

June 4, 2018
Springfield, Missouri

The City Council met in regular session June 4, 2018 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: Jan Fisk, Craig Hosmer, Richard Ollis, Kristi Fulnecky, Phyllis Ferguson, Matthew Simpson, Tom Prater, Mike Schilling and Ken McClure. Absent: None.

Minutes There being no additions, deletions, or corrections, the minutes of the May 21, 2018 City Council meeting and the May 21, 2018, May 22, 2018 and May 29, 2018 Special City Council meetings were approved as presented.

Consent Agenda The Consent Agenda was approved as presented.

CEREMONIAL MATTERS

City Manager's Report

Greg Burris, City Manager, congratulated and welcomed Jason Gage to the City of Springfield and wished him luck. Mr. Burris noted questions from the previous City Council meetings regarding an increase in the self-insurance fund and money spent on sidewalks in previous years are at the places of Council. He stated the Convoy of Hope Springfield Event was a success and thanked those who helped and participated in the event. Mr. Burris noted the Convoy of Hope Springfield event served 4,177 guests, 1880 volunteers, 9,000 meals prepared, 10,192 grocery bags, 26 participating churches, 750 vision and glasses, 160 health screenings, 185 haircuts, 328 family portraits, 1,164 community guests served, 264 job and career guests served, 1,560 children's shoes, 725 children and 264 veterans. He stated competitors from around the state gathered at Missouri State University for the Special Olympics of Missouri Annual Games for the fourth consecutive year in a row. Mr. Burris noted more than 1,100 athletes and coaches participated. He stated the Flame of Hope was carried by officers from around the state with the Law Enforcement Torch Run to kick off the games. Mr. Burris noted Mayor McClure welcomed the athletes and thanked 911 Director Zim Schwartz and the many City of Springfield employees who volunteered their time. He stated Mayor McClure will deliver an address at the 2018 State of the City on June 7, 2018 at 7:30 a.m. during the Springfield Area Chamber of Commerce Good Morning Springfield Series. Mr. Burris noted Councilwoman Ferguson will host a Town Hall Meeting on Thursday, June 14, 2018 at Tom Watkins Park at 6:00 p.m.

Councilwoman Ferguson noted there will be ribbon cutting held at 7:30 p.m. at the Zone 1 Town Hall Meeting for the new playground equipment and the half-mile walking trail which was made possible through Housing and Urban Development (H.U.D.) funds. Mr. Burris responded it was one of the many successes from the H.U.D. funds.

Councilman Ollis stated he did not receive a copy of Doug Stone's memo regarding self-insurance funds. Mr. Burris responded he would provide a copy to Mr. Ollis.

Councilman Simpson expressed his appreciation for the Springfield Police Department regarding the recent Springfield Police Department Lateral Academy Graduation Ceremony.

Mayor McClure expressed his appreciation for the work the Convoy of Hope has provided. Mayor McClure noted he is pleased the Special Olympics of Missouri will be held here in Springfield, Missouri in 2019.

SECOND READING AND FINAL PASSAGE.

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

Preliminary Tax Levy on Real and Personal Property for Fiscal Year 2018-2019

Sponsor: Fisk. Council Bill 2018-123. A special ordinance setting a preliminary tax levy on real and personal property for current expenses and debt retirement of the City of Springfield, Missouri, and its boards and agencies for Fiscal Year 2018-2019; and declaring an emergency.

Council Bill 2018-123. Special Ordinance 27054 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Fulnecky, Ferguson, Simpson, Prater, Schilling and McClure. Nays: None. Absent: None. Abstain: None.

Adopting a Budget for Fiscal Year 2018-2019

Sponsor: McClure. Council Bill 2018-124. A special ordinance adopting a budget for the City of Springfield, Missouri, for Fiscal Year July 1, 2018, through June 30, 2019, providing that certain amounts shown in the budget document are appropriated for the various departments specified in said budget, and declaring an emergency.

Councilwoman Fulnecky asked about the \$7 million increase in the taxes line item in the budget. David Holtmann, Director of Finance, asked if the section she is asking about is within the summary. Ms. Fulnecky responded in the affirmative. Mr. Holtmann responded there is growth in all four sections of sales tax.

Councilwoman Fulnecky asked if the capital projects increase is because of the Level Property Tax. Mr. Holtmann responded there is some increase from the Level Property Tax. He stated a portion of the increase is when the street projects begin through the ¼ Cent and 1/8 Cent Sales Tax.

Councilwoman Fulnecky asked why there is an increase under the clean water portion. Mr. Holtmann responded it is because of the overflow project for additional capital expenses.

Councilwoman Fulnecky asked about the increase in the solid waste budget. Mr. Holtmann responded there is an increase in operation.

Councilwoman Fulnecky asked if it is an increase in fees. Mr. Holtmann responded their revenue is generated by user fees.

Council Bill 2018-124. Special Ordinance 27055 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Ferguson, Simpson, Prater, Schilling and McClure. Nays: Fulnecky. Absent: None. Abstain: None.

