began a pre-apprentice training program as a
13 component of the United States Department of Labor Registered Apprenticeship
14 Program and began hosting and coordinating the Southwest Regional Fire Academy to
15 create a pool of trained, certified, and licensed firefighters and emergency medical
16 technicians to meet the hiring needs of emergency service agencies throughout the
17 region; and
18

19 WHEREAS, grants associated with the pre-apprentice training program are
20 deposited into the Fire Training Fund until otherwise appropriated by City Council; and
21

22 WHEREAS, due to the overwhelming success of the pre-apprentice training
23 program, training costs are expected to exceed the current appropriation; and
24

25 WHEREAS, if approved, the proposed budget adjustment will be utilized to make
26 enhancements at the Springfield Fire Academy.
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 budget for Fiscal Year 2023-2024 of the Springfield Fire
32 Department is hereby amended in the accounts and in the amounts as shown on

Budget Adjustment No. 046, a copy of which is attached hereto and incorporated herein by reference as "Exhibit A."

Section 2 – City Council hereby finds that the budget adjustment made in Section 1 has been recommended by the City Manager.

Section 3 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City.

Section 4 – This Ordinance shall be in full force and effect from and after passage.

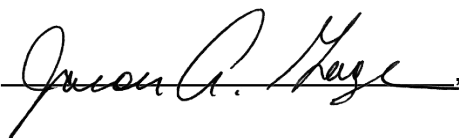
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
046

Revenues:

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

Expenditures:

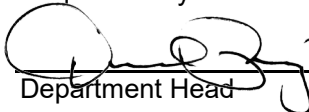
Fund	Dept	Org	Account	P&G	Location	Amount	Description
25070	10	15040	501260	000000	00000	\$ 85,000	Training Operating Supplies
Net Expenditure Adjustment						\$ 85,000	

Fund Balance Appropriation:

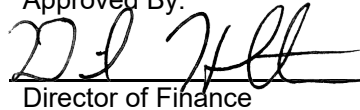
Fund	Title	Amount
25070		(85,000)

Explanation: To amend the FY2023-2024 budget by appropriating fund balance of Training Fund for additional training operating supplies.

Requested By:

 11-14-2023
Department Head Date

Approved By:

 11-14-2023
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2023-283
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-284 (HOSMER)

FILED: 11/03/2023

ORIGINATING DEPARTMENT: Information Systems

TITLE: A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield to enter into a 2nd amended contract with Pictometry International Corporation and amended cooperative intergovernmental agreements with City Utilities of Springfield, Missouri and Greene County, Missouri; and amending the budget for the Department of Public Works for Fiscal Year 2023-2024 in the amount of \$307,443.27.

PURPOSE: To authorize the City Manager, or his designee, on behalf of the City of Springfield, to enter into a 2nd amendment contract with Pictometry International Corporation, for higher resolution and an additional flight in 2025; to enter into amended intergovernmental agreements with City Utilities of Springfield, Missouri and Greene County, Missouri; and amending the budget for the Department of Public Works for Fiscal Year 2023-2024 in the amount of \$307,443.27.

BACKGROUND INFORMATION: For the past twenty years the City of Springfield, has worked cooperatively with other partners, through the Geographic Information System ("GIS") Technical team, to jointly purchase orthophotography for the purpose of developing and maintaining an accurate base map of the area. Approximately every two (2) years, it is necessary to update the aerial imagery that is used for the base map, due to growth from new construction and changes in land use. This is particularly important for land use analysis, annexation determinations, development reviews, 911 data maintenance, emergency management, law enforcement, planning, asset maintenance, Fire Department's pre-plan responses for major structures and facilities, and other citywide projects, as well as maintaining an accurate base map for all other GIS applications. This imagery is available to the public through the City's online web maps as well as through GIS web services and digital files.

In March of 2009, this group jointly contracted with Pictometry to obtain oblique imagery and associated aerial images to enable closer inspection of individual sites. Since that initial purchase, the group has contracted with Pictometry for imagery captures in 2012, 2014, 2016, 2018, 2020, 2022, and 2024. The current contract (No. 2021-1263) provides for a flight in early March of 2024 when visibility is best. The area to be flown in 2024 will include the entirety of both Greene and Christian Counties (approximately 1,283 square miles) and the area in 2025 will include the Springfield Urban Service Area (approximately 185 square miles).

The City proposes to amend the existing Pictometry contract to acquire an additional ortho only imagery capture in the spring of 2025, to be funded by the City and City



Utilities of Springfield. The amendment will also upgrade all captured areas from 6" to a uniform 3" resolution, paid for by Greene County.

REMARKS: A cost sharing agreement between the agencies involved in this acquisition is based on the geographic area needed by each agency. The City's Purchasing Division will work with the GIS technical team to contract for this imagery at a cost for this project not to exceed \$330,367.50. The project will be funded through existing cost sharing agreements with City Utilities (\$41,730), Christian County (\$108,483.26), Greene County (\$104,351.96), the City of Nixa (\$10,461.40), the City of Ozark (\$12,764.40), the City of Republic (\$4,652.25), and Ozarks Transportation Organization (\$25,000); the summary is attached as "Exhibit 1." The total contributions from these entities will be \$307,443.27.

The City of Springfield's share of \$22,924.23 will be funded by the Department of Environmental Services Clean Water Fund (\$11,462.12), and Public Works 1/8-Cent Transportation Sales Tax (\$11,462.11) from funds already budgeted. There will be no impact to the City's General Fund. A budget adjustment totaling \$307,443.27 is attached for the remaining funding of the project that reflects the total contributions from the external agencies.

This Ordinance supports the following City Council Priorities:

- Quality of Place
- Economic Vitality
- Public Safety

RECOMMENDATION: The departments of Information Systems, Environmental Services, and Public Works recommend approval of this Council bill and budget adjustment.

Submitted By: Nathan Huggins, GIS & Asset Systems Manager

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Collin Quigley, Deputy City Manager 11/7/2023

Attachments:

1. 2024 Pictometry Aerial Flight_ord
2. Ex. 1 - Flight details and Cost share
3. Ex. 2 - BA

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed 11-14-23

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-284

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, on behalf of the City of
2 Springfield to enter into a 2nd amended contract with Pictometry
3 International Corporation and amended cooperative
4 intergovernmental agreements with City Utilities of Springfield,
5 Missouri and Greene County, Missouri; and amending the budget
6 for the Department of Public Works for Fiscal Year 2023-2024 in
7 the amount of \$307,443.27.
8 _____
9

10 WHEREAS, for the past twenty years the City of Springfield ("City") has worked
11 cooperatively with area partners to maintain an accurate base map of the area by
12 obtaining aerial imagery for use with the City's Geographic Information System ("GIS");
13 and
14

15 WHEREAS, Pictometry International Corporation ("Pictometry") has provided the
16 aerial imagery from 2012 to the present, and the City currently has Contract 2021-1263
17 with Pictometry, which includes aerial imagery flights for 2022, 2024, and 2026; and
18

19 WHEREAS, Greene County has requested, and agrees to pay for, an upgrade to
20 the 2026 captured imagery from 6" to a uniform 3" resolution, and Pictometry has
21 offered an additional 2025 flight of the Springfield Urban Service Area, which will be
22 jointly funded by City and City Utilities ("CU"), and will require amendments to the
23 existing Pictometry contract and the Greene County and CU intergovernmental
24 agreements ("IGAs"); and
25

26 WHEREAS, the 2026 imagery flight will be at a cost of \$330,367.50, funded
27 through the existing cost share intergovernmental agreements with City Utilities,
28 Christian County, Greene County, the City of Nixa, the City of Ozark, the City of
29 Republic, and Ozarks Transportation Organization.
30

31 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
32 SPRINGFIELD, MISSOURI, as follows, that:
33

34 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
35 a second amended contract with Pictometry International Corporation for the purchase
36 of additional ortho imagery capture in the spring of 2025 and upgraded resolution, said
37 amendment to be in a form approved by the City Attorney, or designee, and to do those
38 things necessary to carry out the intent of the contract and amendments.

39
40 Section 2 – The City Manager, or his designee, is hereby authorized to enter into
41 amended IGAs with City Utilities of Springfield, Missouri, and Greene County, to reflect
42 the increased cost of the Pictometry contract amendment, said IGA amendments to be
43 in a form approved by the City Attorney, or designee.

44
45 Section 3 – The budget for Fiscal Year 2023-2024 of the Department of Public
46 Works of the City of Springfield, Missouri, is hereby amended in the accounts and in the
47 amounts as shown on Budget Adjustment No. 044, a copy of which is attached hereto
48 and incorporated herein by this reference as “Exhibit 2.”

49
50 Section 4 – City Council hereby finds that the budget adjustment made above
51 has been recommended by the City Manager.

52
53 Section 5 – The City Manager is directed to cause the appropriate accounting
54 entries to be made in the books and records of the City.

55
56 Section 6 – This Ordinance shall be in full force and effect from and after
57 passage.

58
59 Passed at meeting: _____

60
61 _____
62 Mayor

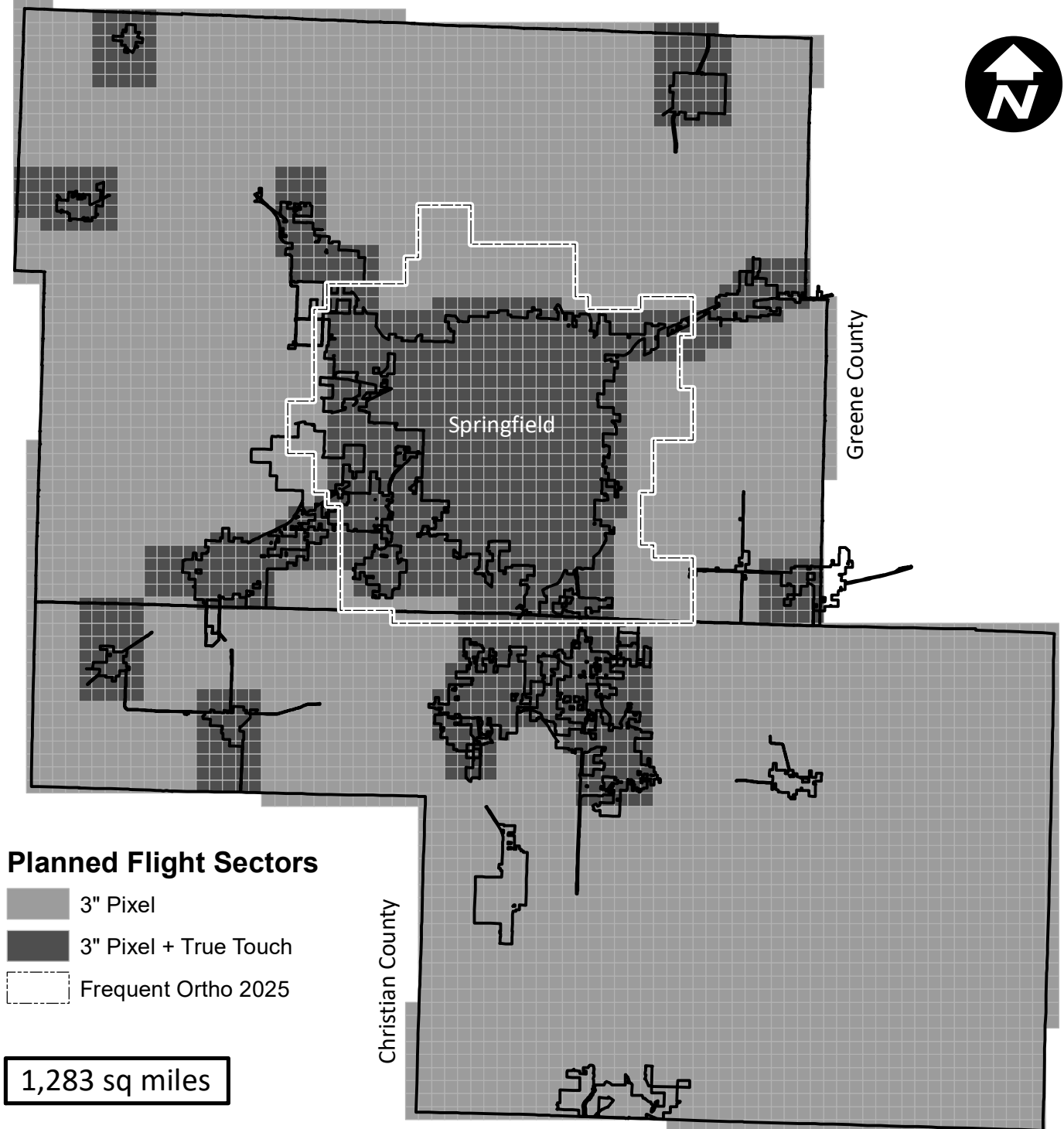
63
64 Attest: _____, City Clerk

65
66 Filed as Ordinance: _____

67
68
69 Approved as to form: John Millington, Deputy City Attorney

70
71
72 Approved for Council action: Jason C. Hays, City Manager

Exhibit 1 : 2022 Pictometry Flight Details and Cost Share



Flight Costs

3" Flight Sectors:	1004 sqmi	\$ 240,960.00
3" + TrueTouch Prop:	279 sqmi	\$ 83,700.00
Freq Ortho & Training:	185 sqmi	\$ 5,707.50

Total Flight Cost **\$ 330,367.50**

Partner Costs

Christian County	= \$ 108,483.26
City of Nixa	= \$ 10,461.40
City of Ozark	= \$ 12,764.40
City of Republic	= \$ 4,652.25
City of Springfield	= \$ 22,924.23
City Utilities	= \$ 41,730.00
Greene County	= \$ 104,351.96
Ozarks Transp. Org.	= \$ 25,000.00

Total Cost **= \$ 330,367.50**



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

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment
044

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	\$ 20,000.00	Ozark Transportation Organization (OTO) Contribution-Federal
46130	20	73020	414110	000000	00000	5,000.00	Ozark Transportation Organization (OTO) Contribution-Local
46100	20	73020	414110	000000	00000	104,351.96	Greene County Contribution
46130	20	73020	414110	000000	00000	108,483.26	Christian County Contribution
46130	20	73020	414110	000000	00000	10,461.40	City of Nixa Contribution
46130	20	73020	414110	000000	00000	12,764.40	City of Ozark Contribution
46130	20	73020	414110	000000	00000	4,652.25	City of Republic Contribution
46140	20	73020	414110	000000	00000	41,730.00	City Utilities Contribution
Net Revenue Adjustment						\$ 307,443.27	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	504580	000000	00000	\$ 20,000.00	Pictometry & Aerial Photos/Images - 2024
46100	20	73020	504580	000000	00000	104,351.96	Pictometry & Aerial Photos/Images - 2024
46130	20	73020	504580	000000	00000	141,361.31	Pictometry & Aerial Photos/Images - 2024
46140	20	73020	504580	000000	00000	41,730.00	Pictometry & Aerial Photos/Images - 2024
Net Expenditure Adjustment						\$ 307,443.27	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2023-24 budget by appropriating revenues and expenses related to intergovernmental agreements between the City of Springfield and various other agencies for the cooperative purchase of Pictometry and aerial imagery to be used within each entities' GIS system. The City's share of \$22,924.23 is already budgeted and will be funded by the Environmental Services Clean Water Fund operating budget and Public Works 1/8-cent Transportation Sales Tax Fund.

Requested By:

Dan Smith 11-14-2023
Department Head Date

Approved By:

DJ Hill 11-14-2023
Director of Finance Date

Authorization:

Council Bill No. 2023-284
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2023-285 (LEE)

FILED: 11/03/2023

ORIGINATING DEPARTMENT: Human Resources

TITLE: A special ordinance approving the Fifth Amendment to the Employment Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter; authorizing the Mayor to execute the Fifth Amendment; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions of the Fifth Amendment.

PURPOSE: To adopt and authorize the Mayor to execute the Fifth Amendment to an Employment Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter, setting out the terms and conditions of her employment as City Clerk; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions set forth therein.

BACKGROUND INFORMATION: City Council appointed Anita Cotter ("Cotter") to serve as City Clerk effective May 17, 2015. The current Employment Agreement executed on December 10, 2018, was subsequently amended on September 4, 2019, April 19, 2021, January 24, 2022, January 17, 2023 and is now being amended with the Fifth Amendment attached to the proposed bill as "Exhibit A." The Fifth Amendment, "Exhibit A," sets forth the terms and conditions of employment of Cotter as City Clerk. The Agreement and Fifth Amendment also authorize the payment of salary and benefits in accordance with the provisions set forth therein. The Fifth Amendment will be effective upon approval by the City Council.

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 11/7/2023

Attachments:

1. Ord. 5th Am to City Clerk Agreement
2. Ex. A 5th Am to City Clerk contract

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 11-14-23

Sponsored by: Lee

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-285

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the Fifth Amendment to the Employment Agreement by and between
2 the City of Springfield, Missouri, and Anita J. Cotter; authorizing the
3 Mayor to execute the Fifth Amendment; and authorizing payment of
4 salary and benefits to Anita J. Cotter in accordance with the
5 provisions of the Fifth Amendment.
6 _____
7

8 WHEREAS, the City of Springfield, Missouri (the "City") previously entered into an
9 Employment Agreement with Anita J. Cotter ("Cotter") along with First, Second, Third,
10 and Fourth Amendments thereto (collectively the "Agreement"); and
11

12 WHEREAS, the City and Cotter desire to amend the Agreement in the manner set
13 forth in the Fifth Amendment to the Agreement and to authorize payment of salary and
14 benefits in accordance therewith.
15

16 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
17 SPRINGFIELD, MISSOURI, as follows, that:
18

19 Section 1 – The Fifth Amendment to the Agreement, attached hereto and
20 incorporated herein as "Exhibit A," is hereby approved by City Council and upon
21 execution, payment of salary and benefits to Cotter in accordance therewith is hereby
22 authorized. The Mayor is appointed and authorized to execute the Fifth Amendment to
23 the Agreement on behalf of the City.
24

25 Section 2 – This Ordinance shall be in full force and effect from and after passage.
26

27 Passed at meeting: _____
28

29 _____
30 Mayor
31

32 Attest: _____, City Clerk
33

34 Filed as Ordinance: _____

35

36

37 Approved as to form:  _____, Assistant City Attorney

38

39

40 Approved for Council action:  _____, City Manager

**FIFTH AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY
OF SPRINGFIELD, MISSOURI, AND ANITA J. COTTER**

THIS FIFTH AMENDMENT to the Employment Agreement between the City of Springfield, Missouri ("City") and Anita J. Cotter, City Clerk ("Cotter") is entered into as of the date of execution.

