

December 11, 2017
Springfield, Missouri

The City Council met in regular session December 11, 2017 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Ken McClure. A moment of silence was observed.

Roll Call Present: Phyllis Ferguson, Mike Schilling, Tom Prater, Craig Fishel, Jan Fisk, Craig Hosmer, Richard Ollis, Kristi Fulnecky, and Ken McClure.
Absent: None.

Minutes There being no additions, deletions or corrections, the minutes of the November 27 2017 City Council Meeting were approved as presented.

Consent Agenda The Consent Agenda was approved as presented.

CEREMONIAL MATTERS

Sworn In Anita Cotter, City Clerk, swore in Mindy Spitz to the Tree City USA Citizen Advisory Committee.

Ms. Cotter swore in Gene Hartley to the Citizens Sales Tax Oversight Committee.

City Managers Report Collin Quigley, Assistant City Manager, noted the projected Sales Tax Revenue growth percentage for Fiscal Year 2018, requested by Councilwoman Fulnecky, is 1.5 percent. He stated this estimate was based on Fiscal Year 2017 Sales Tax Revenue. Mr. Quigley noted Fiscal Year 2017 Sales Tax Revenues were estimated at \$44.1 Million with \$44.3 Million in Sales Tax Revenue received in Fiscal Year 2017.

Mr. Quigley noted Workforce Development will host several events, including the Pop-Up Job Center on Park Central Square. He stated the event will run from 11:00 a.m. to 4:00 p.m. each day, from December 12 through December 14, 2017. Mr. Quigley noted the first Pop-Up Job Center connected many job seekers with employment opportunities. He stated City Staff will be available to disseminate information on open jobs, provide referrals to displaced worker services, and provide information on job skills classes.

Mr. Quigley noted the annual MOmentum Regional State-of-the-Workforce Survey is available, and all Springfield area employers are encouraged to participate. He stated the results will provide information needed to help close the gap between those looking for jobs and employers seeking employees for current job openings throughout the community. Mr. Quigley noted Juan Garcia, from Amazon, will be the keynote speaker at the State of the Workforce Luncheon on Tuesday, February 20, 2018 at 11:30 a.m. He stated luncheon reservations can be made online at www.springfieldmo.gov/MOmentum.

Mr. Quigley noted a Parks update has been provided to City Council. He invited City Council to attend Candy Lane, a drive through holiday light display, at the Rutledge Wilson Farm. He stated the park is open every Friday, Saturday, and Sunday evening, through December 17, 2017 and the cost is \$5 per vehicle.

Mr. Quigley congratulated Harlan Hill for being selected as Director of Building Development Services, effective January 7, 2018. He stated Mr. Hill will replace Chris Straw, who is retiring in January 2018. Mr. Quigley noted Mr. Hill is a registered architect, with more than 22 years of experience in the design and construction industry, most recently as a College Architect at Ozarks Technical Community College.

Mr. Quigley noted Council Bill 2017-299, on tonight's agenda, starts the process of funding priorities of the Level Property Tax, supported by voters on November 7, 2017. He stated this appropriation of \$750,000 will begin the lengthy process of acquiring land, and ordering fire apparatus for Fire Station #13.

Mr. Quigley expressed appreciation to City Council, and many City of Springfield departments, for their help with this year's Downtown Christmas Parade on Saturday, November 9, 2017. He expressed his opinion the event was well organized by the Downtown Springfield Association. Mr. Quigley shared several highlight photos of the event.

Mayor McClure expressed his opinion the Christmas parade was very organized and well attended. Mayor McClure noted a highlight of the day was the delivery of a nine foot Christmas tree to a home currently being renovated by the Drew Lewis Foundation, which assists residents in northwest Springfield in finding suitable and stable housing.

Mayor Pro Tem Fisk noted she enjoyed seeing so many young children during the parade, and expressed appreciation to the Department of Public Information and Civic Engagement for decorating the City Council vehicle.

Councilwoman Fulnecky asked if the Springfield Police Department's December crime statistics are available. Collin Quigley responded this report will be provided to City Council.

Councilwoman Fulnecky asked for clarification on funding for the Give 5 program. Collin Quigley responded this will be provided to City Council.

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

Chapter 36 Land Development Code, Article III, Division 4, Section 36-400, 36-420, 36-421, 36-422

Sponsor: Fishel. Council Bill 2017-277. A general ordinance amending Chapter 36 of the Springfield, City Code, also known as the 'Land Development Code', Article III, - 'Zoning Regulations,' Division 4, - 'District Regulations,' Sections 36-400, 36-420, 36-421, and 36-422 relating to location of residential uses in the Office, Limited Business, General Retail, and Highway Commercial districts. (Planning and Zoning Commission and staff recommend approval).

Council Bill 2017-277. General Ordinance 6413 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, Fulnecky, and McClure. Nays: None. Absent: None. Abstain: None.

Councilman Prater recused himself from Council Bill 2017-278 and exited Council Chambers at 6:41 p.m.

