



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

December 11, 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. Approval of Minutes. November 6, 2023, City Council Meeting, November 20, 2023, City Council Meeting, and November 21, 2023, Special City Council Meeting.

3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS.

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

4. CEREMONIAL MATTERS.

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

6. SECOND READING AND FINAL PASSAGE.

Citizens Have Spoken. May Be Voted On.

6.1. Council Bill 2023-280 (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.

6.2. 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.

6.3. 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.

6.4. 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.

6.5. 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.

6.6. 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.

6.7. 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.

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

7.1. Council Bill 2023-291 (McGull)

A resolution granting a Short-Term Rental Type 2 permit for the property located at 1414 South Pickwick Avenue for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS. Citizens May Speak. May Be Voted On.

9.1. Council Bill 2023-292 (Horton)

A special ordinance accepting the bid of JD Wallace Contracting, LLC, in the amount of \$310,243 for the construction of sanitary sewers in Sanitary Sewer District No. 182 of Section No. 16, located in the vicinity of West Bypass and Division Street; authorizing

the City Manager, or designee, to enter into a contract and approve the bond for said improvement; authorizing progress payments to be made to the contractor; and declaring that this Ordinance qualifies for approval in one reading.

10. GRANTS.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING.

Citizens May Speak. Not Anticipated To Be Voted On.

12.1. Council Bill 2023-293 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.5 acres of property generally located at 5298 East Farm Road 104, from County R-1, Suburban Residence District, to HC, Highway Commercial District, with Conditional Overlay District No. 242; establishing Conditional Overlay District No. 242; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Kurt Wouk; 5298 E. Farm Road 104/ Z-29-2023 with Conditional Overlay District No. 242)

12.2. Council Bill 2023-294 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.68 acre of property generally located at 2555 North Neergard, from GM, General Manufacturing District, to IC, Industrial Commercial District, with Conditional Overlay District No. 243; establishing Conditional Overlay District No. 243; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Barbara Lorenz; 2555 N. Neergard Avenue; Z-30-2023 with Conditional Overlay District No. 243)

12.3. Council Bill 2023-295 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.70 acres of property generally located at 1650 South Ingram Mill Road, from GR, General Retail District, to CS, Commercial Service District, with Conditional Overlay District No. 244; establishing Conditional Overlay District No. 244; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: J&M Tillman, LLC; 1650 South Ingram Mill Road; Z-31-2023 with Conditional Overlay District No. 244)

12.4. Council Bill 2023-296 (Simpson)

A special ordinance approving the final development plan of Planned Development District No. 12, 12th Amendment, generally located at 1249 East Kingsley Street. (Planning and Zoning Commission and Staff recommend approval.) (By: East Wichita Development, LLC; 1249 E. Kingsley Street; Final Development Plan – Planned Development 12, 12th Amend.)

13. FIRST READING BILLS.

Citizens May Speak. Not Anticipated To Be Voted On.

13.1. Council Bill 2023-297 (Carroll)

A special ordinance authorizing the City to participate in the Missouri Fire Fighters Critical Illness Trust and Pool, and further authorizing the City Manager, or designee, to execute such documents as may be necessary for the City's participation therein.

13.2. Council Bill 2023-298 (Hosmer)

A special ordinance approving a Memorandum Agreement between the City and the International Association of Fire Fighters, Southern Missouri Professional Fire Fighters Local 152, regarding applying for enrollment in the Missouri Fire Fighters Critical Illness Trust and Pool for calendar year 2024 for eligible bargaining unit members; and authorizing the City Manager, or his designee, to execute the Memorandum Agreement.

13.3. Council Bill 2023-299 (Hardinger)

A special ordinance approving a Memorandum Agreement between the City and the International Brotherhood of Electrical Workers AFL-CIO Local Union Number 753, the representative for a bargaining unit within the City's Crafts, Trades and Labor employee group, regarding applying for enrollment in the Missouri Fire Fighters Critical Illness Trust and Pool for calendar year 2024 for eligible bargaining unit members; and authorizing the City Manager, or designee, to execute the Memorandum Agreement.

13.4. Council Bill 2023-300 (Lee)

A general ordinance amending the Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' to create a new subsection relating to participation in the Missouri Fire Fighters Critical Illness Trust and Pool.

13.5. Council Bill 2023-301 (Jenson, McGull)

A special ordinance authorizing the City Manager, or designee, to enter into a Carbon Reduction Program Agreement with the Missouri Highways and Transportation Commission; and approving a budget adjustment amending the Fiscal Year 2023-2024 budget of the Department of Public Works in the amount of \$240,000 to appropriate the federal grant funds.

13.6. Council Bill 2023-302 (McGull)

A special ordinance approving Olsson as the consultant to provide professional services for Phase II improvements at City's Cooper Park and Sports Complex, in the amount of \$887,770, as an approved project for use of American Rescue Plan Act Funds received by City; and authorizing the Park Board Chair, or designee, to enter into a contract with Olsson for these purposes.

13.7. Council Bill 2023-303 (Lee)

A special ordinance authorizing the City Manager, or designee, to enter into intellectual property and service agreements with the City of Cape Girardeau, Missouri to authorize the use of the City's intellectual property and provide consultation and services necessary to implement the City of Springfield's SafeAcross pedestrian safety program; and authorizing the City Manager, or designee, to enter into similar intellectual property

and service agreements with the State of Missouri, its political subdivisions, other states, or their political subdivisions, to implement the City of Springfield's SafeAcross pedestrian safety program in those other jurisdictions.

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

14.1. Josephine Grace wishes to address City Council.

14.2. Clayton Robertson wishes to address City Council.

14.3. Rachael Elliott wishes to address City Council.

15. NEW BUSINESS.

15.1. 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.

15.2. The Mayor recommends the following appointment to the Mayor's Commission on Human Rights and Community Relations: Dan Furtak with term to expire October 1, 2026.

15.3. The Mayor recommends the following appointment to the Mayor's Commission on Human Rights and Community Relations: Gail Herbert with term to expire October 1, 2025.

15.4. The Mayor recommends the following reappointments to the Mayor's Commission on Human Rights and Community Relations: Rachel Nabb and Jamea Crum with terms to expire October 1, 2026.

15.5. The Mayor recommends the following appointments to the Tree City USA Citizen Advisory Committee: Addison Jones and Justin Sheppard with terms to expire December 1, 2026.

15.6. The Mayor recommends the following reappointment to the Tree City USA Citizen Advisory Committee: Michael Brittain with term to expire December 1, 2026.

15.7. The Mayor recommends the following reappointment to the Springfield Convention and Visitors Bureau, Inc.: Brad Beattie with term to expire January 1, 2027

- 15.8. The Mayor recommends the following appointment to the Springfield Convention and Visitors Bureau, Inc.: Nancy Riggs with term to expire January 1, 2027.

16. UNFINISHED BUSINESS.

17. MISCELLANEOUS.

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

18.1. Council Bill 2023-304 (McGull)

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Patel Subdivision, generally located at 4808 East Parallel Lane, 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.)

19. CONSENT AGENDA – ONE READING BILLS.

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

20.1. 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.

20.2. 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.

20.3. Confirm the following appointments to the Board of Public Utilities: Ben Shantz and Gerald Lee with terms to expire December 1, 2026.

20.4. Confirm the following reappointments to the Board of Public Utilities: Heather Ramsey and Clifton Smart with terms to expire December 1, 2026.

21. END OF CONSENT AGENDA.

22. ADJOURN.



City of Springfield

Minutes

City Council Meeting.

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 6, 2023

6:30 PM

**Regional Police-Fire
Training Center**

1. ROLL CALL.

Mayor McClure acknowledged the upcoming Veteran's Day and recognized all who serve and have served.

Present: Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Jenson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Horton, Councilmember Lee, and Mayor McClure. Absent: Councilmember Carroll.

2. APPROVAL OF MINUTES.

- 2.1. Approval of Minutes. October 13, 2023, Special City Council Meeting, October 16, 2023, City Council Meeting, October 17, 2023, Special City Council Meeting, and October 30, 2023, Special City Council Meeting.

Mayor Pro Tem Simpson moved to approve the minutes of the October 13, 2023, Special City Council meeting, October 16, 2023, City Council meeting, October 17, 2023, Special City Council meeting, and the October 30, 2023, Special City Council meeting as presented. Councilmember Hosmer seconded the motion, and it was approved as presented by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

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.

The Consent Agenda was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

4. CEREMONIAL MATTERS.

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

Jason Gage, City Manager, congratulated the graduates of Springfield Fire Academy 722. He added sixteen fine men and women completed the class to become Springfield firefighters. He honored their commitment.

Mr. Gage noted the Lake Springfield planning efforts were moving along, and the proposed ideas are online at lakesgfplan.com. He thanked all who attended the public meeting last month to provide input on the final plan.

Mr. Gage invited all to attend the dedication of the Roseann Bentley Musical Playground at 3:00 p.m., on Tuesday, November 21, at Phelps Grove Park. The playground is in the northeast quadrant of the park.

Mr. Gage noted City Clerk Anita Cotter was awarded the International Institute of Municipal Clerks' (IIMC) designation of Master Municipal Clerk. IIMC grants the MMC designation only to those Municipal Clerks who complete demanding education requirements and have a record of significant contributions to their local, community, and state government.

Mr. Gage noted a new, spectacular 65-foot holiday tree would be lit at the 2023 Mayor's Tree Lighting and Holiday Show on November 18 in Park Central Square. The six-story tree was made possible in part thanks to a donation from the Hatch Foundation. He added the event was produced by the City's Department of Public Information and Civic Engagement, in partnership with City Utilities, KY3, and the Downtown Community Improvement District. Additional assistance is provided by the Springfield-Greene County Park Board. Mr. Gage noted that in addition to witnessing a dazzling display of lights, eventgoers would also be treated to performances by a diverse lineup of artists. Entertainment will range from country to jazz to performances in Spanish to opera and everything in between. He invited all to join the festivities starting at 6:00 p.m. on Saturday in Park Central Square, or at 7:00 p.m. from home on Me TV. The tree lighting will occur just before 8:00 p.m. The show will be re-aired on KY3 several times during Christmas week.

Mr. Gage noted the retirement of Rhonda Lewsader, City Attorney. He thanked her for her work. Mayor McClure thanked Ms. Lewsader for her excellent work and service.

6. SECOND READING AND FINAL PASSAGE.

Citizens Have Spoken. May Be Voted On.

6.1. Council Bill 2023-256 (Carroll)

A general ordinance amending Chapter 36 of the Springfield City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Division 3, 'Administration, Enforcement, and Review,' Section 36-350, 'Planning and zoning commission,' for the purpose of eliminating duplication and aligning the Planning and Zoning Commission procedures with best practices of other communities in the state. (Staff and Planning and Zoning Commission both recommend approval.)

Council Bill 2023-256 (Carroll). Ordinance 6820 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

6.2. Council Bill 2023-249 (Hardinger)

A special ordinance authorizing the City Manager, or his designee, to enter into Schedule of Equipment No. 6, which will become a part of its existing Master Equipment Lease Purchase Agreement, the proceeds of which will be used to pay the costs of acquiring and installing equipment for the City's Parks Department and to do all things necessary to carry out the lease-purchase transaction, including the execution of certain documents in connection therewith; and amending the budget of the City for Fiscal Year 2023-2024 in the amount of \$860,000.

Council Bill 2023-249 (Hardinger). Ordinance 27921 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

6.3. Council Bill 2023-250 (Hosmer)

A special ordinance approving the Seventh Amendment to the July 1, 2021, Collective Bargaining Agreement between the City and the Springfield Police Officers Association, Fraternal Order of Police Lodge 22, the Exclusive Representative of a certain Bargaining Unit within the Springfield Police Department, representing changes requested by the Springfield Police Officers Association, Fraternal Order of Police Lodge 22, regarding payroll deductions; and authorizing the City Manager, or his designee, on behalf of the City, to execute and deliver the Seventh Amendment to the Collective Bargaining Agreement to the Exclusive Representative.

Council Bill 2023-250 (Hosmer). Ordinance 27922 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

6.4. Council Bill 2023-251 (Hardinger)

A general ordinance amending the Springfield City Code, Section 2-91, known as the “Merit System Rules and Regulations,” for multiple purposes, including but not limited to the following: aligning the Merit Rules with the City’s Code and Charter in light of recent Charter changes approved by voters in April 2023; furthering the City’s diversity and inclusion goals; clarifying specific provisions within the Merit Rules; adding or reordering certain definitions; and addressing language that is no longer utilized.

Council Bill 2023-251 (Hardinger). Ordinance 6821 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

6.5. Council Bill 2023-252 (Carroll)

A special ordinance authorizing the City Manager, or his designee, to accept the Edward Byrne Memorial Justice Assistance Grant in the amount of \$217,128.00 from the United States Department of Justice and to enter into an interlocal agreement with Greene County, outlining the division of the grant funds; and amending the budget for the Springfield Police Department for Fiscal Year 2023-2024 in the amount of \$217,128.00.

Council Bill 2023-252 (Carroll). Ordinance 27923 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

6.6. Council Bill 2023-253 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to enter into a Carbon Reduction Program Agreement with the Missouri Highways and Transportation Commission; and approving a budget adjustment amending the Fiscal Year 2023-2024 budget of the Department of Public Works in the amount of \$61,295 to appropriate the federal grant funds.

Council Bill 2023-253 (Hosmer). Ordinance 27924 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

6.7. Council Bill 2023-254 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to enter into a federal Carbon Reduction Program Agreement with the Missouri Highways and Transportation Commission; and approving a budget adjustment amending the Fiscal Year 2023-2024 budget of the Department of Public Works in the amount of \$96,641 to appropriate the federal grant funds.

Council Bill 2023-254 (Hosmer). Ordinance 27925 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

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

7.1. Council Bill 2023-257 (Horton)

A resolution declaring it necessary to construct sanitary sewers in Sanitary Sewer District No. 182 of Section No. 16 in the City, located in the general vicinity of West Bypass and Division Street; providing for payment therefore; and providing for publications and notices.

Ron Petering, Assistant Director of Environmental Services, provided a brief overview of the proposed. Mr. Petering noted the proposed would declare the necessity of sanitary sewers for the location in the vicinity of West Bypass and Division Street. He added the proposed encompasses seven properties in the city limits and would make sewer service available. Mr. Petering noted the project would be funded by assessments in the form of special tax bills made against the properties in the district. He added the cost would be \$.49 per square foot of property in the district.

Councilmember Horton noted the opportunity for citizens to come off of the septic system and join the sewer system. Ms. Horton asked if most of the properties in the area were non-residential. Mr. Petering responded there were seven total properties, with two being of residential nature. Ms. Horton asked if the assessed cost was the same regardless of property type. Mr. Petering responded affirmatively. He added there were some programs that could reduce the assessment for residential properties in some cases and the programs are disclosed in the mailing notice sent to property owners.

Councilmember Lee disclosed he has worked with both contractors that bid on the project but did not have any interests in the project.

Councilmember Hosmer asked if the proposed properties were currently served by septic systems and in the city limits. Mr. Petering responded affirmatively. Councilmember Hosmer asked how many septic systems the proposed would take out of service. Mr. Petering responded seven.

Councilmember McGull asked how many septic systems were in the city limits. Mr. Petering responded there were approximately 200. The goal is to get everyone off of septic as it is an environmental issue.

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

Council Bill 2023-257 (Horton). Resolution 10729 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

7.2. Council Bill 2023-258 (Horton)

A resolution initiating amendments to the Springfield Land Development Code, Article III, 'Zoning Regulations,' Section 36-459, 'Special regulations for retail liquor sales,' to add additional requirements to notify property owners and occupants of residential dwellings within 200 feet of the location of a liquor license application.

Jason Gage, City Manager, introduced the proposed. Mr. Gage noted the proposed would initiate action to allow amendments to the Springfield Land Development Code regarding special regulations for retail liquor sales for additional requirements to notify property owners and occupants of residential dwellings within 200 feet of the location of a liquor license application.

Councilmember Horton noted there was an omission that did not allow for thorough notification to property owners in the area. She added a sign posting alone may not be efficient in notifying property owners in time for a protest petition to occur. Ms. Horton noted that a requirement for mailed notifications with procedural instructions would better serve citizens in the area.

Councilmember Jenson asked if staff currently sends mail notifications the same day a notice is posted and if this is a reasonable request. Rhonda Lewsader, City Attorney, responded it was not common practice currently and she was not aware what difficulties that would present for the staff.

Councilmember McGull asked if the notices would be sent by regular mail. Ms. Lewsader responded affirmatively.

Councilmember Hosmer asked if the proposed only addressed property owners within 200 feet receiving a mailed notice. Ms. Lewsader responded affirmatively. Councilmember Hosmer expressed his support for the proposed. He expressed his belief neighborhoods should be able to have a say in what businesses come into their neighborhoods.

Mayor McClure asked how the proposed would work procedurally. Ms. Lewsader responded that when an application was submitted for a license staff would have to be determined which property owners are within 200 feet, and those property owners would be mailed a written notice.

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

Council Bill 2023-258 (Horton). Resolution 10730 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

7.3. Council Bill 2023-259 (McGull, Carroll, Hosmer, Lee, Horton)

A resolution instructing the City Manager to pursue an updated historic building survey, to provide an estimated cost for such survey to City Council, and to apply for a Historic Preservation Grant to help with funding for the survey. (Recommended by the Plans and Policies Committee.)

Bob Hosmer, Planning Manager, provided a brief overview of the proposed. Mr. Hosmer noted the proposed would instruct the City Manager to pursue an updated Historic Building Survey, provide the cost to City Council, and apply for a Historic Preservation Grant to help

fund the grant.

Mayor McClure noted the proposed was a recommendation from the Plans and Policies Committee.

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

Councilwoman Horton noted the proposed was, in part, a result of the Demolition by Neglect topic that was sent to the Plans and Policies Committee. She added this created the realization that a current inventory of the properties is needed.

Mayor Pro Tem Simpson asked if historic building work also entails identification of funding opportunities for the work. Mr. Hosmer responded this could lead to funding opportunities.

Council Bill 2023-259 (McGull, Carroll, Hosmer, Lee, Horton). Resolution 10731 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

7.4. Council Bill 2023-260 (Hosmer)

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

Jason Gage, City Manager, provided a brief overview of the proposed. Mr. Gage noted the proposed would allow for adoption of the City of Springfield's 2024 Legislative Priorities. Mr. Gage further noted general priorities focus on State Legislation. He added local control is desired, special legislation be for special issues, and a state approach should not be taken. Mr. Gage noted the issues supported were promotion of public safety, economic vitality, fiscal sustainability, and quality of place.

Mr. Gage noted the public safety issue has remained static with sustained funding for mental health services, reduction of gun violence, sexual assault reduction, and victim assistance needs.

DNA testing was removed because the Police Department noted a state legislation change in 2021 allows for the testing in certain instances.

Mr. Gage noted support of the Land Bank was ongoing to assist with the strengthening of neighborhoods. Mr. Gage noted the proposed also asks for the following: a cap on payday loans, change in policies for failure to appear in court, clarification on the use of bench warrants, legislation for those serving community service, legislation for abatement services to allow for more flexible mailing options, and clarified language for abatement services. Mr. Gage added the City asked for legislative support for mental health services.

Mr. Gage noted they asked State Legislature to amend or repeal House Bill 1662 regarding home based business. The title of House Bill 1622 will be corrected in the title of the proposed. Mr. Gage noted the City asked the State Legislature to clearly define video lottery terminals. He added they asked the State Legislature to clarify the statutory use of transportation development district (TDD) funds and to amend state law to enhance the City's ability to allow voluntary annexation.

Mr. Gage noted the following new legislative funding requests: Full funding for Interstate I-44 improvements from Kansas Expressway to Highway 65, extension funding of \$3.4 million for LeCompte Road and Eastgate, and funding for the Family Connects Program. He added specific language regarding sales taxes and vehicle registration could be added if desired.

Councilmember Hosmer expressed his belief language regarding vehicle registration penalties should be added. He noted cameras are not efficient if a vehicle is not properly tagged. Mr. Gage responded those who have not registered their vehicles also may not have renewed their insurance, which creates additional issues. He noted adding language to add additional penalties for vehicle licensing violations.

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

Councilmember Horton expressed her belief Councilmember Hosmer made valid points, and noted it seemed they were asking the State to add language that affects the State. Councilmember Horton questioned if it would gain traction. Councilmember Hosmer responded it may not, but it is appropriate to ask.

Councilmember Hosmer moved to amend Council Bill 2023-260 (Hosmer) to include increased penalties for vehicle registration violations. Mayor Pro Tem Simpson seconded the motion to amend, and it was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

Councilmember Hosmer expressed his belief preemption prevents local government from action such as raising taxes on cigarettes, gun laws, lowering interest rates on pay-day loans, raising taxes on alcohol, and requiring motorcycle helmets. He added this is why it is important to ask to retain local control.

Councilmember Horton expressed her belief it is important to ask to retain control of regulations that affect neighborhoods. She expressed her opinion neighborhood revitalization and public safety is beneficial for all.

Mayor Pro Tem Simpson noted success has been attained with securing State funding for transformative projects. He thanked Senator Hough. Mr. Gage noted within the priorities is a coordinated approach to working with the local delegation.

Councilmember Hosmer noted many dollars received were Federal dollars which were passed through the State government.

Mayor McClure noted the public hearing would be held over on the amendment only until the November 20, 2023, City Council meeting.

7.5. Council Bill 2023-261 (Hardinger)

A resolution authorizing the City Manager, or his designee, to apply for up to \$500,000 in grant funds from the United States Environmental Protection Agency for the Community-wide Assessment Grants program to carry out assessments on sites potentially contaminated with petroleum, pollutants, or other hazardous substances to prepare these sites for cleanup and productive reuse.

Amanda Ohlensehlen, Director of Economic Vitality, provided a brief overview of the proposed. Ms. Ohlensehlen noted the proposed would allow for application to the United States Environmental Protection Agency for the Community-wide Assessment Grants program for up to \$500,000. The grant would provide for assessment and reuse of potentially hazardous sites. The application would allow the City to continue grow. The grant proposal covers site revitalization at the intersection of College Street and Kansas Avenue, Chase Street, and Grant Avenue Parkway. Forty properties have been identified to be assessed. The application for the grant is due in mid-November and no cost-share would be required.

Councilmember Jenson expressed his support for the City's ability to draw-down funding to help support its efforts. He asked about the requirement for period of performance. Ms. Ohlensehlen responded it is four years. Mr. Jenson asked how residents could stay informed of the assessments. Ms. Ohlensehlen responded through local engagement and a data map through the Environmental Protection Agency (EPA) called EJ Screen can be used.

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

Council Bill 2023-261 (Hardinger). Resolution 10731 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS.

10. GRANTS.

Citizens May Speak. May Be Voted On.

10.1. Council Bill 2023-262 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the State of Missouri Department of Economic Development to accept \$3,880,000 of state General Revenue Funds appropriated by the Missouri General Assembly to support maintenance and improvements to Hammons Field.

David Holtmann, Director of Finance, provided a brief overview of the proposed. Mr. Holtmann noted the proposed would allow the City to enter into an agreement with the State of Missouri Department of Economic Development to accept \$3.88 million of State General Revenue Funds appropriated by the Missouri General Assembly to support maintenance and improvements to Hammons Field.

Councilmember Hosmer asked if the funds were from the State General Fund. Mr. Holtmann responded affirmatively.

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

Council Bill 2023-262 (Hosmer). Ordinance 27926 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Horton and Councilmember Carroll. Abstain: None.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING.

Citizens May Speak. Not Anticipated To Be Voted On.

12.1. Council Bill 2023-263 (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.)

Daniel Neal, Senior City Planner, provided a brief overview of the proposed. Mr. Neal noted the proposed would allow annexation of approximately 5.5 acres of property at 5298 East Farm Road 104 into the city. Mr. Neal further noted the property is a voluntary annexation and is within the City's service area. The property is north of the Buc-ees' development.

Councilmember McGull asked if the plan for the property was to create an RV park. Mr. Neal responded the intent was for an RV park, and the HC-Highway Commercial district allows for this as other commercial uses. Councilmember McGull asked if Buc-ees allows RV customers. Mr. Neal was unsure.

An opportunity was given for citizens to express their views.

Geoff Butler, a representative of the applicant, spoke in support of the proposed. Mr. Butler noted there is sewer on the property, the annexation is voluntary, and the owners wish to use the property as an RV park.

Councilmember Hosmer asked if there was a consent annexation on the property. Mr. Butler responded if the owners wish to use the sewer, this would trigger a consent annexation. The owners are willing to voluntarily annex.

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

12.2. 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.)

Daniel Neal, Senior City Planner, provided a brief overview of the proposed. Mr. Neal noted the proposed would allow for rezoning of 21.2 acres of property at 901 South West Bypass to General Retail District, with Conditional Overlay District (COD) No. 228. He added Grand Street would not be extended. The property is adjacent to Wilson's Creek where there is a flood plain area. Mr. Neal noted much of the area will be used as green space with beautification efforts and mixed use in the development. Mr. Neal further noted the new COD has a requirement for street connections. He added a traffic impact study would be required. The development will include landscaping and a stream buffer. Mr. Neal added the first 110 feet of the property would allow for multi-family residential.

Councilmember Jenson asked if the trail connection would connect to Rutledge Wilson and provide easements. Mr. Neal responded the developer was willing to provide trail connections and noted an easement would be provided. Councilmember Jenson noted the prevalence of flooding in the area and asked for an explanation of the Fee in Lieu Of for the development. Chris Dunnaway, Principal Engineer, responded the Fee in Lieu Of program is meant for properties next to the flood plain when detention does not provide benefits downstream. The Fee in Lieu Of funds to maintain and improve regional detention systems within the same watershed.

Mayor Pro Tem Simpson asked if the intention was to have a connection across West Bypass to connect to the Jordan Creek Greenway. Mr. Dunnaway responded he did not believe so.

An opportunity was given for citizens to express their views.

David Lundstrom, a representative for the developers, spoke in support of the proposed. Mr. Lundstrom expressed he was available to answer any questions.

Councilmember Jenson asked for any additional information regarding stormwater management. Mr. Lundstrom noted if the property is in the first 10 percent of a stormwater system, it is often better to allow the runoff to occur before the peak of the system hits the drainage way.

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

12.3. 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.)

Bob Hosmer, Planning Manager, provided a brief overview of the proposed. Mr. Hosmer noted the proposed would allow rezoning of 1.85 acres of property at 1218, 1222, 1223, 1226, and 1238 East Pacific Street, and 1219 and 1225 East Locust Street to Low-Density Multi-Family Residential District with Conditional Overlay District No. 240. He added the property is identified as a Center-City place type.

Councilmember Jenson asked if a lot combination was anticipated for the development. Mr. Hosmer responded affirmatively.

An opportunity was given for citizens to express their views.

Mat Baran, a representative of the property owner, spoke in support of the proposed. He noted the intent is to use the property for residential use to develop as lofts for one-family and two-family homes.

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

12.4. 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: JNE Holdings; 4123 and 4149 West Chestnut Expressway and 430 North Meteor Avenue; Z-28-2023 with Conditional Overlay District No. 241.)

Bob Hosmer, Planning Manager, provided a brief overview of the proposed. Mr. Hosmer noted the proposed would allow for rezoning of 3.43 acres of property located at 4123 and 4149 West Chestnut Expressway and 430 North Meteor Avenue to Medium Density Multi-Family Residential District with Conditional Overlay District No. 241. The place type supports multi-family. Mr. Hosmer noted the property is part of the Chestnut Expressway corridor.

An opportunity was given for citizens to express their views.

Jared Rasmussen spoke in support of the proposed. Mr. Rasmussen noted the neighborhood meetings for the development were acceptable, and he was available for any questions.

Councilmember Jenson asked if it was anticipated the development would serve as workforce housing. Jeff Beckler, the applicant, responded affirmatively, and noted the price point would follow the Greene County median income. He added preliminary numbers would have a rent range from approximately \$378 to \$1,075.

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

13. **FIRST READING BILLS.**

Citizens May Speak. Not Anticipated To Be Voted On.

13.1. Council Bill 2023-268 (Hardinger)

A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' Article I, 'In General,' by adding a new Section 2-12, 'Authority to adopt suspension of access to city facilities and land policy.'

Rhonda Lewsader, City Attorney, provided a brief overview of the proposed. Ms. Lewsader noted the proposed would allow for amendment of the Springfield City Code to add a new Section 2-12, 'Authority to adopt suspension of access to city facilities and land policy'. Ms. Lewsader noted the City aims to provide a positive and safe environment for citizens and staff to conduct business, free from unlawful behavior of third parties. She added disregard for City policies and unsafe or unlawful behavior can occur at times and impact citizens or staff. Ms. Lewsader noted the ordinance would authorize the City Manager to adopt a policy to set out due process provisions and procedures to provide a consistent and fair approach regarding suspensions. This policy would provide clarity for staff and transparency for citizens regarding these types of suspensions.

Mayor Pro Tem Simpson asked if the current practice was at the discretion of employees of the facility. Ms. Lewsader responded it generally is and expressed her belief it would be beneficial to have one overarching policy for the City. Mayor Pro Tem Simpson asked if the suspensions currently occur without the proposed policy. Ms. Lewsader responded affirmatively and added suspensions are rare.

Councilmember Hosmer asked if the policy would be provided to City Council before it would be implemented. Ms. Lewsader responded staff could provide a draft for City Council and noted it was not anticipated it would be voted on. Ms. Lewsader noted legal staff has been looking at this complex legal issue over the past year. Councilmember Hosmer expressed his concern about having a policy which would restrict citizens' access. He expressed his belief the language needs clarity.

Councilmember McGull expressed his belief the complete policy should be available to be viewed before they vote. He noted the terms need to be clear and defined.

Councilmember Jenson expressed his trust in the City staff and added there are concerns over limitations placed on citizens' access. He added the language should be clear and defined.

Councilmember Horton noted her understanding for staff safety. She added there were implications to interpretation of unruly behavior and noted the language needs to be clear.

Mayor Pro Tem Simpson expressed his belief it would be beneficial to view the finished policy on weighty issues such as this, adding having no policy in place could place staff and citizens in an unfair position to navigate these issues.

Councilwoman Hardinger asked if the policy included correspondence via email and other virtual forms of communication. Ms. Lewsader responded the proposed was intended for in-person communications. Councilwoman Hardinger asked if staff received de-escalation training. Mr. Lewsader responded training would most likely occur after a policy was enacted. Mr. Gage noted these topics would be addressed when the harassment policy is updated.

Mayor Pro Tem Simpson moved consideration of the bill be postponed until the January 8, 2024, City Council meeting. Mayor Pro Tem Simpson withdrew his motion to allow for comment. Councilmember Hosmer expressed his belief citizens should be allowed to speak.

An opportunity was given for citizens to express their views.

Jeremy Dean spoke in opposition to the proposed. Mr. Dean expressed his concern with the vagueness of the proposed. He cited the case of Rebecca Varney vs. Edgar Springs, noting Ms. Varney was denied from submitting Sunshine Requests in Edgar Springs. Mr. Dean added Ms. Varney sued and won her court case in this matter. Mr. Dean expressed his belief the proposed should go to a committee.

Alice Barber spoke in opposition to the proposed. Ms. Barber expressed her concern with the proposed not presenting a clear policy or clearly defining terms. She added there was no way to know how this may affect citizens.

Sarah Barnts spoke in opposition to the proposed. Ms. Barnts expressed her belief the policy should be clear and contain clearly-defined terms and language.

Liz Wertz spoke in opposition to the proposed. Ms. Wertz expressed her belief the proposed needs to be clear and gives too much power. She added a comprehensive policy should be created.

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

Mayor Pro Tem Simpson moved to postpone Council Bill 2023-268 until the January 8, 2024, City Council meeting. Councilmember Hosmer seconded the motion, and it was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

Mr. Gage noted the intent of the proposed was not to hinder law-abiding citizens from City services. The proposed was intended to create clear guidelines for staff on how to deal with dangerous situations.

13.2. 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.

Errin Kemper, Director of Environmental Services, provided a brief overview of the proposed. Mr. Kemper noted the proposed would allow for approval of the plans and specifications for the Hunt Branch Trunk Sewer - Phase 1 project. He added this would also allow for acceptance of the bid of JD Wallace Contracting, LLC, in the amount of \$3,919,875, and authorize the City Manager to enter into a contract for the project, establish a trunk sewer fee, and approve a budget adjustment in the amount of the bid. Mr. Kemper noted the construction was enacted beginning in 2005 to promote urban growth. He added three bids were received. Mr. Kemper noted an appeal was received, and he outlined the steps taken to ensure qualifications are met. He added JD Wallace Contracting, LLC, met the requirements.

Councilmember Lee disclosed he has worked with these contractors in the past. He added he would be voting.

Councilmember Jenson asked for the reasons the engineer's estimate was higher than the bid. Mr. Kemper responded a large portion of the project required large diameter bores under highways. Because these are not often done, it is difficult to have a precise estimate of cost. Also, estimates are generally more conservative when there is higher risk for a project.

Councilmember Jenson asked if there had been discussions with Greene County to ensure development is of a sufficient intensity to justify investment in infrastructure. Mr. Gage responded all avenues would be explored to ensure the property can develop. Mayor McClure expressed his belief they need to move forward.

Councilman McGull expressed his support for the project. He asked what size the line was for the sewer and where the nearest treatment center was located. Mr. Kemper responded the line is 21 inches for most of the length and the nearest treatment facility is the Southwest Treatment Plant located at James River Freeway and FF Highway. The fee for service occurs as homes and businesses connect to the sewer; once connected each user pays a pro-rata share based on the size of their lot.

Councilman Hosmer expressed his belief the proposed is beneficial and will eliminate septic systems. He asked the nature of the protest appeal. Mr. Kemper responded there was an appeal which questioned the qualifications of the winning bid. Councilman Hosmer asked if the project was a prevailing wage contract. Mr. Kemper responded affirmatively. Councilmember Hosmer asked if there was a surcharge for those individuals in the proposed area. Mr. Kemper responded there currently is not. Councilmember Hosmer expressed his belief there should be a surcharge for the services.

Councilmember Horton noted the project was part of long-range planning and asked if the proposed amount was already budgeted for the current year. Mr. Kemper responded the amount was not included in the operational budget but was included in long range financial projections; the budget adjustment would be from retained earnings.

An opportunity was given for citizens to express their views.

Victor Rosetta spoke in opposition to the proposed. Mr. Rosetta noted he has worked in the municipal sewer and water construction business for forty-three years. Mr. Rosetta expressed his belief the City would be tested by accepting the proposed bid. He added the bid did

not show a project of similar scope for the last three years and this was a requirement. Mr. Rosetta expressed his opinion the bid of JD Wallace Contracting, LLC, was not qualified.

Councilmember Hosmer asked what the risk to the City would be. Mr. Rosetta responded the branch was a losing stream and in a sensitive area.

Councilmember McGull asked if this was the first bid by Rosetta Construction for work with the City. Mr. Rosetta responded they have two current contracts and have done several in the past.

Justin Wallace spoke in support of the proposed. Mr. Wallace, owner of JD Wallace Contracting, LLC, noted his company was founded in 2020. He added the company has done projects of this size and scope. He cited Brody Corners as an example. Mr. Wallace noted he is a fourth generation contractor and was available to answer any questions.

Mayor Pro Tem Simpson asked if Mr. Wallace had previous experience with unique topography. Mr. Wallace responded citing Fassnight Creek as a project he worked on.

Mark Anderson, boring contractor, noted there is a system to utilize for the given conditions of the proposed project.

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

13.3. 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.

Allen Busick, Professional Engineer, provided a brief overview of the proposed. Mr. Busick noted the proposed would allow for a budget adjustment for the Department of Environmental Services in the amount of \$1,924,000 to appropriate retained earnings for the Clean Water Fund for the construction of the James River Lift Station Improvements project. He added this is the City's largest lift station. The budget adjustment also includes a contingency that will allow for change orders, advertising, and award of the project to the lowest bidder. Mr. Busick added a comprehensive condition assessment was conducted which identified rehabilitation work was necessary to maintain system reliability.

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

13.4. 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.

Bob Jones, Grants Administrator, provided a brief overview of the proposed. Mr. Jones noted the proposed would approve 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. He added the focus is to increase home ownership in Springfield. The proposed serves individuals earning up to 150% of median family income. Mr. Jones noted the proposed includes houses priced up to \$250,000, provides up to \$9,000 in down payment and closing costs, and requires the home to be the buyer's primary residence for five years. The plan would add approximately 62 homeowners by the end of 2026.

An opportunity was given for citizens to express their views.

Lee Ann Camey, Director of the Springfield Community Land Trust, spoke in support of the proposed. Ms. Camey noted as interest rates rise and appraisals increase, housing has become less affordable. Ms. Camey expressed her belief down payment assistance is a great tool to help individuals become homeowners.

Dana Elwell spoke in support of the proposed. Mr. Elwell expressed his appreciation for the proposed. He noted one of the biggest obstacles to home ownership is the need for a down payment and closing costs. The proposed would help eliminate that obstacle. Mr. Elwell noted only 42 percent of Springfield residents are homeowners with national rates closer to 65%. Home ownership has been shown to increase net worth.

Councilmember Horton expressed her enthusiasm for providing homeownership assistance. Ms. Horton asked how long it would take to reach 50 percent home ownership in Springfield. Mr. Elwell responded the funds would serve approximately 51 people and improve neighborhoods. Ms. Horton expressed her belief the proposed is a step in the right direction.

Mayor Pro Tem Simpson thanked Mr. Elwell and the Springfield Community Land Trust for their efforts. He expressed appreciation for their efforts in working with area businesses to obtain matching funds.

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

13.5. 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.

Chris Dunnaway, Principal Engineer, provided a brief overview of the proposed. Mr. Dunnaway noted the proposed would allow for a budget adjustment of \$950,000 for the Department of Public Works to appropriate the 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. Mr. Dunnaway noted an inspection showed areas where the walls were caving in and cracking. The box culvert crosses through four properties. Mr. Dunnaway noted construction is estimated to begin early next year. Mr. Dunnaway noted there is not sufficient funding for stormwater projects. The City's stormwater assets were estimated at \$500 million using a 200-year replacement cycle. Mr. Dunnaway noted this equates to \$2.5 million annually to maintain the system.

Councilmember McGull asked the age of the box culvert. Mr. Dunnaway responded the age is close to a century. Councilmember McGull asked when construction would start and what the expected duration would be. Mr. Dunnaway responded the construction would last approximately 60 days with both parts bid at same time.

Mayor Pro Tem Simpson noted conversations regarding funding for stormwater projects need to occur.

Councilmember Hosmer asked if this was the box culvert under Grand Street. Mr. Dunnaway responded the box culvert stops on the south side of Grand Street with a pipe that extends under the street. He noted the street closures should be limited to approximately one week.

An opportunity was given for citizens to express their views.

Justin Morgan spoke in support of the proposed. Mr. Morgan noted the collapsing portion of the culvert is on his property.

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

13.6. 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.

Jon Mooney, Assistant Director of Health, provided a brief overview of the proposed. Mr. Mooney noted the proposed would allow the City 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 (PDMP). Mr. Mooney further noted the program is an electronic database that tracks controlled substance prescriptions and allows healthcare practitioners to use this data to review a patient's prescription history. He added our community joined the program in 2017 to combat the ongoing opioid crisis. Mr. Mooney noted these programs work as they have seen a 43 percent decrease in prescription opioid deaths in the last five years. The proposed would allow the agreement to be updated. The program would go live in mid-December.