Lease Agreement with the Agricultural and Mechanical Society of Springfield, Missouri

Sponsor: Ollis. Council Bill 2018-125. A special ordinance authorizing the City Manager, or his designee, to enter into an Addendum to the Amended and Restated Lease Agreement with the Agricultural and Mechanical Society of Springfield, Missouri, (“the Fair Board”) for the purpose of allowing the sale and serving of alcohol in additional areas during the annual Ozark Empire Fair, provided the Fair Board has a valid liquor license allowing service in such areas and complies with certain other requirements.

Council Bill 2018-125. Special Ordinance 27056 was approved by the following vote: Ayes: Fisk, Ollis, Fulnecky, Ferguson, Simpson, Prater, Schilling and McClure. Nays: Hosmer. Absent: None. Abstain: None.

Cost Sharing Agreement with Willard Public Schools

Sponsor: Ferguson. Council Bill 2018-127. A special ordinance authorizing the City Manager, or his designee, to enter into a cost-sharing agreement with Willard Public Schools for the purpose of constructing turn lane additions on Mount Vernon Street and Miller Avenue; and amending the budget of the Department of Public Works for Fiscal Year 2017-2018 in the amount of \$130,520.68 to appropriate the contribution to be received from Willard Public Schools pursuant to said cost-sharing agreement.

Council Bill 2018-127. Special Ordinance 27057 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Fulnecky, Ferguson, Simpson, Prater, Schilling and McClure. Nays: None. Absent: None. Abstain: None.

Mount Vernon Street and Miller Avenue Project

Sponsor: Simpson. Council Bill 2018-128. A special ordinance approving the plans and specifications for the Mount Vernon Street and Miller Avenue Project; accepting the bid of APAC-Central, Inc., in the amount of \$212,421, for said project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Council Bill 2018-128. Special Ordinance 27058 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Fulnecky, Ferguson, Simpson, Prater, Schilling and McClure. Nays: None. Absent: None. Abstain: None.

Scenic Sidewalk Project

Sponsor: Hosmer. Council Bill 2018-129. A special ordinance approving the plans and specifications for the Scenic Sidewalk Project; accepting the bid of Woody's Express Trucking, LLC, in the amount of \$229,883.73 for said project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Council Bill 2018-129. Special Ordinance 27059 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Fulnecky, Ferguson, Simpson, Prater, Schilling and McClure. Nays: None. Absent: None. Abstain: None.

Amending Special Ordinances 26739 and 26740

Sponsor: Fulnecky. Council Bill 2018-130. A special ordinance amending Special Ordinances 26739 and 26740 for the purpose of authorizing the City Manager, or his designee, to exercise any necessary powers, including the execution of any agreements, which are required to complete projects funded by the 1/4-Cent Capital Improvements Sales Tax and the 1/8-Cent Transportation Sales Tax.

Council Bill 2018-130. Special Ordinance 27060 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Fulnecky, Ferguson, Simpson, Prater, Schilling and McClure. Nays: None. Absent: None. Abstain: None.

Watershed Committee of the Ozarks Sponsorship Agreement

Sponsor: Schilling. Council Bill 2018-131. A special ordinance authorizing the City Manager, or his designee, to enter into the Watershed Committee of the Ozarks Sponsorship Agreement for the purpose of continuing to support the drinking water and water quality activities of the Watershed Committee.

Council Bill 2018-131. Special Ordinance 27061 was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Fulnecky, Ferguson, Simpson, Prater, Schilling and McClure. Nays: None. Absent: None. Abstain: None.

RESOLUTIONS

The following bills appeared on the agenda under Resolutions:

**Ozark Empire
Fairgrounds Liquor
License**

Sponsor: Ollis. Council Bill 2018-138. A resolution granting a license to sell retail liquor by the drink, including Sunday sales, to The Greene County Agricultural and Mechanical Society, Inc., d/b/a Ozark Empire Fairgrounds located at 3001 North Grant Avenue, Springfield, Missouri, such license to include all of the fairgrounds within the perimeter fencing.

Mr. Holtmann provided a brief overview of the proposed. He stated the Ozark Empire Fairgrounds currently has two liquor licenses. Mr. Holtmann noted the proposed will allow the Ozark Empire Fairgrounds to combine those licenses and expand the licensed areas to include the full perimeter of the property.

Councilman Hosmer asked if there is a reason the previous licenses limited the license to three specific areas. Mr. Holtmann responded he is unsure if there was a reason it was limited to the three areas. He stated the proposed will allow for the sale within specific closed-in areas.

Councilman Hosmer expressed his concern for the proposed being hard to monitor within the entire premise. Mr. Holtmann responded alcohol will be contained within specified areas.

Councilwoman Fulnecky asked if there is a map outlining the specific areas. Mr. Holtmann responded currently one is allowed in the arena and annex building and one is allowed in the E-Plex building.

Councilwoman Fulnecky asked if the proposed is combining the current areas and expanding to the perimeter. Mr. Holtmann responded in the affirmative.

Councilwoman Fulnecky asked how many entries there are into the property. Mr. Burris responded there are multiple on the North and South sides.

Councilwoman Fulnecky asked if someone would be located at each entrance to ensure alcohol is not leaving the area. Mr. Holtmann responded in the affirmative.

Councilman Ollis asked if the proposed is expanding to the fence. Mr. Holtmann responded in the affirmative. He stated alcohol will only be sold within the designated areas that are allowed to sell alcohol.