**Rezoning
1255 E. Chestnut
Expressway**

Sponsor: Prater. Council Bill 2017-278. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.62 acres of property, generally located at 1255 East Chestnut Expressway from GR, General Retail District, with Conditional Overlay District No. 10 to GR, General Retail District and establishing Conditional Overlay District No. 139; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval).

Council Bill 2017-278. General Ordinance 6414 was approved by the following vote: Ayes: Ferguson, Schilling, Fishel, Fisk, Hosmer, Ollis, Fulnecky, and McClure. Nays: None. Absent: Prater. Abstain: None.

Councilman Prater returned to Council Chambers at 6:42 p.m.

**Salary Ordinance -
Department of
Environmental
Services;
Memorandum of
Understanding - City
Clerk**

Sponsor: Fisk. Council Bill 2017-267. A general ordinance amending Chapter 2, Section 2-92 of the Springfield City Code, known as the 'Salary Ordinance,' relating to the salary rate and pay grade for twelve job titles primarily within the Department of Environmental Services, as contained in the Professional, Administrative and Technical Salary Schedule and the Crafts, Trade and Labor Salary Schedule, by adding twelve new job titles; and by establishing and approving a Memorandum of Understanding between the City and the City Clerk which approves a new salary and benefit schedule for the City Clerk.

Councilwoman Ferguson asked for clarification on the job duties of the Market Development Coordinator in the proposed. Collin Quigley, Assistant City Manager, responded a job description will be provided to City Council.

Council Bill 2017-267. General Ordinance 6412 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, Fulnecky, and McClure. Nays: None. Absent: None. Abstain: None.

**Route 66
Streetscape Project
- Plan No.
2015PW0075TE**

Sponsor: Ferguson. Council Bill 2017-279. A special ordinance approving the plans and specifications for the Grant Avenue and Route 66 Streetscape project, generally referred to as Plan No. 2015PW0075TE; accepting the bid of Hunter Chase & Associates, Inc., in the amount of \$954,313.00 for said project, and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Council Bill 2017-279. Special Ordinance 26978 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer,

Ollis, Fulnecky, and McClure. Nays: None. Absent: None. Abstain: None.

**2017 Sidewalk
Project - Plan No.
2017PW0047T**

Sponsor: McClure. Council Bill 2017-280. A special ordinance approving the plans and specifications for the 2017 Sidewalk Project, generally referred to as Plan No. 2017PW0047T; accepting the bid of Hunter Chase & Associates, Inc., in the amount of \$137,798.00 for said project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Council Bill 2017-280. Special Ordinance 26979 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, Fulnecky, and McClure. Nays: None. Absent: None. Abstain: None.

**Flood Control and
Water Quality
Protection Manual.**

Sponsor: Fishel. Council Bill 2017-281. A general ordinance amending the Springfield City Code, Chapter 96, 'Storm Water,' by adding thereto a new Article for the purpose of adopting the Flood Control and Water Quality Protection Manual.

Council Bill 2017-281. General Ordinance 6415 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, Fulnecky, and McClure. Nays: None. Absent: None. Abstain: None.

**Springfield City
Code, Chapter 106 -
Pedestrian Right of
Way**

Sponsor: McClure, Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, and Ollis. Council Bill 2017-282. A general ordinance amending Springfield City Code, Chapter 106 - 'Traffic and Vehicles,' Article VII. - 'Pedestrians,' by amending Section 106-450. - 'Right-of-way in crosswalks' and Section 106-452. - 'Rights and duties when crossing roadways' and by adding Section 106-455. - 'Arterial roadways and intersections' to better protect pedestrians and occupants of vehicles at intersections and along streets which have high volumes of traffic, high speed limits, or narrow medians.

Councilwoman Fulnecky stated she will be voting in support of the proposed and expressed her opinion funding for consultants, lobbyists, and special studies should be limited to make the best use of public funds.

Councilman Schilling sked for clarification on the enforcement of the proposed. Collin Quigley, Assistant City Manager, responded an educational campaign will begin in December 2017, which includes signage at selected intersections. He stated enforcement will begin in January 2018 and Springfield Police Officers will have discretion in enforcing the ordinance, which may include warnings to first time offenders.

Paul Williams, Chief of Police, noted Springfield Police Officers will respond to complaints, and monitor specific intersections within their assigned patrol zones.

Council Bill 2017-282. General Ordinance 6416 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, Fulnecky, and McClure. Nays: None. Absent: None. Abstain: None.

Center for Public

Sponsor: Fulnecky. Corrected Council Bill 2017-283. A special ordinance

**Safety Excellence -
Community Driven
Strategic Plan**

authorizing the City Manager, or his designee, to enter into an agreement with the Center for Public Safety Excellence and the Commission on Fire Accreditation International for assistance in facilitating the Community Risk - Standards of Cover documents in the amount of \$31,050.00.

Council Bill 2017-283. Special Ordinance 26980 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, Fulnecky, and McClure. Nays: None. Absent: None. Abstain: None.