Mayor McClure noted he and Councilmember Hosmer were on City Council in 2017 when the initial program was passed. He expressed his appreciation for the program.

Councilmember Hosmer noted Missouri was the last state in the nation to pass the PDMP. He expressed his belief this was a hindrance to controlling the opioid problem.

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

14. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

14.1. James Nelson wishes to address City Council. James Nelson did not appear.

14.2. Daryl Baker wishes to address City Council. Daryl Baker did Not Appear.

15. NEW BUSINESS.

15.1. The Mayor recommends the following appointment to the Mayor's Commission for Children: Brianna Coale with term to expire November 29, 2026. Recommended.

15.2. Refer to the Plans and Policies Committee potential revisions of the subdivision code to allow for a simplified administrative subdivision process. Referred.

15.3. Refer to the Plans and Policies Committee the topic of parking schedules that references nationwide standards. Referred.

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

16. UNFINISHED BUSINESS.

17. MISCELLANEOUS.

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

18.1. 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.)

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

19.1. Council Bill 2023-275 (Lee)

A special ordinance authorizing the City Manager, or his designee, to accept grant funds in the amount of \$7,488 from the Missouri Department of Public Safety Office of Homeland Security, funded through the U.S. Department of Homeland Security Fiscal Year 2022 State and Local Cybersecurity Grant Program, for cybersecurity backup assessment services; authorizing the City Manager, or his designee, to enter a subaward agreement with the Missouri Department of Public Safety Office of Homeland Security accepting the award conditions; amending the budget of the Information Systems Department for Fiscal Year 2023-2024 in the amount of \$7,488 to appropriate the grant funds; and declaring that this Ordinance qualifies for approval in one reading.

Council Bill 2023-275 (Lee). Ordinance 27927 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

19.2. Council Bill 2023-276 (Carroll)

A special ordinance authorizing the City Manager, or his designee, to accept grant funds in the amount of \$12,168 from the Missouri Department of Public Safety Office of Homeland Security, funded through the U.S. Department of Homeland Security Fiscal Year 2022 State and Local Cybersecurity Grant Program, for cybersecurity incident response assessment services; authorizing the City Manager, or his designee, to enter a subaward agreement with the Missouri Department of Public Safety Office of Homeland Security accepting the award conditions; amending the budget of the Information Systems Department for Fiscal Year 2023-2024 in the amount of \$12,168 to appropriate the grant funds; and declaring that this Ordinance qualifies for approval in one reading.

Council Bill 2023-276 (Carroll). Ordinance 27928 was by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Carroll. Abstain: None.

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

20.1. Confirm the following appointment to the Public Building Corporation: Lauren Southern with term to expire September 1, 2029. Confirmed.

20.2. Confirm the following reappointment to the Public Building Corporation: Jane Patterson with term to expire September 1, 2029. Confirmed.

21. END OF CONSENT AGENDA.

22. ADJOURN.

Mayor Pro Tem Simpson moved to adjourn. Councilmember Hardinger seconded the motion, and it was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Lee, and Mayor McClure. Nays: Councilmember Hosmer. Absent: Councilmember Carroll. Abstain: None.



City of Springfield

Minutes

City Council Meeting.

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**

1. ROLL CALL.

Mayor McClure called the meeting to order. He acknowledged the passing of former Police Chief Lynn Rowe. Mayor McClure noted Chief Rowe served the community from 1993 to 2010 and brought the first of five national accreditations and the first K-9 unit to the Police Department.

Present: Councilmember Carroll, Councilmember McGull, Councilmember Lee, Councilmember Hosmer, Councilmember Horton, Councilmember Jenson, Mayor Pro Tem Simpson, Councilmember Hardinger, and Mayor McClure. Absent: None.

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.

The consent agenda was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.

Jason Gage, City Manager, provided a Community Development Code Update. He noted last week the City hosted a presentation by consultants from Multistudio and Urban3 for place team members and the Springfield community that included an introduction to the Community Development Code Update process. The presentation provided an initial review of the City's fiscal health from a community development perspective. A recording of the presentation is available on the City's website. There will be a Community Development Code Update Community Open House from 5:30 to 7:30 p.m. Thursday, January 25, 2024, at the Springfield Art Museum.

Mr. Gage noted approximately 2,500 people gathered in Park Central Square on Saturday evening for the annual Mayor's Tree Lighting Holiday Show. Mr. Gage thanked everyone who assisted, including the Department of Public Information and Civic Engagement; Public Works Department – with special thanks to Assistant Director Kirk Juranas who ensured the 50-foot tree's safety - and the Building Maintenance Division for building Santa's tree house. Springfield Fire and Police played a role, as well as a lot of private sector support. Partners this year included KY3, City Utilities, and the Downtown Community Improvement District. The Hatch Foundation generously donated funds for the tree, with the Community Foundation of the Ozarks funding the house decor. Other sponsors included: Corwin Auto Group, Mercy, American National, Olsson, Crawford, Murphy & Tilly, and Bass Pro Shops. Mr. Gage also thanked the performers who shared their talents for both the live show and the pre-recorded television special. KY3 will re-air the show on Christmas Eve at 6:00 p.m. and 10:30 p.m.

Police Chief Report

Paul Williams, Police Chief, provided an update on the 2023 National Incident-Based Reporting System (NIBRS) Data. Chief Williams noted the data was trending in a positive direction. For the category of Crimes Against Persons, he noted violent crime numbers remained relatively flat. There was an increase in simple assaults, and aggravated assaults decreased. For Crimes Against Property, Chief Williams noted an overall decrease. He added robbery continued to decrease, theft of motor vehicle parts and accessories flattened, and burglaries decreased. For Crimes Against Society, Chief Williams noted an increase in arrests.

Chief Williams provided an update on crime prevention efforts. He noted for the Quarter 3 crime focus on Theft from Vehicles, there was a 42 percent reduction. He noted theft of handguns from vehicles has decreased over the past few years, with an average of 13 per month for 2023. Chief Williams advised it is best to leave guns secured at home.

Chief Williams noted the focus for the current quarter, Quarter 4, is Domestic Violence. He noted data shows a slight decrease so far in 2023. He added this year is the fifth anniversary of the opening of the Family Justice Center.

Chief Williams provided an update on gun violence. He noted there have been 230 illegal guns seized in 2023 through October 31, and 269 shots fired calls with 2 injured for the same time period.

Chief Williams provided an update on Data-Driven Approach to Crime & Traffic Safety (DDACTS). He noted an 8 percent increase in car stops with a 5.3 percent decrease in traffic crashes. Chief Williams further noted calls for service have been steady. Chief Williams added there has been a 46 percent increase in citations issued, with 900 more tickets for speeding.

Chief Williams provided an update on Pedestrian Safety Enforcement. He noted an increase in those ticketed for failure to yield, and more tickets issued for pedestrian violations. This data includes October 23 through November 7.

Chief Williams provided a recruiting update. He noted there are currently 60 vacancies for sworn staff with additional retirements coming. The December class will be in field training. He added where officers are assigned will be evaluated. Chief Williams noted the Quarter 1 2024 Recruitment Campaign will include a new recruitment video for paid marketing and social media, KY3 television and digital video ads, KY3 online display and streaming ads, Springfield Police Department social media, organic social media with video content highlighting patrol. posts featuring "Officer Athletes", and a 2024 SPD Calendar

Chief Williams provided an update on officer recruitment. He noted, for the 77th Academy, 23 were hired from the 251 applications received. He added this included 2 lateral hires. Chief Williams noted the low percentage of those hired was due to several factors such as no show, failed written test, failed agility test, failed background check, and declined offer.

Chief Williams provided an update on Professional Staff Recruitment. He noted there are currently 10 vacancies, with 7 hired in 2023.

Councilmember Hosmer thanked Chief Williams for the focus on traffic enforcement. He asked if the Human Resources position had been filled for the department. Chief Williams responded it had been filled. Councilmember Hosmer asked about vacancies. Chief Williams responded the goal is to be at a normal vacancy level of 20-25 by 2025. Councilmember Hosmer asked what is in the City Charter that prevents officers who retire from returning and how that could be improved. Chief Williams noted only six officers have taken advantage of the program to return. Chief Williams responded officers who retire and want to come back must be hired as a lateral officer. They would then have to go through the entire testing process. He added there are two provisions in the bargaining agreement, one of which requires a reinstated officer to start over in seniority. Councilmember Hosmer noted he would like information on what is in the City Charter and Code that references retired officers returning.

Councilmember Horton asked about the Gun Safety and Violence Collaborative. Chief Williams responded the Community Partnership of the Ozarks created a collaborative to address gun safety and gun violence in the community. He noted Francine Pratt and Clay Goddard co-chair the group. Chief Williams noted he would gather information from the group when available and report the information to City Council.

Councilmember Jenson expressed appreciation for the Police Department's fourth quarter focus on domestic violence. He noted the recent violence, real or perceived, coming from young individuals, and asked what is done to link these issues together. Chief Williams noted the department works with federal partners to address violence issues. Councilmember Jenson asked what was being done to control noise. Chief Williams noted there is a drone program used for crowd control, and the department is working to expand this program.

Nuisance Property Presentation

Brock Rowe, Director of Building Development Services, provided a report regarding Resolution 10722. Mr. Rowe noted the Nuisance Property Report addresses blighted buildings. He explained the blighted building process from the receipt of the initial complaint through the end of the process. Mr. Rowe added the median length a case has been opened was 123 days; most properties were not owner-occupied. The majority were in Zone 1. He noted 43 of the properties were vacant and primarily in Zone 1. A majority of the homes were single-family homes.

Mr. Rowe explained Chapter 26, Article III, Section 62. He noted this section lists 13 possible conditions that constitute a dangerous, blighted, and nuisance building. Mr. Rowe added the properties cited the most in the past five years were in Zone 1. The number of abatement orders opened and closed was 229 in the last six months and the number of properties condemned was 70 in the last six months. Mr. Rowe noted the number of abatement orders discontinued, monitored, or delayed was 7 properties. Monitoring could occur if the owners had requested, or the work was in process.

Councilmember Jenson noted nuisance properties are currently a complaint-driven system. He asked how many complaints have verifiable conditions. Mr. Rowe responded approximately 40 percent. Councilmember Jenson expressed his hope the data will lead to a more enforcement-driven approach. He asked if other departments have been utilized for code enforcement. Mr. Rowe responded he was unsure of this. Councilmember Jenson asked if fines from the Building Development Services Director had been used for violations. Mr. Rowe responded not for blighted buildings. Fines have been applied for overgrowth. If a building is demolished, there is generally a cost from \$15,000 to \$30,000. This cost is applied to a special tax bill and is recouped at that point.

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.)

Council Bill 2023-263 (McGull). Ordinance 6822 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.)

Council Bill 2023-265 (Horton). Ordinance 6823 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.)

Council Bill 2023-266 (McGull). Ordinance 6824 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.)

Council Bill 2023-267 (Horton). Ordinance 6825 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.

Councilmember Jenson thanked the contractors who bid on the work. He noted he further researched the proposed. Councilmember Jenson noted questioning if there would be a positive financial benefit to the proposed. The related costs and unknown revenues from the project make it difficult to determine the fiscal responsibility of the proposed. Councilmember Jenson questioned if the mixed-use portion would generate enough sales tax to provide sufficient return on investment.

Councilmember McGull asked about the construction time period for the completion of the project. Errin Kemper, Director of Environmental Services, responded approximately 12 months or towards the end of 2024. Councilmember McGull asked what the connections may be. Mr. Kemper responded the connections are dependent on how fast properties develop. Councilmember McGull asked if the project is environmentally an improvement to the area. Mr. Kemper responded sewer connections are generally environmental improvements. Councilmember McGull asked if there are punitive consequences if the sewer system is not kept intact. Mr. Kemper responded affirmatively and noted a consent judgment was enacted and fines are significant if improvements are not updated or upkept.

Councilmember Hosmer expressed his support for the proposed and noted the area will develop whether the property is annexed or not. He added it is smart planning to develop a sewer system that works. Councilman Hosmer expressed his belief a surcharge should be added to the use.

Mayor Pro Tem Simpson expressed his support for the proposed and noted being proactive reduces the overall cost.

Councilmember Lee asked if 100 percent of the cost would be paid by the individuals who use the sewer system. Mr. Kemper responded affirmatively. Councilmember Lee noted the City benefits from allowing development to occur and expressed his support for the proposed.

Councilmember Horton expressed her belief there are many unknowns and questioned if the annexations would be voluntary.

Mayor McClure expressed his support for the proposed and noted the benefits outweigh the risks.

Council Bill 2023-269 (McGull, Simpson). Ordinance 27929 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.

Council Bill 2023-270 (Carroll). Ordinance 27930 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.

Councilmember Hardinger disclosed she is a board member of RestoreSGF and expressed her support for the proposed.

Council Bill 2023-271 (Lee). Ordinance 27931 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.

Council Bill 2023-272 (McGull). Ordinance 27932 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.

Council Bill 2023-273 (Hardinger). Ordinance 27933 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.

Jason Gage, City Manager, provided a brief overview of the proposed. Mr. Gage noted the amendment added an additional City Council priority to address vehicle registration. He added the priority would add language to ask the State Legislature to do everything possible to encourage individuals to register their vehicles on time, including a significant increase in late fees.

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

Amended Council Bill 2023-260 (Hosmer). Resolution 10733 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS.

10. GRANTS.

Citizens May Speak. May Be Voted On.

10.1. Council Bill 2023-277 (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.

Eric Claussen, Assistant Director of Public Works, provided a brief overview of the proposed. Mr. Claussen thanked Governor Parson and Senator Hough for their support. He noted the proposed would allow the Expansion of Eastgate Avenue which is a primary collector and major thoroughfare on the east side of Highway 65. He added the project is a cost share with the Missouri Highways and Transportation Commission. The project will be under construction approximately sometime in 2024.

Councilmember McGull asked if the overall plan is to create a turn lane. Mr. Claussen noted the turn lane would be for LeCompte Road.

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

Council Bill 2023-277 (Hardinger). Ordinance 27934 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.

Eric Claussen, Assistant Director of Public Works, provided a brief overview of the proposed. Mr. Claussen noted the proposed would allow for an agreement with the Missouri Highways and Transportation Commission for the purpose of funding the rehabilitation of the Jefferson Avenue Footbridge. He added the footbridge was constructed in 1902 and is on the National Historic Register. The bridge was closed in 2016 due to safety concerns. The budget of Public Works would be amended in the amount of \$8 million to appropriate State funds, with a contribution from the City in the amount of \$300,000. Mr. Claussen noted construction would begin by approximately the end of 2024.

An opportunity was given for citizens to express their views.

Mary Collette spoke in support of the proposed. Ms. Collette noted the many stories citizens have shared about their experiences on the footbridge. She expressed enthusiasm for the project.

Christine Schilling spoke in support of the proposed. Ms. Schilling expressed her excitement for the proposed. She expressed her belief the footbridge will be a great attraction and asset to the community.

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

Council Bill 2023-278 (Horton). Ordinance 27935 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.

Katie Towns, Director of Public Health and Welfare, provided a brief overview of the proposed. Ms. Towns noted the proposed would allow the acceptance of grant funds to be used by the Springfield-Greene County Health Department for vaccination assistance for those 18 years and older who are uninsured or underinsured. The proposed would allow for extension of the contract, which began in 2021.

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

Council Bill 2023-279 (Lee). Ordinance 27936 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING.

13. FIRST READING BILLS.

Citizens May Speak. Not Anticipated To Be Voted On.

Anita Cotter, City Clerk, read Council Bills 2023-280, 2023-281, and 2023-282 together.

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.

Katie Towns, Director of Public Health and Welfare, provided a brief overview of Council Bills 2023-280, 2023-281, and 2023-282. Ms. Towns noted the Springfield-Greene County Health Department is in the process of implementing the Family Connects program, with the goal of beginning the program in early 2024. Mr. Towns added the program is an evidence-based maternal child health program that utilizes nurses at bedside after birth to connect families to community resources. The proposed would allow reallocation of American Rescue Plan Act funds, acceptance of supplies and services, and acceptance of a grant to be used for the program.

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

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.

David Pennington, Fire Chief, provided a brief overview of the proposed. Chief Pennington noted the proposed would allow a portion of the Fire Training Fund to be transferred to the Fire Department operating budget to be used for fire training programs and Fire Academy training.

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

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.

Nathan Huggins, GIS and Asset Systems Manager, provided a brief overview of the proposed. Mr. Huggins noted the proposed would allow for acceptance of funding for the spring 2024 aerial photography flight. He added the captured imagery would be utilized throughout the City's GIS system and public-facing websites. Mr. Huggins noted this would be the second flight of the three-flight contract with Pictometry and will cover Greene and Christian Counties. The project will be funded between eight partner organizations. There are two changes from the last contract: upgrade of 197 square miles in northern and western Greene County from six inch resolution to three inch resolution; and to cover the spring 2025 flight. The City's portion will cost \$22,924.03.

Councilmember Lee expressed his support for the proposed. He noted using the system every day and asked when the aerial photos would be online. Mr. Huggins responded in approximately August.

Councilmember Hosmer asked the total cost. Mr. Huggins responded \$307,443.27 is the total cost which the City pays up front. He noted the imagery is provided to the development community at no charge.

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

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.

Rochelle Yoap, Assistant Director of Human Resources, provided a brief overview of the proposed. Ms. Yoap noted the proposed would allow for acceptance of the Fifth Amendment to the employment agreement between the City of Springfield and Anita J. Cotter and authorize payment of salary and benefits.

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

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.

Amanda Ohlensehlen, Director of Economic Vitality, provided a brief overview of the proposed. Ms. Ohlensehlen noted the proposed would allow an amendment to the Restated Ballpark License Agreement with the Board of Governors of Missouri State University to allow renovations to Hammons Field facilities, which are utilized by its intercollegiate baseball team. Improvements to the weight room will be implemented, and there will be no cost to the City.

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

14. **PETITIONS, REMONSTRANCES AND COMMUNICATIONS.**

14.1. Renee Goodwin wishes to address City Council.

Renee Goodwin addressed City Council. Ms. Goodwin spoke in opposition to gun violence in the City. She noted these are serious issues and expressed her wishes for better communication between the City and citizens. Ms. Goodwin noted there is a problem with violence among younger individuals. She expressed her belief that families who have experienced gun violence deserve more respect when dealing with the Police Department and that the amount of crime appears to be rising. Ms. Goodwin noted there needs to be some agreement on how the issue will be addressed in the community.

14.2. Kai Sutton wishes to address City Council.

Kai Sutton addressed City Council. Ms. Sutton expressed her concern regarding crime and violence in the City. She noted there is a gun safety and violence collaborative that has begun meeting to discuss the issue. Ms. Sutton noted they are creating an action plan to address gun violence. She expressed her belief it is important for leaders to have more communication with citizens. Ms. Sutton noted there is a cycle of violence with an increasing number of young individuals involved. She expressed her belief the time for action is now.

Councilmember Horton acknowledged both speakers for appearing. She noted the collaborative work is a great opportunity for listening. Councilmember Horton noted communication is important to building trust and the importance of beginning communication at an early age.

Councilmember McGull thanked the speakers. He noted 98 percent of individuals he prosecuted at the federal level did not complete high school. He expressed his agreement that it is important to begin communication early.

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. Recommended.

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. Recommended.

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.

Council Bill 2023-290 (Lee). Ordinance 27937 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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.)

Council Bill 2023-274 (Horton). Ordinance 27938 was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

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

21. END OF CONSENT AGENDA.

22. ADJOURN.

Mayor Pro Tem Simpson moved to adjourn. Councilmember Jenson seconded the motion, and it was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: Councilmember Hosmer. Absent: None. Abstain: None.

**November 21, 2023
Springfield, Missouri**

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

Roll Call Present: Brandon Jenson, Monica Horton, Matthew Simpson, Craig Hosmer, Heather Hardinger, Abe McGull, Callie Carroll, and Derek Lee. Absent: Ken McClure.

Closed Session Councilman Hosmer moved City Council hold a closed meeting to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys pursuant to Section 610.021(1), RSMo.; and leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor pursuant to Section 610.021(2), RSMo.; and this meeting, record, and vote shall be closed and the City Council shall stand adjourned at the end of the closed session.

Councilman McGull seconded the motion, and it was approved by the following vote: Ayes: Horton, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and Jenson. Nays: None. Abstain: None. Absent: McClure.

Prepared by
Michelle Brown

Anita J. Cotter, MMC/MRCC
City Clerk



EXPLANATION TO COUNCIL BILL 2023-280 (CARROLL)

FILED: 11/29/2023

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:

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:


Department Head

11-14-2023
Date

Approved By:


Director of Finance

11-14-2023
Date

City Manager

Date

Authorization:

Council Bill No. 2023-280
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-281 (HOSMER)

FILED: 11/29/2023

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:

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: 11/29/2023

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:

- 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: 11/29/2023

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:

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: Ca H, Assistant City Attorney

Approved for Council action: Jason P. Hays, 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:

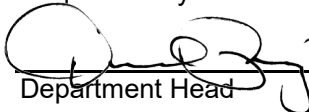
Fund	Dept	Org	Account	P&G	Location	Amount	Description
25070	10	15040	501260	000000	00000	\$ 85,000	Training Operating Supplies
Net Expenditure Adjustment						\$ 85,000	

Fund Balance Appropriation:

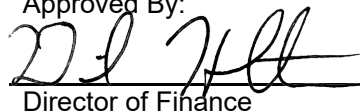
Fund	Title	Amount
25070		(85,000)

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: 11/29/2023

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:

- 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

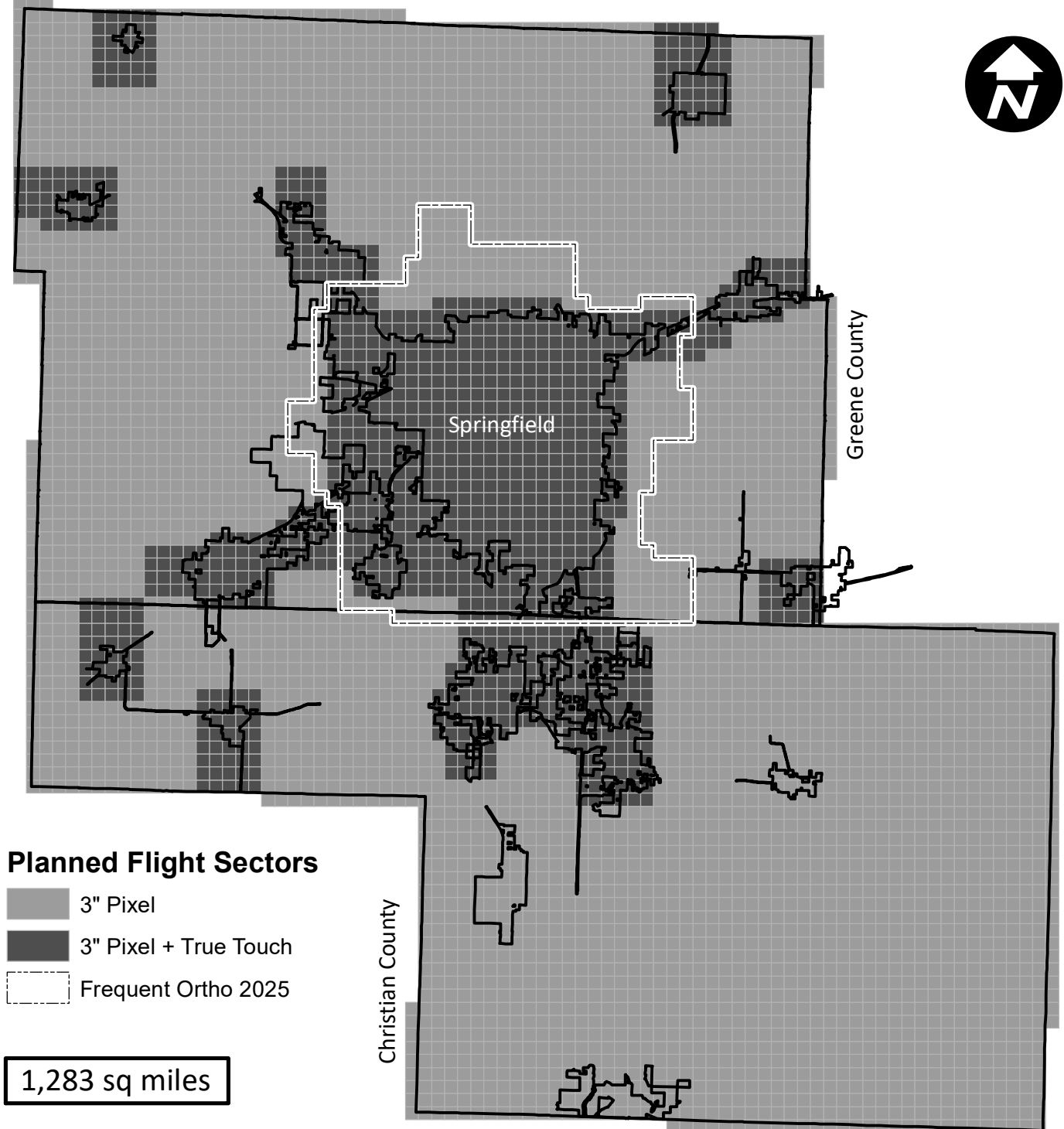
64 Attest: _____, City Clerk
65

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 Holt 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: 11/29/2023

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:

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: 11/29/2023

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:

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
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: Jim Millington, Assistant City Attorney
58

59
60 Approved for Council action: Jason R. Hays, City Manager

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 2023-291 (MCGULL)

FILED: 11/21/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A resolution granting a Short-Term Rental Type 2 permit for the property located at 1414 South Pickwick Avenue for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Land Development Code.

PURPOSE: Granting a Short-Term Rental Type 2 permit for the property generally located at 1414 South Pickwick Avenue, for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Zoning Ordinance.

BACKGROUND INFORMATION: The property owner has applied for a Short-Term Rental ("STR") Type 2 permit to establish a Short-Term Rental Type 2 at 1414 South Pickwick Avenue. Section 36-473 of the Zoning Ordinance requires that Type 2 applicants conduct a neighborhood meeting and obtain signatures from fifty-five percent or more of property owners adjacent to and immediately across the street from the proposed STR. If the signatures of at least fifty-five percent of neighboring property owners cannot be secured, the applicant may apply to the City Council to obtain a resolution granting the STR Type 2 permit.

The applicant has obtained zero signatures from the four adjacent property owners, resulting in zero (0) percent consent as shown in "Exhibit C."

The four adjacent property owners who did not sign the consent form have been notified with protest petitions that clearly state that "Failure to return this protest petition prior to the City Council meeting indicates that you do not oppose the application for a Short-Term Rental."

Property owners within 500 feet of the proposed Short-Term Rental Type 2 establishment have been notified by regular mail of the December 11th City Council meeting.

If approved, all other requirements of the Short-Term Rental requirements of Section 36-473 of the Zoning Ordinance must be met.

Submitted By: Hanna Knopf, Associate City Planner

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Maurice S. Jones, Deputy City Manager 11/28/2023

Attachments:

1. STR2 1414 S Pickwick_res
2. letter_exhA
3. Affidavit_exhB
4. consent_exhC

One-rdg. X
P. Hrngs.
Pgs. 18
Filed: 12-05-23

Sponsored by: McGull

COUNCIL BILL 2023-291 RESOLUTION

A RESOLUTION

1 GRANTING a Short-Term Rental Type 2 permit for the property located at 1414
2 South Pickwick Avenue for the purpose of allowing the
3 establishment of a Short-Term Rental Type 2 pursuant to Section
4 36-473 of the Land Development Code.
5
6

7 WHEREAS, the owner of the property located at 1414 South Pickwick Avenue
8 has applied for a Short-Term Rental ("STR") Type 2 Permit; and
9

10 WHEREAS, Section 36-473 of the Land Development Code requires STR Type 2
11 applicants to obtain signatures from 55 percent or more of property owners adjacent to
12 and immediately across the street from the proposed property to be permitted as an
13 STR; and
14

15 WHEREAS, if the signatures of 55 percent of the neighboring property owners
16 cannot be secured, City Council may, by resolution, grant the STR Type 2 Permit; and
17

18 WHEREAS, the owner of the property located at 1414 South Pickwick Avenue
19 has obtained none of the four signatures of property owners adjacent to and
20 immediately across the street from the property, resulting in 0 percent consent of the
21 neighboring property owners; and
22

23 WHEREAS, property owners within 500 feet of the proposed STR Type 2
24 establishment were notified by regular mail of the December 11, 2023, City Council
25 meeting.
26

27 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
28 SPRINGFIELD, MISSOURI, as follows, that:
29

30 Section 1 – City Council hereby grants the applicant a STR Type 2 Permit for the
31 property located at 1414 South Pickwick Avenue. The granting of the Permit is
32 expressly subject to compliance with Section 36-473 of the Land Development Code,
33 and any other applicable provisions of City Code.
34

35 Section 2 – This Resolution shall be in effect immediately upon adoption and
36 passage.

37
38 Passed at meeting: _____

39
40 _____
41 Mayor

42
43 Attest: _____, City Clerk

44
45 Filed as Resolution: _____

46
47 _____
48 Approved as to form: _____, Assistant City Attorney

49
50 _____
51 Approved for Council action: _____, City Manager

Maria Pilar Triplet
Pilarkarlen@yahoo.com
417-501-6060

October 25th, 2023

Springfield, Missouri

Subject: Appeal for Short-Term Rental Application - 1414 S Pickwick Ave, Springfield MO 65804

Dear City Council Members,

I am writing to you as a concerned resident and property owner in our beautiful city to respectfully appeal the decision regarding my short-term rental application for my property located at 1414 S Pickwick Ave, Springfield, MO 65804. I did not get any attendees to the scheduled neighborhood meeting held at the property on September 19, 2023, and I would like to request a reconsideration for this application.

I would like to emphasize that I have always strived to be a responsible and contributing member of our community. My intention to operate a short-term rental is not merely a financial venture but also a means of promoting tourism in our city and providing visitors with a comfortable and memorable experience. I firmly believe that responsible short-term rentals can positively impact our local economy, supporting small businesses and creating jobs in the hospitality sector.

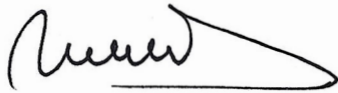
I am aware that concerns have been raised regarding the potential negative effects of short-term rentals, such as noise disturbances and property damage. I want to assure the city council that I am committed to addressing these concerns and ensuring that my property operates in a manner that is in harmony with the neighborhood and its residents. I am willing to implement strict house rules and a code of conduct for my guests to minimize any inconveniences to the community.

Furthermore, I am open to participating in any training or certification programs that the city council deems necessary for short-term rental operators to ensure the safety and satisfaction of guests and residents alike. I am dedicated to being a responsible host who contributes positively to the community.

In closing, I kindly request that the city council reconsider my short-term rental application for 1414 S Pickwick Ave. Springfield MO. I am willing to work closely with the council and the community to address any concerns and implement safeguards to ensure a harmonious coexistence with my neighbors. I believe that, with the proper regulations and oversight, short-term rentals can be a win-win for both property owners and the community.

I appreciate your attention to this matter and am willing to meet with city council members or participate in any public hearings to further discuss my appeal and clarify any points. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maria', followed by a long, sweeping horizontal line that extends to the right.

Maria Pilar Triplett 10/25/23



Application for Short-Term Rental Type 2

eCity INSTRUCTIONS

PLEASE FOLLOW STEPS 1 & 2 BEFORE SUBMITTING THIS APPLICATION

1. Fill out the Short-Term Rental Intake Form and apply on [eCity](#).
2. Wait for Planning staff to review and send a follow-up email requesting payment of fees.

Case No.	
Date Filed	
Received By	
Receipt No.	

*Fee Amount Paid: \$ _____
See Fee Schedule

The signers of this application ask the City Council of the City of Springfield, Missouri to approve an application for the use of a short-term rental at the following address:

Property Address: 1414 S. PICKWICK AVE, SPRINGFIELD

We, the signers of this application, do attest to the truth and correctness of all facts and information presented with this application as required by the Zoning Ordinance of the City of Springfield.

PROPERTY OWNER'S INFORMATION:

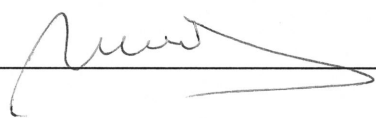
Name of current property owner: CASA ELE LLC - SERIES P

If corporation: Corporate Official: _____

Mailing Address: 1414 S. PICKWICK AVE

Zip Code: 65804 Phone: 417-894-1058

E-mail: PILAR.KARLEN@YAHOO.COM

PROPERTY OWNER'S SIGNATURE: 

Application Timeframe by

Department

Planning &
Development
3-6 weeks



Building Development
Services
1-3 weeks



Licensing
2-3 weeks

See checklist on page 2 for additional
information.

OPERATOR'S INFORMATION (if different):

Name: _____

Mailing Address: _____ Zip Code: _____

Phone: _____ E-mail: _____

NOTE: All the items listed on the attached checklist must be submitted during the application process or the application will be denied. The timeframes established in the attached checklist must be followed or the application will be denied.

*Fees are non-refundable

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request to establish a Short-Term Rental Type 2.
2. Meeting Date & Time: 9/19/23
3. Meeting Location: 1414 S. PICKWICK AVE, SPRINGFIELD MO 65804
4. Number of invitations that were sent: 61
5. Number of neighbors in attendance (attach a sign-in sheet): 0
6. 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 owner/operator must explain why the issues cannot be resolved.)

NO ATTENDANCE

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

NO COMMENTS

I, MARIA P. KARLEN TRIPLETT (print name), attest that the neighborhood meeting was held on 9/19/23 (month/date/year), in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

MARIA P KARLEN TRIPLETT

Printed name of person completing affidavit

STR Neighborhood Meeting

Date of Letter: AUGUST 18, 2023

DEAR PROPERTY OWNER,

You have received a notice of a "Neighborhood Meeting" since all proposed Short-Term Rental applications require a neighborhood meeting and to invite the property owners within 500 feet of the property and to invite the officers of any registered neighborhood association on file with the City of Springfield.

The applicant or representative below has filed an application with the City of Springfield for a Short-Term Rental Type 2 in your neighborhood.

APPLICANT CONTACT INFORMATION:

Applicant/Representative Name: CASA ELE - SERIES P LLC / MARIA PILAR KARLEN
Address: 1414 S. PICKWICK AVE
City, State and Zip: SPRINGFIELD - MO 65804
Phone Number: 417-501-6060 E-mail: PILARKARLENGYAHOO.COM

SHORT-TERM RENTAL LOCATION:

1414 S. PICKWICK AVE
SPRINGFIELD - MO 65804

PUBLIC NEIGHBORHOOD MEETING:

Date of Meeting: SEPTEMBER 19th, 2023
Location of Meeting: 1414 S. PICKWICK AVE, SPRINGFIELD MO
Time of Meeting: ☒ 4:00pm to 6:30pm

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

What is a Short-Term Rental Type 2?

The rental of an entire dwelling, or any portion thereof, for a period of not more than 30 days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof. A STR Type 2 permit is for a dwelling located within a R-SF or R-TH zoning district and does not require the Short-Term Rental operator to reside at the dwelling.

ATTACHMENTS: Notice Letter from City with Comment Card attached to this letter

SHORT-TERM RENTAL TYPE 2 ADJACENT OWNER CONSENT AFFIDAVITAddress of Proposed Short-Term Rental: **1414 South Pickwick Avenue**

STATE OF _____)

COUNTY OF _____)

The undersigned hereby states that the undersigned verified the ownership of each residential property adjacent to the above-referenced address as defined in section 36-473(2) and obtained written consent of the proposed short-term rental at the above-referenced address from at least 55% of said owners as shown on Exhibit 1 and attached hereto. The undersigned further states that he or she personally witnessed the signatures contained on Exhibit 1 and that each person signed Exhibit 1 in the undersigned's presence. If the owner(s) signatures cannot be witnessed by the undersigned, then a notarized signature(s) of the adjacent residential property owner(s) must be obtained.

(Corporate Seal**)

Signature of Owner/Operator_____
Typed or Printed Name_____
Title

ATTEST:

Corporate Secretary
(If no seal)_____
Name of Company or Organization
(If Applicable)

Subscribed and sworn to before me a notary public on this _____ day of _____, 20 _____.

Notary Public

My Commission expires: _____

**City of Springfield Short-Term Rental
ADJACENT OWNER CONSENT FORM**

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **1414 South Pickwick Avenue**

If the ownership is under two or more individuals (each individual) must sign this form. Only the owner's signature constitutes consent.

The address and owner of record of all adjacent residential properties must be listed, whether they consent or not.

1.	Address of Adjacent Residential Property: 1458 E BENNETT ST Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
2.	Address of Adjacent Residential Property: 1450 E BENNETT ST Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL
3.	Address of Adjacent Residential Property: 1420 S PICKWICK AVE Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title	Notary Seal (only required if signature not witnessed by applicant) SEAL

**City of Springfield Short-Term Rental
ADJACENT OWNER CONSENT FORM**

The undersigned hereby certifies that they are the owners of property referenced below and that they consent to the proposed short-term rental located at: **1414 South Pickwick Avenue**

If the ownership is under two or more individuals (each individual) must sign this form. Only the owner's signature constitutes consent.

The address and owner of record of all adjacent residential properties must be listed, whether they consent or not.

4.	Address of Adjacent Residential Property: 1415 S PICKWICK AVE Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title Notary Seal (only required if signature not witnessed by applicant) SEAL
5.	Address of Adjacent Residential Property: Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title Notary Seal (only required if signature not witnessed by applicant) SEAL
6.	Address of Adjacent Residential Property: Owner(s) of Record (Typed or Printed) Signature(s) of Owners Title Notary Seal (only required if signature not witnessed by applicant) SEAL

AFFIDAVIT OF SIGN POSTING

Attach photo here

See next page for full picture

(sign lettering must be legible in photo)

I, MARIA PILAR TRIPLETT (print name of owner, agent, attorney), attest that the above sign was posted 10 days before the public hearing on SEPTEMBER 19th 2023 (month/day/year) and in accordance with the given posting requirements.