WHEREAS, the City and Cotter are parties to a certain Employment Agreement dated December 10, 2018, which has been previously amended by First, Second, Third, and Fourth amendments (collectively, the "Agreement"); and

WHEREAS, the City and Cotter wish to amend certain provisions of the Agreement as hereinafter provided.

NOW THEREFORE, in consideration of the premises and the mutual covenants and obligations hereinafter contained, the parties do hereby agree to amend the Agreement as hereinafter provided:

1. Effective December 17, 2023, Paragraph 5 – "Compensation," of the Agreement is hereby deleted in its entirety and the following paragraph is inserted in its place:

5. Compensation. For all services provided to the City by Employee during Employee's employment hereunder, Employee shall be paid the following compensation: Beginning December 17, 2023, One Hundred Thirty-Nine Thousand Eight Hundred Ninety-Two dollars and twenty-two cents (\$139,892.22) annually, payable in equal installments not less often than biweekly ("Base Compensation"). Thereafter, Employee's annual Base Compensation will be reviewed in conjunction with the City's fiscal year by City Council and Employee's performance shall also be evaluated by City Council, and increases in annual Base Compensation, if any, shall be based on Employee's performance, budgetary guidelines, market comparability, or for other reasons as desired by City Council. If City Council so desires, it may review Employee's Base Compensation for possible increase at a greater frequency than in conjunction with the City's fiscal year. In addition, Employee shall receive longevity pay in the amount of One Thousand Two Hundred Dollars (\$1,200.00) based on years of service. The compensation provided for in this paragraph shall be in addition to the benefits and other remunerations that are set forth in this Agreement.

2. All other remaining provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment as of the date and year written below.

Date

Anita J. Cotter

The City of Springfield, Missouri

By: _____

Ken McClure, Mayor

Certification 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



EXPLANATION TO COUNCIL BILL 2023-286 (MCGULL)

FILED: 11/14/2023

ORIGINATING DEPARTMENT: Economic Vitality

TITLE: A special ordinance authorizing the City Manager, or his designee, to enter into the 3rd Amendment to the 2nd Amended and Restated Ballpark License Agreement with the Board of Governors of Missouri State University for the purpose of allowing renovations to facilities at Hammons Field utilized by its intercollegiate baseball team.

PURPOSE: Authorizing the City Manager, or his designee, to enter into an agreement to amend the ballpark license agreement with the Board of Governors of Missouri State University for the purpose of allowing renovations to facilities utilized by its intercollegiate baseball team.

BACKGROUND INFORMATION: On or about March 6, 2023, the City entered into an agreement (the "Ballpark Agreement") to purchase Hammons Field (the "Ballpark") pursuant to authority given by City Council on February 14, 2023, in Ordinance 27802. Prior to the City's purchase of the Ballpark, Missouri State University ("MSU") entered into an agreement for a license to utilize the Ballpark with respect to MSU's intercollegiate baseball team. Pursuant to the terms of the License Agreement, MSU's access to the Ballpark's facilities runs through June 30, 2030.

MSU's Board of Governors has obtained permission to renovate the Ballpark facilities utilized by its intercollegiate baseball team. Specifically, MSU intends to improve the intercollegiate clubhouse and weight room. Consistent with the License Agreement, the Springfield Cardinals have consented to the renovations and, in fact, have agreed to work collaboratively with MSU by serving as the Project Manager. Under the proposed terms of the amended License Agreement, MSU will be solely responsible for all financial costs associated with the renovations of the collegiate facilities. The City will have no financial obligation regarding the renovations.

Pursuant to the terms of the Ballpark Agreement, the City must consent to MSU's planned Ballpark renovations through an amendment to the License Agreement. In order to amend the License Agreement, Council authority is needed. The proposed amendment to the License Agreement is attached as "Exhibit 1" to the Ordinance.

Submitted By: Amanda Ohlensehlen, Director of Economic Vitality

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

Maurice S. Jones, Deputy City Manager 11/15/2023



- Attachments:**
1. MSU Ballpark Renovations Amendment_Ord
 2. Exhibit 1 - Proposed Amendment to Licensing Agreement

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 11-14-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-286

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into the 3rd Amendment
2 to the 2nd Amended and Restated Ballpark License Agreement with
3 the Board of Governors of Missouri State University for the purpose
4 of allowing renovations to facilities at Hammons Field utilized by its
5 intercollegiate baseball team.
6 _____
7

8 WHEREAS, on or about March 6, 2023, the City entered into an agreement (the
9 “Ballpark Agreement”) to purchase Hammons Field (the “Ballpark”) pursuant to authority
10 given by City Council on February 14, 2023, in Special Ordinance 27802; and
11

12 WHEREAS, prior to the City’s purchase of the Ballpark, Missouri State University
13 (“MSU”) entered into an agreement for license (the “License Agreement”) to utilize the
14 Ballpark with respect to MSU’s intercollegiate baseball team. Pursuant to the terms of
15 the License Agreement, MSU’s access to the Ballpark’s facilities runs through June 30,
16 2030; and
17

18 WHEREAS, MSU’s Board of Governors has obtained permission to renovate the
19 Ballpark facilities utilized by its intercollegiate baseball team. Specifically, MSU intends
20 to improve the intercollegiate clubhouse and weight room. Consistent with the License
21 Agreement, the Springfield Cardinals have consented to the renovations and, in fact,
22 have agreed to work collaboratively with MSU by serving as the Project Manager; and
23

24 WHEREAS, under the proposed terms of the amended License Agreement, MSU
25 will be solely responsible for all financial costs associated with the renovations of the
26 collegiate facilities. The City will have no financial obligation regarding the renovations;
27 and
28

29 WHEREAS, pursuant to the terms of the Ballpark Agreement, the City must
30 consent to MSU’s planned Ballpark renovations through an amendment to the License
31 Agreement. In order to amend the License Agreement, Council authority is needed.
32

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

36 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
37 the 3rd Amendment to the 2nd Amended and Restated Ballpark License Agreement
38 with the Board of Governors of Missouri State University for the purpose of allowing
39 renovations to facilities at Hammons Field utilized by its intercollegiate baseball team,
40 said agreement to be substantially the same as the document attached hereto and
41 incorporated herein by reference as “Exhibit 1.”
42

43 Section 2 – This Ordinance shall be in full force and effect from and after
44 passage.
45

46 Passed at meeting: _____
47
48

49 _____
50 Mayor
51

52 Attest: _____, City Clerk
53

54 Filed as Ordinance: _____
55

56 Approved as to form: Jim Millington, Assistant City Attorney
57
58

59 Approved for Council action: Jason R. Hays, City Manager
60

THIRD AMENDMENT TO SECOND AMENDED AND RESTATED BALLPARK LICENSE AGREEMENT

This THIRD AMENDMENT TO SECOND AMENDED AND RESTATED BALLPARK LICENSE AGREEMENT (“Third Amendment”) is entered by and between the City of Springfield, Missouri, a constitutional charter city and political subdivision of the State of Missouri (“Landlord”) and the Board of Governors of Missouri State University, a Missouri public institution of higher education (“University”), and is effective as of this ____ day of December, 2023 (“Effective Date”).

WHEREAS, on or about December 17, 2010, the University entered into a formal, written license agreement with Landlord’s predecessor in interest (“Agreement”), whereby University has a license to utilize Landlord’s Ballpark with respect to University’s intercollegiate baseball team (“License”);

WHEREAS, the term of the Agreement, and University’s License, runs through June 30, 2030;

WHEREAS, University desires to renovate the existing clubhouse and weight room utilized by its intercollegiate baseball team;

WHEREAS, consistent with Article 7 of the Agreement, the Springfield Cardinals have consented to the proposed renovations and, in fact, have agreed to work collaboratively with University by serving as Project Manager for the proposed renovations; and

WHEREAS, consistent with Article 7 of the Agreement, Landlord hereby consents to University’s proposed renovations of the intercollegiate clubhouse and weight room, under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties hereto, the sufficiency of which is hereby acknowledged, it is understood and agreed by the parties as follows:

1. **Renovations to Intercollegiate Clubhouse and Weight Room.** Landlord hereby consents to University’s undertaking certain renovations to the existing clubhouse and weight room utilized by University’s intercollegiate baseball team (collectively, the “Renovations”).

2. **Obligations of University.** The University shall be solely responsible for all financial costs associated with the renovation of the collegiate club house and weight room. Landlord shall have no financial obligation regarding the Renovations.

3. **Removal of Personal Property and Fixtures.** University shall be entitled, but not required, to remove any personal property and/or fixtures related to the Renovations upon the termination of the underlying Agreement, provided that University’s removal of any such personal property and/or fixtures shall not damage the structural or aesthetic components of the Ballpark. In the event that University’s desired removal of any personal property and/or fixtures will cause damage to the structural or aesthetic components of the Ballpark, University shall be permitted to proceed with the removal, but will be financially responsible for restoring that portion of the Ballpark affected by said removal to its condition prior to installation.

4. **Capitalized Terms.** Unless defined herein, all capitalized terms used in this Third Amendment shall have the same meaning as first ascribed to them in the Agreement.

5. **Counterparts.** This Third Amendment may be executed in two (2) or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one (1) and the same agreement.

6. **Underlying Agreement Remains in Full Force and Effect.** Except as otherwise specified in this Third Amendment, the terms and conditions of the Agreement are hereby ratified and remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands and seals as of the Effective Date indicated above.

UNIVERSITY

LANDLORD

**BOARD OF GOVERNORS OF
MISSOURI STATE UNIVERSITY**

CITY OF SPRINGFIELD, MISSOURI

Clifton M. Smart, III, President

Jason Gage, City Manager



EXPLANATION TO COUNCIL BILL 2023-288 (MCCLURE)

FILED: 10/27/2023

ORIGINATING DEPARTMENT: City Manager

TITLE: A special ordinance authorizing the City Manager, or his designee, to accept grant funds from the Musgrave Foundation for the benefit and use of the Mayor's Commission for Children in the amount of \$5,000 to help further the mission of the Commission in the upcoming year.

PURPOSE: To authorize the Mayor's Commission for Children ("Commission") to accept grant funds totaling \$5,000 from the Musgrave Foundation to help further the mission of the Commission in the upcoming year with greatest need and impact to the community.

BACKGROUND INFORMATION: On October 16, 2023, the Mayor's Commission for Children was informed that they would be receiving \$5,000 in December 2023 to be used through the 2024 calendar year. A final report to Musgrave Foundation of expenditures will be due in December 2024. Funds will be used to purchase and distribute books for preschool children at the Mayor's Annual Tree Lighting Holiday Show.

Information regarding community programs for families will also be made available with grant funding, as well as supplies needed for community support for the Mayor's Commission for Children initiatives.

Submitted By: Sharon Smith, Executive Assistant

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

Jason Gage, City Manager 11/2/2023

Attachments:

1. MCFC Musgrave Grant_ord
2. MCFC Musgrave Grant_BA

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 11-14-23

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-288

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept grant funds from the
2 Musgrave Foundation for the benefit and use of the Mayor's
3 Commission for Children in the amount of \$5,000 to help further the
4 mission of the Commission in the upcoming year.
5 _____
6

7 WHEREAS, on October 16, 2023, the Mayor's Commission for Children
8 ("Commission") was informed the Musgrave Foundation was awarding grant funds
9 totaling \$5,000 to be used through the end of the 2024 calendar year; and
10

11 WHEREAS, the funds will be used to purchase and distribute books for
12 preschool children at the Mayor's Christmas Tree Lighting, provide information
13 regarding community programs for families, and purchase supplies needed for
14 community support for Commission initiatives.
15

16 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
17 SPRINGFIELD, MISSOURI, as follows, that:
18

19 Section 1 – The City Manager, or his designee, is authorized to accept a grant
20 from the Musgrave Foundation in the amount of \$5,000 to help further the mission of the
21 Commission in the upcoming year, including entering into an agreement accepting the
22 funds or setting forth grant terms provided that such agreement is approved as to form
23 by the City Attorney or designee.
24

25 Section 2 – City Council hereby authorizes the amendment of the budget of the
26 Commission for Fiscal Year 2023-2024 in the accounts and in the amounts shown on
27 Budget Adjustment No. 038, said Budget Adjustment to be in the form of "Exhibit A,"
28 which is attached hereto and incorporated herein by this reference.
29

30 Section 3 – This Ordinance shall be in full force and effect from and after
31 passage.
32

33 Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: John Millington, Acting City Attorney

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

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
038

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	06	53540	416030			\$ 5,000	Local Grant Revenue
Net Revenue Adjustment						\$ 5,000	

Expenditures:

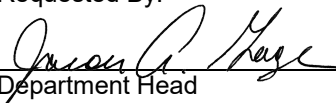
Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	06	53540	501260			\$ 5,000	Operating Supplies
Net Expenditure Adjustment						\$ 5,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2023-24 budget by appropriating grant revenue from the Musgrave Autumn Redfern Grantmaking Program of the Musgrave Foundation 2023 for the Mayor's Commission for Children.

Requested By:

 11-14-2023
Department Head Date

Approved By:

 11-14-2023
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2023-288
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-289 (HOSMER)

FILED: 11/02/2023

ORIGINATING DEPARTMENT: Fire

TITLE: A special ordinance authorizing the City Manager, or his designee, to enter into a Memorandum of Understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives to allow participation of the Springfield Fire Department in the State and Local Overtime program to allow for reimbursement of overtime expenses associated with joint investigations.

PURPOSE: To authorize the City Manager, or designee, to enter into a Memorandum of Agreement ("MOA") with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") for the purpose of participating in the Joint Law Enforcement Operations ("JLEO") State and Local Overtime ("SLOT") program, and to reimburse the Springfield Fire Department ("SFD") for overtime expenses incurred by sworn members of the SFD assisting in open ATF Investigations.

BACKGROUND INFORMATION: The SFD participates in the SLOT program through previous MOA with the ATF. Fire Marshal(s) serving the SFD who are commissioned as law enforcement officers may incur overtime resulting from joint investigation of fires, arson, or incidents involving explosives. Continuation of this agreement will provide opportunity for reimbursement of overtime associated with these investigations.

Submitted By: David Pennington, Fire Chief

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Collin Quigley, Deputy City Manager 11/7/2023

Attachments:

1. Springfield Fire Department ATF SLOT Agreement
2. Ex. A - Memorandum of Agreement

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 11-14-23

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-289

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Memorandum of
2 Understanding with the Bureau of Alcohol, Tobacco, Firearms and
3 Explosives to allow participation of the Springfield Fire Department in
4 the State and Local Overtime program to allow for reimbursement of
5 overtime expenses associated with joint investigations.
6 _____
7

8 WHEREAS, the local office of the Bureau of Alcohol, Tobacco, Firearms and
9 Explosives ("ATF") and the Springfield Fire Department ("SFD") have had an
10 exceptional working relationship since the late 1970s; and
11

12 WHEREAS, the ATF offers participation in a State and Local Overtime ("SLOT")
13 program, which allows the ATF to reimburse overtime expenses for state and local law
14 enforcement officers assisting with ATF investigations; and
15

16 WHEREAS, the ATF is willing to reimburse overtime expenses for SFD Fire
17 Marshall employees working outside of normal business hours while assisting ATF
18 investigations; and
19

20 WHEREAS, a Memorandum of Agreement is necessary to establish the
21 guidelines for overtime reimbursement.
22

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

26 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
27 a Memorandum of Agreement ("MOA") with ATF to allow SFD to participate in the ATF
28 SLOT Program, said MOA to be in substantially the form as the document attached
29 hereto and incorporated herein by reference as "Exhibit A."
30

31 Section 2 – This Ordinance shall be in full force and effect from and after
32 passage.
33

34 Passed at meeting: _____

35

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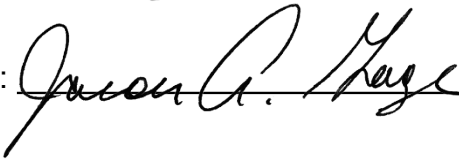
47

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

State and Local Overtime
Memorandum of Agreement Request

The Joint Law Enforcement Operations (JLEO) State and Local Overtime (SLOT) program reimburses State, County, and Local Law Enforcement agencies for overtime (OT) expenses incurred by sworn law enforcement officers assisting in open ATF investigations. For the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to generate a Memorandum of Agreement (MOA), the below form, and the ATF UFMS Vendor Form must be completed and emailed to ATF's JLEO Program office at SLOT@atf.gov.

Section I – MOA Request Type

1. Fiscal Year: 2024	2. Type of Request: Renewal
-------------------------	--------------------------------

Section II – Agency Information

3. Name of Agency: Springfield Missouri Fire Department			
4. Agency Head (First and Last Name): David Pennington		5. Agency Head Title: Fire Chief	
6. Street Address: 830 N. Boonville Ave.			
7. City: Springfield	8. State: MO	9. Zip Code: 65802	10. Telephone Number: (417) 874-2300
11. County/Countries Served: City of Springfield, MO		12. Jurisdiction Type: Municipality	

Section III – Agency Reimbursement Information

The agency must have an active registration in the System for Awards Management (www.sam.gov) in order to do business with the Federal Government. The information recorded in SAM by the agency must match the ATF UFMS Vendor Form and the information recorded below.

13. Agency Contact First and Last Name:	14. Email Address:	
15. Taxpayer Identification Number (TIN):	16. National Crime Information Center's (NCIC) Originating Agency Identifier (ORI):	
17. Data Universal Numbering System (D-U-N-S) Number:	18. Unique Entity Identifier (UEI):	19. Cage Code (Optional):

Section IV – ATF Information

20. Field Division: Kansas City Field Division	21. Special Agent in Charge (First and Last Name): SA Bernard Hansen
22. ATF Supervisor (First and Last Name): Christopher Redies	23. ATF Supervisor Title: Resident Agent in Charge
24. ATF Supervisor Email Address: Christopher.Redies@ATF.gov	25. Field Office: Springfield

26. Street Address (Field Office):

901 E. St. Louis Street, Suite 201

27. City:

Springfield

28. State:

Missouri

29. Zip Code:

65806

Section V – ATF Investigative Emphasis and Justification

30. ATF Task Force Name:

ATF Task Force

31. Anticipated Seizures and/or Forfeitures, Equitable Sharing Agreements, or Law Enforcement Justification for Participation:

Possible seizures of explosive evidence, equitable sharing and law enforcement justification based on their law enforcement authority on Fire and Bomb Squad Investigations.