**Springfield City
Code, Chapter 2,
Mayor's
Commission for
Children**

Sponsor: McClure. Corrected Council Bill 2017-284. A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' Article IV, 'Boards, Commissions and Committees,' by adding thereto a new Division relating to the Mayor's Commission for Children.

Council Bill 2017-284. General Ordinance 6417 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, Fulnecky, and McClure. Nays: None. Absent: None. Abstain: None. Sponsor: Referendum Petition. Council Bill 2017-286. A general ordinance repealing General Ordinance No. 6397, said ordinance being entitled, "Amending the Springfield City Code, Chapter 18, 'Animals,' Article II, 'Dogs, Cats and Ferrets,' Division 3, 'Prohibition of Pit Bull Dogs,' by amending Section 18-98, 'Additional Regulations,' through the addition of language to said section establishing a future ban upon the possession of new pit bull dogs within the City limits; and designating an effective date for said amendments."

**Repealing General
Ordinance 6397 -
Prohibition of Pit
Bulls**

Mayor McClure noted a "Yes" vote for the proposed signifies support to repeal General Ordinance 6397 and a "No" vote signifies opposition to the repeal of General Ordinance 6397.

Councilwoman Fulnecky thanked citizens for taking an active role in making their voices heard and expressed her opinion a total pit bull ban will not effectively address bad owners. Councilwoman Fulnecky stated she will be voting in support of the proposed.

Councilman Fishel expressed his opinion the citizens of Springfield should decide if a full pit bull ban should be enforced in the City of Springfield and stated he will be voting in opposition to the proposed.

Councilman Schilling expressed his opinion the pit bull ban will not effectively address vicious dogs and bad owners and stated he will be voting in support of the proposed.

Councilman Hosmer expressed his opinion current ordinances in the City of Springfield are not being followed and stated he will be voting in support of the proposed. Councilman Hosmer noted he will support an animal registration ordinance which requires dogs within the City of Springfield to be spayed or neutered, microchipped, and vaccinated.

Councilwoman Fulnecky expressed her opinion General Ordinance 6397 was passed based on emotion, and as a governmental body, City Council should base decisions on facts and adopt ordinances to address bad

owners.

Mayor McClure noted his vote on General Ordinance 6397 on October 2, 2017 reflected his concern for public safety. Mayor McClure expressed his opinion it is time for the citizens to vote on General Ordinance 6397 and encouraged citizens to voice their opinions respectfully and peacefully.

Council Bill 2017-286 failed by the following vote: Ayes: Schilling, Hosmer, Ollis, and Fulnecky. Nays: Ferguson, Prater, Fishel, Fisk, and McClure. Absent: None. Abstain: None.

**Calling an election
on August 7, 2018 to
consider General
Ordinance 6397**

Sponsor: Referendum Petition. Council Bill 2017-287. A special ordinance calling an election on August 7, 2018, in the City of Springfield, Missouri, to submit to the qualified voters a question as to whether or not to approve General Ordinance No. 6397, passed by City Council on October 2, 2017, said ordinance being entitled, "Amending the Springfield City Code, Chapter 18, 'Animals,' Article II, 'Dogs, Cats and Ferrets,' Division 3, 'Prohibition of Pit Bull Dogs,' by amending Section 18-98, 'Additional Regulations,' through the addition of language to said section establishing a future ban upon the possession of new pit bull dogs within the City limits; and designating an effective date for said amendments"; and declaring an emergency. Councilwoman Fulnecky moved to change the special election date, in the proposed, from August 7, 2018 to April 3, 2018. Councilman Hosmer seconded the motion. The motion to change the special election date from August 7, 2018 to April 3, 2018 failed by the following vote: Ayes: Fulnecky. Nays: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Absent: None. Abstain: None.

Councilman Hosmer asked if General Ordinance 6397 will remain suspended unless the ordinance is approved by a vote of the people. Frank Romines, City Attorney, responded in the affirmative.

Councilman Ollis asked if Council Bill 2017-287 needs to be voted on, since Council Bill 2017-286 failed. Frank Romines responded in the affirmative. He stated the City of Springfield Charter mandates an ordinance be adopted for General Ordinance 6397 to be placed on a ballot for a vote of the people, if not repealed by City Council.

Councilman Prater asked if City Council is prohibited from considering alternatives in animal registration while General Ordinance 6397 is pending a vote of the people. Frank Romines responded in the negative.

Councilwoman Fulnecky expressed her opinion having General Ordinance 6397 on the August 7, 2018 ballot is disrespectful to the citizens who signed the Referendum Petition.

Council Bill 2017-287. Special Ordinance 26981 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, and McClure. Nays: Fulnecky. Absent: None. Abstain: None.

RESOLUTIONS

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

The following bills appeared under Grants

Springfield Fire Department Homeland Security Hybrid Radio Assembly

Sponsor: McClure. Council Bill 2017-290. A special ordinance authorizing the City Manager, or his designee, to accept a State Homeland Security hybrid radio assembly, valued at \$44,068.00, which is necessary for the sustainment of a robot currently in use by the Springfield Fire Department Bomb Squad; and declaring an emergency.