Signature of person completing sign posting

MARIA PILAR TRIPLETT

Printed name of person completing sign posting

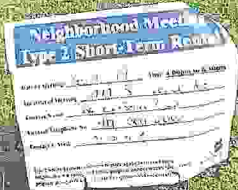


Neighborhood Meeting
Type 2 Short-Term Rental

Date of Meeting: Sept 19 Time: 4:00pm to 6:30pm
Location of Meeting: 1414 S. Pictwick Ave
Contact Name: Asa Ele-Series P LLC
Contact Telephone No.: 417-501-6060
Contact E-Mail: pulbrcorlen@yahoo.com

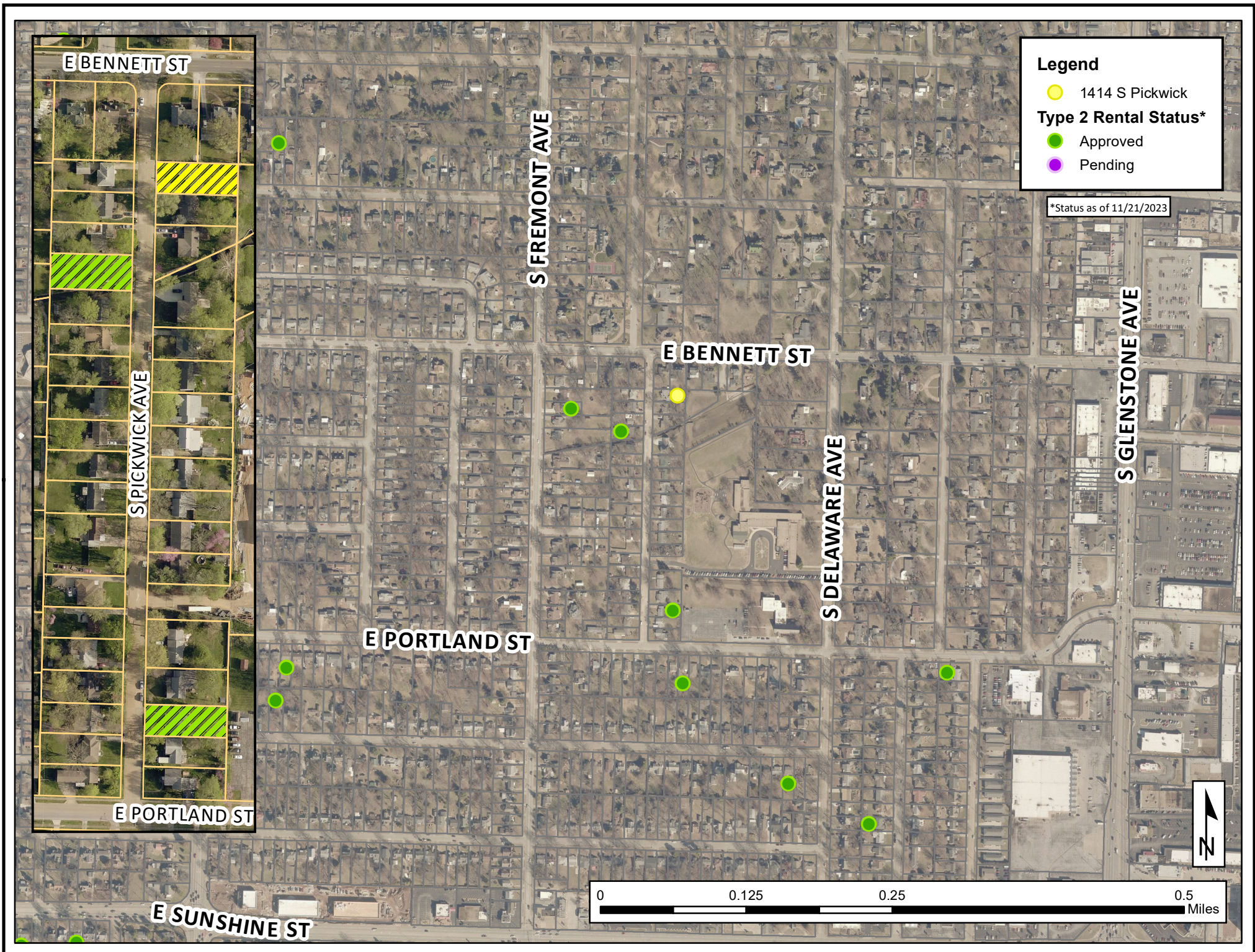
Type 2 Short-Term Rental uses require applicant(s) to have a neighborhood meeting and invite property owners within 500' of their property along with a registered neighborhood organization.

CITY OF SPRINGFIELD



Adjacent Property

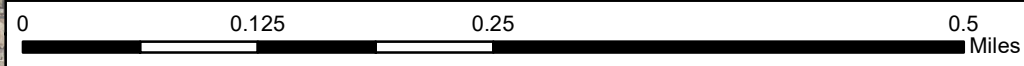




Legend

- 1414 S Pickwick
- Type 2 Rental Status***
- Approved
- Pending

*Status as of 11/21/2023



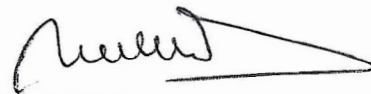
City of Springfield, Missouri

Short-Term Rental Intake Form

1. Business Name (if applicable): Casa Ele - Series P LLC
Operator(s) Name: Maria Karlen Triplett
Operator(s) Address: 1414 S Pickwick Ave, Springfield, MO 65804
Phone: (417) 501-6060 E-Mail: pilarkarlen@yahoo.com
Short-Term Rental Address: 1414 S Pickwick Ave, Springfield MO 65804
2. Property owner name, address, e-mail, and phone (if different):

3. Does the Short-Term Rental operator reside at the residential dwelling? ☒ Yes ☐ No
4. ☐ Type 1 (operator occupied; all zoning districts). ☒ Type 2 (non-operator occupied, zoned R-SF or R-TH). ☐ Type 3 (non-operator occupied, all other districts except R-SF or R-TH; no more than 2 units per premise).
Unit _____ Unit _____
5. Are guests housed in a primary structure or a historic carriage house (built before January 1, 1940)?
☒ Primary Structure ☐ Historic Carriage House
6. Is the dwelling unit currently being renovated or are there plans for renovation prior to completion of this application?
☐ Yes ☒ No
7. Have renovations to the dwelling occurred in recent history? ☐ Yes ☒ No If so, was a building permit issued by the City? ☐ Yes ☐ No

Maria Karlen Triplett- Casa Ele -Series P LLC
Business Owner/Operator



Signature

Property Owner
only if different

Signature

APPLICANT FILL OUT TO THIS POINT

PLANNING and DEVELOPMENT

1. Proposed location is zoned: R-SF 3. Verification of Historic Carriage House: N/A
2. Verification of rental type: 2 4. Verification of Density Requirements: Approved

PLN: 2023-00178 Personnel: A. Menke Date Reviewed: 6/28/2023

Comments: Per email from applicant on 6/26, will apply for Type 2 even though she lives at location.



EXPLANATION TO COUNCIL BILL 2023-292 (HORTON)

FILED: 11/21/2023

ORIGINATING DEPARTMENT: Environmental Services

TITLE: A special ordinance accepting the bid of JD Wallace Contracting, LLC, in the amount of \$310,243 for the construction of sanitary sewers in Sanitary Sewer District No. 182 of Section No. 16, located in the vicinity of West Bypass and Division Street; authorizing the City Manager, or designee, to enter into a contract and approve the bond for said improvement; authorizing progress payments to be made to the contractor; and declaring that this Ordinance qualifies for approval in one reading.

PURPOSE: Accepting the bid of JD Wallace Contracting, LLC, in the amount of \$310,243 for the construction of sanitary sewers in Sanitary Sewer District No. 182 of Section No. 16, located in the vicinity of West Bypass and Division Street ("Exhibit A"); authorizing the City Manager, or his designee, to enter into a contract and to approve the bond for said improvement; and authorizing progress payments to be made to the contractor.

BACKGROUND INFORMATION: The Project is scheduled for construction as part of the City's sewer construction program, as established in Resolution 7995, to eliminate septic tanks within the City limits and to encourage infill by providing sanitary sewer service. This project will be funded by sewer improvement bonds that are already budgeted. It will make sewer available to seven (7) tracts, which will result in the subsequent elimination of seven (7) septic systems from within the City limits of Springfield.

Special Ordinance 26713, passed by City Council on April 4, 2016, established and defined the boundaries for Sanitary Sewer District No. 182 of Section No. 16 as shown on "Exhibit A."

Plans, specifications, and a cost estimate have been prepared by the Department of Environmental Services and are on file in the Director's office.

Wastewater from this district would flow to the Southwest Treatment Plant.

The project was advertised in the *Daily Events* on August 29, 2023, through August 31, 2023.

Bids were opened in the Busch Building on September 28, 2023, at 10:00 a.m. The following bids were received:

CONTRACTOR

BID AMOUNT



Hamilton & Dad, Inc.	\$	411,313.91
JD Wallace Contracting, LLC	\$	310,243.00
Engineer's Estimate	\$	441,020.00

The lowest responsible and responsive bidder for Sanitary Sewer District No. 182 of Section No. 16 is JD Wallace Contracting, LLC.

Tax bills will be issued for the actual costs to construct the sanitary sewers for Sanitary Sewer District No. 182 of Section No. 16 upon completion of the project. Based upon the bid received, the estimated cost for property owners is \$0.49 per square foot of property owned.

To assist property owners with the costs associated with the sewer tax bills and sewer hookup, several programs are available. The City Sewer Financial Assistance Program provides residential property owners the opportunity to take advantage of a maximum cap per tract on the tax bill amount. A low-interest loan to help with costs for hookup to the sewer is available through the Division of Clean Water Services. The Sanitary Sewer Installation and Connection Assistance Program provides two types of assistance for low- and moderate-income families. One provides a deferred, no-interest loan for sewer hookup costs. The other is a direct grant to offset the cost of the tax bill. The City also provides a 15-year, low-interest payback arrangement for tax bill costs.

Letters have been mailed to property owners in the district with information regarding the proposed sewer construction, related costs, and available assistance programs. Also included in the letter is a notice regarding the rights of affected property owners to protest the project or its proposed method of payment through special tax bills.

Resolution 10729, passed by City Council on November 6, 2023, declared it necessary to construct sanitary sewers in Sanitary Sewer District No. 182 of Section No. 16.

All required information pursuant to Section 98-286 of the City Code was published in *The Daily Events* on November 9, 2023, through November 13, 2023. Concurrent to the publication in *The Daily Events*, Ordinance 10729 was posted in three locations within the district. Within the ten days after the publication, a valid remonstrance has not been filed.

This Ordinance is for a public improvement, where a special tax bill is issued, and thus qualifies as a one-reading bill under Charter Section 10.15. There will be a separate council bill submitted, once the project is completed to levy and assess the special tax against the properties defined within the sewer district.

REMARKS: Environmental Services recommends passage of this Council Bill.

Submitted By: Ron Petering, Assistant Director of Environmental Services



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

Maurice S. Jones, Deputy City Manager 11/28/2023

- Attachments:**
1. West Bypass and Division SS Proj_ord
 2. West Bypass and Division SS Proj Map_exh A

One-rdg. X
P. Hrngs.
Pgs. 7
Filed: 12-05-23

Sponsored by: Horton

First Reading:

Second Reading:

COUNCIL BILL 2023-292

SPECIAL ORDINANCE

AN ORDINANCE

1 ACCEPTING the bid of JD Wallace Contracting, LLC, in the amount of \$310,243 for the
2 construction of sanitary sewers in Sanitary Sewer District No. 182 of
3 Section No. 16, located in the vicinity of West Bypass and Division Street;
4 authorizing the City Manager, or designee, to enter into a contract and
5 approve the bond for said improvement; authorizing progress payments
6 to be made to the contractor; and declaring that this Ordinance qualifies
7 for approval in one reading.
8
9

10 WHEREAS, JD Wallace Contracting, LLC, is the lowest responsible and
11 responsive bidder for construction of Sanitary Sewer District No. 182 of Section No. 16.
12

13 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
14 SPRINGFIELD, MISSOURI, as follows, that:
15

16 Section 1 – The City Council hereby accepts the bid of JD Wallace Contracting,
17 LLC, and awards the contract to said bidder for the cost of labor, materials, engineering,
18 abstracting, publications, right(s)-of-way, and all work necessary for construction of
19 sanitary sewers in Sanitary Sewer District No. 182 of Section No. 16, said bidder
20 submitting the lowest responsible and responsive bid in the amount of \$310,243, except
21 as said sum and price may be lawfully increased or decreased by the actual quantities
22 of work units involved. The City Manager, or designee, is hereby authorized to enter
23 into a contract with said bidder for such work, and to approve a bond from the contractor
24 for labor, materials, and performance in accordance with the terms of the bid, plans, and
25 specifications prepared by the Director of Environmental Services and ordinances and
26 resolutions of the City governing the construction. The Engineer's estimate on file in the
27 office of the City Clerk is incorporated herein by reference.
28

29 Section 2 – The City Council hereby declares it necessary to construct sanitary
30 sewers in Sanitary Sewer District No. 182 of Section No. 16 in the City.
31

32 Section 3 – The City Council has issued special assessment general obligation
33 bonds pursuant to Article 6, Section 26(d) of the Missouri Constitution to pay for all or

34 part of the construction cost, including interest incurred by the City in financing the
35 project. Special assessments issued by the City pursuant to this Ordinance and other
36 ordinances of the City shall be used to pay for such bonds. Such bonds shall be in
37 effect for a period of 15 years.

38
39 Section 4 – Except for any amount the City may be authorized to contribute to
40 the improvement, which is subject to the actual quantities of work units involved, the
41 following costs should be specially assessed against each property in the benefited
42 district by special tax assessment and special tax bills issued to the City for collection:
43 the cost of all necessary materials and labor to construct the sanitary sewers; the cost
44 of publications pertaining to said construction; the cost of necessary abstracts; the cost
45 of engineering of the improvements, which shall not exceed 15 percent of the contract
46 bid price or the estimated price, whichever is the lesser; the cost of right(s)-of-way
47 necessarily acquired by the City for the construction of said improvement; and a
48 connection fee in the amount required by Section 120-246 of the City Code. The special
49 assessment shall be levied against each property in the City and in said sewer district in
50 proportion to the square footage of said property.

51
52 Section 5 – The special tax bills shall be payable in 15 equal annual installments
53 becoming due together with interest at the rate set forth herein below on each
54 anniversary date after the issuance thereof, for a period of 15 years after the date of
55 issuance of the tax bills; provided, however, that the person paying such tax bills shall
56 have the right to pay the same in part or in full within 30 days after issuance thereof with
57 no interest, and shall have the further right to pay any combination of annual principal
58 payments or the unpaid balance of said tax bills with interest thereon up to the date of
59 payment, within 30 days after the end of any yearly period when any installment is
60 payable. In addition to the above, tax bills may be paid in full at any time during the
61 year with interest thereon up to the date of payment.

62
63 Section 6 – Special tax bills in the district are eligible for the City Sewer Financial
64 Assistance Program under Chapter 98, Article VI, Section 98-286(4)b of the City Code.

65
66 Section 7 – The City Council hereby finds and declares that a majority of the
67 resident owners of the property liable to taxation therefor, who also own a majority of
68 the front feet owned by residents of the City abutting on the improvements or part
69 thereof proposed to be made, have not filed with the City Clerk a valid protest against
70 such improvement.

71
72 Section 8 – Every special assessment shall be a lien against the property therein,
73 described from the date of issuance, which lien shall continue until paid in full.

74
75 Section 9 – The provisions of Sections 98-215, 98-216, 98-217, 98-218, 98-219,
76 98-220, 98-221, 98-286, 98-291, and 98-292 of the City Code shall apply to special tax
77 bills issued pursuant to this resolution, except where such sections are inconsistent with
78 this Ordinance or the ordinances authorizing this project.

80 Section 10 – If any special assessment of any lot, tract, or parcel of ground is
81 found invalid by any court of competent jurisdiction, the City Council may reassess the
82 benefit and the cost against such lots, tracts and parcels of ground in the sewer district
83 which are benefited by the improvements constructed therein or said special
84 assessment may be made against the City at large.

85
86 Section 11 – Progress payments shall be made to the contractor.

87
88 Section 12 – The City Council hereby sets the interest rate on the sewer tax bills
89 to be issued by the City for Joint Sanitary Sewer District No. 182 of Section No. 16 to be
90 the same percentage rate of annual interest that is payable by the United States of
91 America on ten-year treasury notes at the most recent auction before the date of the
92 issuance of sewer tax bills, as is set forth in Section 88.812 of the Revised Statutes of
93 Missouri.

94
95 Section 13 – The City Manager is directed to cause the appropriate accounting
96 entries to be made in the books and records of the City.

97
98 Section 14 – This Ordinance is for a public improvement, where a special tax bill
99 is issued, and thus qualifies as a one-reading bill under City Charter Section 10.15.
100 Therefore, this Ordinance shall be in full force and effect from and after passage.

101
102 Passed at meeting: _____

103
104 _____
105 Mayor

106
107 Attest: _____, City Clerk

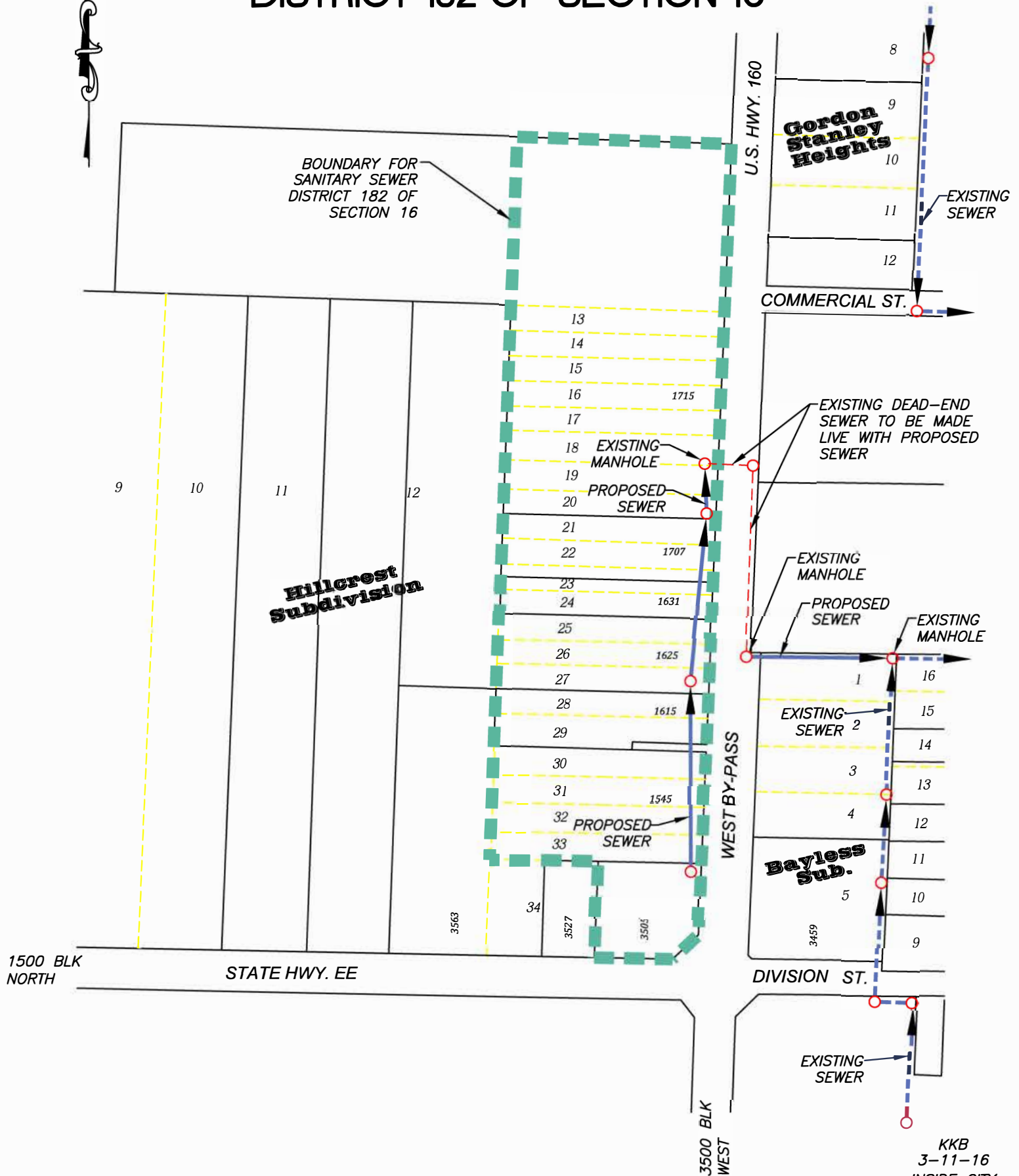
108
109 Filed as Ordinance: _____

110
111 Approved as to form: John Millington, Deputy City Attorney

112
113 Approved for Council action: Jason A. Page, City Manager
114
115

SANITARY SEWERS DISTRICT 182 OF SECTION 16

Exhibit A





EXPLANATION TO COUNCIL BILL 2023-293 (MCGULL)

FILED: 11/17/2023

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 5.5 acres of property generally located at 5298 East Farm Road 104, from County R-1, Suburban Residence District, to HC, Highway Commercial District, with Conditional Overlay District No. 242; establishing Conditional Overlay District No. 242; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Kurt Wouk; 5298 E. Farm Road 104/ Z-29-2023 with Conditional Overlay District No. 242)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.5 acres of property generally located at 5298 East Farm Road 104 from County R-1, Suburban Residence District to HC, Highway Commercial District and establishing Conditional Overlay District No. 242. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-29-2023/
CONDITIONAL OVERLAY DISTRICT NO. 242

The applicant is requesting to rezone approximately 5.5 acres of property generally located at 5298 East Farm Road 104 from County R-1 to HC, Highway Commercial and establishing Conditional Overlay District No. 242. The applicant is proposing a recreational vehicle (RV) park. The subject property was annexed by City Council on November 20, 2023.

REMARKS: The Planning and Zoning Commission held a public hearing on November 30, 2023, and recommended to approve, by a vote of 7 to 0.

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

FINDINGS FOR STAFF RECOMMENDATION:

1. The 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. The property is proposed to allow HC, Highway Commercial District uses so this would allow for office, retail, personal service and automotive or RV service-related uses.

2. Business Flex areas are located on secondary roadways, where good street connectivity and access to major roadways and distribution routes can be easily accessed. East Farm Road 104, a collector roadway, is less than 400 feet from Beaver (previously Mulroy) Road which is a primary arterial. This property appears to meet the access recommendations.

3. 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. The HC uses have the ability to support the uses in this area while not dominating or needing high visibility.

4. 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. This area is located along E. Farm Road 104 which is a collector roadway and while adjacent to the new Buc-ee's development will not have direct access to N. Beaver Road which is the primary arterial in this area. This site will be visible but the uses should not dominate the corridor.

5. The Highway Commercial District is consistent with the goals and objectives of the Business Flex placetype.

6. The applicant is proposing a Conditional Overlay District to prohibit some objectionable uses and a traffic study at the time of development.

7. The subject property is located in an area that has other retail and industrial and warehousing uses that take advantage of easy access to Interstate 44.

8. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.

9. There are changing conditions in the area affected that make the proposed rezoning necessary. This area has seen an increase in new development and this rezoning is consistent with the redevelopment that is happening in this area.

10. The range of uses in the proposed HC district are compatible with the uses permitted on other property in the immediate vicinity.

11. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned.

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



reduce traffic safety in the vicinity. This application requires a traffic study at the time of development.

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: Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Business Flex 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:

Maurice S. Jones, Deputy City Manager 12/4/2023

Attachments:

1. Z-29-2023 COD 242 5298 E FR 104 Ord
2. COD_exhA
3. Legal Description_exhB
4. ROP_exhC
5. Staff Report_exhD

One-rdg. _____
P. Hrngs. X
Pgs. 22
Filed: 12-05-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-293

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 5.5 acres of property generally located at 5298 East Farm Road
4 104, from County R-1, Suburban Residence District, to HC,
5 Highway Commercial District, with Conditional Overlay District No.
6 242; establishing Conditional Overlay District No. 242; and adopting
7 an updated Official Zoning Map. (Staff and Planning and Zoning
8 Commission recommend approval.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 generally located at 5298 East Farm Road 104, from County R-1, Suburban Residence
13 District, to HC, Highway Commercial District, with Conditional Overlay District No. 242;
14 and
15

16 WHEREAS, Conditional Overlay District No. 242 shall modify the requirements of
17 the Springfield Land Development Code Section 36-422, HC, Highway Commercial
18 District, by requiring that the property described in "Exhibit B" comply with the
19 requirements described in "Exhibit A"; and
20

21 WHEREAS, following proper notice, the Planning and Zoning Commission held a
22 public hearing on November 30, 2023, a copy of the Record of Proceedings from said
23 public hearing being attached hereto and incorporated herein by this reference as
24 "Exhibit C," and said Commission made its recommendation; and
25

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

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

33 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 County R-1, Suburban Residence District, to HC, Highway Commercial District, with Conditional Overlay District No. 242. 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. 242, 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. 242 shall modify the requirements of the Springfield Land Development Code Section 36-422, HC, Highway Commercial 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 map 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

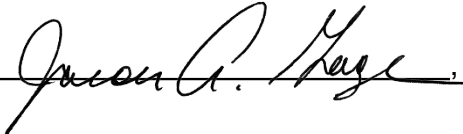
Approved for Council action:  _____, City Manager

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-29-2023 COD 242

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

1. The following uses shall be prohibited:
 - a. Cemeteries,
 - b. Household Resource Recovery collection centers,
 - c. Manufactured or mobile home and trailer sales and service,
 - d. Marijuana cultivation, dispensary and infused products manufacturing,
 - e. Overnight or transient shelters, and
 - f. Conditional uses per Section 36-422.
2. 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.

EXHIBIT B

LEGAL DESCRIPTION

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.

EXHIBIT C

RECORD OF PROCEEDINGS Planning and Zoning Commission – November 30, 2023

Z-29-2023 w/COD 242
5298 East Farm Road 104
Applicant: Kurk Wouk

Daniel Neal states that this is a request to rezone approximately 5.5 acres of property from County R-1, Suburban Residence District to HC, Highway Commercial District and establishing Conditional Overlay District No. 242 to allow for a Recreational Vehicle (RV) Park. This case was originally seen at the October 5, 2023, Planning and Zoning meeting, but it was determined that the rezoning or major subdivision process can not start until the voluntary annexation of the property has been completed which has been done by City Council on November 20, 2023.

Eric Pauly asked about the intersection located close by and if a traffic study would need to be completed and what improvements or development is expected.

Mr. Neal stated that he didn't know about improvements but expects low traffic volumes as it will be a RV park.

Eric Pauly also asked about the three roundabouts located in the area and the possibility of larger vehicles going around them and Mr. Neal noted that he does not see any issues and are built to MODOT standards.

Eric Pauly asked about stormwater drainage and the creek, and Joe Codichini, Public Works stated that there are two detention basins that go to the farm pond and are shared by Buc-ee's development and the current project. The South Dry Sac Creek is not a tributary, so it is not classified as a stream, and further study will be needed to determine if the current farm pond can be used as a detention.

Eric Pauly also asked about the drinking water north of the property and Joe Codichini stated that there are no concerns at this time.

Bill Knuckles made a comment about improvements and that they would be addressed by a traffic study.

Geoff Butler 4449 E. Valley stated that this is straight forward and intersects with Buc-ee's development.

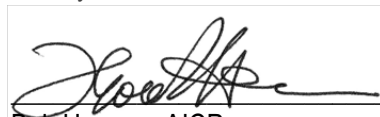
Eric Pauly asked approximately how many RV's can be accommodated?

Geoff Butler stated that he does not know at this time, possibly 30 RV's and should probably be short-term with a pathway available to get to Buc-ee's.

Natalie Broekhoven closed the public hearing.

COMMISSION ACTION

Planning and Zoning Commission Board Member Knuckles moved to approve Z-29-2023 w/COD 242 and Commissioner Lebeck seconded the motion, and it was **Passed** with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Gunther, Commissioner Pauly, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles. Nays: None. Absent: Dan Scott and Britton Jobe. Abstain: None.



Bob Hosmer, AICP
Planning Manager

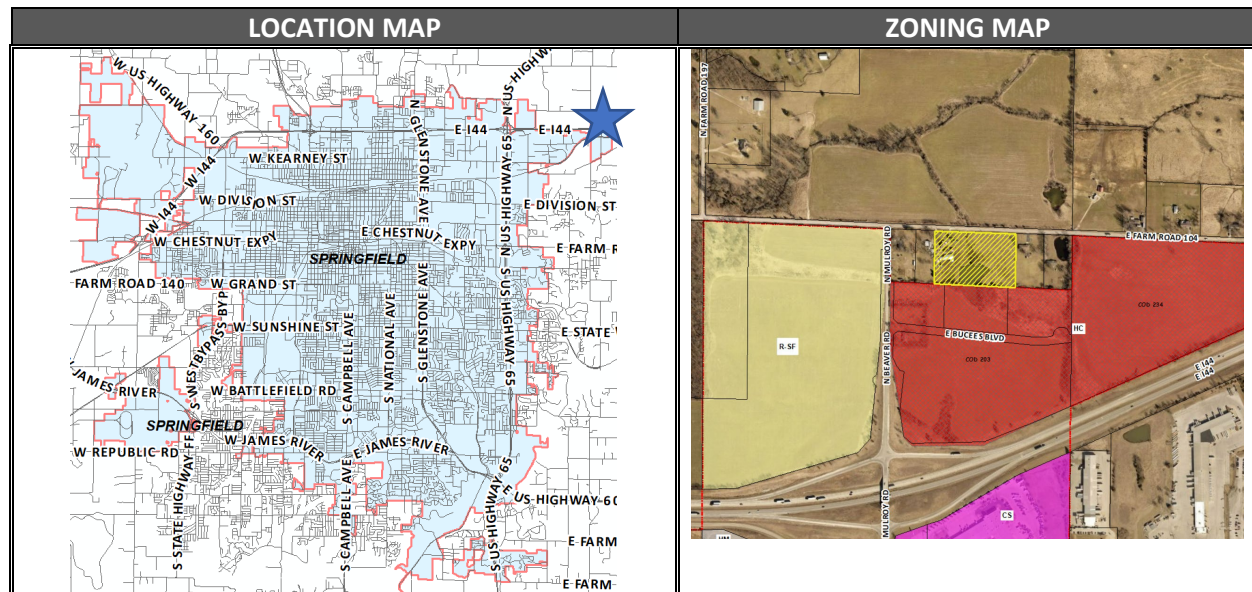
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-29-2023 with Conditional Overlay District No. 242
Location:	5298 E. Farm Road 104
Total Acres:	5.5 acres
Applicant:	Kurt Wouk
Existing Land Use:	Single-family residence and agricultural uses
Neighborhood Meeting:	September 13, 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-29-2023 with Conditional Overlay District No. 242 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).

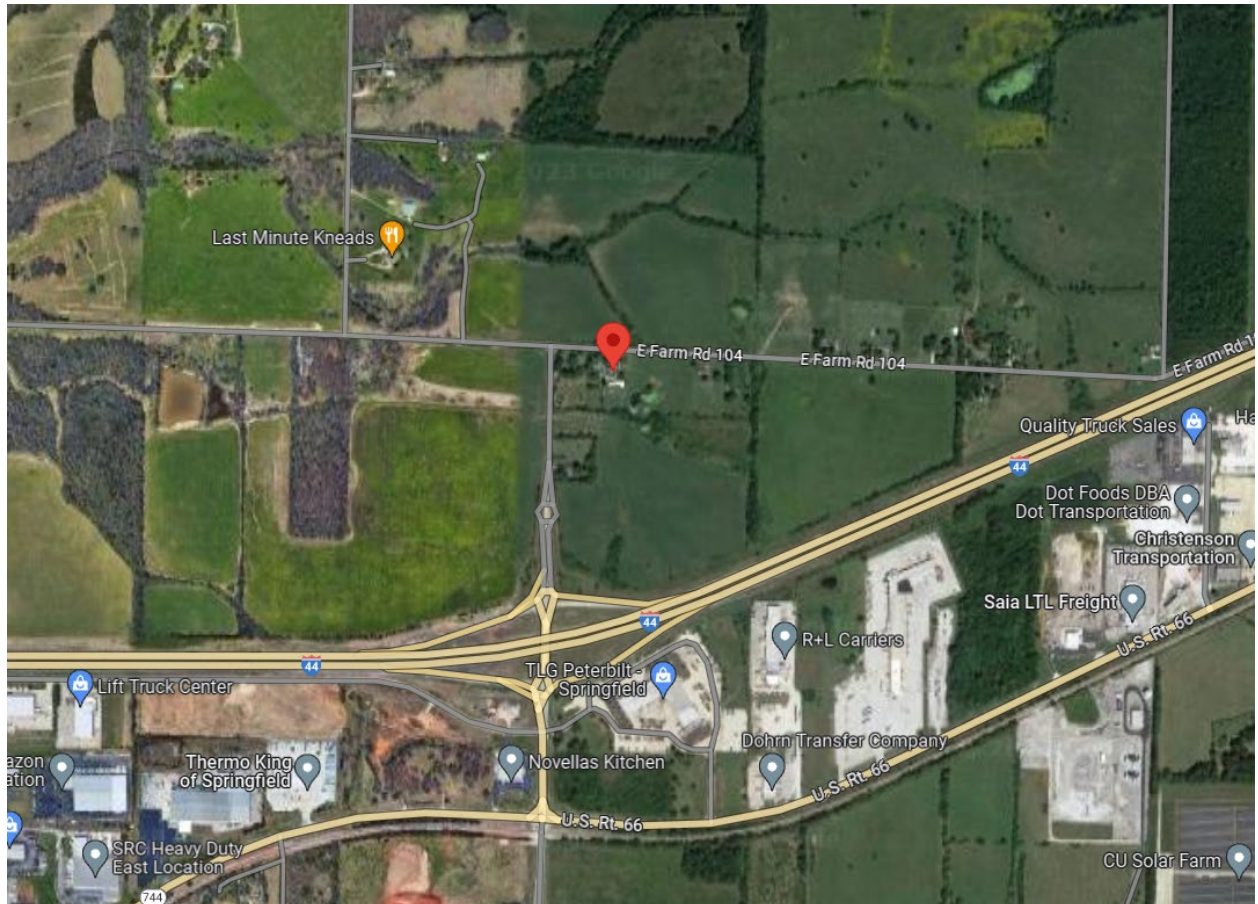
PROJECT SUMMARY:

Request to rezone approximately 5.5 acres of property generally located at 5298 East Farm Road 104 from County R-1, Suburban Residence District to HC, Highway Commercial District and establishing Conditional Overlay District No. 242.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property is located outside City limits in unincorporated Greene County and zoned County R-1; however, a request for annexation is being processed concurrently with the rezoning application.

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 HC
Use Limitations	(a) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors. (b) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district. (c) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface. (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

DEVELOPMENT REVIEW STAFF REPORT

	(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code. (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Minimum Open Space	Not less than 20 percent

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

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 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.

Placetypes are not as rigid as zoning districts and allow for supporting or ancillary uses which complement and enhance its sense of place; as an extension of this, a single placetype is not likely to be defined by a single zoning district or even a collection of closely related zoning districts (e.g. industrial districts), but rather a mix of tangentially related zoning districts which together form a cohesive sense of place when developed with similar character, scale, and form.

Primary Land Uses:

- Maker spaces, artisan, and innovation spaces
- Personal and outdoor storage
- Light industry
- Warehousing and distribution facilities

Supporting Land Uses:

- Parks, greenways and open space
- Sports complexes and recreational facilities
- Urban agriculture
- Office, hospitality, retail sales and service

DEVELOPMENT REVIEW STAFF REPORT

- Universities, colleges, and vocational schools Government, healthcare and institutional facilities
- Airport, railroad, and freight facilities

Characteristics

Transportation and 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 are integrated and incentivized into 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.
- 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.
- Pedestrian and bicycle infrastructure, and micro-mobility are integrated.

Urban Design- Building and Site Typology

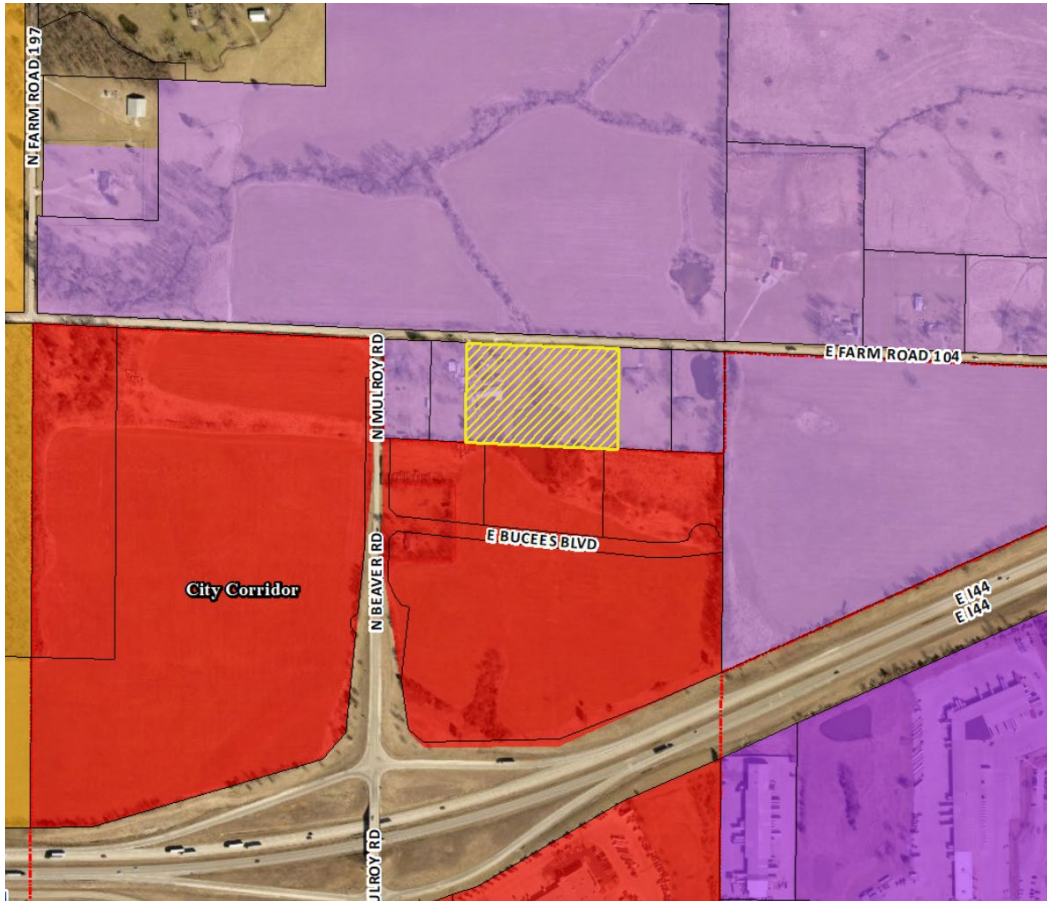
- Perimeter landscaping screens surface parking lots that accommodate the high number of employees, vehicles, delivery, and large truck traffic.
- Outside storage, auto oriented, or light industrial uses are screened from view from the right-of-way.
- Use of quality materials, construction methods, workmanship, 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 discourage the placement of mechanical equipment along major roadways or should be completely screened, along with trash receptacles, and recycling bins.

Transitions

- Appropriate site design, parking access, massing, building orientation, screening, buffering, and separation standards are adopted and used to mitigate adjacent incompatible uses.
- Commercial and smaller office uses within the placetype are directed to its perimeter to provide a gradual transition into surrounding placetypes.