Councilman Schilling expressed his opinion the proposed needs further clarification.

Frank Romines, City Attorney, stated if City Council wants to table the proposed for further clarification, they can table the proposed resolution.

Councilman Hosmer expressed his concern the proposed does not match what City Council passed on Council Bill 2018-125.

Councilman Hosmer moved to table Council Bill 2018-138 to the June 18, 2018 City Council Meeting. Councilwoman Fulnecky seconded the motion and it was approved by the following vote: Ayes: Fisk, Hosmer, Ollis, Fulnecky, Ferguson, Schilling and McClure. Nays: Simpson and Prater. Absent: None. Abstain: None.

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

GRANTS

AMENDED BILLS

PUBLIC HEARING

The following bills appeared on the agenda under Public Hearing:

1201 South Campbell Avenue

Sponsor: Schilling. Council Bill 2018-139. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately .89 acres of property, generally located at 1201 South Campbell Avenue from R-SF, Residential Single-Family District to O-1, Office District; and adopting an updated 'Official zoning map.' (Staff and Planning and Zoning Commission recommend approval.) (By: City of Springfield; 1201 South Campbell Avenue; Z-9-2018 (Fire Station #6).)

Mary Lilly Smith, Director of Planning and Development, provided a brief overview of the proposed. Ms. Smith noted the proposed is to rezone Fire Station #6 to allow for an office district.

An opportunity was given for citizens to express their views.

Brad Palmer spoke in favor of the proposed. Mr. Palmer made himself available for questions.

With no further appearances, the public hearing was closed.

3344 East Cherry Street

Sponsor: Prater. Council Bill 2018-140. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5 acres of property, generally located at 3344 East Cherry Street, from GM, General Manufacturing District, to HC, Highway Commercial District, and establishing Conditional Overlay District No. 148. (Staff and Planning and Zoning Commission recommend approval.) (By: HMR Properties, LLP; 3344 East Cherry Street; Z-10-2018 w/COD #148.)

Mary Lilly Smith provided a brief overview of the proposed. Ms. Smith noted the proposed is surrounded by general manufacturing and is adjacent to a highway.

An opportunity was given for citizens to express their views.

Greg Saia spoke in favor of the proposed. Mr. Saia made himself available for questions.

Councilman Ollis asked for the background of the proposed. Mr. Saia noted the prospective owner is Car-Max and they opened their 190th store in April 2018. He stated the proposed is off of Ingram Mill Road and has high visibility from the road.

Councilwoman Fulnecky asked if there is an entrance on Cherry Street. Mr. Saia responded in the negative.

With no further appearances, the public hearing was closed.

Council Bill 2018-141 and Council Bill 2018-142 were read and discussed simultaneously.

2960 East Allen Place

Sponsor: Simpson. Council Bill 2018-141. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.55 acres of property, generally located at 2960 East Allen Place, from R-SF, Residential Single-Family District to GR, General Retail District and establishing

Conditional Overlay District No. 146. (Staff and Planning and Zoning Commission recommend approval.) (By: Greenway Studios, LLC; 2960 East Allen Place; Z-8-2018 w/COD #146 and Conditional Use Permit 435.)

Conditional Use Permit, 2960 East Allen Place

Sponsor: Simpson. Council Bill 2018-142. A special ordinance authorizing the issuance of Conditional Use Permit No. 435 to allow a self-service storage facility in a GR, General Retail District, generally located at 2960 East Allen Place (Staff and Planning and Zoning Commission both recommend approval.)

Mary Lilly Smith provided a brief overview of the proposed. Ms. Smith noted there are two bills, one is a proposal to rezone the area to general retail and the second is a conditional use permit to allow self-storage. She stated the proposed will limit the area to be zoned for commercial off-street parking and self-storage facilities. Ms. Smith noted the proposed self-storage facility will only require three parking spaces.

Councilwoman Fulnecky asked if the City will repair potholes after the development is done on Lone Pine. Dan Smith, Director of Public Works, responded any cuts in the road from the development will be repaired.

Councilman Simpson asked if road improvements will continue to grow as the development grows. Mr. Dan Smith responded in the affirmative.

An opportunity was given for citizens to express their views.

Greg Whitlock spoke in favor of the proposed. Mr. Whitlock responded there was one person at the neighborhood meeting who expressed concern about the road conditions. He stated the development will be addressing the issue through asphalt overlay.

With no further appearances, the public hearing was closed.

601, 615, 645 North West Bypass and 3511 West Waddill Street

Sponsor: Ferguson. Council Bill 2018-143. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 3.35 acres of property, generally located at 601, 615, and 645 North West Bypass and 3511 West Waddill Street, from GM, General Manufacturing District, to HC, Highway Commercial, and establishing Conditional Overlay District No. 149. (Staff and Planning and Zoning Commission recommend approval.) (By: Richard K. Wilson Irrevocable Trust; 601, 615, and 645 North West Bypass and 3511 West Waddill Street; Z-11-2018 w/COD #149.)

Mary Lilly Smith provided a brief overview of the proposed. Ms. Smith stated the proposed is an appropriate zoning for the surrounding area.