David Pennington, Fire Chief, gave a brief overview of the proposed. He stated the Springfield Fire Department participates in the Regional Homeland Security Oversight Committee for Region D, which provides access to the State's Homeland Security grants program. Chief Pennington noted the Springfield Fire Department Bomb Squad has been funded through the grants program and currently operates two robots. He stated the radio system on one of the robots does not meet public safety standards and needs to be upgraded. Chief Pennington noted the proposed will fund this necessary upgrade and provide an improved margin of safety for the Bomb Squad.

Councilman Schilling asked how frequently the Bomb Squad responds to incidents in Springfield. Chief Pennington responded the Bomb Squad receives approximately 100 calls annually, between the City of Springfield and Greene County.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

Council Bill 2017-290. Special Ordinance 26983 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, Fulnecky, and McClure. Nays: None. Absent: None. Abstain: None.

AMENDED BILLS

The following bills appeared on the agenda under Public Hearing Bills

Rezoning 611 West Sunset Street with Conditional Overlay District No. 138

Sponsor: Schilling. Council Bill 2017-291. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 6.53 acres of property, generally located at 611 West Sunset Street from R-SF, Single-Family Residential District to R-MD, Medium-Density Multi-Family Residential District and establishing Conditional Overlay District No. 138, and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval). (By: Coryell Enterprises, LLC / E&M Edgewood, LLC; 611 West Sunset Street; Z-33-2017 Conditional Overlay District No. 138.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She stated the Growth Management and Land Use Plan has identified this area as appropriate for medium intensity retail,

office or housing. Ms. Smith noted the proposed 112-unit apartment complex will include a connection to the South Creek Greenway. She stated Conditional Overlay District No. 138 limits the density to 20 dwelling units per acre and requires three amenities. Ms. Smith noted the developer has plans for a swimming pool and picnic area, and is requesting City Council make a finding the planned dog park meets the needs of its residents, qualifying as the third required amenity.

Councilman Schilling asked for clarification on the connection from the proposed to the South Creek Greenway Trail. Mary Lilly Smith deferred to the Developer's Representative to provide this information.

An opportunity was given for citizens to express their views.

Derek Lee, Developer's Representative, responded there will be no buffer between the proposed and the connection to the South Creek Greenway Trail. He stated the trail will be easily accessible.

Councilman Schilling asked for clarification on traffic access to the proposed. Mr. Lee responded traffic will access the proposed on Sunset Street.

Councilwoman Fulnecky asked if any complaints or concerns were received from neighborhoods north of the proposed. Mr. Lee responded in the negative.

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

**Rezoning
1220 East Lark
Street with Planned
Development
District 360.**

Sponsor: Fishel. Council Bill 2017-292. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 3.2 acres of property, generally located at 1220 East Lark Street from Planned Development District No. 84 to Planned Development District No. 360; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommended approval). (By: State Bank of Southwest Missouri, Inc., 1220 East Lark Street; Planned Development 360.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She stated the Growth Management and Land Use Plan identifies this area as appropriate for medium intensity retail, office or housing. Ms. Smith noted the existing and proposed planned developments are consistent with General Retail zoning. She stated the proposed is for construction of a hotel on the southern portion of the lot. Ms. Smith noted the proposed planned development limits inappropriate uses and prohibits all conditional uses. She stated grass pavers will be used for a portion of off-street parking, and will be counted towards interior landscaping and open space. Ms. Smith noted a detention basin will be required on the northern lot. She stated changes to the existing planned development include permitting temporary lodging, reducing off street parking requirements, and removal of bufferyard requirements.

An opportunity was given for citizens to express their views.

Geoff Butler, Developer's Representative, spoke in favor of the proposed. He stated two neighborhood meetings were held, with one property owner in attendance, who expressed no objections to the proposed.

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

**Rezoning 2300
North Kansas
Expressway and
1500 West Kearney
Street with
Conditional Overlay
District No. 24.**

Sponsor: Ferguson. Council Bill 2017-293. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.1 acres of property, generally located at the 2300 block of North Kansas Expressway and North Bolivar Road and the 1500 block of West Kearney Street and Turner from HC, Highway Commercial District with Conditional Overlay District No. 24 and R-SF, Single-Family Residential District, to HC, Highway Commercial District and establishing Conditional Overlay District No. 137; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommended approval). (By: Kansas & Kearney Intersection CTR; 2300 blocks of North Kansas Expressway and North Bolivar Road and 1500 block of West Kearney Street; Z-32-2017 & Conditional Overlay District No. 137.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She stated the Growth Management and Land Use Plan has identified the northern portion of the proposed as appropriate for medium intensity retail, office or housing and the southern portion appropriate for low density housing. Ms. Smith noted the Growth Management and Land Use Plan encourages community scale commercial centers on primary arterials, near the intersections of primary or secondary arterials, expressways or freeways. She stated MoDOT requires approval of a traffic study, installation of a right-in turn lane from Kansas Expressway to Turner Street, a right-out acceleration lane from Turner Street to Kansas Expressway, intersection improvements, and on-site stormwater detention. Ms. Smith noted additional requirements of Conditional Overlay District 137 include prohibited uses, a 15-foot bufferyard on Turner Street, a lot combination, and an alley vacation.