32. Description of the Work of the Task Force or Investigation:

Arson and explosive violations investigations primarily in Springfield, MO. Additionally, any investigation that potentially reveals criminal violations and explosives being possessed by prohibited individuals.



EXPLANATION TO COUNCIL BILL 2023-290 (LEE)

FILED: 11/02/2023

ORIGINATING DEPARTMENT: Fire

TITLE: A special ordinance authorizing the City Manager, or his designee, to accept a grant of \$15,000 from the State Homeland Security Grant Program grant program to support the acquisition of a utility task vehicle; amending the budget of the Fire Department in the amount of \$15,000; and declaring that this Ordinance qualifies for approval in one reading.

PURPOSE: To authorize the City Manager, or his designee, to accept and appropriate a grant through the State of Missouri Homeland Security Grant Program ("HSGP") in the amount of \$15,000, and to amend the Fire Department budget.

BACKGROUND INFORMATION: The Springfield Fire Department ("SFD") participates in the Missouri HSGP to sustain mission critical capabilities for prevention and response to terrorism and other catastrophic events which may impact our community.

This grant award of \$15,000 through the HSGP Protection of Soft Targets Crowded Places ("PSTCP") will provide the Fire Department with the budget necessary to support the acquisition of a utility task vehicle ("UTV") used to sustain operational coordination at PSTCP events or incidents, replacing a UTV provided in 2004 by State Homeland Security.

This Ordinance relates to the acceptance of a grant from a state agency, and therefore may be passed as a one-reading bill under Section 2.16(25) of the Springfield City Charter.

Remarks: This project supports the National Priority of enhancing the protection of soft targets and crowded places by providing mobility and rapid capability to screen, search, and detect the presence of explosives, IED's and VBIED's, and move responders quickly over an event area in support of Homeland Security Regional Response teams. Acceptance and appropriation of this grant is necessary to sustain and enhance operational capabilities for the management and response to large community events where rapid mobility and access is critical to public safety. There is no local match required.

Submitted By: David Pennington, Fire Chief

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Collin Quigley, Deputy City Manager 11/14/2023

- Attachments:**
1. Fire Homeland Security Grant Program Ord
 2. Ex. A- PSTCP Application
 3. Ex. B - Award Letter
 4. Ex C - Subaward Agreement
 5. Ex D - BA

One-rdg. X
P. Hrngs.
Pgs. 36
Filed: 11-14-23

Sponsored by: Lee

First Reading:

Second Reading:

COUNCIL BILL 2023 -290

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept a grant of \$15,000 from
2 the State Homeland Security Grant Program grant program to support
3 the acquisition of a utility task vehicle; amending the budget of the Fire
4 Department in the amount of \$15,000; and declaring that this
5 Ordinance qualifies for approval in one reading.
6
7

8 WHEREAS, General Ordinance 6072 authorized the City Manager to apply for
9 the State Homeland Security Grant Program ("SHSGP") grant; and
10

11 WHEREAS, the Springfield Fire Department ("SFD") applied for a SHSGP grant
12 for the Protection of Soft Targets/ Crowded Places, a copy of said application is
13 attached hereto as "Exhibit A"; and
14

15 WHEREAS, SFD was notified that it has been awarded a grant in the amount of
16 \$15,000 to support the acquisition of a utility task vehicle, a copy of said award letter is
17 attached hereto as "Exhibit B."
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 authorized to accept a State
23 Homeland Security Grant Program grant, in the amount of \$15,000, and to do all things
24 necessary to carry out the grant, including the execution of the subaward agreement
25 attached hereto as "Exhibit C."
26

27 Section 2 – The budget for Fiscal Year 2023-2024 of the Springfield Fire
28 Department is hereby amended in the accounts and in the amounts as shown on
29 Budget Adjustment No. 047, a copy of which is attached hereto and incorporated herein
30 by reference as "Exhibit D."
31

32 Section 3 – City Council hereby finds that the budget adjustment made in Section
33 2 has been recommended by the City Manager.

34
35 Section 4 – The City Manager is directed to cause the appropriate accounting
36 entries to be made in the books and records of the City.
37

38 Section 5 – The City Council hereby finds and declares that this Ordinance
39 authorizes the acceptance of a grant from the State Homeland Security Grant Program
40 and may be passed as a one-reading ordinance under City Charter Section 2.16(25), as
41 it relates to a contract for the acceptance of grant funds from a state or federal agency.
42 Therefore, 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
52 Filed as Ordinance: _____
53

54
55 Approved as to form: , Assistant City Attorney
56

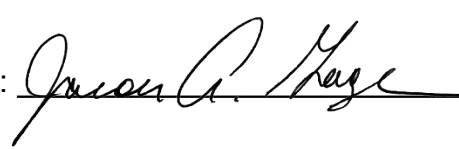
57
58 Approved for Council action: , City Manager



Exhibit A

Application

157555 - FY 2023 SHSP Protection of Soft Targets/Crowded Places (PSTCP) - Final Application

159705 - City of Springfield Community Event Response UTV
State Homeland Security Program (SHSP)

Status:	Under Review	Submitted Date:	07/17/2023 9:15 PM	Submitted By:	David Pennington
----------------	--------------	------------------------	-----------------------	----------------------	------------------

Applicant Information

Primary Contact:

Name:*	Chief	David	Pennington
	Title	First Name	Last Name
Job Title:*	Interim Fire Chief		
Email:*	dpennington@springfieldmo.gov		
Mailing Address:*	830 Boonville		
Street Address 1:			
Street Address 2:			
* City	Springfield	State/Province	Missouri
		Postal Code/Zip	65802
Phone:*	417-874-2310		
			Ext.
Fax:	417-864-1590		

Organization Information

Applicant Agency:*	Springfield, City of, Fire Department		
Organization Type:*	Government		
Federal Tax ID#:*	446000268		
DUNS #:	781975784		
Unique Entity ID:*	VMKPNYHAL941		
SAM/CCR CAGE Code:	546Q1	Valid Until Date	05/03/2023
Organization Website:	www.springfieldmo.gov		
Mailing Address:*	830 N. Boonville		
Street Address 1:			

Street Address 2:

City: *	Springfield	Missouri	65802	3832
	City	State/Province	Postal Code/Zip	+ 4
County: *	Greene			
Congressional District: *	07			
Phone: *	417-874-2310			Ext.
Fax:	417-864-1505			

Contact Information

Authorized Official

The Authorized Official is the individual who has the authority to legally bind the applicant into a contract and is generally the applicant's elected or appointed chief executive. For example:

- If the applicant agency is a city, the Mayor or City Administrator shall be the Authorized Official
- If the applicant agency is a county, the Presiding County Commissioner or County Executive shall be the Authorized Official
- If the applicant agency is a State Department, the Director shall be the Authorized Official
- If the applicant agency is a college/university, the President shall be the Authorized Official
- If the applicant agency is a nonprofit, the Board Chair/President shall be the Authorized Official, this includes Fire Protection Districts
- If the applicant agency is an Regional Planning Commission or Council of Government, the Executive Director shall be the Authorized Official
- If the applicant agency is a special district, such as Fire Protection District or Ambulance District, the Board Chair/President shall be the Authorized Official

****If the Authorized Official has a different title, than those listed above, official documentation naming that position as the Authorized Official for your agency must be included in the application attachments or your application will not be considered for funding****

****This is not an all-inclusive list. If your agency does not fall into the above categories or you are unsure of who the Authorized Official should be for your agency, please contact the Missouri Office of Homeland Security at (573) 522-6125****

Authorized Official: *	Mr.	Jason	Gage
	Title (Mr.Ms.etc)	First Name	Last Name

Job Title:* City Manager

Agency:* City of Springfield

Mailing Address:* 840 N Boonville

Street Address 1:**Street Address 2:**

*	Springfield	Missouri	65802
	City	State	Zip Code

Email:* jgage@springfieldmo.gov

Phone: *	417-874-1006		
	Office	Ext.	Cell

Fax:**Applicant Project Director**

Applicant Project Director: *	Chief	David	Pennington
	Title (Mr.Ms.etc)	First Name	Last Name

Job Title:* Fire Chief

Agency:* City of Springfield

Mailing Address:* 830 N Boonville

Street Address 1:**Street Address 2:**

* Springfield Missouri 65802
City State Zip Code

Email:* dpenning@springfieldmo.gov

Phone:* 417-874-2310
Office Ext. Cell

Fax**Fiscal Officer**

Fiscal Officer:* Mr David Holtmann
Title (Mr.Ms.etc) First Name Last Name

Job Title:* Finance Director

Agency:* City of Springfield

Mailing Address:* 840 N Boonville

Street Address 1:**Street Address 2:**

* Springfield Missouri 65802
City State Zip Code

Email:* dholtmann@springfieldmo.gov

Phone:* 417-864-1632
Office Ext. Cell

Fax**Project Contact Person**

Project Contact Person: Mr. Eric Latimer
Title (Mr.Ms.etc) First Name Last Name

Job Title: Division Chief of Fire Operations

Agency: City of Springfield

Mailing Address: 830 N Boonville Ave

Street Address 1: 830 N Boonville Ave

Street Address 2:

Springfield Missouri 65802
City State Zip Code

Email: elatimer@springfieldmo.gov

Phone: 417-874-2317
Office Ext. Cell

Fax:

Section A.1 through B.4

A. Project Worksheet

A.1 Project Title:* City of Springfield Community Event Response UTV

A.2 Agency Name:* City of Springfield

A.3 Region:* D

A.4 County:* Greene

A.5 Project Location Zip Code:* 65802

A.6 Project Activity Type:* Establish/enhance regional response teams

A.7 Was this project previously funded with State Homeland Security Program (SHSP) funds?* Yes

A.7.a If you answered yes to Question A.7, please give a brief description and year of the original project. A two-person UTV was provided to support emergency response to trail systems and remote areas of the jurisdiction, and to provide support at community events. This was provided in 2004.

A.7.b If you answered yes to Question A.7, please indicate if assets from your project have been deployed/shared in the past 12 months. This asset has been used in support of major community events over the last 12-months, to include the Bass Pro Shops World Fishing Fair and the Birthplace of Route 66 Festival, both considered to be soft targets/crowded events with tremendous density of attendees.

A.8 Does this project increase capabilities (build/enhance), or does this project sustain capabilities at the current level?* Sustain

A.8.a If you answered Build/Enhance to question A.8 provide an answer to the following question. Has your agency coordinated with other agencies to determine if the resources requested are currently available within the region/state? No
Coordination example: contacted other agencies within your region to see if this capability/asset currently exists and is available.

A.8.b If answered yes to A.8.a, explain coordination efforts made by your agency, as well as the outcome of the coordination efforts.

A.9 Project Description* This project will provide a Utility Task Vehicle (UTV) to be used to sustain Operational Coordination at a soft target/crowded spaces incident or event, replacing a UTV provided in 2004. The requested UTV will provide necessary support for moving first responders to

conduct screening, detection, search, and rescue. The project will support multiple Homeland Security Regional Response System (HSRRS) teams. This project provides sustainment for an existing capability within Region D.

A.10 Provide a summary of specific project actions/items that will be purchased with grant funds.*

This project will provide a 2023 all-wheel drive Polaris Ranger Crew 1000 Utility Task Vehicle (UTV) six-seater with a bed to replace a current UTV that was provided in 2004.

A.11 Provide estimated duration of the project (how long will it take to complete this project):*

Duration of this project would include the time to order and receive the equipment. This project would be completed in the period of performance for the grant.

A.12 What are the objectives this project is designed to accomplish? (the purpose of the project)*

The objectives of this project is to provide a UTV to replace an existing resource needed to sustain a capability for response to community events considered as soft targets/crowded places. This project will replace a UTV which has reached the end of its usable life and must be replaced.

A.13 How does this project align with/increase terrorism preparedness for your agency/region/state?*

This project aligns with the mission of the Missouri Homeland Security enterprise and the element of preparedness through ensuring a continuous cycle of equipping and providing for effective and coordinated incident response. This project provides for sustainment of equipment and resources necessary for emergency preparedness and response to a incidents occurring at community events considered as soft targets/crowded places. This project is in alignment with terrorism preparedness for the State.

A.14 How does your project align to the protection of soft targets/crowded places through mobile crowd control equipment?*

This project aligns to the protection of soft targets/crowded places through mobile crowd control equipment by providing a mobility platform for command and control, operational control, situational assessment and awareness, and provides for emergency preparedness by provides a platform for HSRRS planning, scanning, search and detection of risks at a community event.

A.15 Why is this project necessary for your agency/region/state?*

This project is necessary for the SFD/Region/State in that it directly supports emergency preparedness and response requirements for multiple HSRRS teams operated by the SFD who manage and may respond to acts of terrorism at community events/soft targets/crowded places. This equipment sustains an existing resource which has exceeded its usable life.

A.16 How does your agency plan to financially sustain the requested items in the future without grant funding?*

The department will provide for the sustainment and longevity of this equipment through the lifecycle sustainment plan for apparatus and equipment.

B. Project Capability, THIRA and Dual Use

B.1 Did your agency participate in the development of your respective region's Threat and Hazard Identification and Risk Assessment (THIRA)?*

Yes

B.1.a If you answered yes to Question B.1, please explain your agency's participation in the development of the THIRA.

The SFD provided subject matter expert(s) who reviewed key components of the THIRA who provided insight, advisement, and suggestion for modification consistent with the needs of the Region.

Please review the State FY 2022 MO THIRA and FY 2022 MO SPR to determine the following:

B.2 Which Primary Core Capability best aligns to this project? Note: Your project must align to a

Operational coordination

**Protection of Soft Targets/Crowded Places
Primary Core Capability.
A list of eligible Core Capabilities are included in the Notice of Funding Opportunity NOFO).***

B.3 Which POETE (Planning, Organization, Equipment, Training, and Exercise) category(s) does your project address? *

This project addresses the POETE category of Equipment by providing funding for the sustainment of a UTV which provides for the diverse response needs associated with the protection of soft targets/crowded places by providing rapid mobility and carrying capacity as a quick reaction force for fires, medical emergencies, active threat response, and incidents involving explosives, also meeting the core capability of threat and hazard identification for a CBRNE/WMD/IED/VBIED incident.

1000 Character Limit

B.4 How does this project impact the Capability Target listed on the State THIRA/SPR for the Core Capability chosen in B.2 and the POETE category(s) listed in B.3?*

Within two hours, be able to detect explosives/IED/WMD and for all future operational periods.

1000 Character Limit

B.5 If this project is dual use, please describe how this project supports terrorism preparedness, and how this project increases preparedness for other hazards unrelated to terrorism: (both terrorism preparedness, and other unrelated hazards)?

N/A

Dual use are activities, which support the achievement of target capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for other hazards unrelated to acts of terrorism. Funding for activities not explicitly focused on terrorism preparedness must demonstrate Dual Use.
1000 Character Limit

B.6 Please review the National Priorities in the FY 2023 SHSP PSTCP Notice of Funding Opportunity.

1. Enhancing the protection of soft targets/crowded places
2. Enhancing information and intelligence sharing and analysis
3. Combating domestic violent extremism
4. Enhancing cybersecurity
5. Enhancing community preparedness and resilience
6. Enhancing election security

The project must align to the National Priority of Enhancing the Protection of Soft Targets/Crowded Places to be eligible for this funding opportunity. Please select the National Priority below.

National Priority:*

Enhancing the Protection of Soft Targets/Crowded Places

B.6.a If your project fulfills a National Priority, please describe how this project aligns with the National Priority selected in question B.6.

This project supports the National Priority of enhancing the protection of soft targets and crowded places by providing mobility and rapid capability to screen, search, and detect the presence of explosives, IED's and VBIEDs, and move responders quickly over an event area in support of HSRRS teams.

C. Project Background

Complete Project Background Investment Justification alignment and Prior Accomplishments for each year **ONLY if proposed project was also funded with prior grant funds.**

C.1 Was any portion of the proposed project funded with FY 2022 SHSP funds?:* No

C.4 Was any portion of the proposed project funded with FY 2021 SHSP funds?:* No

C.7 Was any portion of the proposed project funded with FY 2020 SHSP funds?:* No

D. Deployable/Shareable Resources

Deployable Resource: Identifies the availability and utility of an asset to multiple jurisdictions, regions, and the Nation; provides information on mobility of assets in an area. An asset that is physically mobile and can be used anywhere in the United States and territories via Emergency Management Assistance Compacts or other mutual aid/assistance agreements.

Shareable Resource: Provides information on the utility of a non-deployable shared asset in a region; identifies the asset's ability to augment and sustain a reinforced response within a region. An asset that can be utilized as a local, state, regional, or national capability, but is not physically deployable (i.e., fusion centers).

D.1 Does this project fund resources that are:* Deployable Resource

*If answered Deployable in question D.1 complete questions D.2-D.8.
If answered Shareable in question D.1 complete questions D.2-D.4.
If answered NA in question D.1 skip to Section E.*

D.2 Item Name: Utility Terrain Vehicle (UTV)

D.3 If this is a sustainment project, describe how the project sustains the deployable/shareable resource?: This equipment is deployable within the Region and State through the SFD HSRRS teams.
250 Character Limit

D.4 Are there any special conditions/requirements on sharing the deployable/shareable resources(s)? Yes
Example: Specific requirements of equipment, operator, etc.
250 Character Limit

D.4.a Please explain the special conditions/requirements on sharing the deployable/shareable resource. This equipment would be deployed accompanied by team members from the SFD HSRRS teams, as appropriate based upon the event/incident risk.

FEMA Resource Typing Library Tool is located at <https://rtlt.preptoolkit.org/Public>.

D.5 Is deployable resource NIMS Kind & Typed?: Yes

D.6 Deployable Resources Kind & Type Name(s): Specialized Vehicle
Example: Patrol Team Officer
250 Character Limit

D.7 Deployable Resources Kind & Type ID(s): (ID x-xxx-xxxx) 12VE-00-SPEC

Example: ID 6-509-1369
250 Character Limit

D.8 If not NIMS Kind & Typed, explain how the item further supports the Homeland Security Initiative:

250 Character Limit

E. Audit Details

E.1 Has the Applicant Agency exceeded the federal expenditure threshold of \$750,000 in federal funds during agency's last fiscal year?:*

Yes

If the applicant agency exceeded the federal expenditure threshold in their last fiscal year, they must have their Single Audit or Program Specific Audit completed and submitted to the OHS within nine (9) months after the end of the audited fiscal year.