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

Council Bill 2018-144 and Council Bill 2018-145 were read and discussed simultaneously.

Chapter 46, Section 46-1

Sponsor: Schilling. Council Bill 2018-144. A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' by annexing approximately 1.3 acres of property into the City of Springfield, Missouri, generally located at 3661 West Sunshine Street, and generally referenced as Annexation A-1-18; and amending the Springfield City Code, Chapter 46, Section 46-1, 'Boundaries of wards, precincts and council zones,' by adding this property to the ward and precinct assigned by the County Clerk.

3661 West Sunshine Street

Sponsor: Schilling. Council Bill 2018-145. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.3 acres of property, generally located at 3661 West Sunshine Street, from County C-2, General Commercial District, to GR, General Retail District, and establishing Conditional Overlay District No. 147. (Staff and Planning and Zoning Commission recommend approval.) (By: Michael & Victor Paulik; 3661 West Sunshine Street; Z-12-2018 w/COD #147.)

Mary Lilly Smith provided a brief overview of the proposed. Ms. Smith stated the proposed is consistent with the comprehensive plan and the Urban Service area philosophy. She noted police and fire have identified no issues and staff recommends approval. Ms. Smith stated an additional right-of-way on Zimmer and sight triangle at Sunshine and Zimmer must be dedicated. She noted sidewalks, curbs and gutters are required and two driveways on Sunshine and two on Zimmer must be closed and lot combination required.

An opportunity was given for citizens to express their views.

David Lyndstrom spoke in favor of the proposed. Mr. Lyndstrom made himself available for questions.

With no further appearances, the public hearing was closed.

FIRST READING BILLS

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

Council Bill 2018-132, Council Bill 2018-133 and Council Bill 2018-134 were read and discussed simultaneously.

Springfield City Code, Chapter 70, 'Licenses, Permits and Miscellaneous Business Regulations'

Sponsor: Hosmer. Council Bill 2018-132. A general ordinance amending Springfield City Code, Chapter 70, 'Licenses, Permits and Miscellaneous Business Regulations,' Article III, 'Administration, Investigation and Collection Procedures for Licenses, Taxes and Permits,' Division 3, 'Collection Procedures,' Section 70-151, 'Purpose of Division,' by allowing waiver of collection procedures by the Director of Finance in specified circumstances.

Springfield City Code, Chapter 1, 'General Provisions'

Sponsor: Fisk. Council Bill 2018-133. A general ordinance amending Springfield City Code, Chapter 70, 'Licenses, Permits and Miscellaneous Business Regulations,' Article III, 'Administration, Investigation and Collection Procedures for Licenses, Taxes and Permits,' Division 3, 'Collection Procedures,' Section 70-151, 'Purpose of Division,' by allowing waiver of collection procedures by the Director of Finance in specified circumstances.

Springfield City Code, Chapter 1, 'General Provisions'

Sponsor: Fisk. Council Bill 2018-134. A general ordinance amending Springfield City Code, Chapter 1, 'General Provisions,' by enacting Section 1-14, 'Enforcement; Attorney Fees,' describing enforcement provisions and providing that the City's costs and attorney fees shall be paid by persons determined to have violated the City Code.

Tom Rykowski, Assistant City Attorney, provided a brief overview of the proposed. Mr. Rykowski stated the first proposed ordinance would allow the Director of Finance to waive collection procedures in specified circumstances.

Councilwoman Ferguson asked how many businesses would be affected by the waiver. Mr. Holtmann responded it is a small amount of businesses, however the financial impact could potentially be large.

Mr. Rykowski stated the second proposed ordinance sets a policy which allows the City to automatically not enforce State or Federal Law when a ruling is made stating something can no longer be a law. He stated the proposed expresses a policy the City will not enforce illegal or unconstitutional ordinances.

Councilwoman Fulnecky asked why the City needs an ordinance instead of an internal policy. Mr. Romines responded when the City is involved in a litigation it would allow the City to continue with litigation and show the City has an ordinance in place.

Councilman Hosmer asked if laws that are allowed to be “grandfathered in” would be affected by the proposed. Mr. Rykowski responded in the negative.

Mr. Rykowski stated the third proposed ordinance allows City Staff to ask City Council to pursue costs incurred from attorney fees in appropriate cases.

Councilwoman Fulnecky asked what instances the City is able to recover attorney fees. Mr. Rykowski responded the City could use it in any enforcement action of the code such as telecom taxes, lien collections and attorney fees related to dangerous buildings or if the City needs to hire outside counsel.

Councilman Schilling asked how much is being spent on attorney fees. Mr. Romines responded most code violations do not require outside counsel so there is no external cost, however there is an internal cost. He stated if City Council is willing to go forward with the proposed, the costs incurred through the Law Department can be tracked.

Councilman Schilling asked if additional staff could be hired for the attorney fees instead of hiring outside counsel. Mr. Romines responded most code violations do not require outside counsel.

Councilman Schilling asked for examples of other municipalities who use this system. Mr. Rykowski responded other cities use it and have found no evidence of it being challenged. He stated if the City was to currently ask for attorney fees to be recovered, the courts would dismiss the request. Mr. Rykowski noted the proposed would allow the City to recover those costs in appropriate cases.