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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	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	○	○	○	○	○	○	○	○	○	○	○	○	○	○

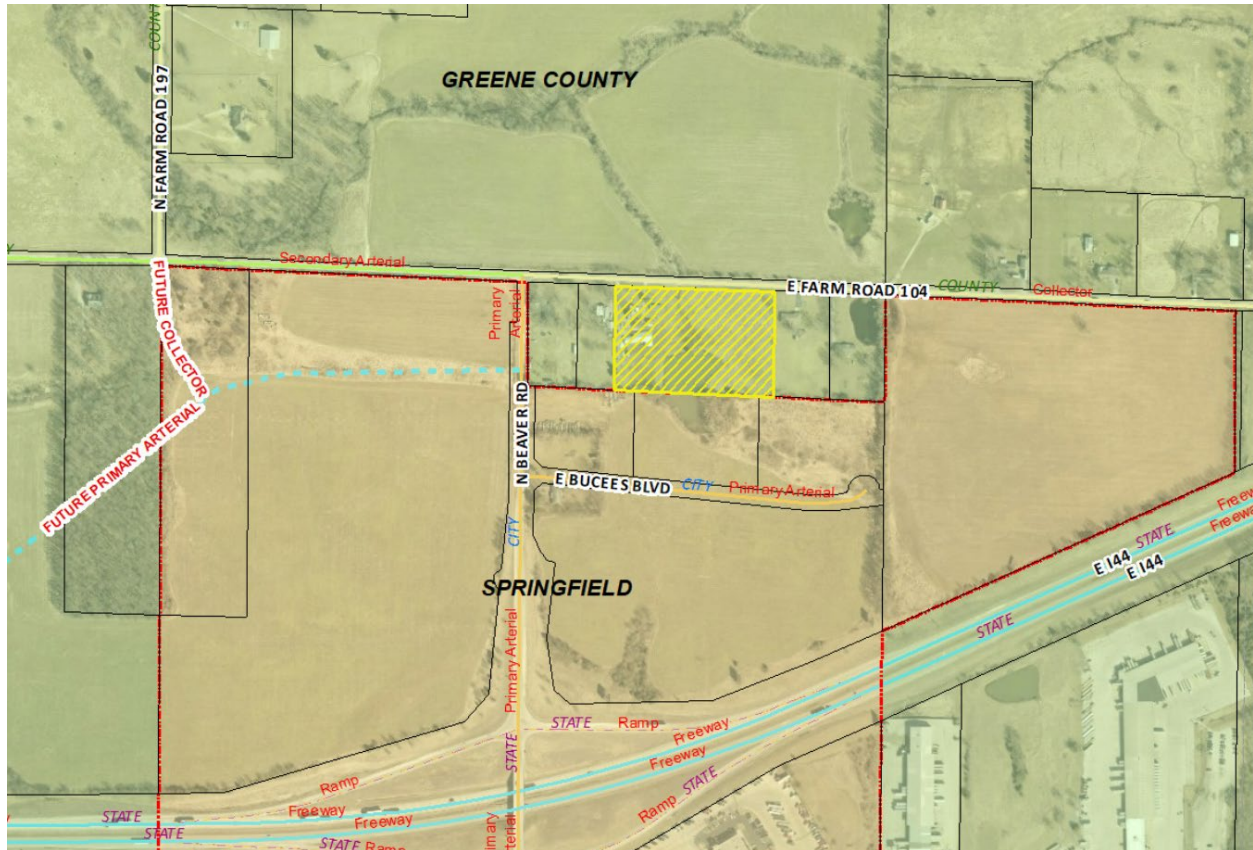
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **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	County R-1	HC	County R-1	County C-1
LAND USE	Agricultural/ undeveloped	Retail uses and common area/detention	Single-family residence	Single-family residence
PLACETYPES	Business flex	City Corridor	Business flex	Business flex

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the proposed rezoning.

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:

1. 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 Greene County 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.
2. 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.
3. 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.
4. When building plans are submitted, specify the point of connection to public sewer on the utility plan.

FIRE DEPARTMENT:

No issues with the proposed rezoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

TRAFFIC REPORT

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)	Traffic Count	On-Street Parking	Sidewalk
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DEVELOPMENT REVIEW STAFF REPORT

				Required	Existing	(vehicles per day)		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 rezoning. A traffic study will be required for this property at the time of development.

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 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

DEVELOPMENT REVIEW STAFF REPORT

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.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 5.5 acres of property generally located at 5298 East Farm Road 104 from County R-1 to HC, Highway Commercial and establishing Conditional Overlay District No. 242. The applicant is proposing an RV park.
2. 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

DEVELOPMENT REVIEW STAFF REPORT

occasional commercial sales and services. The property is proposed to allow HC, Highway Commercial District uses so this would allow for office, retail, personal service and automotive or RV service-related uses.

3. Business Flex areas are located on secondary roadways, where good street connectivity and access to major roadways and distribution routes can be easily accessed. East Farm Road 104, a collector roadway, is less than 400 feet from Beaver (previously Mulroy) Road which is a primary arterial. This property appears to meet the access recommendations.
4. 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. The HC uses have the ability to support the uses in this area while not dominating or needing high visibility.
5. 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. This area is located along E. Farm Road 104 which is a collector roadway and while adjacent to the new Buc-ee's development will not have direct access to N. Beaver Road which is the primary arterial in this area. This site will be visible but the uses should not dominate the corridor.
6. The Highway Commercial District is consistent with the goals and objectives of the Business Flex placetype.
7. The applicant is proposing a Conditional Overlay District to prohibit some objectionable uses and a traffic study at the time of development.
8. The subject property is located in an area that has other retail and industrial and warehousing uses that take advantage of easy access to Interstate 44.
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 changing conditions in the area affected that make the proposed rezoning necessary. This area has seen an increase in new development and this rezoning is consistent with the redevelopment that is happening in this area.
11. The range of uses in the proposed HC district are compatible with the uses permitted on other property in the immediate vicinity;
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;

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13. 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. This application requires a traffic study at the time of development.
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.

STAFF RECOMMENDATION:

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

PLANNING AND ZONING OPTIONS:

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

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

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ATTACHMENT 1

CONDITIONAL OVERLAY DISTRICT PROVISIONS NO. 242

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

1. The following uses shall be prohibited:
 - a. Cemeteries,
 - b. Household Resource Recovery collection centers,
 - c. Manufactured or mobile home and trailer sales and service,
 - d. Marijuana cultivation, dispensary and infused products manufacturing,
 - e. Overnight or transient shelters, and
 - f. Conditional uses per Section 36-422.
2. 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.

Attachment 2
AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

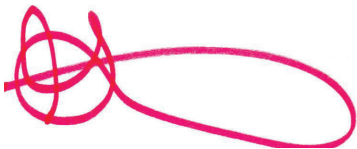
1. Request change to zoning from: County residential to Highway Commercial
(existing zoning) (proposed zoning)
2. Meeting Date & Time: Tuesday September 12, 2023 4 pm - 6:30 pm
3. Meeting Location: 5298 E Farm Road 104
4. Number of invitations that were sent: twelve
5. How the mailing list was generated: City
6. Number of neighbors in attendance (attach a sign-in sheet): 0
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

No one came

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

None

I, Geoffrey H. Butler (print name), attest that the neighborhood meeting was held on September 12, 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

Geoffrey H. Butler AIA

Printed name of person completing affidavit



EXPLANATION TO COUNCIL BILL 2023-294 (MCGULL)

FILED: 11/16/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.68 acre of property generally located at 2555 North Neergard, from GM, General Manufacturing District, to IC, Industrial Commercial District, with Conditional Overlay District No. 243; establishing Conditional Overlay District No. 243; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Barbara Lorenz; 2555 N. Neergard Avenue; Z-30-2023 with Conditional Overlay District No. 243)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.68 acre of property generally located at 2555 North Neergard Avenue from GM, General Manufacturing District to IC, Industrial Commercial District and establishing Conditional Overlay District No. 243. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-30-2023/ CONDITIONAL OVERLAY DISTRICT NO. 243

The applicant is requesting to rezone approximately 0.68 acre of property from GM, General Manufacturing District to IC, Industrial Commercial District and establishing a new Conditional Overlay District No. 243. The applicant intends to establish a used car sales business.

REMARKS: The Planning and Zoning Commission held a public hearing on November 9, 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 project area is located within the Industry & Logistics placetype, (see the Future Placetype Map on page 4 for reference). Per the Land Use & Development chapter of the Comprehensive Plan, this placetype primarily consists of, "...heavy and moderately intense manufacturing, distribution uses, and a range of operations that rely on proximity to the City's airport, interstate, and rail facilities." Based on these primary functions, this placetype also accommodates other activities typically associated with industry and manufacturing, including outdoor activity involving storage or parking of

vehicles and equipment.

2. Placetypes are not as rigid as zoning districts and allow for supporting or ancillary uses which complement and enhance its sense of place; as an extension of this, a single placetype is not likely to be defined by a single zoning district or even a collection of closely related zoning districts (e.g. industrial districts), but rather a mix of tangentially related zoning districts which together form a cohesive sense of place when developed with similar character, scale, and form. The Industry & Logistics placetype allows for certain supporting uses which complement the placetype's primary industrial or manufacturing uses, including office, hospitality, retail sales and service uses, universities, colleges, and vocational schools, and government, healthcare, and institutional uses, to name a few. As a result, this placetype should include a mix of industrial zones complemented by office or commercial zones were deemed suitable. The IC, Industrial commercial district, which allows for a variety of commercial and industrial uses, is a suitable match for the Industry & Logistics placetype.

3. The Industrial Commercial District is intended to allow industrial operations and activities in combination with commercial uses in those areas where the combination of such uses is consistent with adopted policies and plans. This district is designed primarily to accommodate land that both meets the above intent and was zoned for industrial uses prior to the enactment of said ordinance. All industrial operations are permitted provided they are conducted inside a building, although related outdoor storage is permitted. Areas zoned IC are intended to be located primarily at major intersections in or adjacent to industrial areas and on land that is designated as a mixed industrial/commercial use area in the comprehensive plan.

4. The proposed Conditional Overlay District will require perimeter landscaping to be triggered when the site is redeveloped. The landscape plantings along Neergard Avenue and Jean Street shall consist of at least one canopy tree, understory, ornamental, or evergreen trees; and four shrubs per 100 linear feet of street frontage.

5. The subject property is located along Neergard Avenue which is classified as a collector roadway and Jean Street which is a local roadway, respectively.

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 no known changing conditions in the area affected that make the proposed rezoning necessary.

8. The range of uses in the proposed IC district and COD are compatible with the uses permitted on other property in the immediate vicinity.

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.

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: Staff recommends approval of the rezoning request based on its compatibility with the Comprehensive Plan's Industry & Logistics Placetype.

Submitted By: Daniel Neal, Senior City Planner

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

Maurice S. Jones, Deputy City Manager 11/27/2023

Attachments:

1. Z-30-2023 COD 243_ Ord
2. COD_exhA
3. Legal Description_exhB
4. ROP_exhC
5. Staff Report_exhD

One-rdg. _____
P. Hrngs. X
Pgs. 22
Filed: 12-05-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-294

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 0.68 acre of property generally located at 2555 North Neergard,
4 from GM, General Manufacturing District, to IC, Industrial
5 Commercial District, with Conditional Overlay District No. 243;
6 establishing Conditional Overlay District No. 243; and adopting an
7 updated Official Zoning Map. (Staff and Planning and Zoning
8 Commission recommend approval.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 generally located at 2555 North Neergard, from GM, General Manufacturing District, to
13 IC, Industrial Commercial District, with Conditional Overlay District No. 243; and
14

15 WHEREAS, Conditional Overlay District No. 243 shall modify the requirements of
16 the Springfield Land Development Code Section 36-434, IC, Industrial Commercial
17 District, by requiring that the property described in "Exhibit B" comply with the
18 requirements described in "Exhibit A"; and
19

20 WHEREAS, following proper notice, the Planning and Zoning Commission held a
21 public hearing on November 9, 2023, a copy of the Record of Proceedings from said
22 public hearing being attached hereto and incorporated herein by this reference as
23 "Exhibit C," and said Commission made its recommendation; and
24

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

29 WHEREAS, proper notice was given of a public hearing before City Council, and
30 said hearing was held in accordance with the law.
31

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

34 Section 1 – The property described in "Exhibit B," which is attached hereto and
35 incorporated herein by this reference, is hereby rezoned from GM, General
36 Manufacturing District, to IC, Industrial Commercial District, with Conditional Overlay
37 District No. 243. Springfield Land Development Code, Section 36-306, 'Official zoning
38 map and rules for interpretation,' is hereby amended, changed, and modified consistent
39 with this Ordinance.

40
41 Section 2 – City Council hereby establishes Conditional Overlay District No. 243,
42 which shall contain the requirements and standards provided in "Exhibit A," which is
43 attached hereto and incorporated herein by this reference as though set forth herein.
44 The requirements of Conditional Overlay District No. 243 shall modify the requirements
45 of the Springfield Land Development Code Section 36-434, IC, Industrial Commercial
46 District, by requiring the property described in "Exhibit B" comply with the requirements
47 contained in "Exhibit A."

48
49 Section 3 – City Council hereby directs the City Manager, or designee, to update
50 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
51 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
52 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
53 rules for interpretation.'

54
55 Section 4 – The Official Zoning Map herein adopted shall be maintained and
56 archived in the same digital form in which this Council has approved its adoption.

57
58 Section 5 – This Ordinance shall be in full force and effect from and after
59 passage.

60
61 Passed at meeting: _____

62
63 _____
64 Mayor

65
66 Attest: _____, City Clerk

67
68 Filed as Ordinance: _____

69
70 Approved as to form: , Assistant City Attorney

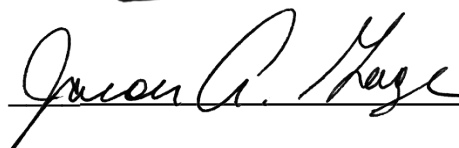
71
72
73 Approved for Council action: , City Manager
74

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-30-2023 COD 243

The requirements of Section 36-434, Industrial Commercial District of the Land Development Code shall be modified as set forth herein for development within this district:

1. Perimeter landscaping:
 - a. Perimeter landscaping shall be provided along Neergard Avenue and Jean Street for any change of use, building permit or subdivision of the property. The plantings within the perimeter landscape area shall consist of at least one canopy tree, one understory, ornamental, or evergreen tree and four shrubs per 100 linear feet of street frontage.

EXHIBIT B

LEGAL DESCRIPTION

All of the North One Hundred (100) feet of Lot Six (6) in Kearney Street Industrial Park,
in the City of Springfield, Greene County, Missouri.

EXHIBIT C

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

Z-30-2023 w/COD 243
2555 North Neergard Avenue
Applicant: Barbara Lorenz

Mr. Daniel Neal stated that this is a request to rezone approximately 0.68 acres of property generally located at 2555 N. Neergard Avenue from GM, General Manufacturing District to IC, Industrial Commercial District and establish a Conditional Overlay District No. 243.

Mr. Knuckles noted that it seems odd that landscaping requirements are required, and Mr. Neal noted that Neergard is a collector roadway and part of the new Comprehensive Plan is charged with enhancing some of the corridors.

Mr. Lebeck clarified about the number of shrubs and trees required and Mr. Neal noted that approximately one canopy tree, one understory, ornamental or evergreen tree and 4 shrubs per 100 linear feet of street frontage.

Ms. Barbara Lorenz, 3182 W. Kob Hill Street and here to answer any questions.

Natalie Broekhoven closed the public hearing.

Planning and Zoning Commission Board Member Knuckles moved to approve Z-30-2023 w/COD 243 and Commissioner Pauly seconded the motion, and it was passed with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Gunther, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles. Nays: None. Absent: Britton Jobe. Abstain: None.



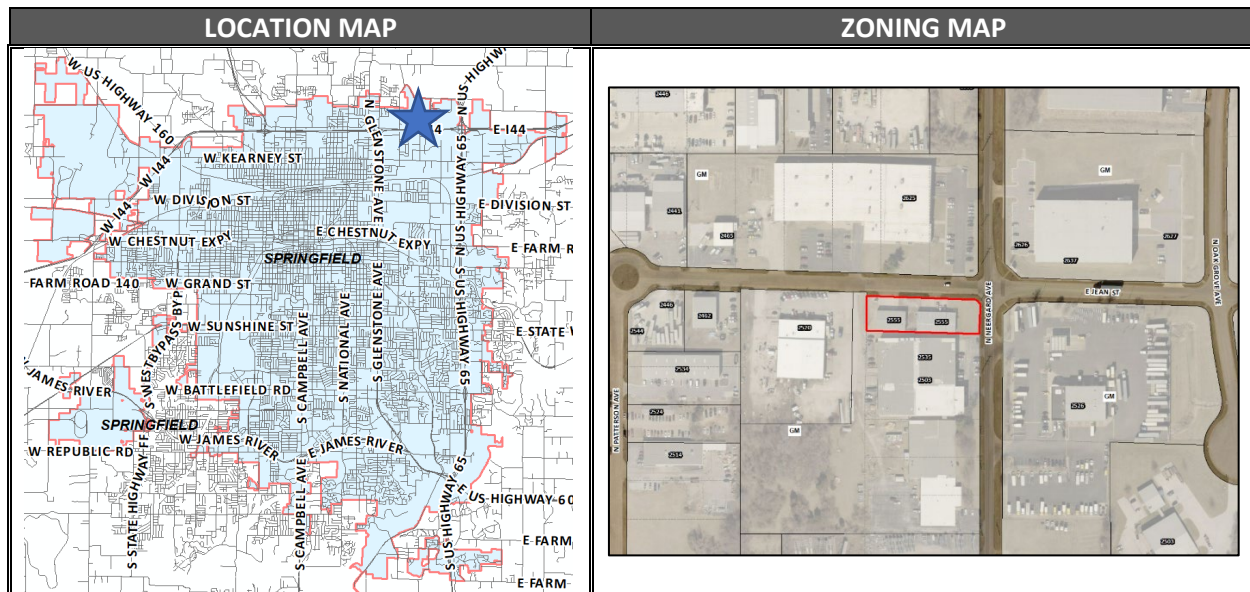
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Z-30-2023 with Conditional Overlay District No. 243
Location:	2555 N. Neergard Avenue
Total Acres:	0.68 acre
Applicant:	Barbara Lorenz
Existing Land Use:	Automotive repair and office uses
Neighborhood Meeting:	October 18, 2023
Planning and Zoning Commission:	November 9, 2023
City Council:	December 11, 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-30-2023 with Conditional Overlay District No. 243 as set forth in Attachment 1 of the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to rezone approximately 0.68 acre of property generally located at 2555 N. Neergard Avenue from GM, General Manufacturing District to IC, Industrial Commercial District and establishing a new Conditional Overlay District No. 243.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

This property has been zoned GM, General Manufacturing District since the 1995 remapping.

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 IC DISTRICT
Use Limitations	(a) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time. (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. (c) All industrial operations and activities, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings. (d) Storage may be maintained outside a building inside yards or rear yards if such storage area is screened from public streets, designated arterials, or greater street classifications, and from other property, except property located in an IC, LI, GM, or HM district. (e) All outdoor storage shall be at least 100 feet from any residential district boundary.

DEVELOPMENT REVIEW STAFF REPORT

	(f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code. (g) No building shall be used for residential purposes except that a watchman or custodian may reside on the premises. (h) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
Minimum Lot Size	Not applicable to the IC District
Maximum Height	Not applicable to the IC District
Bulk Plane	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of any R-SF or R-TH district.
Minimum Yard Requirements	1. <i>Front yard:</i> a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space, and yard regulations. b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space, and yard regulations. 2. <i>Side yards:</i> None, except as required by section 36-453, supplemental open space, and yard regulations, and the bufferyard requirements in subsection (8). 3. <i>Rear yards:</i> None, except as required by the bufferyard requirements in subsection (8)).
Minimum Open Space	Not less than 15 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
Design Requirements	(a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved. (b) A landscape plan meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted, and approved.

DEVELOPMENT REVIEW STAFF REPORT

	(c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening, and fencing. (d) All outdoor storage and refuse storage areas shall be screened from view in accordance with section 36-480, screening, and fencing. (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening, and fencing. (f) Lighting shall be designed to reflect away from any adjacent or nearby 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	Whenever any development in an IC industrial commercial district is located adjacent to a different zoning 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:

The project area is located within the Industry & Logistics placetype, (see the Future Placetype Map on page 4 for reference). Per the *Land Use & Development* chapter of the *Comprehensive Plan*, this placetype primarily consists of, "...heavy and moderately intense manufacturing, distribution uses, and a range of operations that rely on proximity to the City's airport, interstate, and rail facilities." Based on these primary functions, this placetype also accommodates other activities typically associated with industry and manufacturing, including outdoor activity involving storage or parking of vehicles and equipment.

Placetypes are not as rigid as zoning districts and allow for supporting or ancillary uses which complement and enhance its sense of place; as an extension of this, a single placetype is not likely to be defined by a single zoning district or even a collection of closely related zoning districts (e.g. industrial districts), but rather a mix of tangentially related zoning districts which together form a cohesive sense of place when developed with similar character, scale, and form. The Industry & Logistics placetype allows for certain supporting uses which complement the placetype's primary industrial or manufacturing uses, including office, hospitality, retail sales and service uses, universities, colleges, and vocational schools, and government, healthcare, and institutional uses, to name a few. As a result, this placetype should include a mix of industrial zones complemented by office or commercial zones were deemed suitable. The IC, Industrial commercial district, which allows for a variety of commercial and industrial uses, is a suitable match for the Industry & Logistics placetype.

DEVELOPMENT REVIEW STAFF REPORT

PRIMARY USES

1. Personal and outdoor storage
2. Light industry
3. Warehousing and distribution facilities
4. Heavy industry and manufacturing
5. Airport, railroad, and freight facilities

SUPPORTING USES

1. Parks, greenways and open space
2. Urban agriculture
3. Office, hospitality, retail sales and service
4. Maker spaces, artisan, and innovation spaces
5. Universities, Colleges & Vocational Schools
6. Government, healthcare and institutional facilities

CHARACTERISTICS TRANSPORTATION & INFRASTRUCTURE

1. Direct new industrial and logistic dependent development to areas planned for more intense uses located near existing rail lines, major roadways, and Enterprise Zones.
2. 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.
3. Freight traffic is diverted away from quieter residential or commercial streets to designated truck routes that are designed for anticipated capacity and have clear access to major routes and roadways.
4. 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 integrated into development plans.

URBAN DESIGN – BUILDING AND SITE TYPOLOGY

1. Industrial buildings exhibit quality façade designs and site layouts that enhance the character of the area and promote quality development and a sense of place.
2. Site design should discourage the placement or storage of materials and mechanical equipment along major roadways leading to the airport or along major routes into the City or should be completely screened, along with trash receptacles, and recycling bins.
3. Lighting, landscaping, signage, mail, and delivery accommodations are be proactively incorporated into the site design.
4. Industrial parks contain integrated paths and outdoor recreation areas that are used as amenities by employees.
5. Entrances into industrial parks are clearly marked with monument signage and landscaping.
6. Public art, gateway signage, and landscaping are incorporated into the streetscape leading to and from the airport and interstate interchanges to
7. create a lasting, positive image of the community.

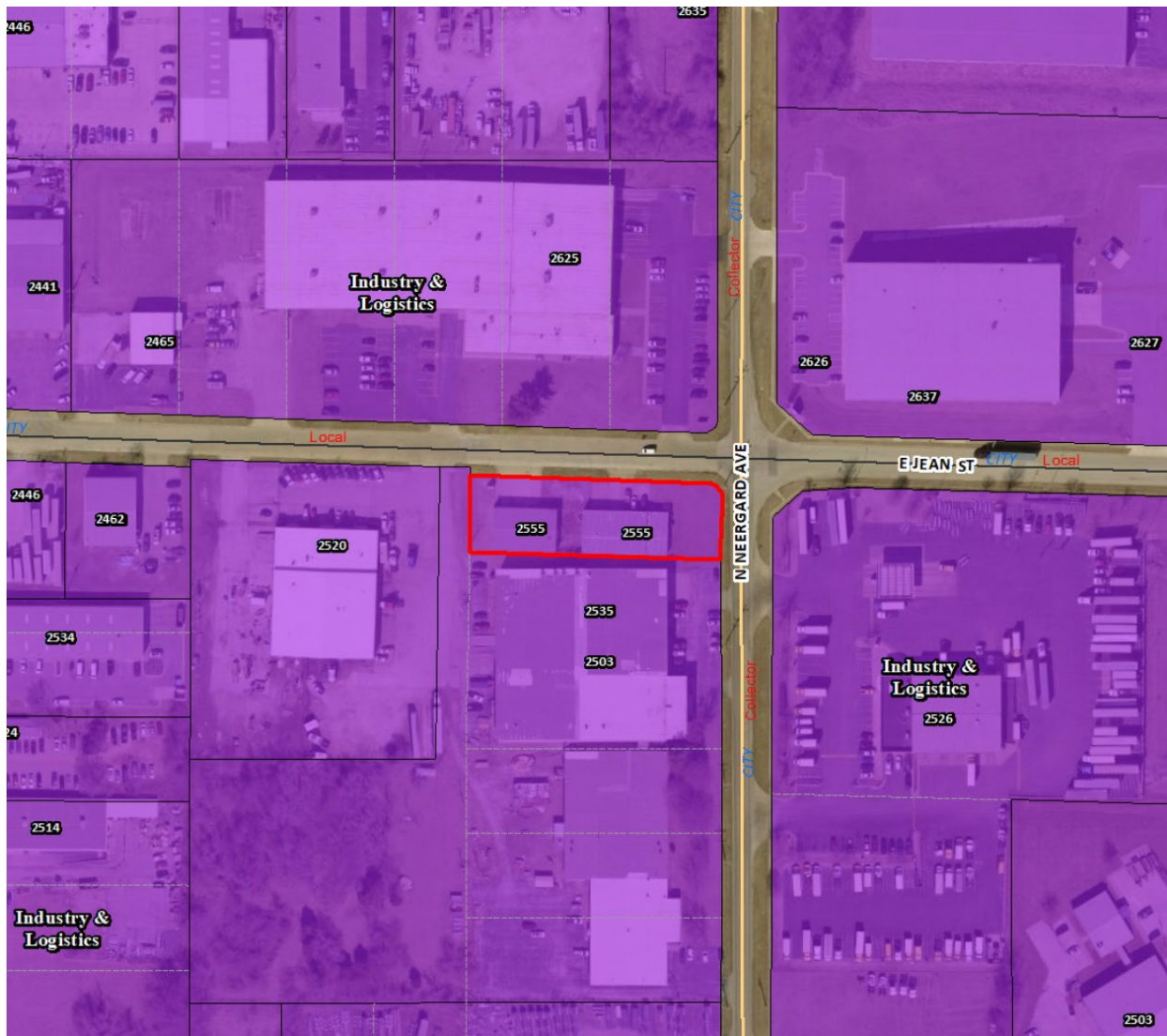
TRANSITIONS

1. Industrial uses are well screened and buffered when located near lower
2. intensity commercial or residential areas to reduce potential negative visual and noise impacts.

DEVELOPMENT REVIEW STAFF REPORT

3. Less intense support sales, service, and supply of goods related to heavier manufacturing operations, airport, and other logistical operations are integrated along secondary roadways and around the periphery.

FUTURE PLACETYPE MAP:



DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	GM	GM	GM	GM
LAND USE	Manufacturing uses	Manufacturing uses	Manufacturing uses	Manufacturing uses

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No comments.
2. CITY UTILITIES:
No issues with the proposed rezoning or COD language.
3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:
 - a. No issues with rezoning. Public sewer is available to the property.

DEVELOPMENT REVIEW STAFF REPORT

4. FIRE DEPARTMENT:

No comments.

5. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

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 allowed**.

PW Stormwater has no concerns for the proposed Rezoning or COD language. 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. 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 approval by the Director of Public Works.

WATER QUALITY REQUIREMENTS

N/A

FLOODPLAIN

N/A

NATURAL CHANNEL & STREAM BUFFERS

N/A

SINKHOLES & KARST FEATURES

N/A

ADDITIONAL STORMWATER REQUIREMENTS

N/A

6. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:

DEVELOPMENT REVIEW STAFF REPORT

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	N. Neergard Avenue	Collector	City	30	30	NA	No	Yes	No
Street 2	E. Jean Street	Local	City	25	30	NA	Yes	Yes	No

ACCESS - 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 Trail near the property. There are no bus stops near the property.

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

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 0.68 acre of property from GM, General Manufacturing District to IC, Industrial Commercial District and establishing a new Conditional Overlay District No. 243. The applicant intends to establish a used car sales business.
2. The Industrial Commercial District is intended to allow industrial operations and activities in combination with commercial uses in those areas where the combination of such uses is consistent with adopted policies and plans. This district is designed primarily to accommodate land that both meets the above intent and was zoned for industrial uses prior to the enactment of said ordinance. All industrial operations are permitted provided they are conducted inside a building, although related outdoor storage is permitted. Areas zoned IC are intended to be located primarily at major intersections in or adjacent to industrial areas and on land that is designated as a mixed industrial/commercial use area in the comprehensive plan.
3. The proposed Conditional Overlay District will require perimeter landscaping to be triggered when the site is redeveloped. The landscape plantings along Neergard Avenue and Jean Street shall consist of at least one canopy tree, understory, ornamental, or evergreen trees; and four shrubs per 100 linear feet of street frontage.
4. The subject property is located along Neergard Avenue which is classified as a collector roadway and Jean Street which is a local roadway, respectively.

DEVELOPMENT REVIEW STAFF REPORT

5. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
6. There are no known changing conditions in the area affected that make the proposed rezoning necessary.
7. The range of uses in the proposed IC district and COD are compatible with the uses permitted on other property in the immediate vicinity.
8. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned.
9. The impact 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.
10. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
11. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.
12. The proposed rezoning was reviewed by City departments and comments are contained in the staff report (above).
13. The applicant held a neighborhood meeting on October 18, 2023, regarding the rezoning request. A summary of the meeting is attached (Attachment 2).
14. 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* Industry & Logistics 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

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 No. 243

The requirements of Section 36-434, Industrial Commercial District of the Land Development Code shall be modified as set forth herein for development within this district:

1. Perimeter landscaping:
 - a. Perimeter landscaping shall be provided along Neergard Avenue and Jean Street for any change of use, building permit or subdivision of the property. The plantings within the perimeter landscape area shall consist of at least one canopy tree, one understory, ornamental, or evergreen tree and four shrubs per 100 linear feet of street frontage.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: General Manufacturing to INDUSTRIAL
(existing zoning) (proposed zoning)
2. Meeting Date & Time: OCTOBER 18, 2023 4:00pm To 6:30pm
3. Meeting Location: 2555 N. DEERLAND
4. Number of invitations that were sent: 26 To 500' 10 ENVELOPES To 185'
5. How the mailing list was generated: GOT LABELS FROM PLANNING & ZONING
6. Number of neighbors in attendance (attach a sign-in sheet): 0 ATTENDED
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

NONE

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

NONE

- I, BARBARA LORENZ (print name), attest that the neighborhood meeting was held on 10-18-2023 (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."

BARBARA - Barbara Lorenz
Signature of person completing affidavit

BARBARA LORENZ
Printed name of person completing affidavit



EXPLANATION TO COUNCIL BILL 2023-295 (MCGULL)

FILED: 11/17/2023

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 1.70 acres of property generally located at 1650 South Ingram Mill Road, from GR, General Retail District, to CS, Commercial Service District, with Conditional Overlay District No. 244; establishing Conditional Overlay District No. 244; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: J&M Tillman, LLC; 1650 South Ingram Mill Road; Z-31-2023 with Conditional Overlay District No. 244)

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.70 acres of property generally located at 1650 South Ingram Mill Road from GR, General Retail District to a CS, Commercial Service District with Conditional Overlay District No. 244 (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-31-2023/ CONDITIONAL OVERLAY DISTRICT NO. 244

The applicant is requesting to rezone approximately 1.70 acres of property generally located at 1650 South Ingram Mill Road from GR, General Retail District to a CS, Commercial Service District with Conditional Overlay District No. 244. The applicant intends to build a commercial development.

This application is consistent with the Comprehensive Plan's supporting land uses for the mixed residential placetype as being appropriate for low-intensity neighborhood commercial uses.

REMARKS: The Planning and Zoning Commission held a public hearing on November 9, 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 1.70 acres of property generally located at 1650 South Ingram Mill Road from GR, General Retail District to a CS, Commercial Service District with Conditional Overlay District No. 244. The applicant intends to build a commercial development.

2. The Comprehensive Plan's Land Use & Development chapter identifies the subject property as the Mixed Residential placetype.
3. This application is consistent with the Mixed Residential placetype which recommends developments that 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.
4. The subject property is located near the Sunshine and U.S. Highway 65 intersection and activity center. These areas are intended to be locations of business and high-end housing development and that development be concentrated in and around activity centers so as to optimize transportation investments and compact growth pattern.
5. The proposed COD limits more intense uses which will lower the impact to surrounding properties. The COD prohibits the retail sales use group which is allowed in the current zoning when a traffic study is conducted.
6. This application is consistent with the Comprehensive Plan's supporting land uses for the mixed residential placetype as being appropriate for low-intensity neighborhood commercial uses.
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 CS 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 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.
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.

A reasonably viable economic use of the subject property will not be precluded if the



proposed rezoning is denied.

STAFF RECOMMENDATION: Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's 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 11/27/2023

Attachments:

1. Z-31-2023 COD 244 _Ord
2. COD_exhA
3. Legal Description_exhB
4. ROP_exhC
5. Staff Report_exhD

One-rdg. _____
P. Hrngs. X
Pgs. 24
Filed: 12-05-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-295

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 1.70 acres of property generally located at 1650 South Ingram Mill
4 Road, from GR, General Retail District, to CS, Commercial Service
5 District, with Conditional Overlay District No. 244; establishing
6 Conditional Overlay District No. 244; and adopting an updated
7 Official Zoning Map. (Staff and Planning and Zoning Commission
8 recommend approval.)
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 generally located at 1650 South Ingram Mill Road, from GR, General Retail District, to
13 CS, Commercial Service District, with Conditional Overlay District No. 244; and
14

15 WHEREAS, Conditional Overlay District No. 244 shall modify the requirements of
16 the Springfield Land Development Code Section 36-423, CS, Commercial Service
17 District, by requiring that the property described in "Exhibit B" comply with the
18 requirements described in "Exhibit A"; and
19

20 WHEREAS, following proper notice, the Planning and Zoning Commission held a
21 public hearing on November 9, 2023, a copy of the Record of Proceedings from said
22 public hearing being attached hereto and incorporated herein by this reference as
23 "Exhibit C," and said Commission made its recommendation; and
24

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

29 WHEREAS, proper notice was given of a public hearing before City Council, and
30 said hearing was held in accordance with the law.
31

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

34 Section 1 – The property described in "Exhibit B," which is attached hereto and
35 incorporated herein by this reference, is hereby rezoned from GR, General Retail
36 District, to CS, Commercial Service District, with Conditional Overlay District No. 244.
37 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for
38 interpretation,' is hereby amended, changed, and modified consistent with this
39 Ordinance.

40
41 Section 2 – City Council hereby establishes Conditional Overlay District No. 244,
42 which shall contain the requirements and standards provided in "Exhibit A," which is
43 attached hereto and incorporated herein by this reference as though set forth herein.
44 The requirements of Conditional Overlay District No. 244 shall modify the requirements
45 of the Springfield Land Development Code Section 36-423, CS, Commercial Service
46 District, by requiring the property described in "Exhibit B" comply with the requirements
47 contained in "Exhibit A."

48
49 Section 3 – City Council hereby directs the City Manager, or designee, to update
50 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
51 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
52 the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules
53 for interpretation.'

54
55 Section 4 – The Official Zoning Map herein adopted shall be maintained and
56 archived in the same digital form in which this Council has approved its adoption.

57
58 Section 5 – This Ordinance shall be in full force and effect from and after
59 passage.

60
61 Passed at meeting: _____

62
63 _____
64 Mayor

65
66 Attest: _____, City Clerk

67
68 Filed as Ordinance: _____

69
70 Approved as to form: Cathy, Assistant City Attorney

71
72 Approved for Council action: Jason A. Hays, City Manager
73
74

EXHIBIT A

CONDITIONAL OVERLAY DISTRICT PROVISIONS NO. 244

The requirements of Section 36-423 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

The following uses are prohibited:

- (a) Any residential dwellings existing at the time the district is mapped.
- (b) Ambulance services.
- (c) Auction sales, entirely within enclosed buildings, and swap meets.
- (d) Automobile service garages, including body and fender repair and paint shops.
- (e) Automobile service stations.
- (f) Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
- (g) Awning and canvas sales and rental.
- (h) Bus stations.
- (i) Campgrounds and recreational vehicle parks.
- (j) Cemeteries.
- (k) Churches and other places of worship, including parish houses, and Sunday schools.
- (l) Commercial gardens and/or farmers markets with retail and/or wholesale sales on-site.
- (m) Commercial off-street parking lots and structures.
- (n) Commercial outdoor recreation use group.
- (o) Construction equipment storage yards.
- (p) Day care centers
- (q) Eating and drinking establishments use group.
- (r) Entertainment-oriented use group.
- (s) Feed stores.
- (t) Frozen food lockers, for use by the general public.
- (u) Funeral homes, mortuaries, and crematoriums.
- (v) General office use group.
- (w) Medical office/retail sales combinations.
- (x) Glass and mirror retail sales.
- (y) Household resource recovery collection centers
- (z) Manufactured housing (mobile home) and trailer sales, leasing, service, and storage.
- (aa) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center, church and, as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (bb) Medical marijuana dispensary facility.
- (cc) Medical marijuana-infused products manufacturing type 2 post-extraction facility.
- (dd) Medical office use group.
- (ee) Monument sales.
- (ff) Newspaper and magazine distribution agencies.

- (gg) Nurseries, greenhouses, and garden stores.
- (hh) Police and fire stations.
- (ii) Private clubs and lodges.
- (jj) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kk) Public or private vehicle and boat storage garages, yards, or lots.
- (ll) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities
 - 2. Tier III wireless facilities
 - 3. Tier IV wireless facilities
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (mm) Retail sales use group. (nn) Repair shops, small-engine.
- (oo) Schools or development centers for persons with handicaps or development disabilities.
- (pp) Schools, business and industrial. (qq) Self-service storage facilities.
- (rr) Short-term rental type 3
- (ss) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 - 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 - 2. A plan of operation, including, but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
- (tt) Taxi dispatch yards and offices.
- (uu) Temporary uses
- (vv) Temporary vendors
- (ww) Towers other than wireless facilities, less than 100 feet in height and related facilities.
- (xx) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.
- (yy) Truck stops.
- (zz) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
- (aaa) Wholesale sales use group.
- (bbb) Swimming pool sales & display

EXHIBIT B

LEGAL DESCRIPTION
ZONING CASE Z-31-2023 COD No. 244

BEGINNING AT A POINT 76.5 FEET NORTH AND 20 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), SAID POINT BEING THE INTERSECTION OF THE EAST LINE OF INGRAM MILL ROAD AS NOW USED AND THE RIGHT-OF-WAY LINE OF U.S. HIGHWAY 65; THENCE NORTH A DISTANCE OF 1252.77 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$), SAID POINT BEING 20 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$); THENCE EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$), A DISTANCE OF 52.5 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 65; THENCE SOUTHEASTERLY AND MAKING AN ANGLE OF 82°41' TO THE RIGHT OF THE NORTH LINE OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY, A DISTANCE OF 410.4 FEET; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY MAKING AN ANGLE OF 7°01' TO THE RIGHT WITH THE LAST DESCRIBED COURSE, A DISTANCE OF 806.5 FEET; THENCE SOUTHWESTERLY ALONG SAID HIGHWAY RIGHT-OF-WAY LINE MAKING AN ANGLE OF 64°11' TO THE RIGHT WITH THE LAST DESCRIBED COURSE, A DISTANCE OF 89.05 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI EXCEPT THE FOLLOWING:

BEGINNING AT A POINT 76.5 FEET NORTH AND 20 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21), SAID POINT BEING THE INTERSECTION OF THE EAST LINE OF INGRAM MILL ROAD AS NOW USED AND THE RIGHT-OF-WAY LINE OF U.S. HIGHWAY 65; THENCE NORTH A DISTANCE OF 363.5 FEET; THENCE EAST TO THE RIGHT-OF-WAY LINE OF U.S. HIGHWAY 65; THENCE SOUTH ALONG SAID RIGHT-OF-WAY LINE TO A CONCRETE RIGHT-OF-WAY MONUMENT; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 89.05 FEET TO THE POINT OF BEGINNING, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

EXHIBIT C

RECORD OF PROCEEDING
ZONING CASE Z-31-2023 COD No. 244

Z-31-2023 w/COD 244
1650 South Ingram Mill Road
Applicant: J&M Tillman, LLC

Mr. Hosmer stated that this is a request to rezone approximately 1.70 acres of property from GR, General Retail District to a CS, Commercial Service District with Conditional Overlay District No. 244.