Councilman Schilling asked for clarification on the businesses to be located in the proposed. Mary Lilly Smith deferred to the Developer's Representative to provide this information.

An opportunity was given for citizens to express their views.

Brett Roubal, Developer's Representative, spoke in favor of the proposed. He expressed his opinion the bufferyard requirements will ensure the proposed does not negatively impact the surrounding neighborhoods. He stated required infrastructure improvements have been approved by MoDOT, and tenant leases have not been secured for space within the proposed.

Councilwoman Ferguson noted she attended the neighborhood meeting and property owners expressed no concerns or complaints with the proposed.

Councilwoman Fulnecky asked for clarification on the bufferyard between the proposed and single-family residences. Mr. Roubal responded the stated bufferyard between the proposed and single-family residences surrounding the proposed is approximately 75 feet.

Councilman Hosmer asked for clarification on the approval, by a narrow margin, at the Planning and Zoning Commission meeting. Mr. Roubal expressed his opinion members of the Planning and Zoning Commission were concerned with extending the Highway Commercial zoning from Kearney Street to Turner Street.

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

The following bills appeared on the agenda under First Reading Bills:

City Code, Chapter 106, Section 106-199, Seat belt regulations.

Sponsor: Fishel, Fisk, and Hosmer. Council Bill 2017-294. A general ordinance amending Springfield City Code, Chapter 106 - 'Traffic and Vehicles,' Article V. - 'Operation,' Division 1. - 'Generally,' Section 106-199. - 'Seat belt regulations,' by removing the language prohibiting a violation of this section to be the basis for a vehicle stop by law enforcement officers. (Plans and Policies Committee recommends approval).

Danett Padgett, Assistant City Attorney, gave a brief overview of the proposed. She stated current ordinances require a Springfield Police Officer to have probable cause, other than not wearing a seat belt, to stop a motor vehicle in Springfield. Ms. Padgett noted in the proposed a Springfield Police Officer can stop a motor vehicle for not wearing a seat belt without another probable cause. She stated 31 states, and the District of Columbia, have primary seat belt enforcement laws, based on statistics collected from the Missouri Department of Transportation and the National Transportation Safety Board. Ms. Padgett noted these statistics indicate seat belts save lives. She stated Missouri is currently a secondary seat belt state with high fatality rates sustained due to motorists and passengers not wearing seat belts. Ms. Padgett noted of the 853 traffic accident deaths in 2015, 63 percent were not wearing a seat belt. She stated 60.4 percent of passengers not wearing a seat belt in motor vehicle crashes were fatalities. Ms. Padgett noted these statistics do not include injuries sustained by failure to wear a seat belt. She stated nothing in State statutes prohibits the City of Springfield from enacting a primary seat belt enforcement ordinance. Ms. Padgett noted 51 Missouri cities and counties have adopted a primary seat belt enforcement ordinance.

Councilwoman Fulnecky asked for clarification on the percentage of motorists wearing seat belts and number of fatalities in motor vehicle crashes in Springfield, when a seat belt was not worn. Danett Padgett responded she does not have this information. She stated her statistics are based on motor vehicle crash fatalities in Missouri.

Paul Williams, Chief of Police, noted approximately 50 percent of motor vehicle crash fatalities in Springfield, over the past five years, were from unrestrained motorists and passengers.

Councilwoman Fulnecky asked why the proposed is coming before City

Council. Chief Williams responded Councilman Hosmer requested the issue of primary seat belt enforcement be referred to the Plans and Policies Committee for consideration. He stated the Plans and Policies Committee reviewed a primary seat belt enforcement ordinance, and approved forwarding the proposed to City Council for consideration and approval.

Councilwoman Ferguson asked for clarification on Line 45 and Line 46 related to medical reasons for not wearing a seat belt. Chief Williams responded he does not have this information. Frank Romines, City Attorney, noted medical reasons on Line 45 and Line 46 are not clearly defined to allow Springfield Police Officers the discretion to enforce this ordinance section.

Councilwoman Fulnecky asked if City Staff is confident a primary seat belt enforcement ordinance will reduce motor vehicle crash fatalities. Chief Williams responded in the affirmative. He stated state and national statistics indicate primary seat belt enforcement ordinances reduce the number of fatalities in motor vehicle crashes.

Councilman Ollis asked if the proposed primary seat belt enforcement ordinance will be a tool in reducing high profile crime in Springfield. Chief Williams responded traffic enforcement and crime prevention are two separate components within the Springfield Police Department.

Mayor McClure asked for clarification on RSMo. Section 307.178 and the City of Springfield's authority to enact a primary seat belt enforcement ordinance. Danett Padgett responded the Missouri Court of Appeals determined the language referenced in Section 307.178 only applies to enforcement of the State statute on traffic and Section 307.178 was only applicable to the enforcement of the 307 statutes of State law and is not intended to prohibit municipalities from adopting primary seat belt enforcement ordinances.