Councilman Schilling expressed his concern for the proposed.

Councilman Prater asked if the proposed is to not spend taxpayer’s money and to ask the court to direct court costs incurred. Mr. Romines responded in the affirmative and stated it would only be for appropriate cases.

Councilman Hosmer asked if the State has the ability to recover some attorney fees. Mr. Rykowski responded in the affirmative.

Councilman Hosmer asked if the proposed was passed would the City need to win the issue in a court case then the court would have to approve any attorney’s fees recovered. Mr. Rykowski responded in the affirmative.

Councilwoman Fulnecky asked for additional information on specific cases it would be used on. Mr. Rykowski responded he would provide the information to City Council.

Councilwoman Fisk said she would like to see specific parameters on when the City would try to

recover attorney fees.

Councilwoman Fisk asked if there is a guideline on how much an individual would be charged in the event the City recovers the fees. Mr. Romines responded the court would have to approve any awarded amount and be reasonable for the court to award such fees.

Councilwoman Ferguson asked if there is a cut-off fee once a certain threshold is met for the other municipalities who utilize this type of recovery. Mr. Romines responded many of the municipalities who recover fees do not have a cut off fee. He stated he will provide additional information to City Council.

Councilwoman Fulnecky expressed her concern for the proposed.

An opportunity was given for citizens to express their views.

Isabelle Walker spoke in opposition of the proposed. Ms. Walker expressed her concern for the vagueness of the proposed. Ms. Walker asked for the proposed to be sent to committee.

Todd Thomas spoke in opposition of the proposed. Mr. Thomas expressed his concern for the proposed. Mr. Thomas asked for the proposed to be sent to committee.

Councilman Simpson asked for names of the municipalities who use external collectors for those fees. Mr. Thomas responded they are included in the files Ms. Isabelle Walker provided.

With no further appearances, the discussion was closed.

**Agreement with
Springfield
Convention and
Visitors Bureau, Inc.**

Sponsor: Ollis. Council Bill 2018-146. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Springfield Convention and Visitors Bureau, Inc., in the amount of \$3,567,400, which authorizes the budget and marketing plan for Fiscal Year 2018-2019 to promote travel and tourism within the City of Springfield.

Tracy Kimberlin, President of the Springfield Convention and Visitors Bureau, provided a brief overview of the proposed. Mr. Kimberlin stated the proposed is similar to past contracts. He noted the budget is down slightly compared to last year. Mr. Kimberlin stated there will be a revision in the budget to come forward to City Council due to an increase in the budget which was passed through legislature and will add approximately \$100,000 to the Springfield Convention and Visitors Bureau's budget. Mr. Kimberlin made himself available for questions.

Councilwoman Fulnecky asked if \$2 million of the \$3.5 million is used for marketing. Mr. Kimberlin responded in the affirmative.

Councilwoman Fulnecky asked for the status of the convention center and asked if the money spent on marketing can be used to begin building the convention center. Mr. Kimberlin responded the convention center would need to be marketed and expressed concern for using marketing funds to buy a convention center that cannot be advertised. Mr. Kimberlin stated there are ways to finance the convention center. Mr. Kimberlin noted the Springfield Convention and Visitors Bureau is currently working on it however it is currently in a confidential state.

Councilwoman Fulnecky asked if it is anticipated City Council will have an update soon on the status of the convention center. Mr. Kimberlin responded in the affirmative.

Councilman Simpson expressed his appreciation for the Springfield Convention and Visitors Bureau.

Councilwoman Fisk asked if the Springfield Convention and Visitors Bureau has to spend money to counteract negative things being said about the City of Springfield regarding crime rates. Mr. Kimberlin responded in the affirmative. He stated the Springfield Convention and Visitors Bureau has been working to offset the negative impressions.

Councilwoman Fisk asked for the monetary amount spent on repairing poor publicity. Mr. Kimberlin responded he does not have a number and said the Springfield Convention and Visitors Bureau tries to offset negative impressions through social media.

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

**Agreement with
Greater Springfield
Area Sports
Commission, Inc.**

Sponsor: Fulnecky. Council Bill 2018-147. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Greater Springfield Area Sports Commission, Inc., in the amount of \$85,350 to promote the attraction of sporting events for the community.

Tracy Kimberlin provided a brief overview of the proposed. Mr. Kimberlin stated the proposed is similar to contracts approved previously other than the dates and the insurance amounts are different. He noted the City retains a six percent collection fee when a room tax is collected and a portion is given to the Arts Council and a portion given to the Greater Springfield Area Sports Commission in the amount of \$85,000. Mr. Kimberlin stated the Greater Springfield Area Sports Commission is responsible for booking sporting events such as the National Christian Home School Basketball Championship. He noted the Greater Springfield Area Sports Commission provides an annual report to City Council and must be provided within 60 days after completion of the previous contract. Mr. Kimberlin made himself available for questions.

Councilman Hosmer asked if the Greater Springfield Area Sports Commission works with the Springfield-Greene County Park Board to determine the economic impact on the City not having an indoor sporting facility. Mr. Kimberlin responded there has not been a study done. He stated they are discussing plans for future facilities.