E.2 Date last audit/financial statement completed: MM/DD/YYYY*

06/30/2022

If an agency has never had an audit, please enter the date of their last annual financial statement.

E.3 By checking this box the applicant agency understands they are required to upload a copy of the agency's most recent completed audit (or annual financial statement) in the Named Attachments section of this application.*

Yes

F. Risk Assessment

F.1 Does the applicant agency have new personnel that will be working on this award?:*

No

New personnel is defined as working with this award type less than 12 months.

F.2 Does the applicant agency have a new fiscal or time accounting system that will be used on this award?:*

No

New fiscal or time accounting system is defined as a system being utilized less than 12 months within the applicant agency.

F.3 Does the applicant agency receive any direct Federal awards?:*

No

Direct grants are grants that you apply directly to the federal government for and there is no intermediary agency such as OHS.

F.4 Did the applicant agency receive any Federal monitoring on a direct federal award in their last fiscal year?:*

No

G. National Incident Management System (NIMS)

Please select Yes/No to questions G.1-G.14. If you answer no to any of these questions, explain planned activities during the grant period to strive towards being NIMS compliant in G.15. If your agency is a Regional Planning Commission (RPC) or Council of Government (COG) and questions G.1-G.14 do not apply, select N/A.

G.1 Has the jurisdiction formally adopted the National Incident Management System (NIMS) throughout the

Yes

jurisdiction or organization to prevent, protect against, mitigate, respond to, and recover from incidents?.*

G.2 Has the jurisdiction ensured training for the incident personnel incorporates NIMS training that is pertinent to each individuals incident responsibilities in alignment with the NIMS training program?.*

Yes

G.3 Does the jurisdiction develop, maintain, and implement mutual aid agreements (to include agreements with the private sector and nongovernmental organizations)?.*

Yes

G.4 Does the jurisdiction apply ICS as the standard approach to the on-scene command, control, and coordination of incidents?.*

Yes

G.5 Does the jurisdiction enable effective and secure communications within and across jurisdictions and organizations?.*

Yes

G.6 Does the jurisdiction identify and inventory deployable incident resources consistently with national NIMS resource typing definitions and job titles/position qualifications, available through the Resource Typing Library Tool?.*

Yes

G.7 Has your agency designated a point of contact to serve as the principal coordinator for the implementation of NIMS?.*

Yes

G.8 Has your agency adopted NIMS terminology for the qualification, certification, and credentialing of incident personnel?.*

Yes

G.9 Does your agency use the NIMS Resource Management Process during incidents? (identify requirements, order and acquire, mobilize, track and report, demobilize, reimburse and restock)* Yes

G.10 Does your agency implement JIS for the dissemination of incident information to the public, incident personnel, traditional and social media, and other stakeholders?* Yes

G.11 Does your agency use MAC Groups/Policy Groups during incidents to enable decision making among elected and appointed officials and support resource prioritization and allocation?* Yes

G.12 Does your agency organize and manage EOC's and EOC teams consistent with pertinent NIMS guidance?* Yes

G.13 Does your agency apply plain language and clear text communications standards?* Yes

G.14 Does your agency develop, maintain, and implement procedures for data collection, analysis, and dissemination to meet organizational needs for situational awareness?* Yes

*If answered **No** to any questions G.1-G.14, please explain planned activities during grant period to strive towards being NIMS compliant.*

G.15 Planned Activities:

H. Certified Assurances

To the best of my knowledge and belief, all data in this application is true and correct, the document has been duly authorized by the governing body of the applicant, and the applicant attests to and/or will comply with the following Certified Assurances if the assistance is awarded:

SHSP Certified Assurances

H.1 By checking this box, I have read and agree to the terms and conditions of this grant:* Yes

In order to be considered eligible for funding, the correct Authorized Official must be designated and have knowledge of the certified assurances associated with this funding opportunity. **If the incorrect Authorized Official is listed in H.2 of the application, the application will be deemed ineligible for funding.**

The Authorized Official is the individual who has the authority to legally bind the applicant into a contract and is generally the applicant's elected or appointed chief executive. For example:

- If the applicant agency is a city, the Mayor or City Administrator shall be the Authorized Official
- If the applicant agency is a county, the Presiding County Commissioner or County Executive shall be the Authorized Official
- If the applicant agency is a State Department, the Director shall be the Authorized Official
- If the applicant agency is a college/university, the President shall be the Authorized Official
- If the applicant agency is a nonprofit, the Board Chair/President shall be the Authorized Official, this includes Fire Protection Districts.
- If the applicant agency is an Regional Planning Commission (RPC) or Council of Government (COG), the Executive Director shall be the Authorized Official
- If the applicant agency is a special district, such as Fire Protection District or Ambulance District, the Board Chair/President shall be the Authorized Official

If a designee is being utilized to authorize the application, the Missouri Department of Public Safety (DPS) reserves the right to request documentation that indicates the designee has the authority to legally bind the applicant into a contract in lieu of the Authorized Official at the time of application submission.

****If the Authorized Official has a different title, than those listed above, official documentation naming that position as the Authorized Official for your agency must be included in the application attachments or your application will not be considered for funding****

****The above list is not an all-inclusive list. If you do not fall into the above listed categories, or if you are unsure of who the Authorized Official is for your agency, please contact the Missouri Office of Homeland Security at (573) 522-6125.****

H.2 Authorized Official Name and Title:* Jason Gage, City Manager

H.3 Name and Title of person completing this proposed application:* David Pennington, Fire Chief

H.4 Date:* 07/17/2023

Radio Interoperability

Refer to the Radio Interoperability Guidelines for reference to a list of radios certified as meeting the P25 standard by the Missouri Department of Public Safety, and certified to operate on the MOSWIN by the manufacturer.

1. Are you applying for interoperable communications equipment? No

Equipment

Line Item Name:	AEL #:	Qty:	Unit Cost:	Total Cost:	Sustainment:	Discipline:	Function:	Allowable Activity:
Polaris Ranger Crew 1000 Utility Task Vehicle (UTV)	12VE-00-SPEC	1.0	\$15,000.00	\$15,000.00	Yes	Fire Service	Equipment	Other Authorized Equipment
				\$15,000.00				

Narrative Justification - Equipment

This project will sustain the fire department's capability to provide mobile transport for our HSRRS teams consisting of Explosive Ordinance Disposal (EOD), Hazardous Material, Technical Rescue, and mass casualty/ASHER response during soft target events/crowded spaces by replacing an existing UTV provided in 2004. The new UTV would provide transport for up to six responders (an improvement over the two person UTV) and equipment to and from incidents or within the immediate area of the hot zone. Additionally, the UTV will provide the ability to transport patients to casualty collection points or to ambulances during an incident. Event preparedness time would be reduced by ensuring the area is safe by conducting providing mobility for timely event fire and life safety monitoring, EOD sweeps, hazardous materials monitoring, and transporting responders to areas of need during an event to ensure appropriate preparedness or response.

This project will sustain the Springfield Fire Departments capabilities during a soft target/crowded space event by meeting the required core capabilities. Currently, the Springfield Fire Department operates multiple teams that includes EOD, Hazardous Materials, Technical Rescue, and mass casualty response that are all part of the HSRSS in Region D. Our current UTV is from 2004 and is not capable of efficiently and safely carrying our equipment and personnel during soft target/crowded space events. The demand for the use of our regional HSRRS assets has increased, therefore the need for improved equipment is therefore needed.

This project will provide multiple capabilities for preparedness and response during soft target/crowded space events. First, the project would allow for quicker screening for any potential improvised explosive devices (IEDs) prior to and during a soft target/crowded space event. Additionally, the project will allow for hazardous materials team members to quickly deploy radiation and chemical detection equipment throughout the event.

Second, the project would allow for the soft target/crowded space area to be patrolled by fire personnel to ensure necessary barriers are in place that provides protection for the patrons at the event. Third, the project would provide transportation capabilities up to six first responders to respond into soft targets/crowded spaces with appropriate equipment to start search and rescue operations. Additionally, the UTV can be used to evacuate patients to casualty collection points or awaiting ambulances. The UTV will be available for deployment to any soft target/ crowded space events to ensure the Operational Coordination is maintained with other responding agencies for the execution of the core capabilities.

This project will ensure that the fire department is able to sustain multiple core capabilities for enhancing the protection of soft targets/crowded spaces, to include the operational coordination of the event which appropriately integrates all critical stakeholders and supports the execution of core capabilities through a collaborative response with law enforcement, EMS, and other fire departments while also addressing the core capability of screening, search, and detection using our EOD and hazardous materials teams for deployment of HSRRS resources and specialized equipment. In the event of a terrorist incident occurring at one of these soft target/crowded spaces, this UTV will provide the capability to move resources immediately to the area of need.

The funding of this project will assist in sustaining the HSRRS for the region and help continue to meet the core capabilities outlined in the THIRA for soft targets/crowded spaces. The SFD is committed to providing the funding necessary to complete this purchase beyond the funding cap identified in the grant guidance.

5000 Character Limit

Supplies/Operations

Supply/Operation Type:	Item Name:	Qty:	Unit Cost:	Total Supply or Operation Expense Cost:	Discipline:	Function:	Allowable Activity:
				\$0.00			

Narrative Justification - Supplies/Operations

5000 Character Limit

Total Budget

Total Equipment:	\$15,000.00
Total Supplies/Operation:	\$0.00
Total Project Cost:	\$15,000.00

Named Attachments

Attachment	Description	File Name	Type	File Size
Audit/Financial Statement (REQUIRED)*	Audit	CityOfSpringfield_2022_ComplianceReport.pdf	pdf	272 KB
Quote or other costs basis	Quote	Polaris Quote.pdf	pdf	118 KB
Other Supporting Information	Supporting Information	5 -Crew 1000 PREM - White Lightning.pdf	pdf	398 KB
Other Supporting Information				
Other Supporting Information				
Other Supporting Information				
Other Supporting Information				

MICHAEL L. PARSON
Governor

SANDRA K. KARSTEN
Director



Lewis & Clark State Office Bldg.
Mailing Address: P.O. Box 749
Jefferson City, MO 65101-0749
Telephone: 573-751-4905
Fax: 573-751-5399

STATE OF MISSOURI
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR

November 1, 2023

Mr. Jason Gage, City Manager
Springfield Fire Department
830 N. Boonville
Springfield, MO 65802

RE: FY 2023 State Homeland Security Program (SHSP) Protection of Soft Targets Crowded Places (PSTCP)
Award #EMW-2023-SS-00085-31

Dear Mr. Gage:

Thank you for your recent application submission to the FY 2023 State Homeland Security Program (SHSP) Protection of Soft Targets Crowded Places (PSTCP). Your application has been selected for funding in the amount of \$15,000.00.

Enclosed is the FY 2023 SHSP PSTCP Subaward Agreement for Springfield Fire Department. The Missouri Department of Public Safety (DPS) Office of Homeland Security (OHS) asks you to carefully review and sign the documentation provided. By signing the Subaward Agreement and initialing each page of the Articles of Agreement and Special Conditions you are certifying your acceptance of the award conditions. Once signed and initialed, please return the documents to our office no later than December 1, 2023.

The project period of performance for this award begins September 1, 2023 and ends August 31, 2024.

A risk assessment for this award was completed in accordance with requirements from 2 CFR 200.332. Springfield Fire Department received a total score of nine (9), which classifies the agency as a low risk subrecipient of noncompliance with the FY 2023 SHSP PSTCP.

We look forward to working with you on this award. Should you have any questions or need additional information, do not hesitate to contact Maggie Glick at (573) 526-3510 or Maggie.Glick@dps.mo.gov.

Sincerely,

A handwritten signature in black ink that reads "Joni McCarter".

Joni McCarter, Program Manager
Missouri Department of Public Safety
Office of Homeland Security

Attachment(s): Subaward Agreement
Articles of Agreement/Special Conditions



Missouri Department of Public Safety
Office of Homeland Security
DPS Grants
P.O. Box 749, Jefferson City, MO 65101
Telephone: 573-522-6125 Fax: 573-526-9012

SUBAWARD AGREEMENT

SUBRECIPIENT NAME Springfield Fire Department		DATE 11/01/2023	
ADDRESS 830 N. Boonville		FEDERAL IDENTIFICATION NUMBER EMW-2023-SS-00085	OHS CONTROL NUMBER 31
CITY Springfield	STATE MO	ZIP CODE 65802	
TOTAL AMOUNT OF THE FEDERAL AWARD \$15,000.00		AMOUNT OF FEDERAL FUNDS OBLIGATED BY THIS ACTION \$15,000.00	
TOTAL AMOUNT OF FEDERAL FUNDS OBLIGATED TO THE SUBRECIPIENT \$15,000.00		TOTAL APPROVED COST SHARING OR MATCHING \$0.00	
PROJECT PERIOD FROM 09/01/2023	PROJECT PERIOD TO 08/31/2025	FEDERAL AWARD DATE 09/01/2023	
PROJECT TITLE FY23 - SHSP PSTCP - Springfield Fire Department		FUNDED BY FY 2023 Homeland Security Grant Program	
FEDERAL AWARDOING AGENCY Department of Homeland Security	PASS THROUGH ENTITY MO Department of Public Safety/Office of Homeland Security	IS THIS AWARD R&D YES ☐ NO ☒	INDIRECT COST RATE YES ☐ NO ☒ AMOUNT
CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER 97.067		METHOD OF PAYMENT (Reimbursement -- Advanced) Reimbursement	
CONTACT INFORMATION			
DPS GRANT SPECIALIST		SUBRECIPIENT PROJECT DIRECTOR	
NAME Maggie Glick		NAME David Pennington, Chief	
E-MAIL ADDRESS Maggie.Glick@dps.mo.gov		ADDRESS (If different from above) 830 N. Boonville	
TELEPHONE (573) 526-3510		CITY, STATE AND ZIP CODE Springfield, MO 63802	
PROGRAM MANAGER Joni McCarter		TELEPHONE 417-874-2310	E-MAIL ADDRESS dpenning@springfieldmo.gov
SUMMARY DESCRIPTION OF PROJECT The purpose of the FY 2023 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goals to Strengthen National Preparedness and Resilience. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization or community, but rather, require the combined effort of the whole community. The purpose of the State Homeland Security Program (SHSP) Protection of Soft Targets Crowded Places (PSTCP) supports the National Priority of Enhancing the Protection of soft targets/crowded places and provides equipment for physical security enhancements for soft targets/crowded places including items such as security cameras, security screening equipment, lighting, access controls, fencing, gates and barriers, and vehicle and crowd control.			
AWARDING AGENCY APPROVAL		SUBRECIPIENT AUTHORIZED OFFICIAL	
TYPED NAME AND TITLE OF DPS OFFICIAL Sandra K. Karsten, Director		TYPED NAME & TITLE OF SUBRECIPIENT AUTHORIZED OFFICIAL Jason Gage, City Manager	
SIGNATURE OF APPROVING DPS OFFICIAL	DATE	SIGNATURE OF SUBRECIPIENT AUTHORIZED OFFICIAL	DATE
THIS SUBAWARD IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS SET FORTH ON THE ATTACHED SPECIAL CONDITION(S). BY SIGNING THIS SUBAWARD AGREEMENT THE SUBRECIPIENT IS AGREEING TO READ AND COMPLY WITH ALL SPECIAL CONDITIONS.			

GRANT PROGRAM FY 2023 State Homeland Security Program	SUBRECIPIENT Springfield Fire Department
AWARD NUMBER EMW-2023-SS-00085-31	DATE 11/01/2023
SUBAWARD AGREEMENT ARTICLES OF AGREEMENT	

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AUTHORIZED OFFICIAL INITIALS

GRANT PROGRAM FY 2023 State Homeland Security Program	SUBRECIPIENT Springfield Fire Department
AWARD NUMBER EMW-2023-SS-00085-31	DATE 11/01/2023
SUBAWARD AGREEMENT ARTICLES OF AGREEMENT	

Article I – Summary Description of Award

The purpose of the FY 2023 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goal to Strengthen National Preparedness and Resilience. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community.

Article II – DHS Standard Terms and Conditions Generally

The Fiscal Year (FY) 2023 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2023. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations. All legislation and digital resources are referenced with no digital links. The FY 2023 DHS Standard Terms and Conditions will be housed on dhs.gov at www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions.

Article III – Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

I. DHS/DPS/OHS financial assistance subrecipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002.

II. By accepting this agreement the subrecipient and its executives, as defined in 2 C.F.R. section 170.315, certify that the subrecipient's policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article IV – General Acknowledgements and Assurances

All subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS/DPS/OHS access to records, accounts, documents, information, facilities and staff.

1. Subrecipients must cooperate with any compliance reviews or compliance investigations conducted by DHS/DPS/OHS.
2. Subrecipients must give DHS/DPS/OHS access to examine and copy records, accounts and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel.

AUTHORIZED OFFICIAL INITIALS

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3. Subrecipients must submit timely, complete, and accurate reports to the appropriate DHS/DPS/OHS officials and maintain appropriate backup documentation to support the reports.
4. Subrecipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.

Article V – Acknowledgement of Federal Funding from DHS

Subrecipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

Article VI – Activities Conducted Abroad

Subrecipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article VII – Age Discrimination Act of 1975

Subrecipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article VIII – Americans with Disabilities Act of 1990

Subrecipients must comply with the requirements of Titles I, II and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended 42 U.S.C. sections 12101-12213), which prohibits subrecipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

Article IX – Best Practices for Collection and Use of Personally Identifiable Information (PII)

Subrecipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Subrecipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

Article X – Civil Rights Act of 1964 – Title VI

Subrecipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. section 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article XI – Civil Rights Act of 1968

Subrecipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits subrecipients from discriminating in the sale, rental, financing, and

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advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. section 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators) - be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

Article XII – Copyright

Subrecipients must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article XIII – Debarment and Suspension

Subrecipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180, as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs and activities.

Article XIV – Drug-Free Workplace Regulations

Subrecipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the subrecipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. sections 8101-8106).

Article XV – Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude subrecipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article XVI – Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX

Subrecipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

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Article XVII – E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Subrecipient State or local law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Subrecipient State or local law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.

Article XVIII – Energy Policy and Conservation Act

Subrecipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94-163 (1975) (codified as amended at 42 U.S.C. section 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article XIX – False Claims Act and Program Fraud Civil Remedies

Subrecipients must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729-3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

Article XX – Federal Debt Status

All subrecipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

Article XXI– Federal Leadership on Reducing Text Messaging while Driving

Subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official Government business or when performing any work for or on behalf of the Federal Government.