Chief Williams noted in 2014, when handing down the City of St. John v. Brockus decision, the Missouri Court of Appeals determined municipalities can adopt more restrictive ordinances than State statutes.

Councilwoman Fulnecky expressed her opinion the Springfield Police Department should develop a comprehensive plan to focus on crime prevention.

Chief Williams noted crime prevention staffing will not change with the approval of the primary seat belt enforcement ordinance. He stated the proposed will be another tool in reducing motor vehicle crash fatalities.

Councilwoman Fulnecky expressed her opinion efforts in combating rising property crime should be conveyed to the community.

Councilman Hosmer noted he has reviewed the Missouri Court of Appeals decision in the City of St. John v. Brockus case and expressed his opinion the City of Springfield is not prohibited from adopting the proposed.

Councilman Hosmer asked if more of a Springfield Police Officer's time is required in working a motor vehicle crash with fatalities. Chief Williams responded in the affirmative. He stated specially trained investigators work motor vehicle crashes with fatalities.

Councilman Prater asked if approval of the proposed will negatively impact crime prevention. Chief Williams responded in the negative.

Councilman Ollis stated he would like to meet to review recent crime statistics to better understand current crime prevention strategies. Chief Williams responded he will schedule this meeting.

An opportunity was given for citizens to express their views.

Mr. Kurt Lawson spoke in favor of the proposed. He expressed his opinion statistics have proven a primary seat belt enforcement ordinance reduces fatalities in motor vehicle crashes and saves the lives of young drivers.

Councilwoman Fulnecky requested Mr. Lawson email his statistics and supporting documents to the City Clerk for distribution to City Council.

Dr. James Carmichael spoke in opposition to the proposed. He expressed his opinion people should have the freedom to choose if they want to wear seat belts and seat belts increase neck and back injuries. Dr. Carmichael provided written comments and statistics to the City Clerk for distribution to City Council.

Councilman Prater asked if Dr. Carmichael had treated patients in an emergency room setting, due to injuries sustained in a motor vehicle crash. Dr. Carmichael responded in the negative.

Councilwoman Fulnecky asked Dr. Carmichael for clarification on his statistics for Springfield in 2015, citing 5,689 motor vehicle crashes with 19 deaths reported. Dr. Carmichael responded this statistical information was obtained from his internet research.

Councilman Hosmer asked Dr. Carmichael what field of medicine he practices. Dr. Carmichael responded he is a chiropractor.

Dr. Eric Luehr, Trauma Surgeon, Mercy Springfield, spoke in support of the proposed. He stated Mercy Springfield admits approximately 750 patients annually, due to auto accidents, with over 50 percent of those being unrestrained drivers and passengers. Dr. Luehr expressed his professional opinion unrestrained drivers and passengers are much more likely to die from their injuries in a motor vehicle crash than restrained drivers.

Councilwoman Fulnecky asked Dr. Luehr for clarification on the statistics he presented. Dr. Luehr responded approximately 750 patients are admitted annually, with significant injuries requiring hospitalization, due to auto accidents. He stated, of those patients, over 50 percent are unrestrained drivers and passengers.

Mr. Steve Sexton spoke in opposition to the proposed. He expressed his opinion the Springfield Police Department should focus on more important priorities, such as removing drug houses and crime prevention.

Springfield Fire Chief, David Pennington, spoke in support of the proposed. He stated he has worked thousands of motor vehicle accidents, and the injuries of unrestrained drivers and passengers were significantly worse than those where drivers and passengers were restrained. Chief Pennington stated in his professional opinion seat belts save lives.

Mr. Tim Havens spoke in opposition to the proposed. He expressed his opinion the proposed will not achieve desired results and will result in negative consequences when Springfield Police Officers, who are already understaffed, stop drivers.

Councilwoman Fulnecky requested Mr. Havens give his written comments to the City Clerk for distribution to City Council.

Mr. Jim Blaine, Chair, Springfield DWI Task Force, spoke in support of the proposed. He expressed his opinion seat belts save lives and reduce injuries sustained in motor vehicle accidents.

There being no further appearances, the discussion was closed.

Councilwoman Fulnecky asked for clarification on the number of traffic accidents and fatalities in Springfield each year. Chief Williams responded he will provide this information to City Council.

**James River
Interceptor Sewer
Gate Replacement
Project**

Sponsor: Fulnecky. Council Bill 2017-295. A special ordinance approving the plans and specifications for the James River Interceptor Sewer Gate Replacement Project, generally located at Kissick Avenue and Lake Springfield Park Road; accepting the bid of Oke-Thomas and Associates, Inc., in the amount of \$236,750.00 for the project; and authorizing the City Manager, or his designee, to enter into a contract for said improvement.