Mr. Knuckles asked what they could do on the site within the zoning classification.

Ms. Stephanie Ireland, 1908 E. Sunshine Street and representing the owner. The items that are left in the zoning are general office/warehouse combination as long as the warehouse is not over 85% of the gross building floor plan and went over the items.

Natalie Broekhoven closed the public hearing.

Planning and Zoning Commission Board Member Lebeck moved to approve Z-31-2023 w/COD 244 and Commissioner Colony seconded the motion, and it was passed with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Gunther, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles. Nays: None. Absent: Britton Jobe. Abstain: None.



Bob Hosmer, AICP
Planning Manager

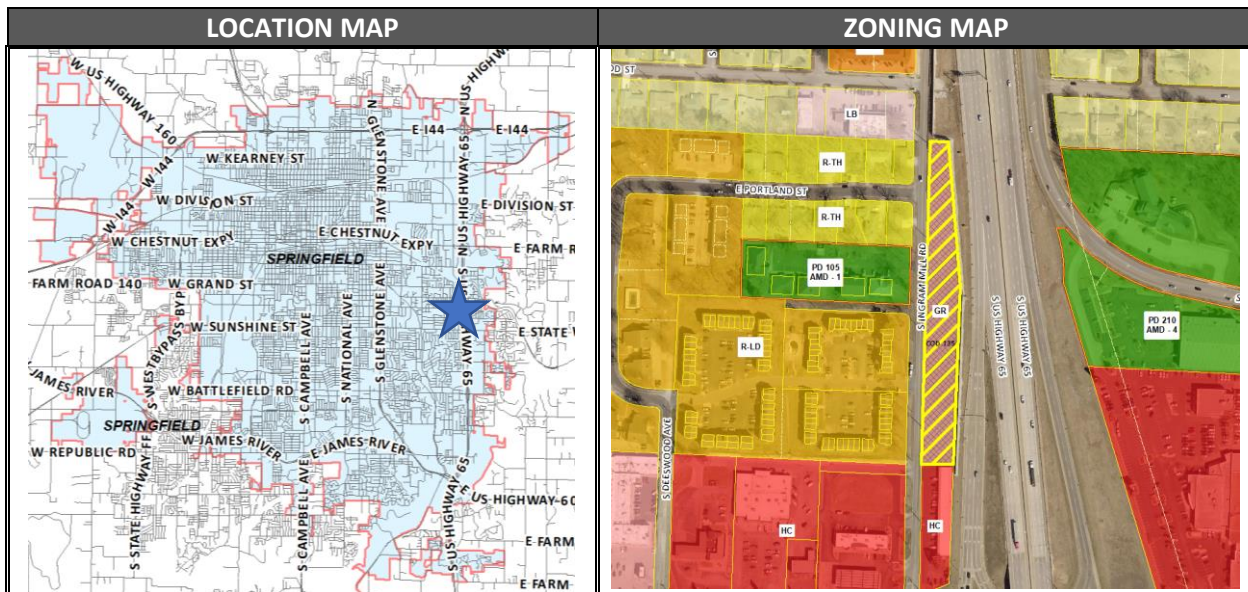
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-31-2023 with Conditional Overlay District No. 244
Location:	1650 South Ingram Mill Road
Total Acres:	1.70
Applicant:	J&M Tillman, LLC
Existing Land Use:	Undeveloped land
Neighborhood Meeting:	October 18, 2023
Planning and Zoning Commission:	November 9, 2023
City Council:	December 11, 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-31-2023 with Conditional Overlay District No. 244 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 1.70 acres of property generally located at 1650 South Ingram Mill Road from GR, General Retail District to a CS, Commercial Service District with Conditional Overlay District No. 244.



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GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE STREETVIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

In December 1990, City Council approved General Ordinance No. 4178 rezoning the subject property from R-1, One-family District to Planned Development No. 129.

In November 2017, the subject property was rezoned from PD No. 129 to GR with COD No. 135.

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 CS
Minimum Yard Requirements	1.Front yard: None. 2.Side yard: None, except as required by the bufferyard requirements in subsection (8). 3.Rear yard: None, except as required by the bufferyard requirements.
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts.
Minimum Open Space	Not less than 15 percent.
Buffering and Landscaping	Whenever any development in a CS district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections

DEVELOPMENT REVIEW STAFF REPORT

	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 Mixed Residential neighborhood placetype. 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 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:

1. Single-family attached
2. Single-family detached
3. Multi-family

Supporting Land Uses:

1. Parks, greenways, and open space
2. Low-intensity urban agriculture
3. Public and private schools and places of worship
4. Low-intensity neighborhood commercial

Characteristics

TRANSPORTATION & INFRASTRUCTURE:

1. Access management is improved for vehicles through curb cut consolidation and cross-access between properties, reducing traffic conflicts and backups.
2. 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.
3. 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.
4. 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.
5. 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.

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6. Sidewalk gaps are filled, and sidewalks connect to transit routes, greenways and trails, and supportive uses located within the neighborhood and around the perimeter.
7. Transit service is expanded along key commercial corridors over the long term with bus stops enhanced with shelters and live timetables.
8. Street network is well-connected, designed for slow traffic, and includes pedestrian facilities.
9. 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.
10. 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:

1. Residential development and neighborhood-scale commercial buildings are oriented to the street and focus on pedestrian scale.
2. 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.
3. Preservation of neighborhood schools and adaptive reuse of existing residential and non-residential structures is encouraged.
4. New structures reflect the character and context of the historic neighborhood fabric and developed area.
5. 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.
6. Multi-story buildings designed with active ground floor spaces are visible and inviting to the pedestrian with transparent, glass windows and doors.
7. Quality materials, construction methods, workmanship, and design are incorporated into new development and redevelopment.
8. A mix of building heights is supported through structured site and building design strategies to soften the impact on adjacent lower intensity residential development.
9. The main entrance of new development is oriented towards the primary street.
10. Windows, balconies, and porches are encouraged on upper stories to provide informal security with “eyes on the street” and activation.
11. Lighting, signage, landscaping, mail, and delivery accommodations are proactively incorporated into the site design.
12. Mechanical equipment, trash receptacles, and recycling bin storage areas are fully screened or located away from major roadway view.

TRANSITIONS:

1. 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.
2. Mixed Residential developments are prioritized and supported in locations adjacent to major employment centers, activity centers, healthcare facilities, higher education

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- facilities, schools, major parks, greenways, recreational facilities, and existing city corridors in need of an expanded customer-base and reinvestment.
3. Higher density residential is sufficiently screened and buffered from lower density uses.

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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	Major, Artisan & Innovation Spaces	Public & Private Schools & Places of Worship	Government, Colleges & Vocational Schools	Personal Services, Healthcare & Institutional Facilities	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

[illegible]

	NORTH	SOUTH	EAST	WEST
ZONING	N/A	HC	HC, PD 210	R-LD, PD 105, R-TH
LAND USE	U.S Hwy 65	Commercial uses	Car sales, commercial uses, U.S. Hwy 65	Multi-family residential, single-family uses and office uses.
PLACETYPES	N/A	City Corridor	City Corridor	Mixed Residential

No issues

DEVELOPMENT REVIEW STAFF REPORT

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:

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. Ingram Mill Road	Collector	City	30	25	NA	No	Yes	No

ACCESS - There are currently no driveway access points onto the property from S. Ingram Mill Road. 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 S. Ingram Mill Road 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

1.7 acre site drains primarily to the south and should discharge to the MODOT (US 65) ROW. No existing detention or water quality Stormwater Control Measures are present. The property is in the Galloway 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.

PW Stormwater has no concerns for the proposed change to COD language. 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. 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 the Director of Public Works.

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.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 1.70 acres of property generally located at 1650 South Ingram Mill Road from GR, General Retail District to a CS, Commercial Service District with Conditional Overlay District No. 244. The applicant intends to build a commercial development.
2. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Mixed Residential placetype.

DEVELOPMENT REVIEW STAFF REPORT

3. This application is consistent with the Mixed Residential placetype which recommends developments that 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.
4. The subject property is located near the Sunshine and U.S. Highway 65 intersection and activity center. These areas are intended to be locations of business and high-end housing development and that development be concentrated in and around activity centers so as to optimize transportation investments and compact growth pattern.
5. The proposed COD limits more intense uses which will lower the impact to surrounding properties. The COD prohibits the retail sales use group which is allowed in the current zoning when a traffic study is conducted.
6. This application is consistent with the Comprehensive Plan's supporting land uses for the mixed residential placetype as being appropriate for low-intensity neighborhood commercial uses.
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 CS 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 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.
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:

DEVELOPMENT REVIEW STAFF REPORT

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

PLANNING AND ZONING OPTIONS:

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

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

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1

CONDITIONAL OVERLAY DISTRICT PROVISIONS NO. 244

The requirements of Section 36-423 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

The following uses are prohibited:

- (a) Any residential dwellings existing at the time the district is mapped.
- (b) Ambulance services.
- (c) Auction sales, entirely within enclosed buildings, and swap meets.
- (d) Automobile service garages, including body and fender repair and paint shops.
- (e) Automobile service stations.
- (f) Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
- (g) Awning and canvas sales and rental.
- (h) Bus stations.
- (i) Campgrounds and recreational vehicle parks.
- (j) Cemeteries.
- (k) Churches and other places of worship, including parish houses, and Sunday schools.
- (l) Commercial gardens and/or farmers markets with retail and/or wholesale sales on-site.
- (m) Commercial off-street parking lots and structures.
- (n) Commercial outdoor recreation use group.
- (o) Construction equipment storage yards.
- (p) Day care centers
- (q) Eating and drinking establishments use group.
- (r) Entertainment-oriented use group.
- (s) Feed stores.
- (t) Frozen food lockers, for use by the general public.
- (u) Funeral homes, mortuaries, and crematoriums.
- (v) General office use group.
- (w) Medical office/retail sales combinations.
- (x) Glass and mirror retail sales.
- (y) Household resource recovery collection centers
- (z) Manufactured housing (mobile home) and trailer sales, leasing, service, and storage.
 - (aa) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center, church and, as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (bb) Medical marijuana dispensary facility.
- (cc) Medical marijuana-infused products manufacturing type 2 post-extraction facility.
- (dd) Medical office use group.
- (ee) Monument sales.
- (ff) Newspaper and magazine distribution agencies.
- (gg) Nurseries, greenhouses, and garden stores.
- (hh) Police and fire stations.

DEVELOPMENT REVIEW STAFF REPORT

- (ii) Private clubs and lodges.
- (jj) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kk) Public or private vehicle and boat storage garages, yards, or lots.
- (ll) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities
 - 2. Tier III wireless facilities
 - 3. Tier IV wireless facilities
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (mm) Retail sales use group. (nn) Repair shops, small-engine.
- (oo) Schools or development centers for persons with handicaps or development disabilities.
- (pp) Schools, business and industrial. (qq) Self-service storage facilities.
- (rr) Short-term rental type 3
- (ss) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 - 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 - 2. A plan of operation, including, but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
- (tt) Taxi dispatch yards and offices.
- (uu) Temporary uses
- (vv) Temporary vendors
- (ww) Towers other than wireless facilities, less than 100 feet in height and related facilities.
- (xx) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.
- (yy) Truck stops.
- (zz) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
- (aaa) Wholesale sales use group.
- (bbb) Swimming pool sales & display.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: General Retail (GR) to Commercial Services with COD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: October 18, 2023 4:00 - 6:30pm
3. Meeting Location: On the site
4. Number of invitations that were sent: 63
5. How the mailing list was generated: from the Planning & Zoning department
6. Number of neighbors in attendance (attach a sign-in sheet): 0
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

No one attended therefore there are no verbal comments

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

No one attended therefore no written comments

I, Stephanie D. Ireland (print name), attest that the neighborhood meeting was held on October 18, 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

Stephanie D. Ireland

Printed name of person completing affidavit



EXPLANATION TO COUNCIL BILL 2023-296 (SIMPSON)

FILED: 11/17/2023

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A special ordinance approving the final development plan of Planned Development District No. 12, 12th Amendment, generally located at 1249 East Kingsley Street. (Planning and Zoning Commission and Staff recommend approval.) (By: East Wichita Development, LLC; 1249 E. Kingsley Street; Final Development Plan – Planned Development 12, 12th Amend.)

PURPOSE: Approving the final development plan for Planned Development District No. 12, 12th Amendment generally located at 1249 East Kingsley Street. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

PLANNED DEVELOPMENT DISTRICT NO. 379 – FINAL DEVELOPMENT PLAN

The subject property was originally rezoned to Planned Development No. 12 in 1982 and developed with a new restaurant in 1996 and rezoned to Planned Development No. 12, 12th Amendment in 1997. The applicant is proposing to construct a new five-story hotel.

REMARKS:

The Planning and Zoning Commission held a public hearing on November 9, 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 approval of the final development plan of Planned Development No. 12, Amendment 12, on approximately 1.8 acres of property generally located at 1249 E. Kingsley Street for a new five story hotel.
2. The Comprehensive Plan's Land Use & Development chapter identifies the subject property as the City Corridor placetype.
3. A parking easement has been established between the adjoining property owner to the east that allows for a shared off-street parking area. This easement has been in place since the Final Development Plan for Zio's in 1996.



STAFF RECOMMENDATION: The final development plan is in substantial conformity to the Planned Development Ordinance approved by City Council and staff recommends approval.

Submitted By: Daniel Neal, Senior City Planner

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

Maurice S. Jones, Deputy City Manager 11/28/2023

- Attachments:**
1. FINAL DEVELOPMENT PLAN OF PLANNED DEVELOPMENT
12_ord
 2. Legal Description_exhA
 3. ROP_exhB
 4. Staff Report_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 15
Filed: 12-05-23

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-296

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the final development plan of Planned Development District No. 12,
2 12th Amendment, generally located at 1249 East Kingsley Street.
3 (Planning and Zoning Commission and Staff recommend approval.)
4 _____
5

6 WHEREAS, City Council originally rezoned a certain parcel of land described on
7 "Exhibit A," which is attached hereto and incorporated herein, to Planned Development
8 No. 12 in 1982 and again rezoned to Planned Development No. 12, 12th Amendment in
9 1997; and

10
11 WHEREAS, a final development plan for the above-described tract has been
12 prepared and submitted; and
13

14 WHEREAS, on November 9, 2023, the Planning and Zoning Commission
15 conducted a public hearing, a copy of the Record of Proceedings from said public
16 hearing being attached hereto and incorporated herein by this reference as "Exhibit B"
17 and recommended approval of the proposed final development plan.
18

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

22 Section 1 – Subject to all regulations and standards of Planned Development
23 District No. 12, 12th Amendment, City Council hereby approves the final development
24 plan as shown in "Exhibit C – Attachment 1," which is attached hereto, and all of
25 "Exhibit C" is incorporated herein by this reference.
26

27 Section 2 – This Ordinance shall be in full force and effect from and after
28 passage.
29

30 Passed at meeting: _____
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

EXHIBIT A

LEGAL DESCRIPTION
PLANNED DEVELOPMENT 12, 12th AMENDMENT – FINAL DEVELOPMENT PLAN

TRACT II ACCORDING TO THE CERTIFICATE OF APPROVAL FOR ADMINISTRATIVE SUBDIVISION FILE NO. AS-7557 FILED IN BOOK 2018, PAGE 33388-17 AND NOTICE OF SURVEY RECORDING IN SRB-5490 PAGE 2948 FILED IN BOOK 2018, PAGE 33389-18.

ALL THAT PART OF LOT TWO (2) OF BRADFORD PARK SOUTH PHASE THREE IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING RIGHT-OF-WAY MARKER ON THE SOUTH RIGHT-OF-WAY LINE OF JAMES RIVER EXPRESSWAY (U.S. HIGHWAY 360), SAID POINT BEING THE COMMON CORNER BETWEEN LOTS ONE (1) AND TWO (2) OF SAID BRADFORD PARK SOUTH PHASE THREE; THENCE NORTH 69°58'02" EAST, ALONG AND WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID JAMES RIVER EXPRESSWAY, A DISTANCE OF 230.10 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; THENCE NORTH 73°55'12" EAST, CONTINUING ALONG AND WITH SAID SOUTH LINE, A DISTANCE OF 218.84 FEET TO AN EXISTING IRON PIN; THENCE SOUTH 39°53'28" EAST, LEAVING SAID SOUTH LINE, A DISTANCE OF 179.63 FEET TO AN EXISTING 60d NAIL; THENCE SOUTH 68°47'11" WEST, A DISTANCE OF 93.03 FEET TO AN EXISTING IRON PIN AND THE POINT OF BEGINNING; THENCE SOUTH 17°31'31" EAST, A DISTANCE OF 222.95 FEET TO AN EXISTING IRON PIN ON THE NORTH RIGHT-OF-WAY LINE OF KINGSLEY AVENUE; THENCE SOUTHWESTERLY, ALONG AND WITH SAID NORTH LINE ON A 551.97 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING OF SOUTH 63°28'57" WEST AND CHORD LENGTH OF 248.73 FEET, AN ARC DISTANCE OF 250.89 FEET; THENCE SOUTH 50°21'54" WEST, CONTINUING ALONG AND WITH SAID NORTH LINE, A DISTANCE OF 11.78 FEET; THENCE SOUTHWESTERLY, ALONG AND WITH A 335.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 58°14'07" WEST AND CHORD LENGTH OF 92.87 FEET, AN ARC DISTANCE OF 93.17 FEET TO AN EXISTING IRON PIN AT THE CORNER BETWEEN LOTS ONE (1) AND TWO (2); THENCE NORTH 08°41'23" WEST, ALONG AND WITH THE COMMON LINE BETWEEN SAID LOTS ONE (1) AND TWO (2), A DISTANCE OF 273.07 FEET TO AN EXISTING IRON PIN; THENCE CONTINUE NORTH 08°41'23" WEST, A DISTANCE OF 7.96 FEET; THENCE NORTH 68°51'43" EAST, A DISTANCE OF 304.04 FEET; THENCE SOUTH 17°31'31" EAST, A DISTANCE OF 7.75 FEET TO THE POINT OF BEGINNING

EXHIBIT A

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

Final Development Plan of Planned Development 12, 12th Amendment
1249 East Kingsley Street

Applicant: East Wichita Development, LLC

Mr. Neal stated that this is a request to approve the Final Development Plan of Planned Development No. 12, Amendment 12, on approximately 1.8 acres of property for a new five-story hotel.

Mr. Geoff Butler, 4449 E. Valley Road, is the location of the closed Zio's restaurant and wants to build a hotel on the site.

Natalie Broekhoven closed the public hearing.

Planning and Zoning Commission Board Member Knuckles moved to approve Final Development Plan of Planned Development 12, 12th Amendment and Commissioner Pauly seconded the motion, and it was passed with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Gunther, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles. Nays: None. Absent: Britton Jobe. Abstain: None.



Bob Hosmer, AICP
Planning Manager

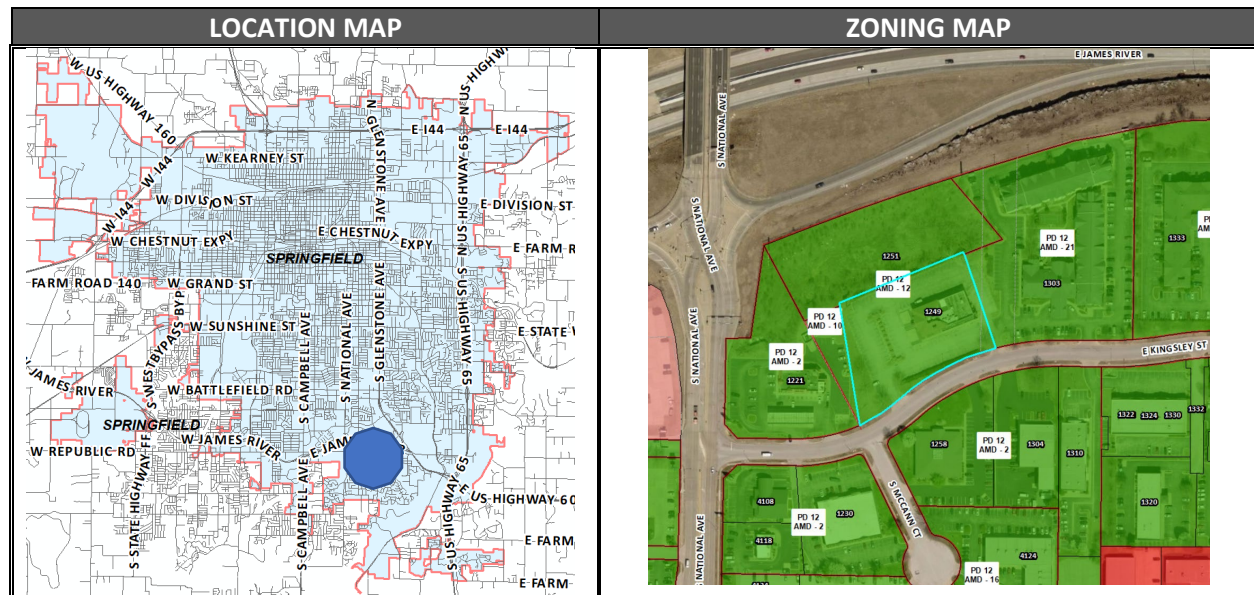
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Final Development Plan – Planned Development 12, 12 th Amend.
Location:	1249 E. Kingsley Street
Total Acres:	1.8 acres
Applicant:	East Wichita Development, LLC
Existing Land Use:	Vacant commercial building
Planning and Zoning Commission:	November 9, 2023
City Council:	December 11, 2023
Staff:	Daniel Neal, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to approve the final development plan of Planned Development No. 12, Amendment 12, on approximately 1.8 acres of property generally located at 1249 E. Kingsley Street for a new five story hotel.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property was originally rezoned to Planned Development No. 12 in 1982 and developed with a new restaurant in 1996 and rezoned to Planned Development No. 12, 12th Amendment in 1997.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the City Corridor placetype.

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

ZONING ORDINANCE REQUIREMENTS:

Sec. 36-405 (9), states in part:

- (e) *Action by planning and zoning commission.* Within 45 days following the submission by the applicant or referral from the administrative review committee of a complete application for the final development plan, or such longer period as may be agreed to by the applicant, the planning and zoning commission shall review the plan with respect to its conformity to the approved preliminary development plan; with respect to the merit or lack of merit of any departure of the final development plan from substantial conformity with the preliminary development plan; and with respect to compliance of the final development plan with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable federal, state and city codes, ordinances and regulations.

If the planning and zoning commission finds that there is substantial conformity between such plans and shall further find the final development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable, federal, state and city codes, ordinances and regulations, it shall approve the final development plan. Planning and zoning commission action shall constitute final approval of the final development plan.

If the planning and zoning commission shall find that the final development plan lacks substantial conformity to the preliminary development plan but merits approval

DEVELOPMENT REVIEW STAFF REPORT

notwithstanding such lack of conformity, it shall transmit such plan to the city council together with its recommendation that the final development plan be approved.

In any case, where the planning and zoning commission finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall transmit such plan to the city council, together with its recommendation that the final development plan not be approved. The failure of the commission to act within the aforesaid time period shall be deemed a recommendation to the city council to deny the final development plan as submitted.

- (f) *Action by city council.* Within 45 days, or such longer period as may be agreed to by the applicant, following the action of the planning and zoning commission, or its failure to act as provided, the city council shall either refuse to approve the final development plan, shall refer it back to the planning commission for further consideration of specified matters; or shall, by ordinance duly adopted, approve the final development plan, with or without modifications to be accepted by the applicant, as a condition of such approval. The failure of the city council to act within the aforesaid time period shall be deemed a final denial of final development plan approval.
- (g) *Notice and recording of final development plan.* Within seven days following the final disposition of an application for final development plan approval, the secretary of the planning and zoning commission shall mail notice thereof to the applicant and to all city officials, departments, bureaus, boards and commissions whose duties might be affected by such disposition. When a final development plan is approved, the secretary shall, within ten days of its approval, file a copy of the entire final development plan in the permanent records of the planning and zoning commission.

DEPARTMENT COMMENTS:

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with Final Development Plan.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues with FDP. Tract is served by public sewer.

FIRE DEPARTMENT:

No comments.

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING 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. Kingsley Street	Local	City	25	30	NA	Yes	No	No

ACCESS - All access to the development shall be per current City of Springfield standards for the street classification.

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There are no Greenway Trail near the property. There is one bus stop near the property on S. National Avenue.

IMPROVEMENTS - No improvements are required for this final development plan. A traffic study is not required for this final development plan.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

The property is in the **Ward 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 **is not applicable because detention is already provided**.

PW Stormwater has no concerns for the Final Development 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 Detention is provided by the Bradford Park South Ph3 Regional Basin. No detention improvements are required.

WATER QUALITY REQUIREMENTS

1. The proposed development site plan is showing under 1 acre of disturbance. No Water Quality is required the proposed development.

FLOODPLAIN

N/A

DEVELOPMENT REVIEW STAFF REPORT

NATURAL CHANNEL & STREAM BUFFERS

N/A

SINKHOLES & KARST FEATURES

N/A

ADDITIONAL STORMWATER REQUIREMENTS

N/A

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting approval of the final development plan of Planned Development No. 12, Amendment 12, on approximately 1.8 acres of property generally located at 1249 E. Kingsley Street for a new five story hotel.
2. A final development plan in Planned Development 12 requires recommendation by Planning and Zoning Commission and approval by City Council.
3. A parking easement has been established between the adjoining property owner to the east that allows for a shared off-street parking area. This easement has been in place since the Final Development Plan for Zio's in 1996.

STAFF RECOMMENDATION:

1. The final development plan is in substantial conformity to the Planned Development Ordinance approved by City Council and staff recommends approval.

LEGAL DESCRIPTION:

TRACT II ACCORDING TO THE CERTIFICATE OF APPROVAL FOR ADMINISTRATIVE SUBDIVISION FILE NO. AS-7557 FILED IN BOOK 2018, PAGE 33388-17 AND NOTICE OF SURVEY RECORDING IN SRB-5490 PAGE 2948 FILED IN BOOK 2018, PAGE 33389-18 ALL THAT PART OF LOT TWO (2) OF BRADFORD PARK SOUTH PHASE THREE IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

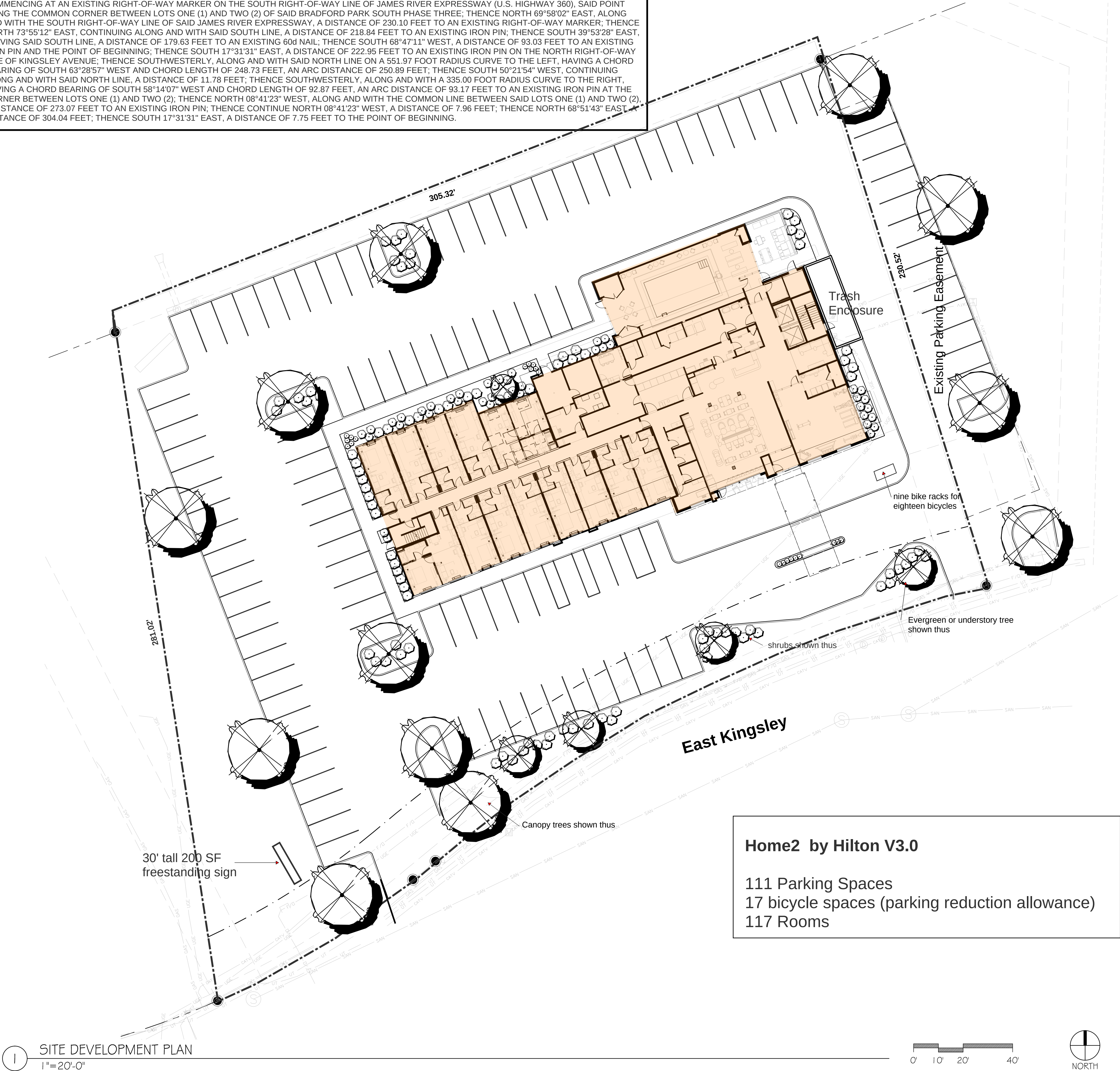
COMMENCING AT AN EXISTING RIGHT-OF-WAY MARKER ON THE SOUTH RIGHT-OF-WAY LINE OF JAMES RIVER EXPRESSWAY (U.S. HIGHWAY 360), SAID POINT BEING THE COMMON CORNER BETWEEN LOTS ONE (1) AND TWO (2) OF SAID BRADFORD PARK SOUTH PHASE THREE; THENCE NORTH 69°58'02" EAST, ALONG AND WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID JAMES RIVER EXPRESSWAY, A DISTANCE OF 230.10 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; THENCE NORTH 73°55'12" EAST, CONTINUING ALONG AND WITH SAID SOUTH LINE, A DISTANCE OF 218.84 FEET TO AN EXISTING IRON PIN; THENCE SOUTH 39°53'28" EAST, LEAVING SAID SOUTH LINE, A DISTANCE OF 179.63 FEET TO AN EXISTING 60d NAIL; THENCE SOUTH 68°47'11" WEST,

DEVELOPMENT REVIEW STAFF REPORT

A DISTANCE OF 93.03 FEET TO AN EXISTING IRON PIN AND THE POINT OF BEGINNING; THENCE SOUTH 17°31'31" EAST, A DISTANCE OF 222.95 FEET TO AN EXISTING IRON PIN ON THE NORTH RIGHT-OF-WAY LINE OF KINGSLEY AVENUE; THENCE SOUTHWESTERLY, ALONG AND WITH SAID NORTH LINE ON A 551.97 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING OF SOUTH 63°28'57" WEST AND CHORD LENGTH OF 248.73 FEET, AN ARC DISTANCE OF 250.89 FEET; THENCE SOUTH 50°21'54" WEST, CONTINUING ALONG AND WITH SAID NORTH LINE, A DISTANCE OF 11.78 FEET; THENCE SOUTHWESTERLY, ALONG AND WITH A 335.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 58°14'07" WEST AND CHORD LENGTH OF 92.87 FEET, AN ARC DISTANCE OF 93.17 FEET TO AN EXISTING IRON PIN AT THE CORNER BETWEEN LOTS ONE (1) AND TWO (2); THENCE NORTH 08°41'23" WEST, ALONG AND WITH THE COMMON LINE BETWEEN SAID LOTS ONE (1) AND TWO (2), A DISTANCE OF 273.07 FEET TO AN EXISTING IRON PIN; THENCE CONTINUE NORTH 08°41'23" WEST, A DISTANCE OF 7.96 FEET; THENCE NORTH 68°51'43" EAST, A DISTANCE OF 304.04 FEET; THENCE SOUTH 17°31'31" EAST, A DISTANCE OF 7.75 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION

TRACT II ACCORDING TO THE CERTIFICATE OF APPROVAL FOR ADMINISTRATIVE SUBDIVISION FILE NO. AS-7557 FILED IN BOOK 2018, PAGE 33388-17 AND NOTICE OF SURVEY RECORDING IN SRB-5490 PAGE 2948 FILED IN BOOK 2018, PAGE 33389-18 ALL THAT PART OF LOT TWO (2) OF BRADFORD PARK SOUTH PHASE THREE IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AN EXISTING RIGHT-OF-WAY MARKER ON THE SOUTH RIGHT-OF-WAY LINE OF JAMES RIVER EXPRESSWAY (U.S. HIGHWAY 360), SAID POINT BEING THE COMMON CORNER BETWEEN LOTS ONE (1) AND TWO (2) OF SAID BRADFORD PARK SOUTH PHASE THREE; THENCE NORTH 69°58'02" EAST, ALONG AND WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID JAMES RIVER EXPRESSWAY, A DISTANCE OF 230.10 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; THENCE NORTH 73°55'12" EAST, CONTINUING ALONG AND WITH SAID SOUTH LINE, A DISTANCE OF 218.84 FEET TO AN EXISTING IRON PIN; THENCE SOUTH 39°53'28" EAST, LEAVING SAID SOUTH LINE, A DISTANCE OF 179.63 FEET TO AN EXISTING 60d NAIL; THENCE SOUTH 68°47'11" WEST, A DISTANCE OF 93.03 FEET TO AN EXISTING IRON PIN AND THE POINT OF BEGINNING; THENCE SOUTH 17°31'31" EAST, A DISTANCE OF 222.95 FEET TO AN EXISTING IRON PIN ON THE NORTH RIGHT-OF-WAY LINE OF KINGSLEY AVENUE; THENCE SOUTHWESTERLY, ALONG AND WITH SAID NORTH LINE ON A 551.97 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING OF SOUTH 63°28'57" WEST AND CHORD LENGTH OF 248.73 FEET, AN ARC DISTANCE OF 250.89 FEET; THENCE SOUTH 50°21'54" WEST, CONTINUING ALONG AND WITH SAID NORTH LINE, A DISTANCE OF 11.78 FEET; THENCE SOUTHWESTERLY, ALONG AND WITH A 335.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 58°14'07" WEST AND CHORD LENGTH OF 92.87 FEET, AN ARC DISTANCE OF 93.17 FEET TO AN EXISTING IRON PIN AT THE CORNER BETWEEN LOTS ONE (1) AND TWO (2); THENCE NORTH 08°41'23" WEST, ALONG AND WITH THE COMMON LINE BETWEEN SAID LOTS ONE (1) AND TWO (2), A DISTANCE OF 273.07 FEET TO AN EXISTING IRON PIN; THENCE CONTINUE NORTH 08°41'23" WEST, A DISTANCE OF 7.96 FEET; THENCE NORTH 68°51'43" EAST, A DISTANCE OF 304.04 FEET; THENCE SOUTH 17°31'31" EAST, A DISTANCE OF 7.75 FEET TO THE POINT OF BEGINNING.



PROJECT DATA

ZONING - Tract D1 PLANNED DEVELOPMENT #12 - 2A and 12TH AMENDMENT

Land Use - Hotel Five Stories - 60' height
117 Rooms - 70,000 gsf

Required Parking - 1/Room = 113 spaces plus 5 bicycle spaces
Provided parking -111 spaces plus 18 bicycle spaces (bicycle parking reduction allowance)

Lot Size - 1.80 acres 62,200 sf

Required Greenspace - 20% = 12,400 SF
Provided Greenspace - 23% = 14,364 SF

No Bufferyards required = entire tract is in Tract D1 of PD12-2A

No bulk planes apply.

Perimeter Landscaping Required:
350' frontage on Kingsley
Required Perimeter landscape area - 10 sf/lineal foot = 3500 sf
Provided perimeter landscape area - 5,850 sf
Required plantings
4 canopy trees
4 understory or evergreen trees
16 shrubs
Provided Plantings
4 canopy trees
4 evergreen trees
30 shrubs

Interior Landscaping required 5% of parking lot.
Total parking lot area: 44,600 sf x 5% = 2,230 sf required
Interior landscaping provided - 2,400 sf

Public Facilities required per PD12 have been provided and are existing

Storm water management is existing and on common property north of the tract.

Land Disturbance area is 28,957 sf and less than one acre - see FDP2. No additional storm water management or water quality work required.

All utilities are available with no public improvements needed.

Signage plan - 1 30 foot tall freestanding sign of 200 sf surface area will be provided. Wall signs per Sign Ordinance will be provided.