Article XXII – Fly America Act of 1974

Subrecipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. section 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article XXIII – Hotel and Motel Fire Safety Act of 1990

Subrecipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. section 2225a.

Article XXIV – John S. McCain National Defense Authorization Act of Fiscal Year 2019

Subrecipients, their contractors, and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. sections 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS subrecipients, their contractors, and subcontractors –

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prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Article XXV – Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Subrecipients must comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. section 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that subrecipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article XXVI – Lobbying Prohibitions

Subrecipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the subrecipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to the federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article XXVII – National Environmental Policy Act

Subrecipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190 (1970) (codified as amended at 43 U.S.C. section 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require subrecipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article XXVIII – Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Subrecipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article XXIX – Non-Supplanting Requirement

Subrecipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

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Article XXX – Notice of Funding Opportunity Requirements

All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All subrecipients must comply with any such requirements set forth in the program NOFO.

Article XXXI – Patents and Intellectual Property Rights

Subrecipients are subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq., unless otherwise provided by law. Subrecipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. section 401.14.

Article XXXII – Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. section 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article XXXIII – Rehabilitation Act of 1973

Subrecipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973) (codified as amended at 29 U.S.C. section 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article XXXIV – Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the subrecipient's currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article XXXV – Reporting Subawards and Executive Compensation

Subrecipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F. R. Part 170, Appendix A, the full text of which is incorporated here by the reference in the award terms and conditions.

Article XXXVI – Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Subrecipients must comply with the Build America, Buy America provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Subrecipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

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1. All iron and steel used in the project are produced in the United States – this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. All manufactured products used in the project are produced in the United States – this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
3. All construction materials are manufactured in the United States – this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desk, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

Waivers

When necessary, subrecipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below.

- a. When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:
 1. Applying the domestic content procurement preference would be inconsistent with public interest;
 2. The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
 3. The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the OMB Made in America Office.

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There may be instances where an award qualifies, in whole, or in part, for an existing waiver described at “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure.

The awarding Component may provide specific instructions to subrecipients of awards from infrastructure programs that are subject to the Build America, Buy America provisions. Subrecipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

To see whether a particular DHS federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please either contact the applicable DHS FAO, or for FEMA awards, please see Programs and Definitions: Build America, Buy America Act.

Article XXXVII – SAFECOM

Subrecipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article XXXVIII – Terrorist Financing

Subrecipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Subrecipients are legally responsible to ensure compliance with the Order and laws.

Article XXXIX – Trafficking Victims Protection Act of 2000 (TVPA)

Subrecipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000, (TVPA) (codified as amended by 22 U.S.C. section 7104). The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

Article XL – Universal Identifier and System of Award Management

Subrecipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article XLI – USA PATRIOT Act of 2001

Subrecipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. sections 175-175c.

Article XLII – Use of DHS Seal, Logo and Flags

Subrecipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

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Article XLIII – Whistleblower Protection Act

Subrecipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C. section 2409, 41 U.S.C. 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

Article XLIV – Environmental Planning and Historic Preservation (EHP) Review

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the subrecipient to comply with all federal, state, and local laws.

DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article XLV – Disposition of Equipment Acquired Under the Federal Award

For purposes of original or replacement equipment acquired under this award, state subrecipients must follow the disposition requirements in accordance with state laws and procedures.

Article XLVI – Missouri Department of Public Safety (DPS) Office of Homeland Security (OHS), Specific

By accepting this award, the subrecipient agrees:

1. To participate in the development and submission of their respective regional Threat and Hazard Identification and Risk Assessment (THIRA).
2. To utilize standard resource management concepts, such as typing inventorying, organizing and tracking resources that facilitate the identification, dispatch, deployment and recovery of their resources.
3. To coordinate with their stakeholders to examine how they integrate preparedness activities across disciplines, agencies, and levels of government.
4. Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost, which equals or exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or \$1,000. Expenditures for equipment shall be in accordance with the

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approved budget. The subrecipient shall use and manage equipment in accordance with its procedures as long as the equipment is used for its intended purposes. When original or replacement equipment acquired under this award by the subrecipient is no longer needed for the original project or program or for other activities currently or previously supported by DPS/OHS, you must request instructions from DPS/OHS to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313 and the OHS Administrative Guide.

5. Expenditures for supplies and operating expenses shall be in accordance with the approved budget and documentation in the form of paid bills and vouchers shall support each expenditure. Care shall be given to assure that all items purchased directly relate to the specific project objectives for which the contract was approved.
6. For Contractual Services the following general requirements will be followed when subcontracting for work or services contained in this grant award:
 - a. All consultant and contractual services shall be supported by written contracts stating the services to be performed, rate of compensation and length of time over which the services will be provided, which shall not exceed the length of the grant period.
 - b. As described in the OHS Administrative Guide for Homeland Security Grants, a copy of any contractual agreement made as a result of this award must be forwarded to DPS/OHS for review or be readily available for review prior to execution of the contract.
7. OHS reserves the right to terminate any contract entered into as a result of this grant award at its sole discretion and without penalty or recourse by giving a thirty (30) day written notice to the subrecipient of the effective date of termination. In the event of termination pursuant to this paragraph, all documents, data, and reports prepared by the subrecipient under the contract shall, at the option of the DPS/OHS, become property of the State of Missouri. The subrecipient shall be entitled to receive just and equitable compensation for that work completed prior to the effective date of termination.
8. It is understood and agreed upon that in the event funds from state and/or federal sources are not appropriated and continued at an aggregate level sufficient to cover the contract costs, or in the event of a change in federal or state laws relevant to these costs, the obligations of each party hereunder shall thereupon be terminated immediately upon receipt of written notice.
9. To follow the grant program guidelines as stated in the OHS Administrative Guide for Homeland Security Grants, as well as the Information Bulletins released by DPS/OHS to provide important updates, clarifications and policy statements related to homeland security grant programs.
10. To follow requirements of the DHS Grant Programs Directorate Information Bulletins.

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11. In the event DPS/OHS determines that changes are necessary to the award document after an award has been made, including changes to period of performance or Articles of Agreement, the subrecipient will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate subrecipient acceptance of the changes to the award.
12. Prior written approval from DPS/OHS is required prior to making any change to the OHS approved budget for this award.
13. To submit Grant Status Reports to DPS/OHS by the due dates of July 10 and January 10 throughout the grant period, which must include the status updates of the milestones achieved. Final Status Reports are due to DPS/OHS within 45 days after the end of the project period.
14. All items that meet the DPS/OHS definition of equipment that are purchased with Homeland Security Grant Funds must be tagged "Purchased with U.S. Department of Homeland Security Funds."
15. If the subrecipient is a pass-through entity, copies of signed subaward agreements are due to the DPS/OHS prior to the start of any project.
16. Projects that involve changes to the natural or built environment require the completion and approval of an Environmental Historic Preservation Screening Form (EHP) prior to initiating any work on the project. Changes to the project after the approval of the EHP requires DPS/OHS review and approval. Changes to the project may require the submission and approval of an updated EHP Screening Form. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; Nation Flood Insurance Program regulation; and, any other applicable laws and Executive Orders.
17. The purchase of any generator requires prior approval from the DPS/OHS, documentation must clearly depict the full scope of the project and prove the equipment is a deployable resource.
18. Purchases from a single feasible source over \$10,000.00 must have prior approval from the DPS/OHS.
19. Subrecipient is required to complete the 2023 Nationwide Cybersecurity Review (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each subrecipient should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 2-3 hours to complete. The 2023 NCSR will be open October 1, 2023 and must be completed by each subrecipient no later than December 31, 2023.

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20. Subrecipients that contract with and utilize WebEOC Emergency Management Software – Juvare, must fully fuse and maintain an active connection with Missouri's State Emergency Management Agency (SEMA). This setup will allow for a more efficient resource response to Missouri communities during an emergency incident as well as allow emergency personnel to monitor events that may impact their community during an extended event. Fusion of other WebEOC accounts in Missouri will also assist in streamlining resource requests by reducing redundant entry in a local WebEOC account and then once again in the Missouri WebEOC account should the request not be able to be filled locally. Redundant data entry during an emergency can lead to time loss, data entry errors and omission of important details. This required setup will also allow SEMA Emergency Service Function (ESF) partners to monitor the use of resources throughout the state for Mutual aid needs.
21. Law enforcement agencies must be compliant with the requirements listed below and must maintain compliance throughout the period of performance.
- a. National Incident-Based Reporting System (NIBRS), formerly Uniform Crime Reporting (UCR):
Subrecipients that are a law enforcement agency, assure its agency is in compliance with the state provisions of Section 43.505 RSMo which states each law enforcement agency is required to submit crime incident reports to the Department of Public Safety on forms or in the format prescribed by the department, and submit any other crime incident information which may be required by the Department of Public Safety. Law enforcement agencies will be considered non-compliant if they have not submitted MIBRS reports for three or more months in the prior twelve month period. The subrecipient must remain compliant with Section 43.505 RSMo for the duration of the grant period of performance.
 - b. Vehicle Stops:
Subrecipients that are a law enforcement agency, assure its agency is in compliance with the state provisions of Section 590.650 RSMo relating to vehicle stop reporting and will remain in full compliance for the duration of the project period.
 - c. Police Use of Force Transparency Act of 2021:
Subrecipients that are a law enforcement agency, assure its agency is in compliance with the state provisions of Section 590.1268 RSMo relating to use of force incidents reporting standards and procedures, and publication of report data, analysis report. Law enforcement agencies will be considered non-compliant if they have not submitted Use of Force reports for three or more months in the prior twelve month period. The subrecipient must remain compliant with Section 590.1268 for the duration of the grant period of performance.
 - d. Federal Equitable Sharing Funds:

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Subrecipients that are a law enforcement, assure its agency is in compliance with the state provisions of Section 513.653 RSMo relating to participation in the federal forfeiture system and the reporting of proceeds therefrom to the Missouri State Auditor.

e. Intoxication-Related Traffic Offenses:

Subrecipients that are a law enforcement agency, assure its agency is in compliance with the state provisions of Section 43.544 RSMo relating to forwarding intoxication-related offenses and has adopted a written policy to forward arrest information for all intoxication-related offenses to the central repository as required by Section 43.503 RSMo.

f. Rap Back Program Participation:

Subrecipients that are a law enforcement agency, assure its agency is in compliance with the state provisions of Section 590.030 RSMo. The law enforcement agency shall enroll in the state and federal Rap Back programs on or before January 1, 2022 and will continue to remain enrolled. The law enforcement agency shall take all necessary steps to maintain officer enrollment for all officers commissioned with that agency in the Rap Back programs. An officer shall submit to being fingerprinted at any law enforcement agency upon commissioning and for as long as the officer is commissioned with that agency.

g. Custodial Interrogations:

Subrecipients that are a law enforcement agency, assure its agency is in compliance with the state provisions of Section 590.700 RSMo relating to custodial interrogations and has adopted a written policy to record custodial interrogations of persons suspected of committing or attempting to commit the felony crimes described in subsection 2 of this section.

h. Body Armor:

The subrecipient understands, if monies are requested and awarded for the purchase of body armor, that funds may be used to purchase body armor. Further, the subrecipient understands that body armor purchased with HSGP funds may be purchased at any threat level, designation, make, or model from any distributor or manufacturer, as long as the body armor has been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. Further, body armor or armor vests must also be "uniquely fitted vests". In addition, body armor purchased with must be made in the United States.

i. Body Armor Policy:

The subrecipient understands, if monies are requested and awarded for the purchase of body armor, that the law enforcement agency must have a written "mandatory wear" policy in effect. The subrecipient will be required to forward a copy of such policy to the Missouri Department of Public Safety at the time of claim submission.

j. Body-Worn Camera Policy:

The subrecipient understands, if monies are requested and awarded for the purchase of body-worn cameras, the law enforcement agency must have written policies and procedures in place related to equipment usage, data storage and access, privacy considerations,

AUTHORIZED OFFICIAL INITIALS

GRANT PROGRAM FY 2023 State Homeland Security Program	SUBRECIPIENT Springfield Fire Department
AWARD NUMBER EMW-2023-SS-00085-31	DATE 11/01/2023
SUBAWARD AGREEMENT ARTICLES OF AGREEMENT	

training, etc. The subrecipient will be required to forward a copy of such policy(s) to the Missouri Department of Public Safety at the time of claim submission.

22. Fire protection agencies must be compliant with the requirements listed below and must maintain compliance throughout the period of performance.
 - a. Fire Department Registration:
The subrecipient assures, where the project agency is a fire protection district, fire department, or volunteer fire protection association as defined in Section 320.300 RSMo, its agency is in compliance with Section 320.271 RSMo by completing and filing with the state fire marshal within 60 days after January 1, 2008, and annually thereafter, a fire department registration form provided by the state fire marshal.
 - b. Turnout Gear Maintenance Policy:
The subrecipient understands, if monies are requested and awarded for the purchase of turnout gear, the fire protection agency must have a policy to document cleaning and maintenance processes and procedures for turnout gear. The subrecipient will be required to forward a copy of such policy(s) and procedure(s) to the Missouri Department of Public Safety at the time of claim submission.
23. Agencies purchasing license plate reader (LPR) equipment and technology with grant funds administered by the Missouri Department of Public Safety, must adhere to the following requirements:
 - a. LPR vendors chosen by an agency must have an MOU on file with the MSHP Central Vendor File as developed and prescribed by the Missouri Department of Public Safety pursuant to 11 CSR 30-17.
 - b. Prior to purchasing LPR services, the agency should verify the vendor's MOU status with the MSHP CJIS Division by emailing mshphelpdesk@mshp.dps.mo.gov.
 - c. Share LPR data through the MoDEX process with statewide sharing platforms (i.e., MULES).
 - d. Enable LPR data sharing with other Missouri Law Enforcement agencies and enforcement support entities within the selected vendor's software. Examples include, but are not limited to fusion centers, drug task forces, special investigations units, etc.
 - e. Connect to the Missouri State Highway Patrol's Automated License Plate Reader (ALPR) File Transfer Protocol Access Program. This program provides the information necessary to provide a NCIC and/or MULES hit when used in conjunction with a License Plate Reader (LPR) device. An MOU must be on file with the Access Integrity Unit (AIU) for the vendor and the law enforcement agency and a registration process must be completed.
 - f. Agency shall have a license plate reader policy and operation guideline prior to the implementation of LPRs. Reimbursements will not be made on the project until the policy has been provided to the Missouri Department of Public Safety.
 - g. If LPR will be installed on Missouri Department of Transportation right-of-way(s) agency must request installation through the Missouri Department of Public Safety. Once approved, agency must adhere to the Missouri Department of Transportation's guidelines regarding installation of LPR's on Missouri Department of Transportation right-of-way(s).

AUTHORIZED OFFICIAL INITIALS

GRANT PROGRAM FY 2023 State Homeland Security Program	SUBRECIPIENT Springfield Fire Department
AWARD NUMBER EMW-2023-SS-00085-31	DATE 11/01/2023
SUBAWARD AGREEMENT ARTICLES OF AGREEMENT	

Article XLVII – Special Conditions

1. The subrecipient agency must attend and complete the FY 2023 State Homeland Security Program (SHSP) Protection of Soft Targets/Crowded Places (PSTCP) Compliance Workshop. No claims will be reimbursed by the OHS until a member of the subrecipient agency has completed the Compliance Workshop.
2. The subrecipient is required to complete and submit the Jurisdictional Threat Assessment to the OHS by December 31, 2023. The Jurisdictional Threat Assessment must be completed by the law enforcement agency that has jurisdiction in the agencies' location. No claims will be reimbursed by the OHS until the Jurisdictional Threat Assessment has been completed and submitted.

AUTHORIZED OFFICIAL INITIALS

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit D

Budget Adjustment
047

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22680	10	15070	416020	000000	00000	\$ 15,000	Missouri Homeland Security Grant Program
Net Revenue Adjustment						\$ 15,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22680	10	15070	508170	000000	00000	\$ 15,000	Utility task vehicle
Net Expenditure Adjustment						\$ 15,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2023-24 budget by appropriate funds from the State of Missouri, Homeland Security Grant Program for the acquisition of a utility task vehicle.

Requested By:

 11-14-2023
Department Head Date

Approved By:

 11-14-2023
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2023-290
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-274 (HORTON)

FILED: 11/13/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: 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 Kay Pointe Place, generally located at 901 South West Bypass, 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.)

PURPOSE: Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Kay Pointe Place, generally located at 901 South West Bypass upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

BACKGROUND INFORMATION:

A. An original Preliminary Plat of Kay Pointe Place dated September 19th, 2023, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in Exhibit B, Attachment 3.

B. The Planning and Zoning Commission held a public hearing on October 5th, 2023, and approved the Preliminary Plat by a vote of 8 to 0, subject to the following conditions:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

The *Comprehensive Plan's Land Use & Development* chapter groups this area into the Traditional Neighborhood Placetype. This placetype is comprised of post-war residential neighborhoods that contain predominantly single-family detached dwellings with uniform setbacks, building designs, and parcel sizes, that are separated from dissimilar uses by distinct zoning boundaries and bufferyards. These neighborhoods can follow a gridded block pattern or curvilinear streets and are well connected internally with sidewalks and trails.

Planning for Traditional Neighborhoods should strive to increase and integrate quality of place and complete neighborhood characteristics. These characteristics could include beautification efforts such as planting street trees, expanding connections and access to the greenway and trail system, and support for low-intensity multi-family, low-

intensity neighborhood commercial, or a mix of uses to serve area residents. Multi-family, neighborhood, commercial, or mixed use should be located on the edges of the greenway system, on higher classification roadways, or areas identified by residents during the neighborhood planning process.

The proposed streets are curvilinear in design while also connecting to the stubs from the surrounding street network. Sidewalks exist on both sides of the stubbed local streets and connections are required on at least one side of the new streets. The intended purpose for the two large, eastern lots is commercial and multifamily use. These lots are adjacent to West Bypass, which is classified as an expressway. The configuration of the subdivision locates the commercial lots along a higher classified roadway while still allowing the opportunity to serve and be accessed from within the neighborhood.

REMARKS:

Staff recommends approval.