Councilman Hosmer asked what the cost would be for the Springfield-Greene County Park Board and the Greater Springfield Area Sports Commission to do a study to determine how much money and opportunities the City is missing out on by not having an indoor sporting facility. Mr. Kimberlin responded the Greater Springfield Area Sports Commission would need to discuss with the Springfield-Greene County Park Board to begin gathering a cost estimate.

Councilwoman Ferguson asked if there is a similar championship such as the National Christian Home School Basketball Championship for soccer the City could host and what would it take to have an indoor soccer facility. Mr. Kimberlin responded the challenge with soccer is Lake Country Soccer facility does not have turf and is not illuminated. He stated Overland Park has over 11 fields with turf and illumination that are not affected by weather and most organizations want to go to fields where weather and lighting is not an issue.

Councilman Simpson asked for a study to be done on the economic impact of an indoor facility. Mr. Kimberlin responded he would provide the information to City Council.

Councilwoman Fulnecky expressed her opinion a study is not needed. Ms. Fulnecky expressed her opinion there is a need for an indoor sports facility. Mr. Kimberlin responded an indoor sports facility costs a lot of money and funding is needed for both an indoor sports facility and convention center.

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

1900 and 1904 West College Street for the Purchase of Fire Station 13

Sponsor: Ferguson. Council Bill 2018-148. A special ordinance authorizing the City Manager or his designee to enter into a contract for the purchase of land generally located at 1900 and 1904 West College Street, for the purpose of construction of Fire Station 13, and to execute all necessary documents in support thereof. (Planning and Zoning Commission approved this Request to Acquire, and staff recommends approval.)

David Pennington, Fire Chief, provided a brief overview of the proposed. Mr. Pennington stated the proposed location is at 1900 and 1904 West College Street. He noted the location is consistent with the needs of the West Central area to deploy resources into a higher risk area of the community. Mr. Pennington stated the proposed is being funded through the Level Property Tax. Mr. Pennington made himself available for questions.

Councilman Hosmer asked if the proposed Fire Station can be called Fire Station #14. Mr. Pennington responded they considered calling the proposed Fire Station #66 as the property is located on Route 66.

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

Annual Maintenance for Traffic Signals for Fiscal Year 2018-2019

Sponsor: Ollis. Council Bill 2018-149. A special ordinance approving the Annual Maintenance Contract for Traffic Signals for Fiscal Year 2018-2019; accepting the bid of Ewing Signal Construction, LLC, in the amount of \$147,355.00, for an on-call services contract; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Tom Dancy, Traffic Engineer, provided a brief overview of the proposed. Mr. Dancy stated the proposed is to approve the annual signal maintenance for Fiscal Year 2018 to 2019. He noted the proposed allows for repairs and improvements to traffic signals. Mr. Dancy stated the proposed is funded through the ¼ Cent Sales Tax. Mr. Dancy made himself available for questions.

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

Stormwater Improvements Along Silsby Street

Sponsor: Simpson. Council Bill 2018-150. A special ordinance approving the plans and specifications for Stormwater Improvements along Silsby Street, between Kimbrough and Jefferson Avenues; accepting the bid of Hunter Chase & Associates, Inc., in the amount of \$145,769.45, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Kirkland Preston, Stormwater Engineer, provided a brief overview of the proposed. Mr. Preston stated the proposed is located in Zone 4. He noted the proposed includes the installation of over 900 feet of underground storm pipes which will help remedy flooding in the surrounding properties. Mr. Preston stated the City received two responsive bids for the project. He noted the low bid of \$145,769.45 from Hunter Chase and Associates, Inc. Mr. Preston made himself available for questions.

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

Taxable Special Obligation

Sponsor: Hosmer. Council Bill 2018-151. A special ordinance authorizing and directing the issuance, sale and delivery by the City of Springfield, Missouri, of Taxable Special Obligation

**Refunding Bonds,
Series 2018A**

Refunding Bonds, Series 2018A, in an aggregate principal amount not to exceed \$5,100,000 for the purpose of providing funds to refund the Series 2009 Refunded Bonds; authorizing and approving certain documents in connection with the issuance of the Bonds; and authorizing certain other documents and actions in connection therewith.

Mr. Holtmann provided a brief overview of the proposed. Mr. Holtmann stated the proposed is to allow the sale and delivery of \$1.5 million special obligation refunding bonds. He stated the bill is expected to produce an average value savings of over 13 percent and a total savings of over \$627,000 over the remaining term of the bonds. Mr. Holtmann made himself available for questions.

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

**Donation of 888
Smoke Alarms from
Springfield Public
Schools**

Sponsor: McClure. Council Bill 2018-152. A special ordinance authorizing the City Manager, or his designee, to accept a donation of 888 smoke alarms, valued at \$10,000, from Springfield Public Schools to be used by the Springfield Fire Department in support of the City's free smoke alarm program

David Pennington provided a brief overview of the proposed. Mr. Pennington stated the proposed is due to a grant of \$10,000 received from Hartford Financial Services Group. He stated any time a municipality receives a grant; the corresponding school district receives a matching grant of the same amount. Mr. Pennington expressed his appreciation for Springfield Public Schools and their donation of smoke alarms to the Springfield Fire Department.