REVISION #	REVISION NAME	DATE
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FINAL DEVELOPMENT PLAN

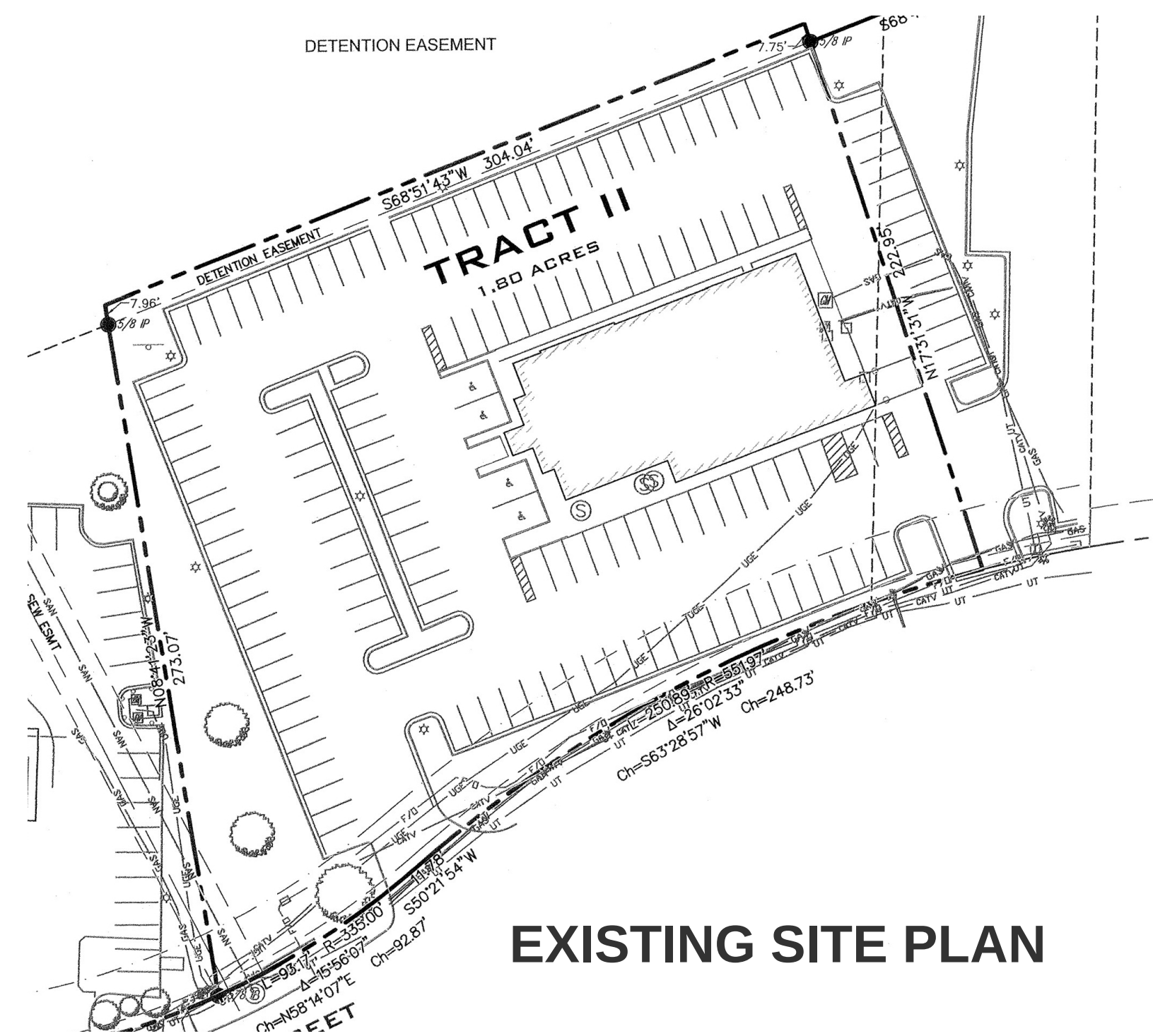
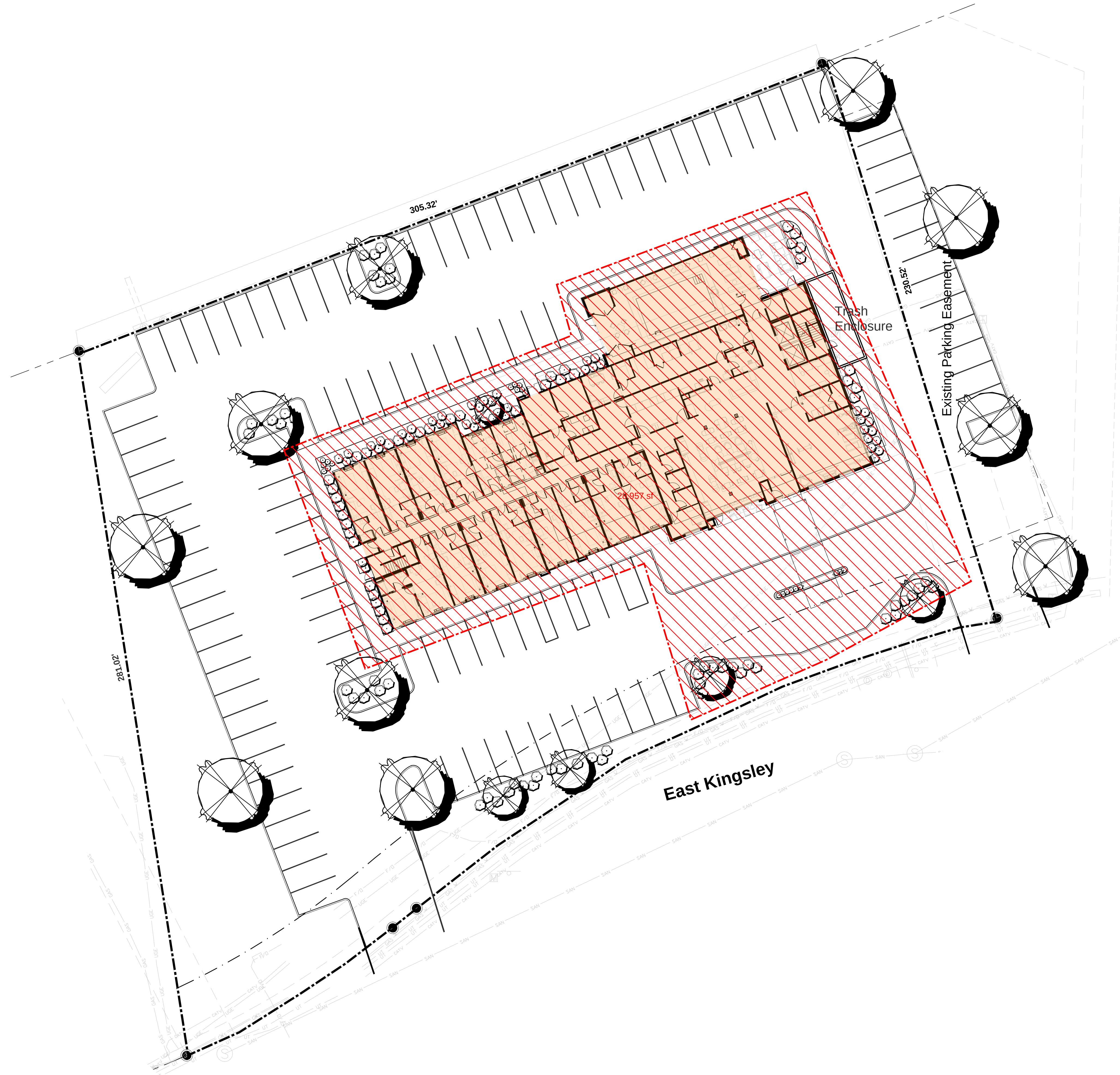
HOME2 AT MEDICAL MILE
1249 EAST KINGSLEY SPRINGFIELD, MO.

BUTLER, ROSENBURY & PARTNERS, INC.
319 N MAIN ST. SUITE 200, SPRINGFIELD, MISSOURI, 65806 T: 417-865-6100



DRAWN BY	ISSUE DATE
FJZ	9/21/23
CHECKED BY	PROJECT
GHB	

FDP1



LAND DISTURBANCE MAP - AREA OF LAND DISTURBANCE - 28,957 SF

REVISION #	REVISION NAME	DATE
FINAL DEVELOPMENT PLAN		
HOME2 AT MEDICAL MILE		
1249 EAST KINGSLEY SPRINGFIELD, MO.		
BUTLER, ROSENBURY & PARTNERS, INC.		
319 N MAIN ST. SUITE 200, SPRINGFIELD, MISSOURI, 65806 T: 417-865-6100		
STATE OF MISSOURI CERTIFICATE OF AUTHORITY: MISSOURI REGISTERED ARCHITECTS		



DRAWN BY		ISSUE DATE
FJZ		9/21/23
CHECKED BY		PROJECT
GHB		

FDP2

9/21/23



EXPLANATION TO COUNCIL BILL 2023-297 (CARROLL)

FILED: 11/17/2023

ORIGINATING DEPARTMENT: Human Resources

TITLE: A special ordinance authorizing the City to participate in the Missouri Fire Fighters Critical Illness Trust and Pool, and further authorizing the City Manager, or designee, to execute such documents as may be necessary for the City's participation therein.

PURPOSE: To authorize the City to participate in the Missouri Fire Fighters Critical Illness Trust and Pool and authorize the City Manager, or designee, to sign any documents necessary for such participation.

BACKGROUND INFORMATION: Missouri law (sections 320.400 and 537.620 RSMo.) was amended in 2021 to allow at least three public sector agencies to create a critical illness pool to provide benefits for cancer diagnoses of eligible employees of participating employers. The Missouri Fire Fighters Critical Illness Pool ("MFFCIP") was created in 2022 to aid the state's fire professionals and fire service agencies to contain the human and financial burdens created by serious health issues by providing benefits to firefighters.

The MFFCIP provides coverage and monetary benefits to eligible firefighters diagnosed with any of 17 nationally recognized cancers in which firefighters are at increased risk associated with occupational exposure. The proposed Ordinance is being submitted to authorize the City to apply to participate in the MFFCIP.

Remarks: The proposed Ordinance is a model ordinance that the MFFCIP requires of all agencies seeking to join the Trust/Pool.

Submitted By: Rochelle Yoap, Assistant Director of Human Resources

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

Jason Gage, City Manager 11/27/2023

Attachments: 1. Application for Participation in Missouri Fire Fighters Critical Illness Pool _ Ord

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed: 12-05-23

Sponsored by: Carroll

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-297

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City to participate in the Missouri Fire Fighters Critical Illness Trust
2 and Pool, and further authorizing the City Manager, or designee, to
3 execute such documents as may be necessary for the City's
4 participation therein.
5 _____
6

7 WHEREAS, the Missouri Fire Fighters Critical Illness Trust and Pool (herein
8 "MFFCIT") has created a critical illness pool as authorized by Section 320.400 and
9 537.620 RSMo., to create an alternative for public sector agencies seeking to control
10 rising costs due to critical illnesses, including cancers, in firefighters; and
11

12 WHEREAS, Missouri statutes require such an entity to be formed by agreement of at
13 least three public sector agencies; and
14

15 WHEREAS, upon a proper application, a new entity has been created and approved
16 by the Director of the Division of Commerce and Insurance and Missouri Secretary of
17 State; and
18

19 WHEREAS, the new entity, called "Missouri Fire Fighters Critical Illness Trust and
20 Pool," is a separate body corporate and trust, under the oversight of a Board of
21 Trustees and the participating agencies; and
22

23 WHEREAS, MFFCIT will safeguard, manage, and provide for administrative services
24 for MFFCIT; and
25

26 WHEREAS, by agreeing to be one of the agencies participating in MFFCIT, the City
27 is not forever bound to participate in MFFCIT; and
28

29 WHEREAS, upon proper consideration, the City believes that participating in the
30 MFFCIT risk pool is in the best interests of the City.
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 hereby declares its intent to become a member of MFFCIT and
35 to participate thereof upon approval of Board of Trustees of MFFCIT.

36
37 Section 2 – The City Manager, or his designee, is hereby authorized and directed to
38 sign all documents necessary or expedient for the City to participate in MFFCIT,
39 including Trust/Pool Agreement and Bylaws, agreeing to adhere to the rules of said
40 documents, and to be bound together with other members thereby.

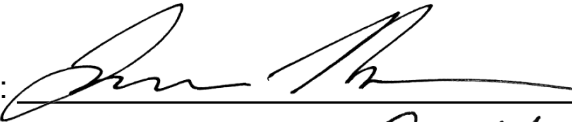
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42 Section 3 – This Ordinance shall be in full force and effect from and after passage.

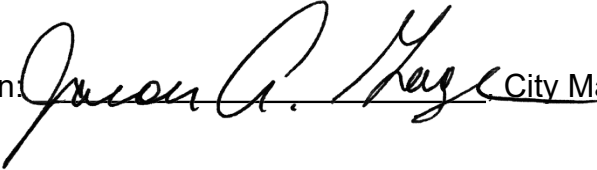
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44 Passed at meeting: _____

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46 _____
47 Mayor

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49 Attest: _____, City Clerk

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51 Filed as Ordinance: _____

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54 Approved as to form: , Assistant City Attorney

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56
57 Approved for Council action:  City Manager



EXPLANATION TO COUNCIL BILL 2023-298 (HOSMER)

FILED: 11/16/2023

ORIGINATING DEPARTMENT: Fire

TITLE: A special ordinance approving a Memorandum Agreement between the City and the International Association of Fire Fighters, Southern Missouri Professional Fire Fighters Local 152, regarding applying for enrollment in the Missouri Fire Fighters Critical Illness Trust and Pool for calendar year 2024 for eligible bargaining unit members; and authorizing the City Manager, or his designee, to execute the Memorandum Agreement.

PURPOSE: To authorize the City Manager, or his designee, to enter into a memorandum agreement with the International Association of Fire Fighters, Southern Missouri Professional Fire Fighters Local 152 ("IAFF"), regarding the Missouri Fire Fighters Critical Illness Trust and Pool.

BACKGROUND INFORMATION: The Missouri Fire Fighters Critical Illness Pool ("MFFCIP") was created to aid the state's fire professionals and fire service agencies to contain the human and financial burdens created by serious health issues by providing benefits to firefighters.

The MFFCIP provides coverage and benefits to eligible firefighters to help cover out-of-pocket expenses for 17 nationally recognized cancers in which firefighters are at increased risk associated with occupational exposure.

This Ordinance shall approve the entering into of a memorandum agreement with the IAFF which will authorize the City of Springfield to apply to participate for calendar year 2024 in the MFFCIP for all active and eligible members of the bargaining unit represented by IAFF.

The memorandum agreement has been tentatively agreed to between the City of Springfield and IAFF.

The City Council approved and appropriated funding within the Fiscal Year 2024 Fire Department budget for initiation of this new benefit.

Remarks:

The City of Springfield and the Union shall address the terms and conditions for continuation of enrollment in the MFFCIP beyond the 2024 calendar year during the collective bargaining process.

The MFFCIP was established under Missouri law in 2021 (RSMo 320.400).



Submitted By: David Pennington, Fire Chief

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Collin Quigley, Deputy City Manager 11/22/2023

Attachments:

1. Missouri Fire Fighters Critical Illness Pool_Ord
2. Ex. 1 IAFF Memo Agreement Critical Illness Pool (1)

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed 12-05-23

Sponsored by Hosmer

First Reading _____

Second Reading _____

COUNCIL BILL 2023-298

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING a Memorandum Agreement between the City and the International
2 Association of Fire Fighters, Southern Missouri Professional Fire
3 Fighters Local 152, regarding applying for enrollment in the Missouri
4 Fire Fighters Critical Illness Trust and Pool for calendar year 2024 for
5 eligible bargaining unit members; and authorizing the City Manager,
6 or his designee, to execute the Memorandum Agreement.
7
8

9 WHEREAS, in 2021, sections 320.400 and 537.620 RSMo. were amended or
10 became effective and allowed for three or more political subdivisions to create a critical
11 illness pool to provide cancer benefits for eligible employees of participating employers;
12 and
13

14 WHEREAS, in 2022 the Missouri Fire Fighters Critical Illness Trust and Pool was
15 created; and
16

17 WHEREAS, the City negotiated with the Southern Missouri Professional Fire
18 Fighters Local 152 ("IAFF") a proposed, tentative Memorandum Agreement, by which
19 the City tentatively agreed that for calendar year 2024 the City would apply to
20 participate in the Missouri Fire Fighters Critical Illness Trust and Pool for the active and
21 eligible bargaining unit employees within the IAFF bargaining unit.
22

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

26 Section 1 – Having reviewed and considered the Memorandum Agreement, which is
27 attached hereto as "Exhibit 1," City Council hereby approves entering into the
28 Memorandum Agreement.
29

30 Section 2 – City Council hereby authorizes and directs the City Manager, or his
31 designee, to execute the Memorandum Agreement.
32

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

34 Passed at meeting: _____

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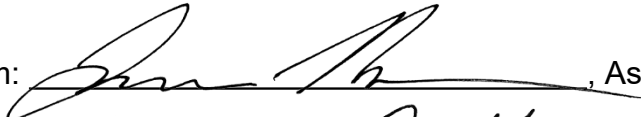
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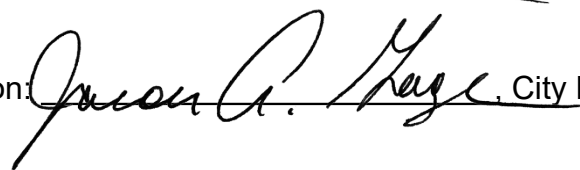
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47

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

Memorandum Agreement

The City of Springfield ("the City") and the International Association of Fire Fighters, Southern Missouri Professional Fire Fighters Local 152 ("IAFF"), have agreed as follows:

For calendar year 2024 the City and Springfield Fire Department will apply to participate in the Missouri Fire Fighters Critical Illness Pool established by section 320.400 RSMo. for its active and eligible bargaining unit employees.

Chad Davis, President
IAFF Local 152

Jason Gage, City Manager

Date

Date

Certification that this Memorandum Agreement is within the purpose of any appropriation to which it is to be charged and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefor:

David Holtmann, Director of Finance

Approved as to form:

City Attorney or designee



EXPLANATION TO COUNCIL BILL 2023-299 (HARDINGER)

FILED: 11/28/2023

ORIGINATING DEPARTMENT: Human Resources

TITLE: A special ordinance approving a Memorandum Agreement between the City and the International Brotherhood of Electrical Workers AFL-CIO Local Union Number 753, the representative for a bargaining unit within the City's Crafts, Trades and Labor employee group, regarding applying for enrollment in the Missouri Fire Fighters Critical Illness Trust and Pool for calendar year 2024 for eligible bargaining unit members; and authorizing the City Manager, or designee, to execute the Memorandum Agreement.

PURPOSE: To approve the entering into a memorandum agreement with the International Brotherhood of Electrical Workers, Local No. 753 ("IBEW Local No. 753") affiliated with the AFL-CIO, the Exclusive Representative of a certain Bargaining Unit within the Crafts, Trades, and Labor ("CTL") Employee Group, regarding the Missouri Fire Fighters Critical Illness Trust and Pool and authorizing the City Manager to execute the memorandum agreement and authorize the City of Springfield to apply to participate in the Missouri Fire Fighters Critical Illness Pool for the 2024 calendar year.

BACKGROUND INFORMATION: The Missouri Fire Fighters Critical Illness Pool ("MFFCIP") was created to aid the state's fire professionals and fire service agencies to contain the human and financial burdens created by serious health issues by providing benefits to firefighters.

The MFFCIP provides coverage and benefits to eligible firefighters to help cover out-of-pocket expenses for 17 nationally recognized cancers in which firefighters are at increased risk associated with occupational exposure.

Certain employees within the CTL bargaining unit represented by the IBEW Local No. 753, such as aircraft rescue firefighter personnel, may qualify for the MFFCIP Trust. This Ordinance shall approve the entering into of a memorandum agreement with the IBEW Local No. 753 which will authorize the City of Springfield to apply to participate for calendar year 2024 in the MFFCIP for all active and eligible members of the bargaining unit represented by the IBEW.

The memorandum agreement has been tentatively mutually agreed upon between the City of Springfield and the IBEW Local No. 753, for application to participate in the MFFCIP for members of the IBEW Local No. 753 bargaining unit for the 2024 calendar year.

Remarks: The City of Springfield and the IBEW Local No. 753 shall address the terms and conditions for continuation of enrollment in the MFFCIP beyond the 2024 calendar



year during the collective bargaining process.

The MFFCIP was established under Missouri law in 2021 (RSMo 320.400).

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 11/29/2023

Attachments:

1. Ord. IBEW CTL Critical Illness Pool
2. Ex. 1 IBEW CTL Memo Agreement Critical Illness Pool(1)

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 12-05-23

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-299

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING a Memorandum Agreement between the City and the International
2 Brotherhood of Electrical Workers AFL-CIO Local Union Number 753,
3 the representative for a bargaining unit within the City's Crafts, Trades
4 and Labor employee group, regarding applying for enrollment in the
5 Missouri Fire Fighters Critical Illness Trust and Pool for calendar year
6 2024 for eligible bargaining unit members; and authorizing the City
7 Manager, or designee, to execute the Memorandum Agreement.
8 _____
9

10 WHEREAS, in 2021, sections 320.400 and 537.620 RSMo. were amended or
11 became effective and allowed for three or more political subdivisions to create a critical
12 illness pool to provide cancer benefits for eligible employees of participating employers;
13 and
14

15 WHEREAS, in 2022 the Missouri Fire Fighters Critical Illness Trust and Pool was
16 created; and
17

18 WHEREAS, the City negotiated with the International Brotherhood of Electrical
19 Workers AFL-CIO Local Union Number 753 ("IBEW") a proposed, tentative
20 Memorandum Agreement, by which the City tentatively agreed that for calendar year
21 2024 the City would apply to participate in the Missouri Fire Fighters Critical Illness
22 Trust and Pool for the active and eligible bargaining unit employees within the IBEW
23 Crafts, Trades and Labor ("CTL") bargaining unit.
24

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

28 Section 1 – Having reviewed and considered the Memorandum Agreement, which is
29 attached hereto as "Exhibit 1," City Council hereby approves entering into the
30 Memorandum Agreement.
31

32 Section 2 – City Council hereby authorizes and directs the City Manager, or
33 designee, to execute the Memorandum Agreement.

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

35
36 Passed at meeting: _____

37
38 _____
39 Mayor

40
41 Attest: _____, City Clerk

42
43 Filed as Ordinance: _____

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45
46 Approved as to form:  Assistant City Attorney

47
48
49 Approved for Council action:  City Manager

Memorandum Agreement

The City of Springfield (“the City”) and the International Brotherhood of Electrical Workers AFL-CIO Local Union Number 753 (“IBEW”) as the bargain unit representative of a certain class of employees within the City’s Crafts, Trades, and Labor employee group, have agreed as follows:

For calendar year 2024 the City and Springfield will apply to participate in the Missouri Firefighter Critical Illness Pool established by section 320.400 RSMo. for its active and eligible bargaining unit employees in its IBEW CTL employee group.

Brian Brawley, Business Manager
IAFF Local 152

Jason Gage, City Manager

Date

Date

Certification that this Memorandum Agreement is within the purpose of any appropriation to which it is to be charged and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefor:

David Holtmann, Director of Finance

Approved as to form:

City Attorney or designee



EXPLANATION TO COUNCIL BILL 2023-300 (LEE)

FILED: 11/17/2023

ORIGINATING DEPARTMENT: Human Resources

TITLE: A general ordinance amending the Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' to create a new subsection relating to participation in the Missouri Fire Fighters Critical Illness Trust and Pool.

PURPOSE: To amend the Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' to create a new subsection relating to participation in the Missouri Fire Fighters Critical Illness Trust and Pool for calendar year 2024.

BACKGROUND INFORMATION: Missouri law (sections 320.400 and 537.620 RSMo.) was amended in 2021 to allow at least three public sector agencies to create a critical illness pool to provide benefits for cancer diagnoses of eligible employees of participating employers. The Missouri Fire Fighters Critical Illness Pool ("MFFCIP") was created in 2022 to aid the state's fire professionals and fire service agencies to contain the human and financial burdens created by serious health issues by providing benefits to firefighters.

The MFFCIP provides coverage and monetary benefits to eligible firefighters diagnosed with any of 17 nationally recognized cancers in which firefighters are at increased risk associated with occupational exposure.

This Bill amends the Salary Ordinance to create a new section establishing that for calendar year 2024, the City will apply to enroll in the MFFCIP at the \$300,000.00 benefit level. The Bill also sets forth the eligibility requirements that must be met for an employee to be enrolled by the City with the MFFCIP. It also establishes that any individual critical illness benefit is not being provided directly by the City, but rather any such benefit is to be determined by the MFFCIP and its Board of Trustees as well as any coverage plan put in place by that Board.

Remarks: It is anticipated that after the City submits its proposed enrollment, the MFFCIP will notify the City of its required contribution to join the MFFCIP.

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 11/27/2023

Attachments: 1. Salary Ordinance Critical Illness Pool

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 12-05-23

Sponsored by: Lee

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-300

GENERAL ORDINANCE _____

AN ORDINANCE

AMENDING the Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' to create a new subsection relating to participation in the Missouri Fire Fighters Critical Illness Trust and Pool.

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

NOTE: **Bold** language is being added and ~~stricken~~ language is being deleted.

Section 1 – Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' is amended to create a new subsection, to be placed at a location the City Attorney deems appropriate, and which relates to participation in the Missouri Fire Fighters Critical Illness Trust and Pool:

Participation in the Missouri Fire Fighters Critical Illness Trust and Pool

A. For calendar year 2024 only, the City will apply to enroll in the Missouri Fire Fighters Critical Illness Trust and Pool, at the \$300,000.00 benefit level, any active non-bargaining unit employee who:

- i. Is a paid employee who has been assigned to at least five years of fire fighting hazardous duty as a paid employee of the City;**
- ii. Who was last assigned to such hazardous duty within the previous fifteen years; and**
- iii. Who is under seventy years of age.**

B. For calendar year 2024 only, the City will also apply to enroll in the Missouri Fire Fighters Critical Illness Trust and Pool, at the \$300,000.00 benefit level, any bargaining unit employee who meets the criteria set forth in subparts i., ii., and iii. of A. above, and whose bargaining unit representative has entered into an agreement with the City allowing the City to take such action.

C. In order to obtain any benefit from the Missouri Fire Fighters Critical Illness

Trust and Pool, any such eligible, enrolled employee will have to meet all requirements set forth in Section 320.400 RSMo. as well as all requirements established by the Missouri Fire Fighters Critical Illness Trust and Pool, including any requirements imposed by any cancer coverage plan maintained by the Missouri Fire Fighters Critical Illness Trust and Pool.

- D. By agreeing to apply to participate in the Missouri Fire Fighters Critical Illness Trust and Pool, the City is not agreeing to directly provide any cancer benefit to any employee and is not obligated to do so. Rather, upon acceptance into the Missouri Fire Fighters Critical Illness Trust and Pool, any right to any benefits will be determined by the Missouri Fire Fighters Critical Illness Trust and Pool and/or its coverage administrator.

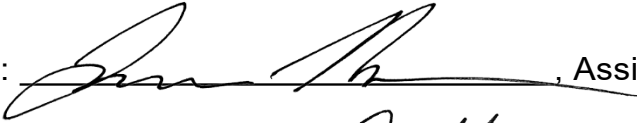
Section 2 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager



EXPLANATION TO COUNCIL BILL 2023-301 (JENSON, MCGULL)

FILED: 11/21/2023

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance authorizing the City Manager, or designee, to enter into a Carbon Reduction Program Agreement with the Missouri Highways and Transportation Commission; and approving a budget adjustment amending the Fiscal Year 2023-2024 budget of the Department of Public Works in the amount of \$240,000 to appropriate the federal grant funds.

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Carbon Reduction Program Grant with the Missouri Highways and Transportation Commission and amending the Fiscal Year 2023-2024 budget for the Department of Public Works in the amount of \$240,000 to appropriate federal grant funds.

BACKGROUND INFORMATION: This Carbon Reduction Program (“CRP”) Grant Agreement allows for reimbursement of up to 80 percent (\$240,000) of the total estimated design and planning cost of \$300,000 for pedestrian and bicycle improvements along Grand Street Corridor from Kansas Expressway to National Avenue. These proposed design plans will connect Missouri State University and surrounding neighborhoods to Grant Avenue Parkway and the Jordan Creek Trail.

The required minimum local match of 20 percent (\$60,000) would be funded from the 1/8-cent Transportation Sales Tax – Walkability Program and is already budgeted.

Supports the following 2022 City Council priorities:

- Quality of Place
- Economic Vitality
- Public Safety

REMARKS: A Carbon Reduction Program (“CRP”) project has been prepared to allow for the use of federal CRP funds for design of this project. Once design is completed, this will make the corridor more attractive in pursuing future grant opportunities to fund construction. 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 11/28/2023

- Attachments:**
1. Grand Street Ped and Bike Improvements_ord
 2. Grand Street Ped and Bike Agree_exh A
 3. Grand Street Ped and Bike BA_exh B

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed: 12-05-23

Sponsored by: Jenson, McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-301

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to enter into a Carbon Reduction
2 Program Agreement with the Missouri Highways and Transportation
3 Commission; and approving a budget adjustment amending the Fiscal
4 Year 2023-2024 budget of the Department of Public Works in the
5 amount of \$240,000 to appropriate the federal grant funds.
6 _____
7

8 WHEREAS, the Infrastructure Investment and Jobs Act established the Carbon
9 Reduction Program ("CRP") to provide funds for projects designed to reduce
10 transportation emissions; and
11

12 WHEREAS, the Missouri Highways and Transportation Commission ("MHTC")
13 has determined a pedestrian and bike pathway along Grand Street Corridor from
14 Kansas Expressway to National Avenue is consistent with the goals of the CRP; and
15

16 WHEREAS, total design and planning costs for the project are estimated at
17 \$300,000; and
18

19 WHEREAS, the CRP allows for reimbursement of up to 80 percent (\$240,000) of
20 the total estimated design and planning cost; and
21

22 WHEREAS, the required minimum local match of 20 percent (\$60,000) would be
23 funded from the 1/8-cent Transportation Sales Tax – Walkability Program and is already
24 budgeted.
25

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

29 Section 1 – The City Manager, or designee, is authorized to enter into a Carbon
30 Reduction Program Agreement with the Missouri Highways and Transportation
31 Commission to cost share in the design of a pedestrian and bike pathway along Grand
32 Avenue from Kansas Expressway to National Avenue, with MHTC reimbursing the
33 federal share for the engineering phase up to 80 percent (\$240,000), said agreement to

34 be in substantial conformity with "Exhibit A," which is attached hereto and incorporated
35 herein by this reference.
36

37 Section 2 – City Council hereby authorizes the amendment of the budget of the
38 Department of Public Works upon the awarding of grant funds for Fiscal Year 2023-
39 2024 in the accounts and in the amounts shown on Budget Adjustment No. 048, a copy
40 of which is attached hereto and incorporated herein by reference as "Exhibit B."
41

42 Section 3 – The City Council hereby finds that the budget adjustment made
43 above has been 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.
47

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

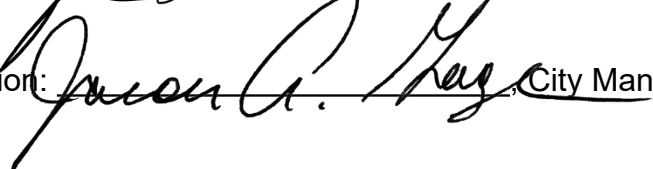
51 Passed at meeting: _____
52

53 _____
54 Mayor
55

56 Attest: _____, City Clerk
57

58 Filed as Ordinance: _____
59

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

63 _____
64 Approved for Council action:  City Manager

CCO Form: FS37
Approved: 12/22 (MWH)
Revised:
Modified:

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: CRP – 5901(831)
Award Year: SFY2024
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
CARBON REDUCTION PROGRAM (CRP) AGREEMENT**

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

WITNESSETH:

WHEREAS, the Infrastructure Investment and Jobs Act (IIJA), 23 U.S.C. §175 authorizes the funding of projects providing for the reduction of transportation emissions; and

WHEREAS, the Commission is the agency designated to receive and dispense such funds; and

WHEREAS, the Commission has determined that Grand Street Trail Design is consistent with the goals of the CRP funding; and

WHEREAS, the City has the resources to develop and provide such services.

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

(1) PURPOSE: The United States Congress has authorized, in 23 U.S.C. §175, funds to be used for activities for carbon reduction. The purpose of this Agreement is to grant the use of such funds to design bicycle and pedestrian improvements along Grand Street Corridor from Kansas Expressway to National Avenue.

(2) SCOPE OF WORK: City shall provide design of pedestrian and bicycle improvements along the Grand Street Corridor as more fully described in the attached Exhibit A which is incorporated herein by reference.

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

(4) INDEMNIFICATION:

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

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

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

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

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

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

(6) 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.

(7) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, *et seq.*), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, *et seq.*). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

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

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

(D) Solicitations for subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall

set forth what efforts it has made to obtain the information.

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

1. Withholding of payments under this Agreement until the City complies; and/or

2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include provisions of paragraph (7) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission of the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

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

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

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

(11) 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.

(12) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations by providing the City 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 City.

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

(14) BUDGET: The City shall incur obligations in connection with the performance of the period only in conformity with the latest budget approved by the Commission as specified in Appendix A - Project Budget. This budget may be revised as necessary; however no budget or revision shall be effective unless approved by the Commission's representative and FHWA.

(15) ELIGIBLE EXPENDITURES: No expenditure or charges shall be eligible for reimbursement that are contrary to the provisions of this Agreement or not required for the carrying out of the project.

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

DRAFTER'S NOTE: Choose only one option below. Option 1 and 2 may be further refined by the district to fit the situation. However, any revisions must be reviewed by CCO prior to execution. Delete the Option not chosen and this Drafter's Note.

Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. The federal share for this project will be 80 percent not to exceed \$240,000. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of the City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

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

involve ineligible costs.

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

(19) PERMITS: The City shall secure any necessary approvals or permits from any federal or state agency as required for the completion of this project.

(20) INSPECTION OF CONTRACTOR'S RECORDS: The City shall assure that its contractors, and all subcontractors, if any, maintain all books, documents, papers and other evidence pertaining to costs incurred in connection with this Agreement. The City shall make such materials available at such contractor's office at all reasonable times during the contract period, and for three (3) years from the date of final payment under the contract, for inspection by the Commission, FHWA or any authorized representatives of the Federal Government and the State of Missouri. Copies thereof shall be furnished at no charge, upon request, to authorized representatives of the Commission, State, FHWA, or other Federal agencies.

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

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

(23) FHWA APPROVAL: This Agreement is made and entered into subject to the approval of the FHWA.

(24) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement

with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

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

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

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

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

[Remainder of Page Intentionally Left Blank]

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

Executed by the City on _____(DATE).

Executed by the Commission on _____(DATE).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

By_____

Title_____

Title_____

ATTEST:

ATTEST:

Secretary to the Commission

By_____

Title_____

By_____

Title_____

By_____

Title_____

By_____

Title_____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title_____

Ordinance _____

Appendix A - Project Budget

Description	Total Cost	Federal Share	Local match	Match Source	Total
Preliminary Engineering	\$300,000	\$240,000	\$60,000	City of Springfield	\$300,000

Exhibit A – Scope of Work

Design of bicycle and pedestrian improvements along the Grand Street Corridor from Kansas Expressway to National Avenue for future construction projects.

Exhibit B – Project Schedule

Project Description: CRP-5901(831)

Task	Date
Date funding is made available or allocated to recipient	10/2023
Engineering Services Contract Approved	2/2024
Preliminary and Right-of-Way Plans Submittal (if Applicable)	8/2024
Plans, Specifications & Estimate (PS&E) Submittal	12/2024

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

**Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and requires request to adjust.

Exhibit C - Required Contract Provisions
Federal-Aid Construction Contracts

DRAFTER'S NOTE: *Print Form 1273 from the following website and attach as Exhibit B* <http://www.fhwa.dot.gov/programadmin/contracts/1273.pdf>.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
048

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	\$240,000	Carbon Reduction Program Federal Grant Revenues through the Missouri Highways & Transportation Commission
Net Revenue Adjustment						\$240,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	508530	000000	00000	\$240,000	Design of Pedestrian & Bicycle Improvements along Grand Street Corridor from Kansas Expressway to National Avenue
Net Expenditure Adjustment						\$240,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2023-24 Budget by appropriating \$240,000 of federal Carbon Reduction Program grant funds for the partial funding of the design of pedestrian and bicycle improvements along Grand Street Corridor from Kansas Expressway to National Avenue. City matching funds will be provided by the 1/8 Cent Transportation Sales Tax Walkability Program and is already budgeted.

Requested By:

Dan Smith 12-05-2023
Department Head Date

Approved By:

DJ Hill 12-05-2023
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2023-301
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2023-302 (MCGULL)

FILED: 11/22/2023

ORIGINATING DEPARTMENT: Parks

TITLE: A special ordinance approving Olsson as the consultant to provide professional services for Phase II improvements at City's Cooper Park and Sports Complex, in the amount of \$887,770, as an approved project for use of American Rescue Plan Act Funds received by City; and authorizing the Park Board Chair, or designee, to enter into a contract with Olsson for these purposes.

PURPOSE: To approve Olsson as the consultant to provide professional services for Phase II improvements at City's Cooper Park and Sports Complex, in the amount of \$887,770, as an approved project for use of American Rescue Plan Act Funds received by City; and authorizing the Park Board Chair, or their designee, to enter into a contract with Olsson for these purposes.

BACKGROUND INFORMATION: The City, by and through the Springfield-Greene County Park Board ("City"), desires to complete a series of Phase II improvements at its 5-field Cooper Youth Baseball Facility and its 6-field Killian Softball Facility (collectively referred to herein as the "Cooper Park and Sports Complex Project"), including design services and surveying and geotechnical evaluation services, at the price and sum of \$887,770, except as said sum may be lawfully increased or decreased by the actual quantities of work units involved. These improvements include but are not limited to the following at Cooper Youth Baseball Facility: five new synthetic turf fields, converting one field to a stadium field with a press box and stadium bleacher seating, new sports lighting, new facility signage, fence work, concrete walks, site utilities and storm water improvements; and the following at Killian Softball Facility: six new synthetic turf fields, stadium bleacher seating for the first base side of the Stadium Field, new sports lighting, new facility signage, site utilities, storm water improvements and grading and drainage. An aerial site map of the Cooper Park and Sports Complex is attached to this explanation for review and reference.

Phase I design work, which was approved by City Council in Council Bill 2022-216 on September 6, 2022, is now at completion for the Cooper Soccer Complex and includes the installation of artificial turf for eight soccer fields, along with a variety of other Complex improvements. This construction project will be out for formal bid in December 2023, with bids due in late January 2024.

This Cooper Park and Sports Complex Project supports the following City Council Priorities:

- Economic Vitality
- Quality of Place
- Fiscal Sustainability

Request for qualifications were advertised February 7, 2023, with qualification submittals due back by March 9, 2023, for development of plans, specifications, and construction documents for various improvements at City's Cooper Park and Sports Complex Project. Two submittals were received and both submittals deemed responsive. Following evaluation by Parks' officials, the two firms were interviewed on or about May 2, 2023, and June 5, 2023, with Olsson receiving the highest ratings from the interview team. A request for proposal of construction-related services was then made to Olsson and was provided to City on or about September 25, 2023.

This Project will be funded using a portion of the City's Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act ("ARPA") of 2021, as approved by City Council on July 25, 2022, as part of Council Bill 2022-176.

REMARKS: The Park Board respectfully requests and recommends acceptance and approval of Olsson as the professional consultant for this Phase II Cooper Park and Sports Complex Project, and for authority to enter into the proposed contract with Olsson for the purposes of renovating City's Cooper Youth Baseball Facility and its Killian Softball Facility.