Submitted By: Andrew Menke, Senior Planner

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

Attachments:

1. Kay Pointe Place_ord (1)
2. Kay Pointe Place_exhA
3. Kay Pointe Place_exhB

One-rdg. _____
P. Hrngs. _____
Pgs. 24
Filed: 10-31-23

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-274

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the Director of Planning and Development to accept the dedication of
2 public streets and easements to the City of Springfield, as shown on
3 the Preliminary Plat of Kay Pointe Place, generally located at 901
4 South West Bypass, upon the applicant filing and recording a final plat
5 that substantially conforms to the preliminary plat; and authorizing the
6 City Clerk to sign the final plat upon compliance with all the terms of
7 this Ordinance. (Staff recommends that City Council accept the public
8 streets and easements.)
9 _____

10
11 WHEREAS, an original Preliminary Plat of Kay Pointe Place, dated September
12 19, 2023, is on file with the City's Department of Planning and Development; and
13

14 WHEREAS, the Planning and Zoning Commission of the City of Springfield,
15 Missouri, held a public hearing and conditionally approved the Preliminary Plat of Kay
16 Pointe Place, which is generally located at 901 South West Bypass, on October 5,
17 2023, a copy of the Record of Proceedings from said public hearing being attached
18 hereto and incorporated herein by this reference as "Exhibit A."
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
21 SPRINGFIELD, MISSOURI, as follows, that:
22

23 Section 1 – City Council hereby authorizes the Director of Planning and
24 Development, on behalf of the City of Springfield, to accept the land, easements, and
25 improvements dedicated to the City, as shown on the Preliminary Plat of Kay Pointe
26 Place, which is generally located at 901 South West Bypass, as approved by the
27 Planning and Zoning Commission. The original plat of Kay Pointe Place is on file in the
28 Department of Planning and Development ("Approved Preliminary Plat"), a reduced
29 version of which is attached hereto for general reference as "Exhibit B – Attachment 3."
30 All of "Exhibit B," including attachments, is incorporated herein by this reference.
31

32 Section 2 – The Director of Planning and Development shall be authorized to
33 accept the land, easements, and improvements dedicated to the City, as shown on said

plat, upon the applicant filing and recording a final plat in accordance with this Ordinance and the Subdivision Regulations of the City, which final plat shall substantially conform to the Approved Preliminary Plat, including those conditions described in "Exhibit B – Attachment 2," and upon the Director of Public Works certifying to the Director of Planning and Development and the City Clerk that the public improvements have been made in accordance with City standards and specifications. Said public improvements shall not be accepted until the occurrence of all conditions referenced herein and in "Exhibit B – Attachment 2."

Section 3 – The final plat shall not be recorded until: (1) the public improvements relating to the Approved Preliminary Plat have been constructed according to the specifications of the City of Springfield, Missouri, and are approved by the Director of Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned by or in connection with the construction of said improvements have been paid to the City; or (2) in lieu of the construction of the improvements, that the Applicant has filed with the City Manager, according to the terms of the Subdivision Regulations of the City, the prescribed financial assurances in a form acceptable to the City to ensure the construction of the improvements and the payment to the City of all engineering fees, permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the construction of the improvements.

Section 4 – Upon compliance with all the requirements of this Ordinance, including the conditions described in "Exhibit B – Attachment 2," the City Clerk is hereby authorized to endorse City Council's approval upon the final plat pursuant to Section 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public Improvements contained therein.

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

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

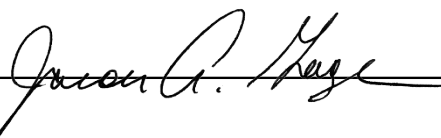
Approved for Council action:  _____, City Manager

EXHIBIT A

RECORD OF PROCEEDINGS
PRELIMINARY PLAT – KAY POINTE PLACE

Preliminary Plat of Kay Pointe Place
901 South West Bypass (Applicant: Carleton Resources, LLC)
Applicant: Carleton Resources, LLC

Andrew Menke stated that this is a request to approve a preliminary plat for a 37-lot subdivision.

Bruce Colony asked about the existing Greenway trail.

Natalie Broekhoven opened the public hearing.

Todd Chandler, 186 Payne Stewart Drive, representing the applicant and the existing trailway will be maintained with 35 of the lots to be single family residential.

Natalie Broekhoven closed the public hearing.

COMMISSION ACTION:

Planning and Zoning Commission Board Member Lebeck moved to **approve** the Preliminary Plat of Kay Pointe Place.
Planning and Zoning Commission Board Member Knuckles seconded the motion, and it was Passed with the following vote:
Ayes: Commissioner Scott, Commissioner Broekhoven, Commissioner Knuckles, Commissioner Ridge, Commissioner Pauly, Commissioner Colony, Commissioner Lebeck, Commissioner Gunther. Nays: None. Absent: Britton Jobe. Abstain: None.

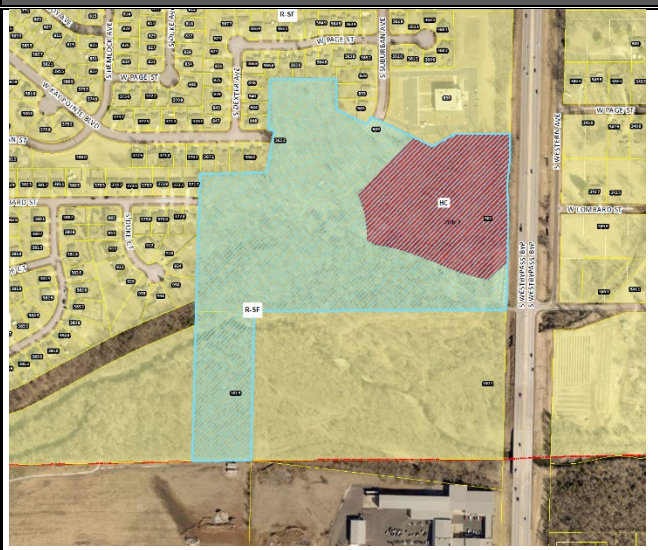


Bob Hosmer, AICP
Planning Manager

PROJECT INFORMATION

PROJECT SUMMARY:

ZONING MAP



DEVELOPMENT REVIEW STAFF REPORT

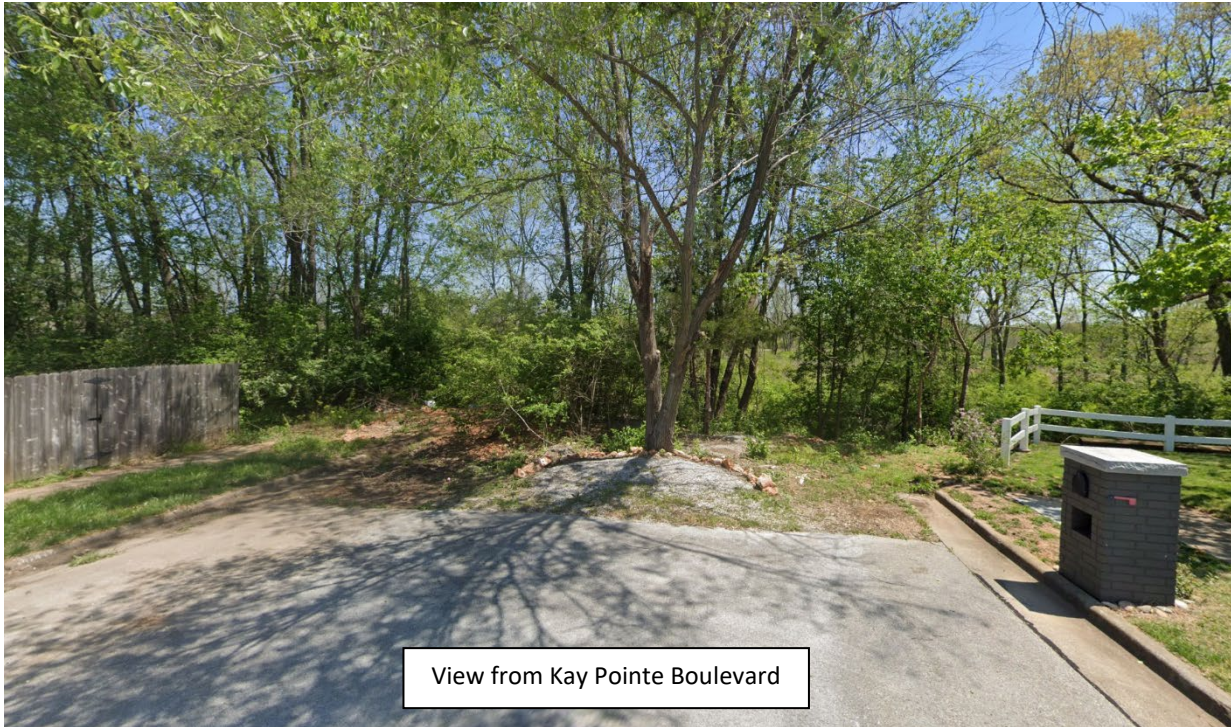
GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT



DEVELOPMENT REVIEW STAFF REPORT



PROPERTY HISTORY:

The subject property was annexed into the city in 1968. The whole parcel was zoned Single-Family Residential in the 1995 citywide remapping. In 2007, a portion of the property was rezoned to Highway Commercial with Conditional Overlay District 2.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

- (a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.
- (b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.
- (c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.

DEVELOPMENT REVIEW STAFF REPORT

- (d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.
- (e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.
- (f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.
- (g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.
- (h) Effective period of preliminary approval.
 - 1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
 - 2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

DEVELOPMENT REVIEW STAFF REPORT

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR HIGHWAY COMMERCIAL
Minimum lot dimension requirements	36 feet of frontage along a public street
Maximum structure height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Front yard setback	15 feet along local streets 25 feet along Collector streets or higher
Side and rear yard setback	None, except as required by section 36-453, supplemental open space and yard regulations, and the buffer yard requirements in subsection 36-421(8)
Street Classification	S West Bypass – Expressway S Suburban Avenue – Local W Kay Pointe Boulevard – Local W Lombard Street – Local
Sidewalks	Along the property frontage of S West Bypass there are no existing sidewalks and none are required. Sidewalks are located on both sides of W Lombard, W Kay Pointe, and S Suburban. Sidewalks are required along at least one side of all new city streets.
Open Space Requirements	Not less than 20 percent of the gross site area.

CODE ITEM	REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL
Minimum lot dimension requirements	Lot Area: 6,000 square feet Lot Width: 50 feet Lot Depth: 80 feet
Maximum structure height	- When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. - When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Front yard setback	15 feet along local streets 25 feet along Collector streets or higher
Side and rear yard setback	Side yard: Five feet or as required by section 36-453, supplemental open space and yard regulations. Rear yard: Ten percent of the lot depth, but may not be less than ten feet nor shall more than 20 feet be required.
Street Classification	S West Bypass – Expressway S Suburban Avenue – Local W Kay Pointe Boulevard – Local W Lombard Street – Local
Sidewalks	Along the property frontage of S West Bypass there are no existing sidewalks and none are required. Sidewalks are located on both sides of W Lombard, W Kay Pointe, and S Suburban. Sidewalks are required along at least one side of all new city streets.
Open Space Requirements	Not less than 30 percent of the total lot area.

DEVELOPMENT REVIEW STAFF REPORT

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE: TRADITIONAL NEIGHBORHOOD

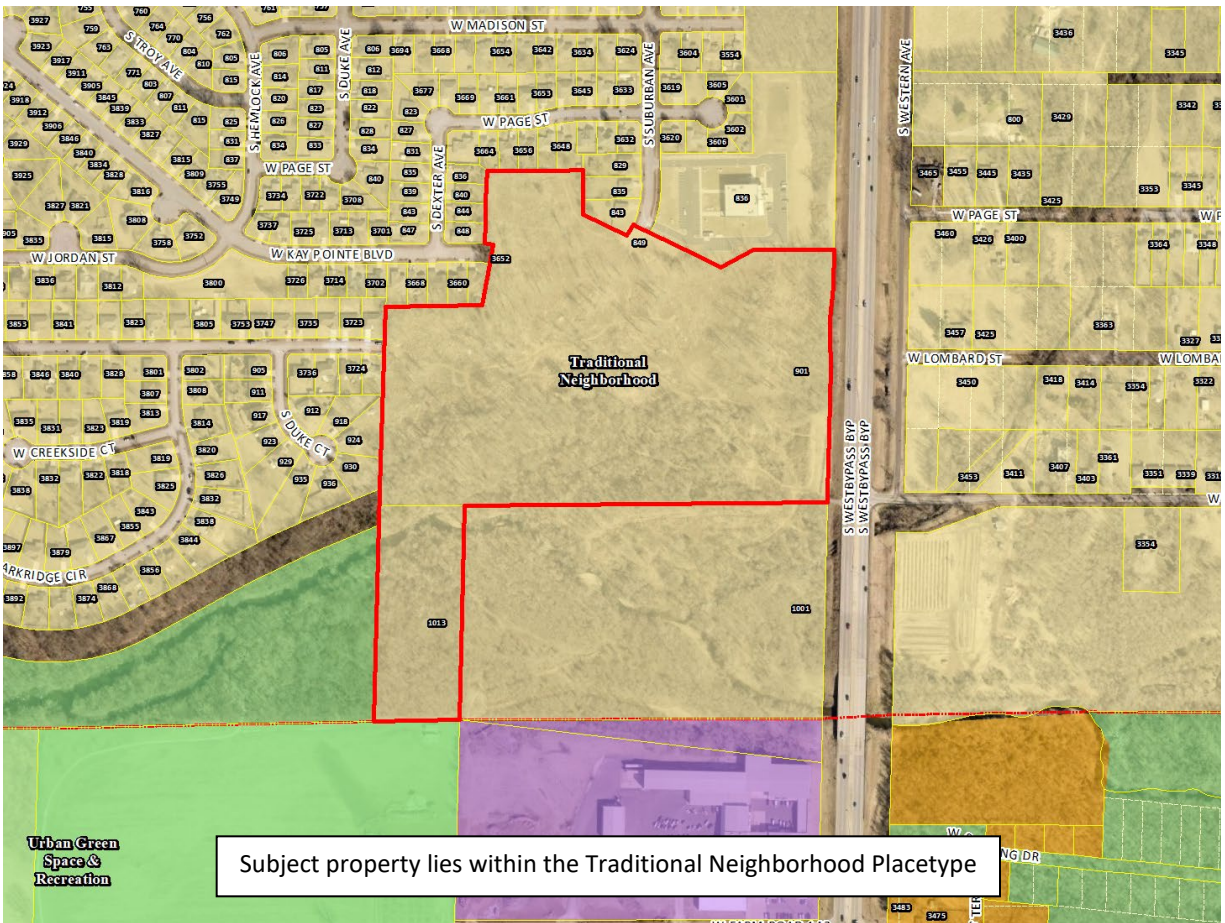
The *Comprehensive Plan's Land Use & Development* chapter groups this area into the Traditional Neighborhood Placetype. This placetype is comprised of post-war residential neighborhoods that contain predominantly single-family detached dwellings with uniform setbacks, building designs, and parcel sizes, that are separated from dissimilar uses by distinct zoning boundaries and bufferyards. These neighborhoods can follow a gridded block pattern or curvilinear streets and are well connected internally with sidewalks and trails.

Planning for Traditional Neighborhoods should strive to increase and integrate quality of place and complete neighborhood characteristics. These characteristics could include beautification efforts such as planting street trees, expanding connections and access to the greenway and trail system, and support for low-intensity multi-family, low-intensity neighborhood commercial, or a mix of uses to serve area residents. Multi-family, neighborhood commercial, or mixed use should be located on the edges of the greenway system, on higher classification roadways, or areas identified by residents during the neighborhood planning process.

The proposed streets are curvilinear in design while also connecting to the stubs from the surrounding street network. Sidewalks exist on both sides of the stubbed local streets and connections are required on at least one side of the new streets. The intended purpose for the two large, eastern lots is commercial and multifamily use. These lots are adjacent to West Bypass, which is classified as an expressway. The configuration of the subdivision locates the commercial lots along a higher classified roadway while still allowing the opportunity to serve and be accessed from within the neighborhood.

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, 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
Residential Neighborhood	●	○	◊	○	○	○	○	○	○	○	○	○	○	○
Mixed Residential	●	●	○	○	○	○	○	○	○	○	○	○	○	○
Downtown	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○

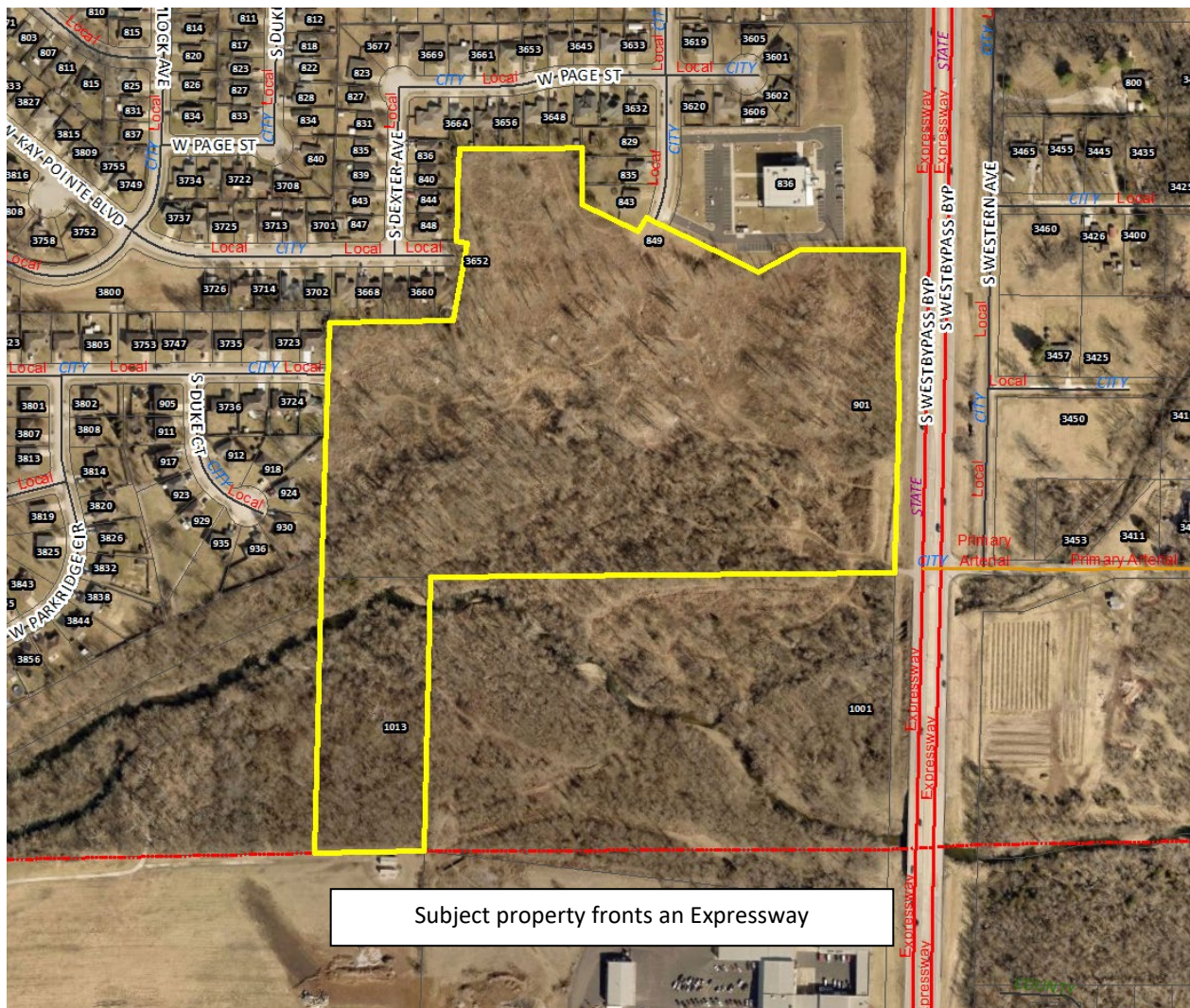
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **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-SF & Greene County M-1	R-SF	R-SF
LAND USE	Single-family residential & church	Undeveloped & park/agriculture	Single-family residential & undeveloped	Single-family residential & undeveloped
PLACETYPES	Traditional Neighborhood	Traditional Neighborhood and Urban Green Space & Recreation	Traditional Neighborhood	Traditional Neighborhood and Urban Green Space & Recreation

DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is proposing to subdivide approximately 30.1 acres of land into a thirty-seven (37) lot subdivision named "Kay Pointe Place."
2. Public streets are to be dedicated with this plat, including extensions of Kay Pointe Boulevard, Lombard Street, and Suburban Avenue.
3. The southern portion of the Subdivision area is encompassed by the FEMA 100-year Floodplain. Within the floodplain a large area is captured by the Wilson's Creek Floodway. No development in the Floodway is authorized.
4. All lots meet the minimum dimension requirements of the City's subdivision regulations.
5. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
6. The proposed preliminary plat was reviewed by City departments and comments are contained in **Attachment 1**. Conditions of Approval are provided in **Attachment 2**. The Preliminary Plat drawing can be found in **Attachment 3**.