Steve Meyer, Director, Environmental Services, gave a brief overview of the proposed. He stated the proposed is to accept the low bid for the James River Interceptor Sewer Replacement Project. Mr. Meyer noted the trunk sewer main crosses under Lake Springfield, in three locations, and there are parallel trunk sewer mains at each crossing, so maintenance can occur on a main, while diverting sewage flow through a parallel main. He stated mechanical sluice gates were installed on both ends of each main, at each crossing location, so flow could be diverted. Mr. Meyer noted this project will replace the twelve sluice gates and will be funded within the Environmental Services Operating Budget. He stated Environmental Services is requesting a second reading at a Special City Council Meeting on December 19, 2017, to move forward quickly on this project.

Mayor McClure asked why this Council Bill has not appeared on a previous agenda. Steve Meyer responded the project plans were just finalized.

Mayor McClure asked when the bids were received for the proposed. Steve

Meyer responded the bid opening was November 14, 2017.

Councilwoman Ferguson asked for clarification on the low bid received. Steve Meyer responded the contractor has an excellent reputation, and has worked with the City of Springfield on many projects.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

**National Avenue
and Bennett Street
Signal Replacement
Project - Plan No.
2017PW0020T**

Sponsor: Prater. Council Bill 2017-296. A special ordinance approving the plans and specifications for the National Avenue and Bennett Street Signal Replacement Project, generally referred to as Plan No. 2017PW0020T; accepting the bid of Ewing Signal Construction, LLC, in the amount of \$102,324.70 for said project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Tom Dancey, Traffic Engineer, Public Works, gave a brief overview of the proposed. He stated the proposed is for replacement of traffic signals at National Avenue and Bennett Street, which were installed in 1969. Mr. Dancey noted improvements include audible signals and upgrades to ADA sidewalk ramps. He stated both bids were below the Engineer's Estimate. Mr. Dancey noted the anticipated start date is February 1, 2018 with a 45-day construction period.

Councilwoman Ferguson asked how businesses and traffic flow will be impacted during construction. Tom Dancey responded the contractor will be responsible for maintaining traffic flow and signals during construction, with minimal lane closures.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

**Joint Sanitary
Sewer District No.
171 of Section 11 -
3100 West
Sunshine Street**

Sponsor: Fisk. Council Bill 2017-297. A special ordinance establishing rates for future assessments of special tax bills to pay for the cost of the construction of Joint Sanitary Sewer District No. 171 of Section 11, located in the general vicinity of the 3100 Block of West Sunshine Street in Springfield, Missouri; and declaring that special tax bills will be levied and assessed in the future against all lots, blocks, and parcels of ground which are served by the sanitary sewers constructed in said Joint Sanitary Sewer District No. 171 of Section No. 11 when such properties are included in a sewer district.

Steve Meyer, Director, Environmental Services, gave a brief overview of the proposed. He stated this project will provide a joint trunk line into the area where future sewer districts can be constructed to provide sewer service for each tract of land within the Joint Sanitary Sewer District boundary. Mr. Meyer noted City Council has provided the City Sewer Financial Assistance Program to residents to assist in relieving the burden of sewer tax bills in this District. He stated the Joint District will be constructed to provide sewer for properties in the District and 11 properties within Joint Sanitary Sewer District 171A of Section 11, which will remove eight septic tanks within the City of Springfield. Mr. Meyer noted the Joint District will also provide an opportunity for over 12 properties, outside the City of Springfield, to connect

to the Joint Sanitary Sewer District and remove septic systems in the County.

Councilman Hosmer asked if a property's tax assessment is based on the property's boundary frontage. Steve Meyer responded in the negative. He stated a property's tax assessment is based on the square footage of the property.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

**City Code, Chapter
2, Section 2-271
Power and Duties -
Citizen Tax
Oversight
Committee**

Sponsor: Hosmer. Council Bill 2017-298. A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' Article IV, 'Boards, Commissions and Committees,' Section 2-271. - 'Powers and duties,' by changing the frequency of reports by the Citizens' Tax Oversight Committee.

Frank Romines, City Attorney, gave a brief overview of the proposed. He stated with the approval of the Level Property Tax continuation, the Citizen's Tax Oversight Committee (CTOC) voted on November 21, 2017 to recommend City Council modify CTOC's reporting duty, requiring only one annual report.

Councilwoman Fulnecky asked for clarification on the reporting requirements of the Citizen's Tax Oversight Committee. Frank Romines responded CTOC provides general oversight for tax expenditures and currently reports to City Council twice a year on those expenditures. He stated the proposed modifies the reporting requirement one report annually.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

**Level Property Tax
Operating Fund -
Fire Station Number
#13**

Sponsor: Ollis. Council Bill 2017-299. A special ordinance amending the budget of the City of Springfield for Fiscal Year 2017-2018, in the amount of \$750,000, to appropriate a portion of the funds currently in the Level of Property Tax-Debt Service Fund reserve to the new Level Property Tax-Operating Fund for land purchase expenses for Fire Station Number #13 and the purchase of a new fire apparatus.

Collin Quigley, Assistant City Manager, gave a brief overview of the proposed.