Submitted By: Lana Woolsey, Assistant City Attorney

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Maurice S. Jones, Deputy City Manager 12/4/2023

Attachments:

1. Phase II Improvements at Cooper Park_ord
2. Contact_ Exh 1
3. Aerial of Cooper Park and Sports Complex_ Exh 2

One-rdg. _____
P. Hrngs. _____
Pgs. 15
Filed: 12-05-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-302

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING Olsson as the consultant to provide professional services for Phase II
2 improvements at City's Cooper Park and Sports Complex, in the
3 amount of \$887,770, as an approved project for use of American
4 Rescue Plan Act Funds received by City; and authorizing the Park
5 Board Chair, or designee, to enter into a contract with Olsson for these
6 purposes.
7 _____
8

9 WHEREAS, on July 25, 2022, City Council approved using a portion of the City's
10 Coronavirus State and Local Fiscal Recovery Funds, established by the American
11 Rescue Plan Act ("ARPA") of 2021, for various improvements at its Cooper Park and
12 Sports Complex; and
13

14 WHEREAS, the City of Springfield, Missouri, by and through the Springfield-
15 Greene County Park Board ("City"), desires to complete a portion of the necessary
16 Phase II consulting services for significant improvements at its 5-field Cooper Youth
17 Baseball Facility and its 6-field Killian Softball Facility (collectively referred to herein as
18 "Cooper Park and Sports Complex Project"); and
19

20 WHEREAS, request for qualifications were advertised February 7, 2023, with
21 qualification submittals due back by March 9, 2023, for development of plans,
22 specifications and construction documents for City's Cooper Park and Sports Complex
23 Project improvements. Two submittals were received, both deemed responsive and,
24 following an evaluation, the two firms were interviewed on or about May 2, 2023, and
25 June 5, 2023, with Olsson receiving the highest ratings by the interview team. A request
26 for proposal of construction-related services, including but not limited to surveying,
27 geotechnical and environmental reports, Phases of the Design including Pre-Design,
28 Consultation and Evaluation Phase, Schematic Design Phase, Subconsultant and
29 Evaluation Phase, Schematic Design Phase, Subconsultant (Sports Facilities
30 Development) scope of services, Design Development Phase, Construction Document
31 Phase, Bidding and Permitting Phase, Construction Administration Phase, and Post-
32 Construction Phase, was then made to Olsson and was provided to City on or about
33 September 25, 2023.

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

37 Section 1 – City Council hereby approves retaining Olsson as the consultant to
38 provide professional consulting services for various improvements at City’s Cooper
39 Youth Baseball Facility and its Killian Softball Facility (collectively referred to as “Cooper
40 Park and Sports Complex Project”), at the price and sum of \$887,770, except as said
41 sum may be lawfully increased or decreased by the actual quantities of work units
42 involved.
43

44 Section 2 – The Park Board Chair, or designee, is hereby authorized to enter into
45 a contract with Olsson for such work, said contract to be in substantially similar form to
46 the document attached hereto and incorporated herein by reference as “Exhibit 1,” and
47 in accordance with the terms of the proposal, plans, and specifications.
48

49 Section 3 – City Council approved this Project for use of a portion of the City’s
50 Coronavirus State and Local Fiscal Recovery Funds, established by the American
51 Rescue Plan Act (“ARPA”) of 2021, on July 25, 2022.
52

53 Section 4 – The City Manager is directed to cause the appropriate accounting
54 entries to be made in the books and records of the Park Board.
55

56 Section 5 – This Ordinance shall be in full force and effect from and after
57 passage.
58

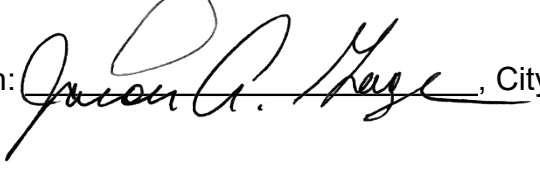
59 Passed at meeting: _____
60

61 _____
62 Mayor
63

64 Attest: _____, City Clerk
65

66 Filed as Ordinance: _____
67

68
69 Approved as to form:  _____, Assistant City Attorney
70

71
72 Approved for Council action:  _____, City Manager

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) PROFESSIONAL CONSULTANT	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
CITY		PROFESSIONAL CONSULTANT/ENGINEER	
SPRINGFIELD-GREENE COUNTY PARK BOARD 1923 N. WELLER AVENUE SPRINGFIELD, MO 65803		Name: Olsson	
		Address: 550 E. St. Louis Street, Springfield, MO 65806	
Attention: Miles Park		Attention: Ricky Haase, P.E.	
Department: Springfield-Greene County Park Board		Phone: (417) 890-8802	Fax:
Phone: (417) 864-1049	Fax:		

AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES

THIS AGREEMENT, made and entered into this ____ day of _____, 20__, by the parties identified above.

WITNESSETH:

THAT, WHEREAS, the City of Springfield, Missouri, by and through the Springfield-Greene County Park Board ("City" hereinafter) desires to engage the Professional Consultant/Engineer ("Engineer" hereinafter) to render certain technical and professional services hereafter described in connection with a project known as **Cooper Park and Sports Complex Improvements Phase II (Cooper Youth Baseball & Killian Softball Complex Additions & Improvements)**, and more particularly described in **Exhibit A**;

WHEREAS, the Engineer made certain representations and statements to the City with respect to the provision of such services and the City has accepted said proposal; and

WHEREAS, the Engineer represents Engineer is licensed by the Missouri Board for Architects, Professional Engineers, and Land Surveyors to perform the services designated under this contract, and further represents that all survey services shall be done under the direction of a Land Surveyor licensed by the Missouri Board for Architects, Professional Engineers, and Land Surveyors;

NOW, THEREFORE, for the considerations herein expressed, it is agreed by and between the City and the Engineer as follows:

1. **Services.** The City agrees to engage the services of the Engineer and the Engineer agrees to perform the services hereinafter set forth in connection with projects described in **Exhibit A**.

2. **Addition to Services.** The City may add to the Engineer services or delete therefrom activities of a similar nature to those set forth in **Exhibit A**, provided that the total cost of such work does not exceed the total cost allowance as specified in Paragraph 6 hereof. The Engineer shall undertake such changed activities only upon the direction of the City. All such directives and changes shall be in written form and prepared and approved by the office of the City Manager and shall be accepted and countersigned by the Engineer.

3. **Exchange of Data.** All information, data, and reports as are in the City's possession and necessary for the carrying out of the work, shall be furnished to the Engineer without charge, and the parties shall cooperate with each other in every way possible in carrying out the scope of services.

4. **Personnel.** The Engineer represents that Engineer will secure at Engineer's own expense, all personnel required to perform the services called for under this contract by Engineer. Such personnel shall not be employees of or have any contractual relationship with the City except as employees of the Engineer. All of the services required hereunder will be performed by the Engineer or under Engineer's direct supervision and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services. None of the work or services covered by this contract shall be subcontracted without the written approval of the City.

5. **Term.** The services of the Engineer shall commence as soon as practicable after the execution of this contract, unless otherwise directed in writing, and shall be undertaken and completed in such sequence as to assure their expeditious completion in the light of the purposes of the contract, but in any event, all of the services required hereunder shall be completed as set forth in the schedule for the project which is attached hereto as **Exhibit A**.

6. **Costs not to Exceed.** The City of Springfield is limited by law with respect to the amount of money it can pay. Therefore, the City has established a fixed sum for this contract, which cannot be exceeded unless this contract is amended. The Engineer providing services hereunder shall be required to keep track of the amount of hours billable under this contract at all times; and any work in excess of the fixed sum shall not be eligible for payment. The Engineer shall notify the City if Engineer anticipates that the contract amount may be exceeded, in order to determine whether or not the City is prepared to increase the total compensation. The Engineer shall establish a billing system showing the amount of money remaining on the contract, which shall be shown in each monthly billing.

7. **Payment.**

a. **Conditioned upon acceptable performance.** The City agrees to pay the Engineer in accordance with the terms set forth in **Exhibit A**, which shall constitute complete compensation for all services to be rendered under this contract; provided, that where payments are to be made periodically to Engineer for services rendered under this contract, the City expressly reserves the right to disapprove in whole or in part a request for payment where the services rendered during the period for which payment is claimed are not performed in a timely and satisfactory manner in accordance with the schedule and description of services set forth in **Exhibit A**.

b. **Total compensation not to exceed.** It is expressly understood that in no event will the total compensation and reimbursement to be paid to the Engineer under the terms of this contract exceed the sum of **Eight Hundred Eight Seven Thousand Seven Hundred Seventy Dollars (\$887,770.00)**.

8. **Termination of Contract.**

a. **Termination for breach.** Failure of the Engineer to fulfill Engineer's obligations under this contract in a timely and satisfactory manner in accordance with the schedule and description of services set forth in **Exhibit A** shall constitute a breach of the contract, and the City shall thereupon have the right to immediately terminate the contract. The City shall give written notice of termination to the Engineer by one of three different means: Facsimile Transmission ("FAX") if Engineer has a FAX number; U.S. Postal Service Mails; or by hand delivering a copy of the same to the Engineer; or may give notice by any combination of the above methods. The date of termination shall be the date upon which notice of termination is hand delivered to Engineer or given by FAX, or the third day following mailing of the notice of termination, whichever first occurs. In the event of termination for breach, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other materials prepared by the Engineer under this contract shall at the option of the City become its property, and the Engineer shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials; provided, that the Engineer shall not be relieved of liability to the City for damages sustained by the City by virtue of any such breach of the contract by the Engineer.

b. **Right to terminate in the absence of breach.** Either party may terminate this contract for any reason, by serving notice of intent to terminate upon the other party by the means specified in paragraph A of this section. Such notice shall specify the date of termination, but in no event shall either party terminate the contract under this provision upon less than thirty (30) days' notice to the other party; provided, that the parties may mutually agree to waive the thirty (30) day requirement and to shorten the time for notice of termination. In the event of termination in the absence of breach, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other materials prepared by the Engineer under this contract shall at the option of the City become its property, and the Engineer shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

9. **Conflicts.** No salaried officer or employee of the City, and no member of the City Council shall have a financial interest, direct or indirect, in this contract. A violation of this provision renders the contract void. Any federal regulations, and applicable provisions in Section 105.450 et seq. RSMo. shall not be violated. Engineer covenants that it presently has no interest and shall not acquire any

interest, direct or indirect, which would conflict in any manner or degree with the performance of services to be performed under this contract. The Engineer further covenants that in the performance of this contract no person having such interest shall be employed.

10. **Assignment.** The Engineer 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 Engineer 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. 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, though City will attempt to so notify any such assignee.

11. **Confidentiality of Documents.** Any reports, data, design or similar information given to or prepared or assembled by the Engineer under this contract which the City requests to be kept as confidential shall not be made available to any individual or organization by the Engineer without prior written approval of the City.

12. **Non-Discrimination.** The Engineer 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 Engineer 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.

13. **Occupational License:** The Engineer 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 Engineer. No contract will be executed by the City until this occupational license has been obtained and that the Engineer is current on any City taxes is verified.

14. **Compliance with Laws.** Engineer agrees to comply with all applicable federal, state and local laws or rules and regulations applicable to the provision of services and products hereunder. Engineer affirmatively states that payment of all local, state, and federal taxes and assessments owed by Engineer is current.

15. **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 Engineer is associated with a business entity, Engineer 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, Engineer must provide documentation for said business entity evidencing current enrollment in a federal work authorization program.

16. **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.

17. **Nonresident/Foreign Contractors.** The Engineer shall procure and maintain during the life of this contract:

a. If the Engineer 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 351.572 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.

18. **General Independent Contractor Clause.** This agreement does not create an employee/employer relationship between the parties. It is the parties' intention that the Engineer 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 Engineer will retain sole and absolute discretion in the judgment of the manner and means of carrying out the Engineer's activities and responsibilities hereunder. The Engineer 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 Engineer and the City, and the City will not be liable for any obligation incurred by the Engineer, including but not limited to unpaid minimum wages and/or overtime premiums.

19. **City Benefits.** The Engineer shall not be entitled to any of the benefits established for the employees of the City nor be covered by the Worker's Compensation Program of the City.

20. **Liability and Indemnity.** The parties mutually agree to the following:

a. The Engineer shall defend, indemnify, and hold the City harmless from and against all damages, losses, liabilities, expenses, and costs with respect to all claims, including, but not limited to, claims for personal injuries, wrongful death, and damages to property, which may be asserted against the City by any person or entity as the result of Engineer's (or any of Engineer's subcontractors) violation of statutory law, misrepresentation, copyright infringement, breach of contract, professional negligence, or ordinary negligence in the course of the performance of this contract, provided that the Engineer is not obligated to indemnify or hold harmless the City from the City's own negligence or wrong doing.

b. The Engineer shall indemnify and hold the City harmless from all wages or overtime compensation due its employees in rendering services pursuant to this agreement, including payment of reasonable attorneys' fees and costs in the defense of any claim made under the Fair Labor Standards Act or any other federal or state law.

c. In no event shall the City be liable to the Engineer 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.

21. **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.

22. **Insurance.** Without limiting any of the other obligations or liabilities of the Engineer, the Engineer 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 Engineer to maintain adequate insurance coverage at all times during the term of the Contract. Failure of the Engineer to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability under the Contract Documents.

The certificates of insurance, including evidence of the required endorsements hereunder or the policies, shall be filed with the City at the time that this contract is signed by the Engineer. All insurance policies shall provide thirty (30) days written notice to be given by the insurance company in question prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to:

Springfield-Greene County Park Board, 1923 N Weller Avenue, Springfield, MO 65803

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 Contractual Liability and Independent Contractors Liability. 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. Engineer 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 Engineer, its employees, officers or agents. Engineer 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.
- 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. Engineer agrees to cause its insurer to name City as an additional insured on such insurance policy.
- d. Errors and Omissions Insurance. The Engineer shall maintain a professional liability insurance policy in the amount of \$1,000,000.00 and its terms shall be subject to the approval of the City. This policy shall remain in full force and effect for a period of one year after completion and acceptance by the City of the construction of the project. If insurance is written on a claims-made basis, vendor must maintain continuous coverage with a retro-active date prior to the effective date of the contract.
- e. Subcontracts. In case any or all of this work is sublet, the Engineer shall require the subcontractor to procure and maintain all insurance required in subparagraphs (A), (B) and (C) hereof and in like amounts. Engineer 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 Engineer 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 Engineer, upon 10 days written notice, to execute a contract addendum whereby the Engineer agrees to provide, at a price not exceeding Engineer'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.

23. **Ownership of Documents**. All files and information will be submitted before or upon final approval and acceptance of the contract documents. All documents, including original drawings, calculations, computer runs, field notes, drawings, estimates, specifications, written design criteria and written reports are and remain the property of the Engineer until such time as this Agreement is, for any reason, terminated, at which time they become the property of the City. The Engineer shall furnish to the City, one set of reproducible record Mylars of drawings, AutoCAD files and copies of estimates, specifications, written reports, and written design criteria, in consideration of which the City will use them fully in connection with the project and will not sell them.

24. **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 Engineer at the addresses shown above. The date of delivery of any notice given by mail shall be the date

falling on the third 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.

25. **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 litigated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

26. **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.

IN WITNESS WHEREOF, the parties hereto evidence their agreement to the terms of this Contract by their signatures below.

**CITY OF SPRINGFIELD, MISSOURI, BY AND THROUGH
THE SPRINGFIELD-GREENE COUNTY PARK BOARD/CITY**

PROFESSIONAL CONSULTANT/ENGINEER

By: _____
Director or Assistant Director of Parks
Date: _____

By: _____
Print Name: _____
Print Title: _____
Date: _____

**If Engineer is a Disadvantaged Business Enterprise (DBE), please
indicate classification**
Minority Owned c Women Owned c Veteran Owned c

By: _____
Chair or Vice-Chair of Park Board
Date: _____

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.

By: _____
Director or Acting Director of Finance

APPROVED AS TO FORM BY: _____, City Attorney or Assistant City Attorney

CERTIFICATION REGARDING POTENTIAL CONFLICTS OF INTEREST

The City's Charter, Sec. 19.16, prohibits any Council member or employee of the City from having a financial interest, direct or indirect, in any contract with the City and any member of a City board or commission from having a financial interest, direct or indirect, in any contract with the department or administrative agency managed or operated by the board or commission on which he or she serves.

*****If the prohibition above is violated, the contract is void and the Council member, City board or commission member forfeits his or her office or the employee forfeits his or her employment*****

Vendor certifies that (check all that apply):

1. ____ No City Council member, City employee, or City board or commission member is an employee, officer, partner, owner, etc., of vendor.
2. ____ No spouse or dependent child of a City Council member, City employee, or City board or commission member is an employee, officer, partner, owner, etc., of vendor.
3. ____ A City Council member or spouse is an employee, officer, partner, owner, etc., of vendor.
4. ____ A City employee or spouse is an employee, officer, partner, owner, etc., of vendor.
5. ____ A City board/commission member or spouse is an employee, officer, partner, owner, etc., of vendor.

If choosing 3, 4, or 5, please provide name of Council member, employee, board or commission member, or spouse:

Vendor Certification:

I certify the information above is true and accurate.

By: _____

Title: _____

Company: _____

Please note whether the Charter is violated is fact-specific. City staff will follow up with you for additional information.

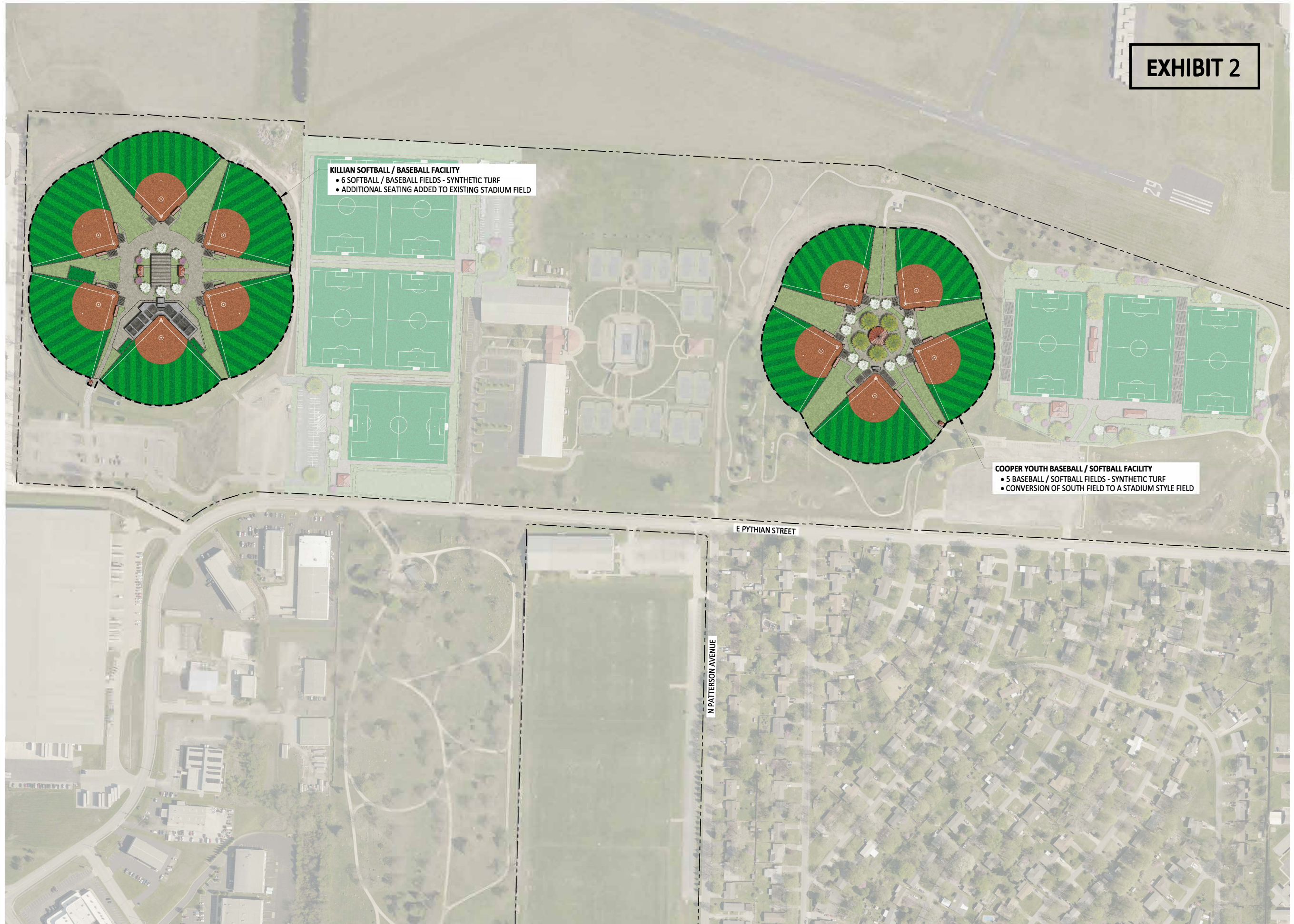
Exhibit A to Contract

Scope of Work

Name of Consultant	Olsson		
Scope of Work (Job Description)	Provide professional engineering, architectural, geotechnical and surveying services for the Cooper Youth Baseball & Killian Softball Complex Additions & Improvements PH II. The project generally consists of the following: <u>Cooper Youth Baseball Complex</u> - Installation of synthetic turf at 5 youth baseball fields - Converting one ball field to a stadium ball field - Miscellaneous associated improvements including fence work, concrete walks, site utility work, grading and drainage, storm water improvements <u>Killian Softball Complex</u> - Installation of synthetic turf at 6 softball fields - Installation of bleachers on first base side of the Stadium field - Miscellaneous associated improvements including site utility work, grading and drainage, storm water improvements		
Start Date	Upon notice to proceed meeting		
Interim Deadlines (if applicable)	Date	Phase of Project To Be Completed (Phases may overlap)	
Final Completion Deadline	30 days after final completion of construction		
Reimbursable Expenses	☐ None ☒ Automobile Travel, Lodging, Meals, Printing, Copying, Postage, Faxing, Miscellaneous Materials & Supplies Applicable to Project, Copies of Deeds, Easement or other Project Related Documents, Fees for Applications or Permits, Sub-Consultants, Taxes Levied on Services and Reimbursable Expenses		
Maximum Payment	\$ 882,770.00	Maximum Payment for Services Rendered	
	\$ 5,000.00	Maximum Amount Of Expenses To Be Reimbursed	
	\$ 887,770.00	Total Maximum Amount To Be Paid To Consultant	
Method of Payment	☐ Lump Sum Of Entire Amount Upon Satisfactory Completion of Project ☐ Monthly Payments Based On Rate of \$ _____ Per Hour ☒ Incremental Payments As Follows: Monthly based upon percentage of completion.		
City Official To Approve Payment(s)	Miles Park		

Department Head's Signature	Date:
--	--------------

EXHIBIT 2



KILLIAN SOFTBALL / BASEBALL FACILITY

- 6 SOFTBALL / BASEBALL FIELDS - SYNTHETIC TURF
- ADDITIONAL SEATING ADDED TO EXISTING STADIUM FIELD

COOPER YOUTH BASEBALL / SOFTBALL FACILITY

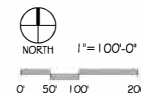
- 5 BASEBALL / SOFTBALL FIELDS - SYNTHETIC TURF
- CONVERSION OF SOUTH FIELD TO A STADIUM STYLE FIELD

E PYTHIAN STREET

N PATTERSON AVENUE

**EXHIBIT A - COOPER YOUTH BASEBALL & KILLIAN SOFTBALL COMPLEX
FACILITY RENOVATIONS & ADDITIONS**

NOVEMBER 8, 2023





EXPLANATION TO COUNCIL BILL 2023-303 (LEE)

FILED: 11/21/2023

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance authorizing the City Manager, or designee, to enter into intellectual property and service agreements with the City of Cape Girardeau, Missouri to authorize the use of the City's intellectual property and provide consultation and services necessary to implement the City of Springfield's SafeAcross pedestrian safety program; and authorizing the City Manager, or designee, to enter into similar intellectual property and service agreements with the State of Missouri, its political subdivisions, other states, or their political subdivisions, to implement the City of Springfield's SafeAcross pedestrian safety program in those other jurisdictions.

PURPOSE: To authorize the City Manager, or his designee, to enter into agreements with other cities, counties, states, or their consultants to adopt Springfield's SafeAcross pedestrian safety program. The SafeAcross Toolkit is offered to other communities free of charge, although there are future plans to offer additional services for a fee.

BACKGROUND INFORMATION: Springfield's pedestrian safety campaign, SGF Yields, has gained national attention and a federal grant provided resources for City staff to develop a generic version that other communities can use. While the SafeAcross program is free, interested agencies must enter a Service and Intellectual Property Agreement that spells out the rights and responsibilities of both parties. However, the City of Springfield reserves the right to charge for any additional services, travel, training, and other expenses that go beyond the scope of the free SafeAcross Toolkit.

REMARKS: Springfield's pedestrian safety efforts have been recognized by the U.S. Department of Transportation as a noteworthy practice. Sharing our program not only gives Springfield national recognition and grant opportunities, but also may help our citizens be safer when walking or driving, both here and elsewhere.

Supports the following City Council Priorities:

- Public Safety
- Quality of Place

REMARKS: Public Works recommends passage of this Council bill.

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 12/4/2023

- Attachments:**
1. SafeAcross Toolkit Agreements_ord
 2. SafeAcross Toolkit - IP License Agreement - Cape G_Ex 1
 3. SafeAcross Toolkit - Services Agreement - Cape G_Ex 2

One-rdg. _____
P. Hrngs. _____
Pgs. 20
Filed: 12-05-23

Sponsored by: Lee

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-303

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to enter into intellectual property and
2 service agreements with the City of Cape Girardeau, Missouri to
3 authorize the use of the City's intellectual property and provide
4 consultation and services necessary to implement the City of
5 Springfield's SafeAcross pedestrian safety program; and authorizing
6 the City Manager, or designee, to enter into similar intellectual property
7 and service agreements with the State of Missouri, its political
8 subdivisions, other states, or their political subdivisions, to implement
9 the City of Springfield's SafeAcross pedestrian safety program in those
10 other jurisdictions.
11 _____
12

13 WHEREAS, the City of Springfield developed a pedestrian safety campaign
14 ("SGF Yields") which achieved high rates of driver compliance at crosswalks in
15 Springfield and drew the attention of other communities and states; and
16

17 WHEREAS, in 2021, 2022, and 2023, the Missouri Department of Transportation
18 funded production of a shareable version of SGF Yields named "SafeAcross" to make
19 available to other communities to aid their efforts to increase pedestrian safety and
20 awareness; and
21

22 WHEREAS, the City of Cape Girardeau, Missouri is currently interested in
23 entering into agreements necessary to implement SafeAcross; and
24

25 WHEREAS, the U.S. Department of Transportation has recognized SafeAcross
26 as a noteworthy practice; and
27

28 WHEREAS, other jurisdictions around the United States may be interested in
29 implementing the SafeAcross program with guidance from staff; and
30

31 WHEREAS, while several components of the SafeAcross program are provided
32 free of charge, additional services may be provided by staff for a fee.
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 designee, is hereby authorized to enter into
38 intellectual property and service agreements with the City of Cape Girardeau, Missouri,
39 for the purpose of implementing the SafeAcross pedestrian safety program, said
40 agreements to be substantially similar to the documents attached hereto and
41 incorporated herein by reference as “Exhibit 1” and “Exhibit 2.”
42

43 Section 2 – The City Manager, or designee, is hereby authorized to enter into
44 intellectual property and service agreements with the State of Missouri, any of its
45 political subdivisions, other states, or any of their political subdivisions, for the purposes
46 of implementing the SafeAcross program in those other jurisdictions, provided such
47 agreements are approved by the City Attorney and are substantially similar to those
48 forms attached as “Exhibit 1” and “Exhibit 2.”
49

50 Section 3 – This Ordinance shall be in full force and effect from and after its
51 passage.
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: _____, Assistant City Attorney
64

65 _____
66 Approved for Council action: _____, City Manager



ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) LICENSEE	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
(X) NEW CONTRACT			
CITY		SAFEACROSS LICENSEE	
City of Springfield 840 Boonville, P.O. Box 8368 Springfield, MO 65802 Phone: 417 864 0108 Fax: 417 8604 1983 Attn: Mandy Buettgen-Quinn		City of Cape Girardeau 44 North Lorimier Cape Girardeau, MO 63701 Phone: Fax: Attn: Email:	

CITY OF SPRINGFIELD "SAFE ACROSS" LICENSE AGREEMENT

Subject to the terms and conditions of this LICENSE AGREEMENT ("Agreement"), the City of Springfield, Missouri (the "City") hereby grants a license to the Licensee (defined below in the Definitions section) to use the intellectual property identified in **Exhibit A** ("Licensed Intellectual Property"), according to the terms and conditions below. The City and the Licensee may be referred to herein singularly as a "Party," or collectively as "Parties."

WHEREAS the City owns intellectual property rights in the Licensed Intellectual Property developed as part of the SafeAcross pedestrian safety program; and

WHEREAS, through distribution of the "SafeAcross" program, the City desires to promote pedestrian safety in crosswalks; and

WHEREAS, in connection with implementation of the "SafeAcross" program, the Licensee wishes to use the Licensed Intellectual Property depicted in the SafeAcross Implementation Guide, attached hereto as **Exhibit A**; and

NOW, THEREFORE, in consideration of the following covenants and good and valuable consideration, the sufficiency of which has been acknowledged by the Parties, the Parties agree as follows:

1. Definitions:

- (a) "City" means the City of Springfield, Missouri.
- (b) "Confidential Information" means all non-public, confidential, or proprietary information of SafeAcross, whether in oral, written, electronic, or other form or media, whether or not such information is marked, designated, or otherwise identified as "confidential" and includes any information that, due to the nature of its subject matter or circumstances surrounding its disclosure, would reasonably be understood to be confidential or proprietary, including, specifically:
 - a. the SafeAcross Implementation Guide;

- b. the Licensed Intellectual Property;
 - c. City's other unpatented inventions, ideas, methods, discoveries, know-how, trade secrets, unpublished patent applications, invention disclosures, invention summaries, and other confidential intellectual property; and
 - d. all notes, analyses, compilations, reports, forecasts, studies, samples, data, statistics, summaries, interpretations, and other materials prepared by or for City or that contain, are based on, or otherwise reflect or are derived from any of the foregoing in whole or in part.
- (c) "Derivatives" means any variations or derivatives of the contents of **Exhibit A** to this Agreement.
- (d) "Licensed Intellectual Property" means the contents of **Exhibit A** to this Agreement, along with any other state and federal copyright and trademark registrations and common law rights owned by the City and pertaining to the contents of **Exhibit A**.
- (e) "Licensee" means City of Cape Girardeau and its officers and employees.
- (f) "License Fee" means the annual fee due from Licensee to the City, calculated as follows: \$1.00
- (g) "Licensed Use" means Licensee's use of the Licensed Intellectual Property in connection with the Safe Across program and any associated promotion or advertising, only to the extent that the City has preapproved Licensee's use of the Licensed Intellectual Property pursuant to this Agreement.
- (h) "Mr. Walker" means the iconic statue (depicted in **Exhibit A**) functioning as the spokesperson for the Safe Across program.
- (i) "Safe Across" means the comprehensive pedestrian safety awareness initiative distributed by the City and including all training, implementation materials, and other resources and elements provided as part of initiating this program in a community.
- (j) "Term" means the term during which this Agreement is in effect, which shall be as follows:

From January 1st, 2024 to December 31, 2026 (3 Years)

2. License:

Upon execution of this Agreement, the City grants to the Licensee a non-exclusive, non-transferrable, non-sublicensable license (the "License") to use the Licensed Intellectual Property and to make and use certain derivative works of the Licensed Intellectual Property for only the Licensed Use described in this Agreement. The License shall extend for the duration of the Term, subject to the remaining terms and conditions of this Agreement. Except as set forth in this Agreement, the City is not granting any rights to produce any items for sale or merchandise that incorporates any Licensed Intellectual Property, other than the Licensed Use.

Licensee agrees not to grant any license or sublicense of the Licensed Intellectual Property and shall not otherwise assign or transfer any rights granted by the City pursuant to this Agreement. It is understood by the Parties that the manufacture of any licensed product embodying the Licensed Use may be performed by a third-party manufacturer designated by the Licensee and acceptable to the City, but that the third party manufacturer shall not gain any rights in the Licensed Intellectual Property.

Licensee in return grants to the City, a non-exclusive, royalty free, limited right to use and display the Licensed Intellectual Property in City business, to the extent the Licensed Intellectual Property includes any proprietary elements owned by Licensee and requiring such a license. City may develop materials upon request of the Licensee if such content would be useful for other potential licensees, and City has funding and staff available to do so.

3. Intellectual property Ownership:

The City owns and retains all rights, title and interest in and to the Licensed Intellectual Property and has the right to control all uses, images and derivative works of, based upon, or confusingly similar to the Licensed Intellectual property. This Agreement does not confer any ownership rights in the Licensed Intellectual property to Licensee or any third party.

4. License Payment:

In consideration for the License, Licensee shall pay to the City an annual fee in the amount of the License fee set forth in the Definitions section above. The License Fee may be paid by check payable to:

Failure to pay the required License Fee within thirty (30) calendar days of the City's invoice will nullify this Agreement, and the City shall have the right to immediately enjoin Licensee's use of the Licensed Intellectual Property.

5. Licensed Use

- (a) Licensee is authorized to use the Licensed Intellectual Property in connection with the Safe Across program and any associated promotion and advertising, only to the extent that the City has preapproved use of the Licensed Intellectual Property pursuant to this Section (the "Licensed Use"). Any and all Licensed Uses shall be subject to the conditions included in **Exhibit B**, Intellectual Property Uses and Conditions.
- (b) Licensee shall make all reasonable efforts to launch the SafeAcross program in accordance with the SafeAcross Implementation Guide, attached hereto as **Exhibit A** and incorporated herein by reference, and begin use of the Licensed Intellectual Property within one year of the execution of this Agreement, unless otherwise agreed upon in writing by the parties.
- (c) Licensee shall not adopt or use, without the City's preapproval pursuant to this Section, any variations or derivatives of the Licensed Intellectual Property (collectively "Derivatives"). Upon such approval by the City, the approved Derivatives shall be included as part of the Licensed Intellectual Property and subject to the same terms and conditions, except as noted below.
- (d) Licensee agrees that the nature and quality of the Licensed Use shall conform to standards prescribed by the City and consistent with the Safe Across Program Agreement, and that Licensee will not depart from such prescribed standards without the City's advance written permission. Prior to use, the City must review and provide written approval of final designs and materials specifications supplied by Licensee for any such materials to be produced, marketed, or given away by Licensee in connection with the Licensed Use. City shall not be held accountable for any design, production, or marketing cost involved with this Agreement. Licensee shall provide the City with the opportunity to inspect, approve (or disapprove) and control all proposed uses of the Licensed Intellectual Property before such use of the Licensed Intellectual Property is made public. The City has the right to reject any particular use of the Licensed Intellectual Property or Licensed Use as improper or below the City's quality standards, at the City's sole discretion.
- (e) Licensee shall provide to the City (a) samples of the Licensed Use and (b) samples of any other proposed use of the Licensed Intellectual Property, including but not limited to, use on public right-of-way, advertising, packaging, signage, or other use, for approval by the City before any such use of the Licensed Intellectual Property is made public. Samples shall include such information on the surrounding area and/or context for the use sufficient to allow the City to determine whether the proposed use would be prejudicial. The Licensed Intellectual Property shall only be used in connection with the Licensed Use after approval by City. Licensee may not alter approved designs for the Licensed Use without the express written approval of the City. The Licensed Use that is made public shall conform to the quality levels specified by City and be in conformity with the representative samples approved by the City. Any samples attached to this Agreement in **Exhibit A** are hereby approved by the City for use by Licensee, but the City's authorization extends only to the Use(s) depicted in **Exhibit A** and other uses preapproved by the City in writing.

6. Goodwill in Licensed Marks:

Licensee agrees that all goodwill generated from the Licensed Use shall inure to the benefit of the City and the SafeAcross Program. Licensee agrees that the essence of this License Agreement is founded on the goodwill associated with the SafeAcross program and that it is critical that such goodwill be protected and enhanced and, towards this end, Licensee shall not during the Term or thereafter:

- (a) Apply to register or maintain any copyright or trademark application or registration of the Licensed Intellectual Property (modified or otherwise) or any other mark confusingly similar to the Licensed Intellectual Property;
- (b) Challenge the validity of any of the intellectual property rights covering the Licensed Intellectual Property or the ownership thereof by the City;
- (c) Use any colorable imitation of any of the Licensed Intellectual Property, or any variant form (including variant design forms, logos, colors, or type styles) of the Licensed Intellectual Property not specifically approved by City;
- (d) Misuse the Licensed Intellectual Property, or variants or Derivatives thereof;

- (e) Take any action that would bring the City or the Licensed Intellectual Property into public disrepute;
- (f) Take any action that would tend to destroy or diminish the goodwill in the Licensed Intellectual Property; or
- (g) Use the Licensed Intellectual Property for any purpose that is unlawful, prohibited by or outside the terms of this Agreement.

Licensee shall indemnify, defend, and hold harmless SafeAcross and its officers, directors, employees, agents, successors, and assigns against all losses and damages arising out of or resulting from any third party claim, suit, action, or other proceeding related to or arising out of or resulting from (a) Licensee's breach of any representation, warranty, covenant, or obligation under this Agreement, or (b) use by Licensee of the Licensed Products, or (c) any use, sale, transfer, or other disposition by Licensee of Licensed Products (each an "Action"). City shall notify Licensee in writing of any Action and cooperate with Licensee at Licensee's sole cost and expense. Subject to Section 10, Licensee shall immediately take control of the defense and investigation of the Action and shall employ counsel [of its choice/reasonably acceptable to Licensor] to handle and defend the Action, at Licensee's sole cost and expense. [Licensee shall not settle any Action in a manner that adversely affects the rights of Licensor [or its Affiliates] without Licensor's [or its Affiliates'] prior written consent] [, which consent may not be unreasonably withheld or delayed]. Licensor's [or its Affiliates'] failure to perform any obligations under this Section will not relieve Licensee of its obligation under Section 15 except to the extent Licensee can demonstrate that it has been materially prejudiced as a result of the failure. Licensor [and its Affiliates] may participate in and observe the proceedings at [its/their] own cost and expense with counsel of [its/their] own choosing.

7. Right to Inspect by the City.

After the initial approval by the City, the City shall have the right to inspect periodically samples of the Licensed Use, to ensure that Licensed Use remains of a proper quality. The City shall have the right at all reasonable times during the Term of this Agreement to inspect the Licensee's marketing, products, materials, marketing plans or proposals, and any and all related materials for the purposes of confirming the Licensee's use of the Licensed Intellectual Property is in conformity with the standards of quality outlined in this Agreement. If through such inspection the City determines that the Licensed Use fails to conform or no longer conforms to the City's quality standards, then the City will describe the nonconformity to Licensee. In any notice disapproving the quality of the Licensed Use, the City shall provide the reasons for disapproval, which shall be based on reasonable criteria consistent with industry practices. Licensee shall correct or restore such quality within thirty (30) calendar days of being notified of such nonconformity. Failure to reach or restore acceptable quality by the deadline (or another deadline mutually agreed upon) shall immediately grant the City the right to terminate the Agreement, and Licensee shall immediately cease using and shall recall any such nonconforming Licensed Use.