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

**Chapter 2, Article
III, Division 1,
Section 2.92**

Sponsor: McClure. Council Bill 2018-153. A general ordinance amending Chapter 2, Article III, Division 1 of the Code of Ordinances of the City of Springfield, Missouri, Section 2.92, known as the 'Salary Ordinance,' relating to salary grades for various job titles within the City service as contained in the Professional, Administrative and Technical Schedule, the Crafts, Trades and Labor Schedule, the Fire Protection Schedule, and the Law Enforcement Schedule, by making provision for two (2) new job titles within the Professional, Administrative and Technical and Crafts, Trades and Labor Schedules; by providing pay adjustments for employees on the Professional, Administrative and Technical and Crafts, Trades and Labor Schedules, as well as for certain non-union Salary Grades in the Fire Protection and Law Enforcement Schedules; and by amending G.O. 5089, Section 5(b), as amended by G.O. 5278, Section 10(b), relating to the Law Enforcement Schedule.

Darla Morrison, Director of Human Resources, provided a brief overview of the proposed. Ms. Morrison stated the proposed has three primary components. She noted the first component requests the addition of two new job titles, the second is recommendations for funding pay increases for non-union City employees, and the third component is an update to existing language for the Law Enforcement schedule. Ms. Morrison made herself available for questions.

Councilwoman Fulnecky asked if there is an overall increase. Ms. Morrison responded the overall increase beyond the added merit steps is adding a two and a half percent top step to non-union positions.

Councilwoman Fulnecky asked if the proposed applies to everyone except the union police and fire employees. Ms. Morrison responded in the affirmative.

Councilwoman Fulnecky asked for an update with the negotiations with Police and Fire. Ms. Morrison responded the City is currently in negotiation and the information is confidential at this point.

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

**Chapter 2, Article
III, Division 1,
Section 2-91**

Sponsor: Fisk. Council Bill 2018-154. A general ordinance amending Chapter 2, Article III, Division 1 of the Code of Ordinances of the City of Springfield, Missouri, Section 2-91, known as the 'Merit System Rules and Regulations,' by amending portions of the Merit Rules, specifically Merit Rules 6.6, 21.2 (c.1), and 21.7; and by establishing an effective date for said Merit Rule changes (Changes to the Merit Rule requiring Personnel Board approval has Personnel Board support).

Darla Morrison provided a brief overview of the proposed. Ms. Morrison stated the proposed recommends several changes to merit rules. She noted the recommended merit rule changes are to clarify current processes and expand on current benefits. Ms. Morrison stated the Personnel Board does recommend approval for the proposed. She noted the proposed has three primary changes including the process of removing someone from an applicant pool, sick leave time for both blood and step-family relatives and the third change would give employees five days for bereavement instead of the previous three days provided.

Councilwoman Fulnecky asked if there has been a problem associated with employees using funeral leave. Ms. Morrison responded employees are having to use other leave time once they use all three days of their allowed bereavement. She stated the City would like to provide more time for those situations.

Councilwoman Fulnecky asked if there is a cost involved with bereavement leave. Ms. Morrison responded there is no cost analysis and could provide the information to City Council.

Councilwoman Fulnecky asked for a total number for salary increase. Ms. Morrison responded she would provide the information to City Council.

Mr. Burris asked for clarification on the cost associated with funeral leave. Ms. Fulnecky asked for the total cost for funeral leave taken by City employees. Ms. Morrison responded the City could do an analysis based on previous experiences.

Councilman Prater expressed his opinion City Staff should not spend time doing a cost analysis for funeral leave.

Councilwoman Ferguson expressed her opinion it would be a projection instead of a cost analysis.

Councilwoman Fulnecky expressed her opinion in the private sector the organization would know how much time employees are taking off for funeral leave.

Councilman Prater expressed his opinion it is difficult to gauge when and how much time employees would need for bereavement.

Councilwoman Fulnecky asked how many employees the City has. Ms. Morrison responded we have 1,200 regular employees.

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

discussion was closed.

**Rehabilitation of the
Jefferson Avenue
Footbridge**

Sponsor: Ferguson. Council Bill 2018-155. A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Program – Urban Agreement with the Missouri Highways and Transportation Commission; and to approve a budget adjustment amending the Fiscal Year 2017-2018 budget in the amount of \$2,128,570.00 appropriating \$2,000,000.00 in federal Surface Transportation Block Grant funds, \$64,285.00 in 1/4-Cent Capital Improvement Sales Tax funds, and \$64,285.00 in 1/8-Cent Transportation Sales Tax funds for the purpose of funding the rehabilitation of the Jefferson Avenue Footbridge over the Burlington Northern Santa Fe railway from Chase Street to Commercial Street.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Dan Smith stated the proposed would authorize the City Manager to enter into an agreement with the State of Missouri to utilize federal funds for the rehabilitation of the Jefferson Avenue Footbridge. He noted the proposed would also budget those funds and the remaining local funds that remain unbudgeted to cover the full amount of the anticipated cost of the bridge. Mr. Dan Smith made himself available for questions.