He stated the citizens of Springfield voted on November 7, 2017 to continue the Level Property Tax to support City Council's priorities of Public Safety, Fiscal Sustainability, and Economic Vitality. Mr. Quigley noted the outcome of the Level Property Tax vote could not be predicted during the development of the Fiscal Year 2017-2018 budget so funds were not appropriated. He stated the proposed will amend the Fiscal Year 2017-2018 Budget to appropriate funds from the Level Property Tax to begin the lengthy process of acquiring a fire apparatus, and to appropriate funds for land purchase expenses related to the new Fire Station #13. Mr. Quigley noted the proposed is consistent with published educational materials and presentations regarding the use of the Level Property Tax.

Councilwoman Fulnecky asked how priorities of the Level Property Tax were

established. Collin Quigley responded City Staff identified immediate and long-term facilities, equipment, deferred maintenance, and public safety staffing needs. Mr. Quigley noted these priorities were presented at a City Council Lunch and Special Ordinance 26945 was approved by City Council on August 29, 2017. He stated the priorities of the Level Property Tax will address Public safety, Fiscal Sustainability and Economic Vitality.

Councilwoman Fulnecky requested a Level Property Tax project update report be presented to City Council quarterly. Collin Quigley responded any requested appropriation of funds from the Level Property Tax will be presented to City Council for consideration and approval in Fiscal Year 2018. He stated additional Level Property Tax appropriations will be included in the Fiscal Year 2019 Budget review for City Council's review and approval.

Councilwoman Ferguson requested clarification on the \$550,000.00 expenditure for fire equipment in the proposed. Collin Quigley responded this expense is for a fire engine, which takes approximately one year to build.

An opportunity was given for citizens to express their views. There being no appearances, the discussion was closed.

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

NEW BUSINESS

Recommended

The Mayor recommends the following appointment to the Springfield Convention & Visitors Bureau, Inc: Joe Wadkins with a term to expire January 1, 2021.

Recommended

The Mayor recommends the following reappointments to the Springfield Convention & Visitors Bureau, Inc: Daniel Reiter and Paul Sundry with terms to expire January 1, 2021.

Referred

Refer the issue of Animal Licensure to the Plans and Policies Committee.

Referred

Refer the Comprehensive Plan Process to the Community Involvement Committee.

Referred

Refer the issue of Police and Fire Income Verification to the Finance and Administration Committee.

Records Destruction

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

UNFINISHED BUSINESS

MISCELLANEOUS

CONSENT AGENDA FIRST READING BILLS

Annexation of 2759 West Republic Street - Annexation A-4-17

Sponsor: Schilling. Council Bill 2017-300. A resolution declaring the intent of the City of Springfield to annex approximately 1.4 acres of private property and approximately 0.4 acres of Greene County right-of-way, which annexation has been petitioned by the property owners, generally located at 2759 West Republic Street and referenced as Annexation A-4-17.

*Council Bill 2017-300. Resolution 10349 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, Fulnecky, and McClure. Nays: None. Absent: None. Abstain: None.

***Clerk's Note:** Council Bill 2017-300 was incorrectly placed under the heading of Consent Agenda First Reading Bills. Council Bill 2017-300 is a resolution only requiring one reading and as such should have been placed under Consent Agenda One Reading Bills and therefore is deemed to have passed at the December 11, 2017 City Council Meeting. The Law Department has reviewed this and is in agreement with this opinion.

Dedication of Public Streets - 611 West Sunset Street

Sponsor: Schilling. Council Bill 2017-301. A special ordinance authorizing the Director of Planning and Development to accept dedication of the public streets and easements to the City of Springfield as shown on the Preliminary Plat of Coryell At Sunset subdivision, generally located at 611 West Sunset Street, 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. (Planning and Zoning Commission recommends approval and staff recommends that City Council accept the public streets and easements).

CONSENT AGENDA ONE READING BILLS

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

Trunked Radio System Participation Agreement

Sponsor: Fisk. Council Bill 2017-288. A special ordinance authorizing the City Manager, or his designee, to enter into the ninth amendment to the 800 MHz Trunked Radio System Participation Agreement.

Council Bill 2017-288. Special Ordinance 26982 was approved by the following vote: Ayes: Ferguson, Schilling, Prater, Fishel, Fisk, Hosmer, Ollis, Fulnecky, and McClure. Nays: None. Absent: None. Abstain: None.

Confirmed

Confirm the following appointments to the Board of Public Utilities: Mark Millsap, Nancy Williams, and Donald Woody, with terms to expire December 1, 2020.

Confirmed

Confirm the following reappointment to the Board of Public Utilities: Joseph Reynolds with a term to expire December 1, 2020.

Confirmed

Confirm the following appointment to the Airport Board: Marteze "Tez" Ward to fill the unexpired term of Tom Babik. Mr. Ward's term will expire June 1,

2018.

END OF CONSENT AGENDA.

Adjourn

There being no further business, the meeting adjourned at approximately 8:45 p.m.

Prepared by
Kris Wright

Anita J. Cotter, CMC/MRCC
City Clerk

DRAFT