8. Applicable Regulations.

The Parties agree to comply with all applicable government regulations. Licensee shall be responsible for, and bear all costs of, obtaining any necessary governmental approval needed in connection with the Licensed Use.

9. Third-Party Intellectual Property Rights.

The City expressly does NOT warrant the Licensee's freedom to make, use or sell items embodying the Licensed Intellectual Property with respect to third party intellectual property rights, and does NOT indemnify the Licensee against third party claims of any type, including but not limited to claims of product liability, trademark infringement or copyright infringement, based on Licensee's manufacture, use or sale of the Licensed Intellectual Property and the Licensed Use. Licensee accepts the risk of possible liability to third parties that Licensee incurs by virtue of the Licensed Use.

10. Indemnity and Hold Harmless.

The City shall not be liable for the quality of the Licensed Use or any complaint issued regarding same. Licensee shall indemnify, defend, and hold harmless the City, and the City's officials, employees, agents, and representatives, from and against all liabilities, claims, actions, demand of liability, suits, and other proceedings, and any losses, damage, sanctions, fines, expenses, costs (including reasonable attorney fees or disbursements), and judgments (collectively "Claims") that are or may be raised by any third party in connection with the manufacture, use, sale, or condition of the Licensed Use and the Licensed Intellectual Property, or related products produced by Licensee, including Claims related to infringement of third party intellectual property rights (including trademark and copyright infringement), industrial rights, bodily injury, product liability, environmental, and human rights. This provision shall be valid and enforceable regardless of whether or not Licensee is in compliance with any quality requirements of this Agreement. Licensee shall not settle any Claims in a manner that adversely affects the rights of the City without the City's prior written consent, which consent may not be unreasonably withheld or delayed.

11. Confidentiality.

Licensee agrees that it will not disclose any of the Confidential Information, directly or indirectly, or use any of it in any manner, either during the term of this Agreement or at any time thereafter, except as required in the implementation of the SafeAcross program. The Confidential Information shall remain the exclusive and sole property of the City. Licensee shall not retain any copies of the Confidential Information without City's prior written permission. Upon the expiration or earlier termination of this Agreement, or whenever requested by City, Licensee shall immediately deliver to City all such Confidential Information in its possession or under its control, and shall destroy any copies or electronic records embodying or derived from the Confidential Information. The Licensee shall maintain the Confidential Information in a reasonably secure location and employ precautions to restrict access to, and to protect the confidentiality of, the Confidential Information that, in the aggregate, are no less protective than the precautions it uses to protect the confidentiality of its own comparable confidential information and, in any event, no less than reasonable precautions. Licensee may disclose Confidential Information to the extent Licensee is compelled by law to do so, provided Licensee gives the City prior notice of the compelled disclosure and reasonable assistance, at City's cost, if the City wishes to contest the disclosure.

12. Open Records.

The confidentiality requirements of Section 11 of this Agreement apply only to the extent permitted by the Missouri Sunshine Law, Chapter 610 of the Revised Statutes of Missouri ("Sunshine Law"). This Section is not intended to be a waiver of any of the provisions of the applicable Sunshine Law, including, without limitation, the requirement for the Licensee to provide notice and opportunity for City to assert an exception to disclosure requirements in accordance with the Sunshine Law.

13. Legal Remedies.

The City shall have all legal remedies available for any unauthorized, unlicensed use of the Licensed Intellectual Property.

14. Term, Termination and Breach.

- (a) Term: The Term of this agreement is as set out in the definitions section above. At any time prior to the end of the Term, the City and Licensee may agree to renew this Agreement via a written addendum, signed by the City and Licensee. Licensee has 120 days, calculated starting from the first day after the Term concludes, to remove and/or discontinue use of all Licensed Intellectual Property including any derivatives or variations. Licensee thereafter agrees not to use any mark which is substantially similar to or confusingly similar to any of the Licensed Intellectual Property.
- (b) Breach: In the event of a breach by either Party, the non-breaching Party must provide written notice of the breach. If the breach is not cured within thirty (30) calendar days of receiving notice, the non-breaching Party may at its option pursue an action for specific performance or damages, and/or may immediately terminate this Agreement by providing written notice of termination.
- (c) Termination: The License shall expire immediately upon termination of this Agreement, regardless of the reason for termination. Sections (6), (9) and (10) shall survive termination.

15. Miscellaneous Provisions.

- (a) Mutual Representation. Each Party represents to the other Party that it has the full power and authority to enter into this Agreement, and that doing so does not conflict with any other agreement or obligation.
- (b) Entire Agreement and Amendments. This Agreement supersedes all other agreements and understands among the Parties, either express or implied, and constitutes the entire agreement of the Parties with respect to the subject matter of this Agreement. The Parties may amend, modify, and/or alter any or all of the provisions of this Agreement, including adding new provisions, but only by a written instrument executed by both Parties.
- (c) No Waiver. Failure by either Party to enforce any provision of this Agreement shall not be deemed a waiver of future enforcement of that or any other provision.
- (d) Severability. If any provision of this agreement is held to be unenforceable, then that provision is to be construed either by modifying it to the minimum extent necessary to make it enforceable (if permitted by law) or disregarding it (if not). If an unenforceable provision is modified or disregarded, the rest of the Agreement shall remain in effect.
- (e) Notices. Any notice required under this Agreement shall be sent to the addresses specified by the Parties in the signature block below.
- (f) Relationship of the Parties. The Parties hereto are independent, and no Party is an employee, agent, partner, or joint venturer of the other Parties. Neither Party shall have the right to bind the other Party, whether directly or indirectly,

to any agreement with a third party or to incur any obligation or liability on behalf of such other Party, whether directly or indirectly.

- (g) Disputes. The laws of the state of Missouri, without giving effect to its principles of conflicts of law, govern all adversarial proceedings arising out of this agreement. Each Party consents to personal jurisdiction and exclusive venue in a state or federal court located in Springfield, Missouri. If any legal or administrative proceeding arises out of this Agreement, the prevailing Party will be entitled to recover, in addition to costs, reasonable attorney fees incurred as a result of the proceeding.
- (h) Force Majeure. Neither Party shall be liable for any failure or delay in the performance or obligation hereunder on account of strikes, riots, fires, explosions, acts of God, war, governmental action, or any other cause which is beyond the reasonable control of such Party.
- (i) Counterparts. This Agreement may be executed in multiple counterparts and by facsimile and/or email, and all executed counterparts together shall constitute the original instrument. Faxed or emailed signatures shall be binding.

[Signature Page Follows]

IN WITNESS WHEREOF, the City and the Licensee have executed this Intellectual Property License Agreement this ____ day of ____, 202_.

CITY OF SPRINGFIELD, MISSOURI

By: _____
City Manager or designee

APPROVED AS TO FORM

City Attorney or designee

SAFEACROSS LICENSEE:

By: _____

Name & Title: _____

APPROVED AS TO FORM

City Attorney or designee

EXHIBIT A

[SafeAcross Implementation Guide]

EXHIBIT B

Intellectual Property Uses and Conditions

1) Logo usage – Whenever the Licensee shall follow the SafeAcross Branding Guide. When Licensee plans to purchase products that have the SafeAcross logos on them, the Licensee must obtain prior approval from SafeAcross. Whenever the Licensee plans to produce products, materials or other content outside of the existing SafeAcross toolkit (such as PSAs, graphics, etc.) that uses the logo or otherwise associates with the SafeAcross program, the Licensee shall obtain prior approval from SafeAcross.

2) Mr. Walker installations – the Licensee agrees to produce or purchase fluorescent yellow-green “Mr. Walker” statues and potentially “heart-signs” according to SafeAcross’ specifications. The minimal amount of statues installed at program start is 3 and should increase to 4 within a year’s time and not to exceed 10 at any point. SafeAcross must approve statue locations and reserves the right the veto locations that appear unsuitable according to SafeAcross’s Installation Specifications and Considerations. Licensee commits to maintaining the statue in a timely manner if it becomes damaged, vandalized or faded. Upon contract termination, any Mr. Walker statues or signs must be removed.

3) Student Walkers - installations are allowable at schools which either have pedestrian safety in their curriculum or have a speaker provide SafeAcross content to grades 1st through 3rd (at a minimum) on an annual basis, or for the length of the student statue installation.

4) Pedestrian/Trail/School Crossing signs - The Licensee must utilize fluorescent yellow-green (FYG) crosswalk signs on the roadways that fall under their jurisdiction. If Licensee is updating a “warning yellow” sign inventory to FYG, they may start installing Mr. Walker statues when at least of 50% of the crosswalk signage has been updated to FYG. Licensee works toward having 80% of the crosswalks equipped with FYG signs and reasonably fresh high-visibility markings within a year. The Licensee is encouraged to work with their state or municipal counterpart to achieve uniformity across a community.

5) Crosswalk maintenance - Before program launch, crosswalks that fall under the jurisdiction of the Licensee must be inspected and improved as needed by Licensee. Faded or missing signs or markings must be mediated. Midblock crosswalks and crosswalks across uncontrolled approaches should have complete crosswalk assembly and follow best practices.

6) Crosswalks in need of enhancements – SafeAcross reserves the right to delay the launch of a local SafeAcross campaign if crosswalks under the jurisdiction of the Licensee do not provide sufficient protection for pedestrians based on the roadway characteristics. SafeAcross may allow the Licensee to proceed with the program launch if there is a plan to remediate the situation. A “Mr. Walker” statue may not be installed at a problematic crosswalk site as a remedial feature.

7) Compliance studies – The Licensee or their contractor must produce quarterly crosswalk compliance studies at 4 locations and publish the results with the local population and SafeAcross.

8) Public Education – The Licensee or their contractor or partner will promote pedestrian safety messages regularly digitally and/or in print and will strive to grow its audience. Communication should occur about once a week.



ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) LICENSEE	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
(X) NEW CONTRACT			
SPRINGFIELD		SAFEACROSS LICENSEE	
City of Springfield 840 Boonville, P.O. Box 8368 Springfield, MO 65802 Phone: (417) 864 1801 Fax: (417) 864 1983 Attn: Mandy Buettgen-Quinn		City of Cape Girardeau 44 North Lorimier Cape Girardeau, MO 63701 Phone: Fax: Attn: Email:	

SAFEACROSS – SERVICES CONTRACT

THIS CONTRACT, made and entered into this _____ day of _____, 20____, by the parties identified above,

WITNESSETH:

THAT, WHEREAS, the City of Springfield ("Springfield") is the distributor of the program known as "SafeAcross", which is a pedestrian safety program that aims to increase safety in crosswalks; and

WHEREAS, the program implementation guide and generic resources of SafeAcross are available to this Licensee and other approved participating communities/states free of charge; and

WHEREAS, SafeAcross is comprehensive program that utilizes public education, engineering, public engagement, data evaluation and other elements to promote a pedestrian friendly culture within a community; and

WHEREAS, the SafeAcross campaign is built around an iconic statue installation, called "Mr. Walker" functions as the spokesperson relaying pedestrian safety information to the public; and

WHEREAS, the above-named community ("Licensee") has expressed interest in implementing the SafeAcross program and has received a license to use SafeAcross-related images, signs, and other intellectual property;

NOW, THEREFORE, for the considerations herein expressed, it is agreed by and between Springfield and Licensee as follows:

1. **Services.** Springfield agrees to provide the services and training hereinafter set forth in **Exhibit A** in accordance with the ordinary standard of care, skill and expertise in performing similar services. No services shall be provided by Springfield until this Contract has been fully executed.

2. **Addition to Services.** Licensee may add to the services or delete therefrom activities of a similar nature as provided in **Exhibit B**, provided that the total cost of such work does not exceed the total cost allowance as specified in Paragraph 7 hereof. All such directives and changes shall be in written form and prepared and approved by the Licensee and accepted and countersigned by Springfield.

3. **Exchange of Data.** All information, data, and reports in a party's possession necessary for the carrying out of the services related to this Contract, shall be furnished to the other without charge, and the parties shall reasonably cooperate in connection with this Contract.

4. **Personnel.** Springfield represents that it will secure, at its own expense, all personnel required to perform the services called for under this Contract. Such personnel shall not be employees of or have any contractual relationship with the Licensee except as employees or independent contractors of Springfield. All of the services required hereunder will be performed by Springfield or under its direct supervision and all personnel engaged in the services shall be fully qualified and shall be authorized under state and local law to perform such services.

5. **Term.** The services of Springfield shall commence as soon as practicable after the execution of this Contract, unless otherwise directed in writing by Licensee, and shall be undertaken and completed in such sequence as to assure their expeditious completion in the light of the purposes of the Contract, but in any event, all of the services required hereunder shall be completed as set forth in the schedule for the project which is attached hereto as **Exhibit A**.

6. **Costs not to Exceed.** The City of Springfield is limited by law with respect to the amount of money it can pay. Therefore, the City has established a fixed sum for this Contract which cannot be exceeded unless this Contract is amended in writing. The Contractor providing services hereunder shall be required to keep track of the amount of hours billable under this Contract at all times; and any work in excess of the fixed sum for this Contract shall not be eligible for payment. The Contractor shall promptly notify the City if Contractor anticipates that the Contract amount may be exceeded, in order to determine whether or not the City is prepared to increase the total compensation. The Contractor shall establish a billing system documenting the amount of money remaining on the Contract which shall be shown in each incremental billing statement.

7. **Payment.**

a. **Conditioned upon acceptable performance.** Provided Springfield performs the services in the manner set forth in Paragraph 1 hereof, Licensee agrees to pay Springfield in accordance with the terms set forth in **Exhibit A**, which shall constitute complete compensation for all services to be rendered under this Contract. The services and resources in **Exhibit A** developed with the assistance of Highway Safety Program funds are available without charge.

b. **Total compensation not to exceed.** It is expressly understood that in no event will the total compensation and reimbursement to be paid to Springfield under the terms of this Contract exceed the sum of **Zero and no/100 Dollars (\$0.00)**.

8. **Termination of Contract.**

a. **Termination for breach.** Failure of the Licensee to fulfill Licensee's obligations under this Contract, or under the terms of the SafeAcross Intellectual Property License Agreement, in a timely and satisfactory manner in accordance with the schedule and description of services set forth in **Exhibit A** shall constitute a breach of the Contract, and Springfield shall thereupon have the right to immediately terminate the Contract. The City shall give written notice of termination to the Contractor by one of four different means: Facsimile Transmission ("FAX") if Contractor has a FAX number; U.S. Postal Service Mail; or by hand delivering a copy of the same to the Contractor; or by electronic mail to the address indicated below; or may give notice by any combination of the above methods. The date of termination shall be the date upon which notice of termination is hand delivered to Contractor or given by FAX or electronic mail, or the third day following mailing of the notice of termination, whichever first occurs.

b. **Termination for Convenience.** The parties shall have the right at any time upon 15 days' written notice to terminate and cancel this Contract, without cause, for the convenience of the parties, and Springfield shall immediately stop work upon issuance of such notice. In such event Licensee shall not be liable to Springfield 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 Springfield 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.

9. **Conflicts.** No salaried officer or employee of Springfield and no member of Springfield City Council shall have a financial interest, direct or indirect, in this Contract. A violation of this provision renders the Contract void. Any applicable federal regulations and applicable provisions in Section 105.450 et seq. RSMo. shall not be violated. Licensee covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services to be performed under this Contract. Licensee further covenants that in the performance of this Contract no person having such interest shall be employed or compensated by Licensee.

10. **Assignment.** This Contract shall extend to and be binding upon the parties hereto and their respective successors and assigns. Licensee 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 Springfield. In the event Springfield no longer administers the SafeAcross program, Springfield may assign this Contract without Licensee's prior written consent.

11. **Confidentiality of Documents.** Any reports, data, design or similar information given to or prepared or assembled by the parties under this Contract which a party requests to be kept as confidential shall not be made available to any individual or organization by without prior written approval of the other party, unless disclosure is otherwise required by law.

12. **Discrimination.** The parties agree 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 the parties 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. The parties and any authorized 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. The parties and any authorized 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.

13. **Compliance with Laws.** The parties agree to comply with all applicable federal, state and local laws and rules and regulations applicable to the provision of services and products hereunder.

14. **General Independent Contractor Clause.** This Contract does not create an employee/employer relationship between the parties. It is the parties' intention that Springfield will be an independent contractor and not the Licensee'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.

15. **Liability and Indemnity.** The parties mutually agree to the following:

a. To the fullest extent permitted by law, Springfield will not be liable to Licensee or any other person for any injury or loss of goodwill, reputation, business, production, revenues, profits, anticipated profits, contracts, or opportunities (regardless of how these are classified as damages), or for any consequential, incidental, indirect, exemplary, special, punitive, or enhanced damages whether arising out of breach of contract, tort (including negligence), strict liability, product liability, or otherwise (including the entry into, performance, or breach of this Agreement), regardless of whether such loss or damage was foreseeable or the party against whom such liability is claimed has been advised of the possibility of such loss or damage, and notwithstanding the failure of any agreed or other remedy of its essential purpose.

b. In no event shall Springfield be liable to Licensee for special, indirect, or consequential damages, except those caused by the City's gross negligence or willful or wanton misconduct directly and solely resulting in 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.

c. Licensee shall defend, indemnify, and hold Springfield harmless from and against all claims, including but not limited to losses, and liabilities arising out of personal injuries, including death, and damage to property, which are caused by Licensee arising out of or in any way connected with this Contract.

d. Licensee shall indemnify and hold Springfield harmless from all wages or overtime compensation due Licensee's employees in rendering services pursuant to this Contract, including payment of reasonable attorney fees and costs in the defense of any claim made under the Fair Labor Standards Act or any other federal or state law.

16. **Attorney Fees.** In the event of any litigation arising from breach of this Agreement Springfield shall be entitled to recover from Licensee all reasonable costs incurred for such litigation, including staff time, court costs, attorney fees, and all other related expenses incurred in such litigation.

17. **Insurance.** Without limiting any of the other obligations or liabilities of the Contractor, the Contractor shall secure and maintain at its own cost and expense, throughout the duration of this Contract and until the work is completed and accepted by the City of Springfield, insurance of such types and in such amounts as may be necessary to protect it and the interests of the City of Springfield against all hazards or risks of loss as hereunder specified or which may arise out of the performance of the Contract Documents. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Springfield. Regardless of such approval, it shall be the responsibility of the contractor to maintain adequate insurance coverage at all times during the term of the Contract. Failure of the Contractor to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability in general or under the Contract Documents.

The certificates of insurance, including evidence of the required endorsements hereunder or the policies, shall be filed with the City within ten (10) days after the date of the receipt of Notice of Award of the Contract to the Contractor and prior to the start of work. All insurance policies shall require that the insurance company in question provide thirty (30) days written notice prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to:

City of Springfield - Public Works, P.O. Box 8368, Springfield, MO 65801-8368; and

Such policies shall name the City as an additional insured.

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 Contractual Liability and Independent Contractors Liability. 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.
- 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.

18. **Notices.** All notices required or permitted hereinunder and required to be in writing may be given by FAX, electronic mail (if to Contractor), or by first class mail addressed to Springfield or Licensee at the addresses shown above. The date of delivery of any notice provided by mail shall be the date falling on the third day after the day of its mailing. The date of delivery of notice by FAX transmission or electronic mail (if to Contractor) 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 location 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.

19. **Force Majeure.** Neither party will be in default by reason of any failure or delay in the performance of such party's obligations hereunder where such failure or delay is due to any circumstance or cause beyond its reasonable control, including strikes, labor disputes, civil disturbances, riot, rebellion, invasion, epidemic, hostilities, war, pandemic, terrorist attack, embargo, natural disaster, acts of God, flood, fire, sabotage, or fluctuations or non-availability of electrical power.

20. **DISCLAIMERS OF WARRANTIES.** EXCEPT AS EXPRESSLY SET FORTH ABOVE, SPRINGFIELD DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, WHETHER WRITTEN, ORAL, EXPRESS, IMPLIED, STATUTORY, OR OTHERWISE, CONCERNING THE VALIDITY, ENFORCEABILITY, AND SCOPE OF THE LICENSED PRODUCTS, THE ACCURACY, COMPLETENESS, SAFETY, USEFULNESS FOR ANY

PURPOSE, OR LIKELIHOOD OF SUCCESS (COMMERCIAL, REGULATORY OR OTHER) OF THE LICENSED PRODUCTS, AND ANY OTHER TECHNICAL INFORMATION, TECHNIQUES, MATERIALS, METHODS, PRODUCTS, PROCESSES, OR PRACTICES AT ANY TIME MADE AVAILABLE BY RIVER SPEED LLC, INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY, QUALITY, FITNESS FOR A PARTICULAR PURPOSE, NON-INFRINGEMENT, AND WARRANTIES ARISING FROM A COURSE OF DEALING, COURSE OF PERFORMANCE, USAGE, OR TRADE PRACTICE. WITHOUT LIMITATION TO THE FOREGOING, RIVER SPEED LLC WILL HAVE NO LIABILITY WHATSOEVER TO LICENSEE OR ANY OTHER PERSON FOR OR ON ACCOUNT OF ANY INJURY, LOSS, OR DAMAGE, OF ANY KIND OR NATURE, SUSTAINED BY, OR ANY DAMAGE ASSESSED OR ASSERTED AGAINST, OR ANY OTHER LIABILITY INCURRED BY OR IMPOSED ON LICENSEE OR ANY OTHER PERSON, ARISING OUT OF OR IN CONNECTION WITH OR RESULTING FROM (A) THE MANUFACTURE, USE, OFFER FOR SALE, SALE, OR IMPORT OF A LICENSED PRODUCT; (8) THE USE OF OR ANY ERRORS OF OMISSIONS IN ANY KNOW-HOW, TECHNICAL INFORMATION, TECHNIQUES, OR PRACTICES DISCLOSED BY SAFEACROSS; OR (C) ANY ADVERTISING OR OTHER PROMOTIONAL ACTIVITIES CONCERNING ANY OF THE FOREGOING.

21. **Jurisdiction.** This Contract and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this Contract be litigated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

22. **Entire Agreement.** This Contract and all referenced Exhibits contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this Contract shall be effective unless in writing specifically referring hereto, and signed by both parties.

IN WITNESS WHEREOF, the parties hereto evidence their agreement to the terms of this Contract by their signatures below.

CITY OF SPRINGFIELD, MISSOURI

SAFEACROSS LICENSEE:

By: _____
City Manager or designee

By: _____

Name & Title: _____

APPROVED AS TO FORM

APPROVED AS TO FORM

City Attorney or designee

City Attorney or designee

Exhibit A to SafeAcross Agreement

Products and Services

Basic Scope of Work (Job Description)	1) Login Information – SafeAcross will supply licensee with a login and password to the password-protected resources on www.safeacross.com. 2) Implementation Manual – The step-by-step outline of the implementation will be accessible online and routinely updated by SafeAcross to provide updated and relevant information. 3) Forms, Reports, Templates, Guidance Documents – SafeAcross.com provides digital access to all generic documents and SafeAcross will notify host communities about important updates. 4) Educational and Promotional Materials - SafeAcross provides digital access to all generic documents and notifies host communities about important updates. 5) The following services are available only if City receives grant funding to administer the SafeAcross program: a. Quarterly Host Meetings – SafeAcross facilitates quarter-annual virtual meetings for all license holders to attend and exchange updates. b. Telephone support – SafeAcross representatives will be on call once a week for an hour to provide guidance and support to the Licensee. c. Commitment to process - SafeAcross will provide Licensee with periodic updates to materials and program strategies based upon research results and continuous program improvement.
--	--

Exhibit B

Additional Services Available
No additional services available at this time.



EXPLANATION TO COUNCIL BILL 2023-304 (MCGULL)

FILED: 11/17/2023

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 Patel Subdivision, generally located at 4808 East Parallel Lane, 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 Patel Subdivision, generally located at 4808 East Parallel Lane 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 Patel Subdivision dated October 10th, 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 November 9th, 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 Industry & Logistics Placetype. This placetype consists of heavy and moderately intense manufacturing, distribution uses, and a range of operations that rely on proximity to the City's airport, interstate, and rail facilities. Businesses and operations that supplement and provide logistical support for larger operations are also accommodated, such as those with significant outdoor storage and parking and circulation lots for trucking and freight. This placetype is critical to Springfield's economy and employment base and is enhanced as such with improved access management, clear wayfinding, and gateway features. Planning for this placetype involves a highly collaborative effort to preserve and help procure sufficient real estate for industrial parks, airport, rail operations, and expansion needs. (p. 52, Chapter 5: Land Use & Development)

The lots of the proposed subdivision have frontage on an interstate outer road and the subdivision is located within 0.5 miles of the Mulroy Road/Beaver Road exit on I-44. The zoning of this property (Industrial Commercial with Conditional Overlay District 229)



accommodates the types of uses supported by interstate traffic such as warehousing, eating and drinking establishments, and freight facilities. “Warehousing and distribution facilities” are among the primary uses of this placetype and “Office, hospitality, retail sales and service” are supporting land uses. The subdivision of the property will allow for diversity in ownership and the potential for different types of uses along the interstate corridor.

REMARKS: Staff recommends approval.

Submitted By: Andrew Menke, Senior Planner

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

Maurice S. Jones, Deputy City Manager 11/22/2023

Attachments:

1. Patel Subdivision 4808 E Parallel Lane_ord
2. ROP_exhA
3. Staff Report_exhB

One-rdg. _____
P. Hrngs. _____
Pgs. 19
Filed: 12-05-23

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2023-304

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 Patel Subdivision, generally located at 4808
4 East Parallel Lane, 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 Patel Subdivision, dated October 10,
12 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 Patel
16 Subdivision, which is generally located at 4808 East Parallel Lane, on November 9,
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 Patel
26 Subdivision, which is generally located at 4808 East Parallel Lane, as approved by the
27 Planning and Zoning Commission. The original plat of Patel Subdivision 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 – PATEL SUBDIVISION

Preliminary Plat of Patel Subdivision

4808 East Parallel Lane

Applicant: Tina Patel

Mr. Menke stated that this is a request to approve a preliminary plat for a 6-lot subdivision.

Mr. Caleb Freeland, 1501 N. Meadowmere Street, applicant's representative and looking to subdivide into six industrial commercial lots.

Natalie Broekhoven closed the public hearing.

Planning and Zoning Commission Board Member Knuckles moved to approve Preliminary Plat of Patel Subdivision and Commissioner Ridge seconded the motion, and it was passed with the following vote: Ayes: Commissioner Ridge, Commissioner Broekhoven, Commissioner Gunther, Commissioner Pauly, Commissioner Scott, Commissioner Lebeck, Commissioner Colony, Commissioner Knuckles. Nays: None. Absent: Britton Jobe. Abstain: None.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', written over a horizontal line.

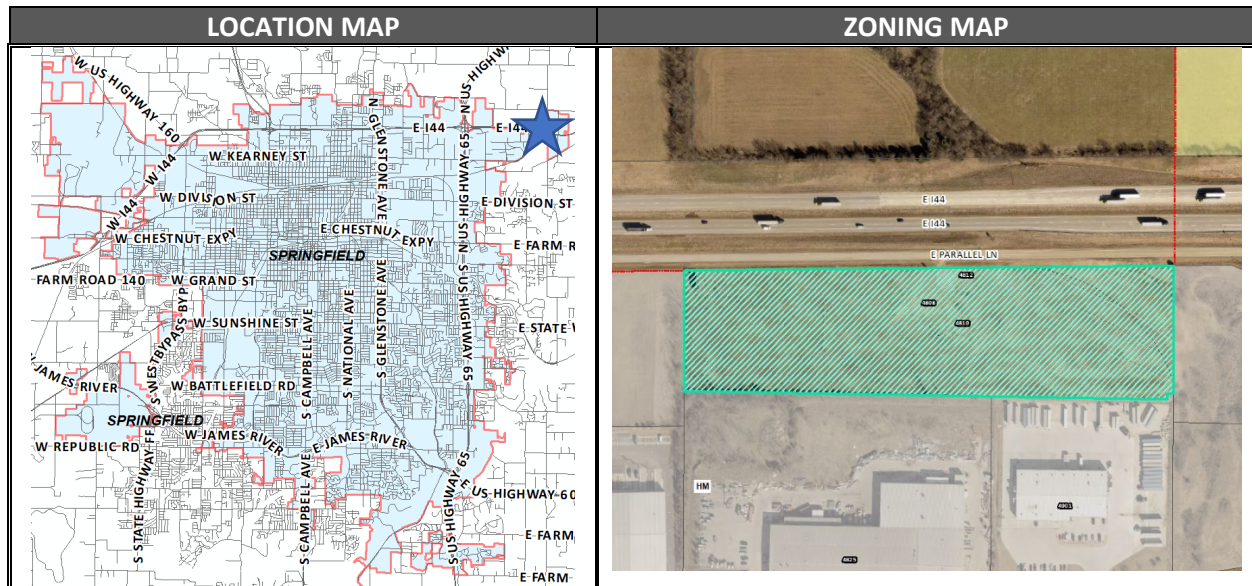
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Preliminary Plat of Patel Subdivision
Location:	4808 East Parallel Lane
Total Acres:	10.7 acres
Applicant:	Tina Patel
Existing Land Use:	Undeveloped
Neighborhood Meeting:	N/A
Planning and Zoning Commission:	November 9, 2023
City Council:	December 11, 2023
Public Notification:	Posted property
Staff:	Andrew Menke, Senior Planner, (417) 864-1613
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve the preliminary plat of Patel Subdivision subject to the conditions listed in Attachment 2 of the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to subdivide approximately 10.7 acres of property generally located at 4808 East Parallel Lane into six (6) industrial lots to facilitate the development of the site.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property was annexed into the city on August 21, 2023. On this date the property was rezoned from County M-1, Light Manufacturing to Industrial Commercial with Conditional Overlay District 229.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.

- (a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.
- (b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.
- (c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.
- (d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.
- (e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.
- (f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.
- (g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.
- (h) Effective period of preliminary approval.

DEVELOPMENT REVIEW STAFF REPORT

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 INDUSTRIAL 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 36-434(8)
Street Classification	E Parallel Lane – Local
Sidewalks	Along the property frontage of E Parallel Lane there are no existing sidewalks. Sidewalks are required along E Parallel Lane.
Open Space Requirements	Not less than 15 percent of the total lot area.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE: INDUSTRY & LOGISTICS

The *Comprehensive Plan's Land Use & Development* chapter groups this area into the Industry & Logistics Placetype. This placetype consists of heavy and moderately intense manufacturing, distribution uses, and a range of operations that rely on proximity to the City's airport, interstate, and rail facilities. Businesses and operations that supplement and provide logistical support for larger operations are also accommodated, such as those with significant outdoor storage and parking and circulation lots for trucking and freight. This placetype is critical to Springfield's economy and employment base and is enhanced as such with improved access management, clear wayfinding, and gateway features. Planning for this placetype involves a highly collaborative effort to preserve and help procure sufficient real estate for industrial parks, airport, rail operations, and expansion needs. (p. 52, *Chapter 5: Land Use & Development*)

The lots of the proposed subdivision have frontage on an interstate outer road and the subdivision is located within 0.5 miles of the Mulroy Road/Beaver Road exit on I-44. The zoning of this property (Industrial Commercial with Conditional Overlay District 229) accommodates the types of uses supported by interstate traffic such as warehousing, eating and drinking establishments, and freight facilities. "Warehousing and distribution facilities" are among the primary uses of this placetype and "Office, hospitality, retail sales and service" are supporting land uses. The subdivision of the property will allow for diversity in ownership and the potential for different types of uses along the interstate corridor.

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, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehousing & Distribution Facilities	Heavy Industry & Manufacturing
Residential Neighborhood	●	○	◇	○	◇	◇	○	○	○	○	○	○	○	○	○
Mixed Residential	●	●	●	○	◇	◇	○	○	○	○	○	○	○	○	○
Downtown	○	○	●	○	○	○	●	○	○	○	○	○	○	○	○
Mixed-Use	○	○	●	○	○	○	●	○	○	○	○	○	○	○	○
City Corridor	○	○	●	○	○	○	●	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

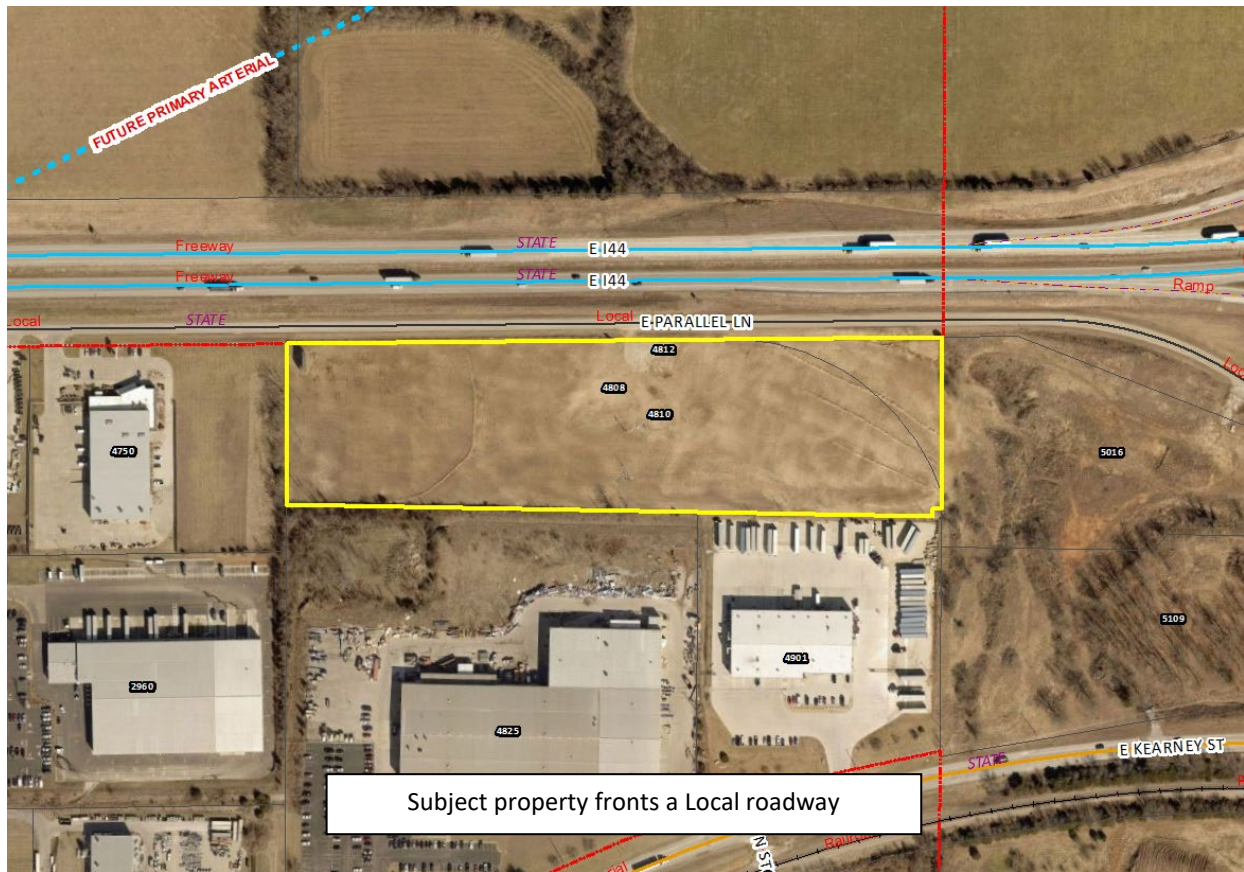
● Primary Land Use: More prominent and play a pivotal role in characterizing that placetype

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

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

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	County R-1	HM	HM	HM
LAND USE	Undeveloped	Industrial	Undeveloped	Wholesale sales
PLACETYPES	Mixed Residential	Industry & Logistics	City Corridor	Industry & Logistics

DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is proposing to subdivide approximately 10.7 acres into a six (6) lot subdivision named "Patel Subdivision".
2. All lots meet the minimum dimension requirements of the City's subdivision regulations and for the Industrial Commercial District.
3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
4. The proposed preliminary plat was reviewed by City departments and comments are contained in **Attachment 1**. Conditions of Approval are provided in **Attachment 2**. The Preliminary Plat drawing can be found in **Attachment 3**.

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 and the Industrial Commercial District.
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:

- 1) 3-Phase Electric, Gas, and Water are not currently available to the property and will need to be extended from offsite to provide services to all lots, per CU's extension policy.
- 2) Utility easements along the Parallel Ln frontage and interior property lines will likely be needed to accommodate the extensions. Easements can be added on the final plat.
- 3) CU can begin the design of the utility extensions when we receive the construction plans/cad file.

2. DEPARTMENT OF PUBLIC WORKS CONSTRUCTION INSPECTION DIVISION:

See ES-Clean Water Services Comments.

3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

MoDOT has approved the sewer alignment within their R/W. Additional reviews will be done when public improvement plans are submitted.

4. FIRE DEPARTMENT:

Development shall comply with the 2018 IFC.

5. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

Site Description and Drainage Pattern

4808 E Parallel Lane is a 10-acre lot that is 0% existing impervious area. Own Inc, has prepared a Engineering Report for the Preliminary Plat that covers future Stormwater Design. 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 not be allowed and detention is required**.

PW Stormwater has no requirements for the proposed Preliminary Plat at this time. The submitted application does not have a site plan, but the Engineering Report stated detention and water quality will be provided through two separate basins at time of development. Please note that development of the property will be subject to the following conditions at the time of development:

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

Detention 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. Two future onsite detention basins will drain both East and West. West drains through an existing box culvert under E Parallel Ln and East drains along the roadside drainage channel.

DEVELOPMENT REVIEW STAFF REPORT

2. The future channel to convey off-site water through the westside culvert can provide the easement at final platting.
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 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 Channels and Stream Buffers

N/A

Sinkholes and 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

6. MISSOURI DEPARTMENT OF TRANSPORTATION (MoDOT):

At the Public Improvement Plan phase, MoDOT is open to sidewalk along ROW, provided that it ends at a logical terminus, in this situation, likely the easternmost access to the property. MoDOT has no concerns with the spacing of the access easements. In developing plans for the easternmost access, the 3' box culvert indicated may need to be lengthened which will be the responsibility of the developer with MoDOT having final approval of the plans.

MoDOT Utilities reviewed and approves of the sanitary sewer which extends into MoDOT ROW in front of Lots 3 and 4.

7. DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

Access

All access to the development shall be per current MoDOT standards and/or current City of Springfield standards.

Trails, Bus Stops, And Additional Information

There are no Greenway Trails 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.

	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. Parallel Lane	Local	State	25	25	NA	No	Yes	No

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.



EXPLANATION TO COUNCIL BILL 2023-288 (MCCLURE)

FILED: 11/29/2023

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:

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:

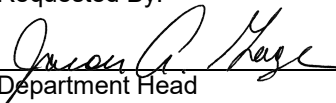
Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	06	53540	501260			\$ 5,000	Operating Supplies
Net Expenditure Adjustment						\$ 5,000	

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: 11/29/2023

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:

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: _____

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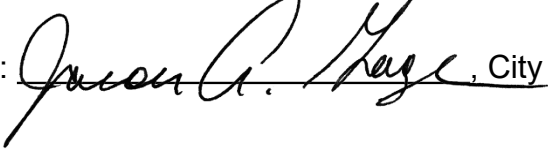
47

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.