STAFF RECOMMENDATION:

1. The proposed subdivision is consistent with the *Land Use and Development Element of the Comprehensive Plan* and all proposed lots meet the subdivision regulations.
2. Staff recommends approval as submitted in the staff report.

PLANNING AND ZONING COMMISSION OPTIONS:

The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing.

1. The commission shall approve the preliminary plat.
2. The commission shall conditionally approve the preliminary plat.
3. The commission shall disapprove the preliminary plat.

PUBLIC NOTIFICATION AND COMMENTS:

The property was posted by the applicant at least 10 days prior to the public hearing.

No comments were received by citizens for this case at the time of publication.

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

ATTACHMENT 1

1. CITY UTILITIES:

CU can provide Electric/Gas/Water and possibly Springnet fiber to the development, per CU's extension policy. 10ft utility easements will be needed along both sides of all new public streets. Those can be added on the final plat. Additional easements may be needed based on final designs. Utility crossings of West Bypass may be needed to provide adequate services. CU Engineering will determine the connections needed and routing of our facilities. CU can begin design when we receive construction plans/cad file. A utility pre-design meeting is recommended.

2. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

1. Public sewer will need to be extended to each lot as shown on the plat.
2. Additional reviews will be done when public improvement plans are submitted. Public improvement plans will need to be designed, submitted and constructed to city standards. The public improvements must be approved, filed and constructed or escrowed before any building permits or plats can be issued according to city code section 98-12(b)(c) Private Construction of Public Improvements and section 98-14. - Assurance for completion of Public Improvements. The property will be placed in a sanitary sewer district after the public improvements have been completed and accepted.

3. FIRE DEPARTMENT:

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

4. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The Westwood Hills 2nd Add off-site basin is a valid drainage easement and will have to be relinquished through the P&Z relinquishment process. The Preliminary Plat needs to have conditioning for the Final Plat approval Final Plat Requirements:

1. Westwood Hills 2nd Add Detention Easement is relinquished.
2. Public Improvement Project is approved and completed for the Subdivision.
3. Stream Buffer is dedicated in a Stream Buffer Easement.

Site Description and Drainage Pattern

901 S Westbypass is a large undeveloped tract of land that is a focal point of the Wilsons Creek floodplain and buffer area. The entire property drains into the Wilson Creek stream (natural channel). Two existing detention basins are present for the off-site subdivisions of Westwood Hills 1st Addition and 2nd Addition. The property is in the Wilsons Creek drainage basin. The property is located in a FEMA designated floodplain. Staff is aware of flooding problems in the local or downstream area. The city is aware of a sinkhole or other Karst feature at this location. The property does have a stream buffer on site.

A fee in lieu of on-site stormwater detention will be allowed.

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.

DEVELOPMENT REVIEW STAFF REPORT

Detention and Discharge Requirements

1. Two existing Detention Basins exist for the Westwood Hills 1st Addition and 2nd Addition subdivisions. Basins are in the developed area of the Plat. PW-Stormwater is supportive of a Fee in Lieu of Detention Application for the two basins. The final plat will not be approved until the fee in lieu of detention application is processed and a Vacation for the two basin drainage easements are approved.
2. A fee in lieu of detention is permissible for the remainder of the Kay Pointe Place subdivision. The large Floodplain and stream area should be capable of handling the increase in peak flow rate. A fee in lieu of detention application for any or all projects associated with the subdivision should be submitted at time of development. If the subdivision is phased, then the applications will be submitted for each phase.
3. 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. 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.
 - (1) To a Public Right-of-way.
 - (2) A recorded drainage easement, continuing to a public right-of-way or public drainage system.
 - (3) A certified natural watercourse.

Water Quality Requirements

1. Water Quality is required at the time of development for all phases or construction of the subdivision. Water Quality SCMs are provided with an Operations and Maintenance Plan and a Drainage Easement or Common Area designation during the Final Plat. 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.
2. All Water Quality SCMs need to receive the runoff from the new impervious areas. Only de minimis areas that are incapable of having the runoff captured can drain without water quality applied.
3. 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.

Floodplain

1. The southern portion of the Subdivision area is encompassed by the FEMA 100-year Floodplain. Per Chapter 3, Sec 2.6 a Floodplain Development Permit is required. Linked is the PDF for the permit. <https://www.springfieldmo.gov/DocumentCenter/View/5942>
 - a. Floodplain Development Permit: As described in Section 2.2.3 and Chapters 1 and 2, Springfield participates in the NFIP, which requires that the City administer the rules of the NFIP through floodplain regulation. Depending on the proposal and circumstances, various permits may be required when a structure or fill are proposed in the floodplain or floodway. An elevation certificate is required for any structure constructed in the floodplain.

DEVELOPMENT REVIEW STAFF REPORT

2. Within the floodplain a large area is captured by the Wilsons Creek Floodway. No development in the Floodway is authorized. Floodways are within areas of special flood hazards and designated as red hashed areas on the City of Springfield GISViewer, select "FEMA Flood Layers". City Code Section 36-1733 Floodway covers the uses and restrictions of a Floodway.
 - a. Located within areas of special flood hazard established in section 36-1710 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:
 - (1). The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
 - (2). The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (3). If subsection 36-1733(2) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of division 4.
 - (4). In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources as set forth in subsection 36-1730(2).

Natural Channels and Stream Buffers

1. Wilsons Creek, Category A Large Stream is present on the Lot. The Plat is showing the 200 feet wide Stream Buffer. The final plat will record the stream buffer and easement. Chapter 8, Sec 4.1.1, the stream buffer requirements apply to streams for all new applications for land disturbance permits, building permits requiring site plan review, floodplain permits, public improvements, preliminary plats, subdivision, and zoning cases.
 - a. Chapter 8, Sec 4.1.3 Ownership and Recording: Stream buffers consisting of the stream and approved buffer zones shall be designated as a Stream Buffer Area on any replat, preliminary plat, or final plat in accordance with City Code Sec. 36-253, or recorded in a stream buffer easement.
<https://www.springfieldmo.gov/documentcenter/view/36832>
 - b. No structures are allowed in the Stream Buffer area. Utility or transportation crossings are allowed in the stream buffer area with the submittal of a Stream Buffer Plan during the project.

Sinkholes and Karst Features

1. Two sinkholes are located on the subdivision area. The sinkholes and a 25 feet wide buffer are designated on the preliminary plat. The drainage easements that surround the sinkholes are considered No Build Areas for the subdivision.
2. Per Ch. 11 Sec. 2.0 a sinkhole evaluation must be completed by a professional engineer or geologist. Development within the rim of a sinkhole is prohibited unless the developer can demonstrate there will be no significant impacts upon flooding, stability of structures, water

DEVELOPMENT REVIEW STAFF REPORT

quality, other natural resources, or adjoining properties. Given the potential impacts to the adjoining properties and infrastructure it's unlikely this would be permitted.

Additional Stormwater Requirements

1. 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.
 - a. As-builts of the detention and water quality improvements are required. we would like the following as-built notes on the plans:

The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.

5. MISSOURI DEPARTMENT OF TRANSPORTATION (MoDOT):
No comments.
6. DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

Street Classification, Right-Of-Way, & Jurisdiction

City's Transportation Plan classifies S. West Bypass as an Expressway roadway, and S. Suburban Avenue, W. Kay Pointe Boulevard and W. Lombard Street as Local roadways. The standard right-of-way width from the centerline of S. West Bypass is 65 feet. The standard right-of-way width from the centerline of S. Suburban Avenue, W. Kay Pointe Boulevard, and W. Lombard Street is 25 feet. It appears that no additional right-of-way is needed along any of the existing roadways. A survey is recommended to determine the exact amount of existing right-of-way. S. Suburban Avenue, W. Kay Pointe Boulevard, and W. Lombard Street are city-maintained streets and S. West Bypass is a state-maintained street.

Access

All access to the development shall be per the traffic study, current MoDOT standards and/or current City of Springfield standards.

Sidewalk

Sidewalks are required along at least 1 side of all new city streets. Sidewalk is not required along S. West Bypass.

Improvements

A traffic study will be required at the time of development. All requirements of the traffic study are required to be submitted on Public Improvement Plans (PIP). The approved PIP shall be constructed, or funds escrowed prior to approval of the final plat.

DEVELOPMENT REVIEW STAFF REPORT

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	S. West Bypass	Expressway	No	90	65
Street 2	S. Suburban Avenue	Local	Yes	25	25
Street 3	W. Kay Pointe Boulevard	Local	Yes	25	25
Street 4	W. Lombard Street	Local	Yes	25	25

7. DEPARTMENT OF PUBLIC WORKS SEDIMENT EROSION CONTROL DIVISION:
Will provide comments at the time of PRJ submittal.

DEVELOPMENT REVIEW STAFF REPORT

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

PRELIMINARY PLAT OF
KAY POINTE PLACE
A SUBDIVISION IN GREENE COUNTY, MISSOURI

SURVEY NOTES

1. SURVEY ACCURACY STANDARD: TYPE URBAN PROPERTY
2. BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.
3. SOURCE OF TITLE: BOOK 2509, PAGE 2302 HOGAN LAND TITLE TITLE REPORT NO.: 1905938 EFFECTIVE DATE: MAY 1, 2019
4. AREA OF SURVEYED PROPERTY: 30.1 ACRES
5. THIS PROPERTY IS IN FLOOD ZONE X, AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN ON MAP 29077003286, DATED DECEMBER 17, 2010. SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP.
6. SURVEY RECORDS UTILIZED IN THE COMPLETION OF THIS SURVEY:
TIMBER CREEK 6TH ADDITION FINAL PLAT
WESTWOOD HILLS FIRST ADDITION FINAL PLAT
WESTWOOD HILLS SECOND ADDITION FINAL PLAT
WEST BYPASS PROPERTIES FINAL PLAT
WEST BYPASS PROPERTIES — PLAT 2 FINAL PLAT
7. TEMPORARY BENCH MARK: SANITARY SEWER MANHOLE 105± NORTHEAST OF THE NORTHEAST CORNER OF LOT 11 ON THE WEST SIDE OF SUBURBAN AVENUE.
ELEVATION (NAVD88 DATUM): 1228.24
8. ALL CUL-DE-SAC LOTS HAVE A LEAST 50.00 FEET OF FRONTAGE AT THE SETBACK LINE, NOT DIMENSIONED DUE TO VISUAL SPACE LIMITATIONS.
9. TRACTS 36 AND 37 MUST BE REZONED BEFORE FINAL PLAT APPROVAL.
10. FINAL LOCATION OF ELECTRIC, GAS AND WATER MAINS AND LATERALS WILL BE DETERMINED BY CITY UTILITIES ENGINEERING DEPART (CONTACT: Josh Cossey (417) 831-8816)
11. FEE IN LIEU OF CONSTRUCTING DETENTION
12. ANY AREA DETERMINED TO BE A SINKHOLE SHALL HAVE A 25 FOOT DRAINAGE EASEMENT AND BUFFER.
13. PROPOSED WATER MAINS: 8" PVC
14. PROPOSED SEWER MAINS: 8" PVC

PROPERTY DESCRIPTION — BOOK 2509, PAGE 2302

COMMENCING AT AN EXISTING SURVEY MONUMENT MARKING THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 29, RANGE 22, GREENE COUNTY, MISSOURI; THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, N89°37'03"W, 216.22 FEET TO AN EXISTING SURVEY MONUMENT ON THE WEST RIGHT-OF-WAY LINE OF WEST BYPASS AND POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE N89°37'03"W, A DISTANCE OF 1117.89 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 29, RANGE 22; THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, S02°37'48"W, A DISTANCE OF 666.08 FEET TO AN EXISTING SURVEY MONUMENT; THENCE N89°53'27"W, A DISTANCE OF 263.92 FEET TO AN EXISTING SURVEY MONUMENT; THENCE ALONG AN EXTENSION OF THE EAST LINE OF TIMBERCREEK 6TH ADDITION, N02°00'40"E, A DISTANCE OF 667.10 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 20; THENCE ALONG SAID EAST LINE OF TIMBER CREEK 6TH ADDITION, N02°56'09"E, A DISTANCE OF 627.08 FEET TO AN EXISTING SURVEY MONUMENT; THENCE ALONG THE SOUTH AND EAST LINES OF WESTWOOD HILLS SECOND ADDITION, THE FOLLOWING 5 COURSES: s89°27'01"E, A DISTANCE OF 298.09 FEET TO AN EXISTING SURVEY MONUMENT; N11°24'42"E, A DISTANCE OF 190.76 FEET TO THE NORTH RIGHT-OF-WAY LINE OF KAY POINTE BOULEVARD; THENCE ON A CURVE TO THE LEFT 26.13 FEET, SAID CURVE HAVING A RADIUS OF 424.34 FEET, A CENTRAL ANGLE OF 3°31'39", WITH A LONG CHORD OF 26.12 FEET WHICH BEARS N80°21'07"W TO AN EXISTING SURVEY MONUMENT; N02°56'06"E, A DISTANCE OF 229.19 FEET; S89°16'20"E, A DISTANCE OF 293.66 FEET TO AN EXISTING SURVEY MONUMENT; THENCE ALONG THE SOUTH LINES OF WEST WOOD HILLS FIRST ADDITION, THE FOLLOWING 6 COURSES: S00°38'44"W, A DISTANCE OF 135.97 FEET TO AN EXISTING SURVEY MONUMENT; S62°33'00"E, A DISTANCE OF 150.20 FEET TO AN EXISTING SURVEY MONUMENT; THENCE ON A CURVE TO THE LEFT 39.46 FEET, SAID CURVE HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 8°22'25", WITH A LONG CHORD OF 39.42 FEET WHICH BEARS N31°03'08"E, S63°15'01"E, A DISTANCE OF 299.90 FEET TO AN EXISTING SURVEY MONUMENT; N62°56'38"E, A DISTANCE OF 109.90 FEET TO AN EXISTING SURVEY MONUMENT; S89°14'06"E, A DISTANCE OF 255.58 FEET TO THE WEST RIGHT-OF-WAY OF WES BYPASS; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING 5 COURSES: S02°09'04"W, A DISTANCE OF 106.80 FEET; S08°16'57"W, A DISTANCE OF 100.54 FEET TO AN EXISTING SURVEY MONUMENT; S02°25'00"W, A DISTANCE OF 60.02 FEET TO AN EXISTING SURVEY MONUMENT; S03°41'49"E, A DISTANCE OF 100.53 FEET TO AN EXISTING SURVEY MONUMENT; S02°19'04"W, A DISTANCE OF 433.20 FEET TO THE POINT OF BEGINNING, CONTAINING 1,310,213 SQ. FT. (30.1 ACRES).

BEARINGS ARE BASED ON MISSOURI STATE PLANE, CENTRAL ZONE, NAD83 (2011).

SUBJECT TO ANY EASEMENTS OF RECORD, EXCEPT ANY PART THEREOF TAKEN OR USED FOR ROAD OR HIGHWAY PURPOSES.

UTILITY DISCLAIMER

EXISTING UNDERGROUND INSTALLATIONS SUCH AS WATER MAINS, GAS MAINS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC LINES, AND BURIED STRUCTURES ON AND IN THE VICINITY OF THE SUBJECT PROPERTY ARE INDICATED HEREON ONLY TO THE EXTENT SUCH INFORMATION HAS BEEN MADE AVAILABLE TO OR DISCOVERED BY THE SURVEYOR. THERE IS NO GUARANTEE AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION, AND ALL RESPONSIBILITY FOR THE ACCURACY AND COMPLETENESS THEREOF IS EXPRESSLY DISCLAIMED.

UTILITIES

SANITARY SEWER TO BE PROVIDED BY
CITY OF SPRINGFIELD
840 BOONVILLE AVENUE
SPRINGFIELD, MISSOURI 65802
(417) 864-1900

ELECTRIC, NATURAL GAS AND WATER TO BE
SUPPLIED BY
CITY UTILITIES OF SPRINGFIELD, MO
SPRINGFIELD, MISSOURI 65802
(417) 863-9000

TELEPHONE SERVICE TO BE PROVIDED BY SBC
1010 PINE
ST. LOUIS, MISSOURI 63101
(800) 464-7928

CABLE TELEVISION TO BE PROVIDED BY
MEDIACOM
1533 S. ENTERPRISE AVENUE
SPRINGFIELD, MISSOURI 65804
(417) 875-5500

STORM WATER NOTES

1. THE AREA SHOWN HEREON IS NOT LOCATED IN A STORM SEWER DISTRICT AS OF THE DATE OF RECORDING AND MAY BE SUBJECT TO FUTURE ASSESSMENT COST IF INCLUDED IN FUTURE STORM WATER BENEFIT DISTRICT DEEMED NECESSARY RESULTING FROM PROBLEMS CREATED BY SURFACE WATER RUN-OFF. THIS IS DUE TO THE FACT THAT THE SURFACE WATER RUN-OFF IS PRESENTLY BEING ACCOMMODATED BY STREET AND OPEN DRAINAGE FACILITIES.
2. ALL DRAINAGE EASEMENTS ARE TO BE MAINTAINED BY THE PROPERTY OWNER.
3. RELINQUISHMENT OF THE WESTWOOD HILLS 2ND ADDITION DETENTION EASEMENT SHALL OCCUR BEFORE THE FINAL PLAT IS APPROVED.
4. THE PUBLIC IMPROVEMENT PROJECT FOR STORMWATER CONTROL MEASURES SHALL BE COMPLETED BEFORE THE FINAL PLAT IS APPROVED.
5. THE STREAM BUFFER EASEMENTS SHALL BE SHOWN ON THE FINAL PLAT PER SECTION 96-22 OF CITY CODE AND THE FLOOD CONTROL AND STORMWATER PROTECTION MANUAL.

SINKHOLE NOTES

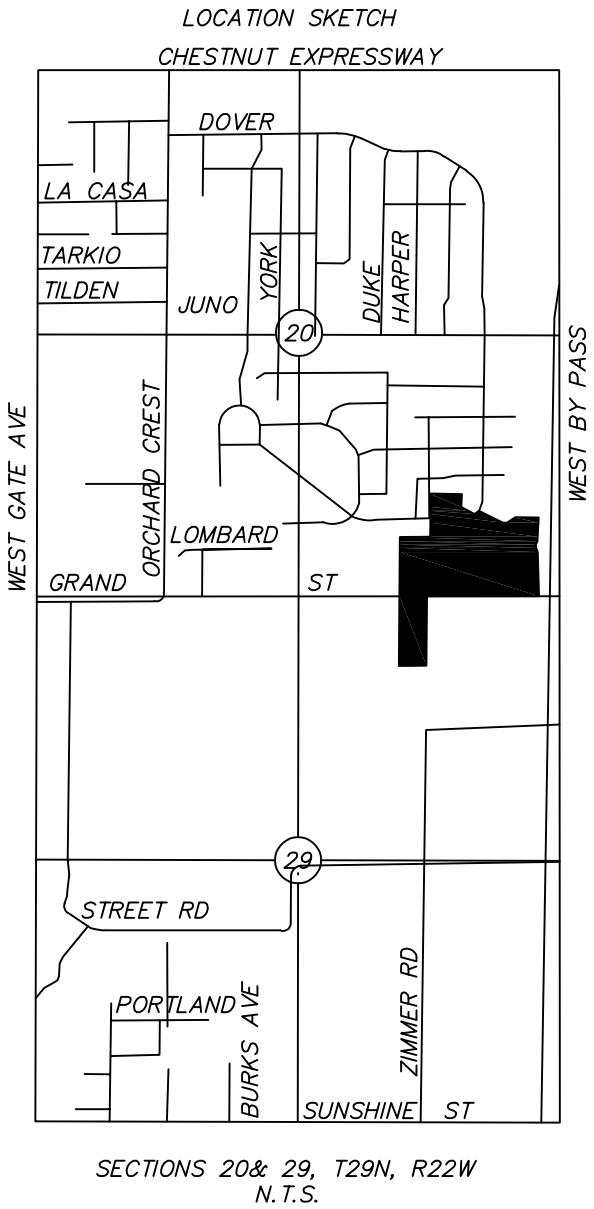
1. A 25' DRAINAGE EASEMENT/BUFFER AREA IS SHOWN ON THIS PLAT. THE SINK-HOLE RELATED NON-BUILDABLE AREAS OR RESTRICTED FILL AREAS SHALL BE DETERMINED BASED ON THE STUDY AND RECOMMENDATION OF A PROFESSIONAL ENGINEER OR GEOLOGIST PRIOR TO FINAL PLAT. HOWEVER, APPROVAL OF THIS PLAT IS NOT TO BE INTERPRETED AS ANY GUARANTEE THAT FUTURE SINK-HOLE ACTIVITY WILL NOT OCCUR DUE TO EITHER NATURAL OR HUMAN ACTIVITIES.
2. ANY SINK-HOLE RELATED NON-BUILDABLE AREA IDENTIFIED HERE HAS BEEN DETERMINED TO BE DISTURBANCE OR OTHER STRUCTURES SHALL BE PERMITTED WITHIN THIS AREA.
3. ANY SINK-HOLE OR RESTRICTED FILL AREA IDENTIFIED HERE HAS BEEN DETERMINED TO BE UNSUITABLE FOR SOIL BEARING FOUNDATION, AND THE ENTIRE STRUCTURE OF ANY BUILDING (INCLUDING THE FLOOR SYSTEM) CONSTRUCTED THEREIN MUST BE FOUNDED ON SOLID ROCK, OR AS DETERMINED BY THE DIRECTOR OF BUILDING DEVELOPMENT SERVICES.

OWNER/DEVELOPER

CARLETON RESOURCES LLC
6303 S. KISSICK
OZARK, MO 65721
PHONE: (417) 827-8589
CONTACT: KEVIN CARLETON

DEVELOPMENT NOTES

TOTAL AREA	1,310,213 SQ. FT. (30.1 ACRES)
PROPOSED GR ZONING	923,326 SQ. FT. (21.2 ACRES)
PROPOSED RSF ZONING	386,842 SQ. FT. (8.9 ACRES)
CONDITIONAL OVERLAY DIST.	79,962 SQ. FT. (1.8 ACRES)
TOTAL NO. OF LOTS	37 (35 RSF)
SMALLEST LOT	LOTS 7, 20-23 6,000 SQ. FT.
LARGEST LOT	LOT 29: 15,988 SQ. FT.
DENSITY (RSF)	3.9 LOTS/ACRE
PROPOSED LAND USE	SINGLE FAMILY HOME SITES
CURRENT ZONING	RESIDENTIAL SINGLE FAMILY/HIGHWAY COM.
SOURCE OF TITLE	BOOK 2509, PAGE 2302
STREET CLASSIFICATIONS	LOCAL
5' SIDEWALKS	SHALL BE CONSTRUCTED WHEN DEVELOPED
10' UTILITY EASEMENTS	ALONG RIGHT-OF-WAY OF ALL LOTS
REQUIRED SETBACKS	
FRONT YARD	15 FT. (25 FT. AT CUL-DE-SAC)
SIDE YARD	5 FT.
SIDE YARD	12.5 FT.
ON CORNERS	
REAR YARD	15 FT.



SURVEY DECLARATION

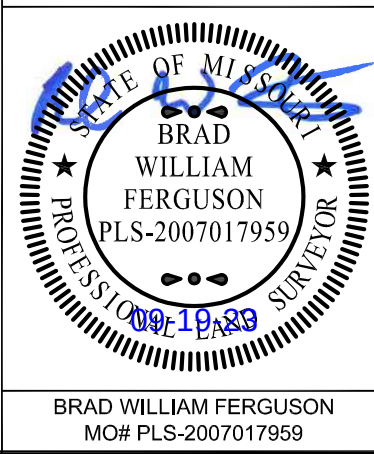
I HEREBY DECLARE TO CARLETON RESOURCES THAT THE INFORMATION SHOWN HEREON IS BASED ON AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED AND THAT SAID SURVEY WAS PERFORMED UNDER MY PERSONAL SUPERVISION, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS (20 CSR 2030-16).

Re W & E

BRAD WILLIAM FERGUSON, PLS 2007017959

LAND SURVEYING CORPORATION CERTIFICATE OF AUTHORITY #2001011476

DATE PREPARED: 08/18/2023



PRELIMINARY PLAT OF KAY POINTE PLACE
FOR
CARLETON RESOURCES

PART OF SE 1/4 SECTION 20 AND NE1/4 SECTION 29,
TOWNSHIP 29 NORTH, RANGE 22 WEST
GREENE COUNTY, MISSOURI

CHECKED BY: BWF

DRAWN BY: DVH

JOB NUMBER: 5095

FILE NAME: 5095_PP

GRE
GREAT RIVER
ENGINEERING

186 S PAYNE STEWART DR, SUITE 151, BRANSON, MO 65616
PHONE: (417) 220-4112 FAX: (417) 886-7591
www.gretriv.com

Missouri State Certificate of Authority Numbers:
Engineering: 2000156885, Land Surveying: 2001011476, Landscape Architecture: 2007013873

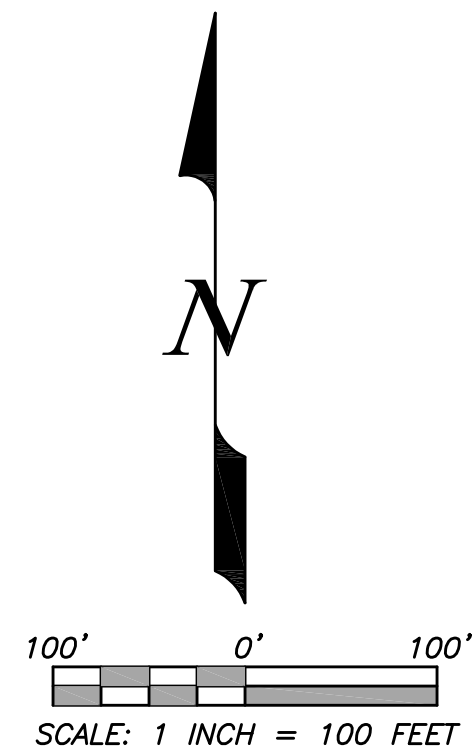
PRELIMINARY PLAT OF
KAY POINTE PLACE
A SUBDIVISION IN GREENE COUNTY, MISSOURI



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N79°37'03"W	136.95'
L2	N51°25'24"E	40.43'
L4	S78°35'18"E	45.00'
L5	S62°53'44"W	14.65'
L6	S19°58'26"W	29.88'
L7	S19°58'26"W	39.93'
L8	N22°53'48"W	14.66'
L9	S85°24'26"E	13.54'
L10	N26°51'14"E	43.94'
L11	N26°51'14"E	83.31'
L12	S78°35'18"E	45.00'
L13	N07°58'45"E	13.95'
L14	N84°58'15"W	7.93'
L15	N41°01'03"W	14.40'
L16	N02°56'09"E	30.68'
L17	S64°39'05"E	152.01'
L18	S89°35'52"W	69.11'
L19	N66°03'47"W	61.18'
L20	S67°06'54"W	76.83'
L21	N02°56'09"E	30.68'
L22	N02°56'09"E	49.50'
L23	N48°58'57"E	13.88'
L24	S84°58'15"E	35.09'

PARCEL AREA TABLE		
PARCEL #	SQ. FT.	ACRES
1	7421	±0.17
2	12665	±0.29
3	13589	±0.31
4	11208	±0.26
5	9581	±0.22
6	6300	±0.14
7	6000	±0.14
8	6688	±0.15
9	6054	±0.14
10	6609	±0.15
11	6239	±0.14
12	7574	±0.17
13	7325	±0.17
14	6279	±0.14
15	7744	±0.18
16	6958	±0.16
17	6294	±0.14
18	6634	±0.15
19	6096	±0.14

PARCEL AREA TABLE		
PARCEL #	SQ. FT.	ACRES
20	6000	±0.14
21	6000	±0.14
22	6000	±0.14
23	6000	±0.14
24	8031	±0.18
25	7738	±0.18
26	7432	±0.17
27	6324	±0.15
28	11211	±0.26
29	15988	±0.37
30	11972	±0.27
31	13617	±0.31
32	8368	±0.19
33	8420	±0.19
34	8856	±0.20
35	8810	±0.20
36	523713	±12.02
37	351146	±8.06



CURVE TABLE					
CURVE NO.	DELTA ANGLE	RADIUS	CHORD	CHORD BEARING	LENGTH
C1	057°40'18"	575.00'	554.65'	S55°41'23"W	578.77'
C2	054°15'25"	300.00'	273.59'	S52°29'21"E	284.09'
C3	039°39'23"	175.00'	118.72'	N45°11'19"W	121.12'
C4	041°10'21"	400.00'	281.29'	S44°25'50"E	287.44'
C5	009°29'38"	383.50'	63.47'	N28°35'28"W	63.54'
C6	045°15'01"	383.50'	295.06'	N55°57'47"W	302.87'
C7	068°10'31"	550.00'	616.51'	N60°56'30"E	654.43'
C8	003°31'39"	424.34'	26.12'	N80°21'07"W	26.13'
C9	003°42'47"	413.50'	26.79'	N76°43'54"W	26.80'
C10	057°48'53"	15.00'	14.50'	N08°56'01"W	15.14'
C11	015°18'49"	60.00'	15.99'	S30°11'03"E	16.04'
C12	069°30'38"	60.00'	68.41'	S12°13'41"W	72.79'
C13	056°50'19"	60.00'	57.11'	S75°24'10"W	59.52'
C14	041°41'04"	60.00'	42.70'	N55°20'09"W	43.65'
C15	050°51'43"	60.00'	51.53'	N09°03'45"W	53.26'
C16	061°21'59"	60.00'	61.23'	N47°03'05"E	64.26'
C17	057°46'09"	15.00'	14.49'	S48°51'00"W	15.12'
C18	011°31'10"	403.50'	80.99'	N59°17'50"W	81.12'
C19	014°49'40"	403.50'	104.13'	N46°07'25"W	104.42'
C20	005°53'04"	525.00'	53.90'	N43°41'50"E	53.92'
C21	005°50'59"	525.00'	53.58'	N37°49'49"E	53.60'
C22	006°24'18"	525.00'	58.66'	N31°42'10"E	58.69'

CURVE TABLE					
CURVE NO.	DELTA ANGLE	RADIUS	CHORD	CHORD BEARING	LENGTH
C23	001°38'47"	525.00'	15.09'	N27°40'38"E	15.09'
C24	008°22'25"	270.00'	39.42'	N31°03'08"E	39.46'
C26	012°57'42"	353.50'	79.80'	N68°59'46"W	79.97'
C27	011°57'41"	353.50'	73.66'	N56°32'04"W	73.80'
C28	011°57'41"	353.50'	73.66'	N44°34'23"W	73.80'
C29	011°36'50"	525.00'	106.24'	N60°05'34"E	106.42'
C30	009°01'36"	525.00'	82.63'	N70°24'48"E	82.71'
C31	007°41'30"	525.00'	70.43'	N78°46'21"E	70.48'
C32	007°41'30"	525.00'	70.43'	N86°27'51"E	70.48'
C33	004°43'09"	525.00'	43.23'	S87°19'50"E	43.24'
C34	010°30'13"	575.00'	105.26'	N89°46'39"E	105.41'
C35	057°46'09"	15.00'	14.49'	N31°49'13"E	15.12'
C36	023°06'17"	60.00'	24.03'	S49°09'09"W	24.20'
C37	051°12'37"	60.00'	51.86'	S11°59'42"W	53.63'
C38	036°43'38"	60.00'	37.81'	S31°58'25"E	38.46'
C39	036°43'38"	60.00'	37.81'	S68°42'02"E	38.46'
C40	036°43'38"	60.00'	37.81'	N74°34'20"E	38.46'
C41	036°43'38"	60.00'	37.81'	N37°50'42"E	38.46'
C42	034°12'33"	60.00'	35.29'	N02°22'37"E	35.82'
C43	040°06'20"	60.00'	41.15'	N34°46'50"W	42.00'
C44	057°46'09"	15.00'	14.49'	S25°56'56"E	15.12'

Survey Control Point Table				
Point #	Northing	Easting	Elevation	Description
3	498817.51	1392325.64	1229.67	CP 3 60D NW COR CHURCH PROP
4	498629.58	1392280.61	1224.53	CP 4 60D SW COR CHURCH PROP

LEGEND

○	SET 5/8" IRON PIN CAPPED "GREAT RIVER 2001011476"
●	FOUND IRON PIN (AS NOTED)
△	CONTROL POINT
⊕	TEMPORARY BENCHMARK
⊗	SANITARY SEWER MANHOLE
⦿	FIRE HYDRANT
— — — — —	CONTOUR MAJOR
- - - - -	CONTOUR MINOR
S — — — — —	SANITARY SEWER LINE
W — — — — —	WATER LINE
	SINK HOLE
	FLOODWAY
	FLOOD ZONE AE

FOUND MONUMENT TABLE	
1.	5/8" IRON PIN
2.	5/8" IRON PIN ILLEGIBLE
3.	5/8" IRON PIN LS 2153
4.	5/8" IRON PIN ILLEGIBLE
5.	5/8" IRON PIN
6.	5/8" IRON PIN
7.	5/8" IRON PIN LS 2153
8.	5/8" IRON PIN
9.	5/8" IRON PIN LS 2153
10.	5/8" IRON PIN
11.	5/8" IRON PIN
12.	5/8" IRON PIN
13.	60# NAIL
14.	5/8" IRON PIN HOODRICH ILLEGIBLE
15.	5/8" IRON PIN ILLEGIBLE
16.	5/8" IRON PIN LS 2153
17.	5/8" IRON PIN
18.	5/8" IRON PIN LS 2153
19.	5/8" IRON PIN LC 62
20.	5/8" IRON PIN LS 124D
21.	5/8" IRON PIN LC 62

DATE PREPARED: 08/18/2023



BRAD WILLIAM FERGUSON
MO# PLS-2007017959

PRELIMINARY PLAT OF KAY POINTE PLACE
FOR
CARLETON RESOURCES

PART OF SE 1/4 SECTION 20 AND NE1/4 SECTION 29,
TOWNSHIP 29 NORTH, RANGE 22 WEST
GREENE COUNTY, MISSOURI

CHECKED BY: BWF

DRAWN BY: DVH

JOB NUMBER: 5095

FILE NAME: 5095 PP

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ENGINEERING
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Missouri State Certificate of Authority Numbers:
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