Councilman Ollis asked for an update on the meeting with the Landmarks Board and the improvements to the underpasses of Lyon and Washington Street. Mr. Dan Smith responded the City met with the Landmarks Board and updated them on the current status of the Jefferson Avenue Footbridge. He noted the State of Missouri will not move forward with the evaluation until the agreement has been approved. Mr. Dan Smith stated the City is looking at lighting for the underpasses to brighten the underpasses with updated led lighting as well as some vegetation clearing. He noted in a long term basis they are looking at opening up the visibility of the underpasses.

Councilman Ollis asked if the Landmarks Board would be providing input as the City moves forward. Mr. Dan Smith responded in the affirmative.

Councilwoman Fulnecky asked how it was determined to pull \$64,285 out of the ¼ Cent and 1/8 Cent Sales Tax. Mr. Dan Smith responded the City looked at the funds that were appropriate for bridge construction and took smaller amounts from various sources ensuring there was no negative impact on the ¼ Cent and 1/8 Cent funds.

Councilwoman Fulnecky asked if there are restrictions on the federal funds used for the Jefferson Avenue Footbridge. Mr. Dan Smith responded they are federal transportation funds that can be used only on transportation projects.

Mr. Dan Smith stated if the proposed is approved there will be one additional proposal to come forward to City Council. He noted the additional proposal will be to approve the bids on the Jefferson Avenue Footbridge.

An opportunity was given for citizens to express their views.

Mary Collette spoke in favor of the proposed. Ms. Collette expressed her opinion on the importance of the Jefferson Avenue Footbridge.

Rick Gilmore spoke in favor of the proposed. Mr. Gilmore expressed concern for his employees who utilized the Jefferson Avenue Footbridge on their way to work at Ms. Gilmore's Tea Room.

With no further appearances, the discussion was closed.

**Condemning
Rights-of-Ways at
the Northwest
Corner of Primrose
Street**

Sponsor: Fulnecky. Council Bill 2018-156. A special ordinance declaring the necessity of condemning rights-of-way over, under, and through the property generally located at the northwest corner of Primrose Street and Jefferson Avenue in the City of Springfield, Missouri; authorizing certain officers, or their designees, to do all things necessary to carry out the terms of this Ordinance; and for the purpose of completing the Primrose Street (South Avenue to Kimbrough Avenue) Improvement Project.

Paula Brookshire, Principal Engineer, provided a brief overview of the proposed. Ms. Brookshire stated the project was approved by voters in 2016 as part of the ¼ Cent Sales Tax. She noted there is high traffic and congestion in the area and is the last section in the Primrose area that needs to be widened to five lanes. Ms. Brookshire stated the City has been working with the property owner since May 2017 and have voiced their concerns about the ability to develop the project. She noted the property owner and the City have not been able to reach an agreement. Ms. Brookshire stated the proposed is seeking the approval to begin moving forward with the eminent domain process. She noted eminent domain is a process established through law that lets public interest move forward while assuring the property owners are fairly compensated. Ms. Brookshire stated eminent domain is used as a last effort on projects when all other options have been exhausted. She noted the City will not stop trying to negotiate with the property owner while the eminent domain process is occurring in the event the property owner reaches an agreement with the City and the eminent domain process will cease if an agreement is reached.

Councilwoman Fulnecky asked who the property owner is. Ms. Brookshire responded it is an individual.

Councilwoman Fulnecky asked if they have attorneys. Ms. Brookshire responded in the affirmative.

Councilwoman Fulnecky asked why the City is unable to reach an agreement with the property owner. Ms. Brookshire responded they would like to sell the entire property and the City does not have a need or budget for the full property.

Councilwoman Fulnecky asked if the proposed will diminish the value of the property. Ms. Brookshire responded there will be no damages to the property. She noted the City is offering higher than the appraisal for the property area.

Councilwoman Fulnecky asked how many pipelines easements there are. Ms. Brookshire responded the right-of-ways are roughly 14 feet on Jefferson and 5.75 feet on Primrose.

Councilwoman Fulnecky asked for the appraisal value of the easement property. Ms. Brookshire responded the appraisal is \$41,300.

Councilwoman Fulnecky asked if they wanted much more than the \$41,300 appraisal for the entire property. Ms. Brookshire responded in the affirmative.

Councilwoman Fulnecky asked if the City has sent them a letter. Ms. Brookshire responded the City begins by letting the property owner know when the appraiser would be coming, once the appraisal is received the City then sends an offer to the property owner and numerous communication afterwards.

Councilwoman Fulnecky asked how much the property owners wanted for the easement property. Ms. Brookshire responded \$156,000.

Councilwoman Fulnecky asked for the total cost of the project. Ms. Brookshire responded she

could provide the information to City Council.

Councilman Simpson stated at the last study session City Council was provided the details on the negotiations with the property owner.

Councilman Simpson asked if there was urgency to complete this project during the summer while school is not in session. Ms. Brookshire responded in the affirmative.

Councilwoman Fulnecky asked if the conversations between the owner and the City were discussed at a previous meeting. Ms. Brookshire responded in the affirmative.

Councilwoman Ferguson asked if there were previously two lots in this area. Mr. Dan Smith responded in the affirmative.

Councilwoman Ferguson asked if the 18-foot platted utility easement was in place previously. Ms. Brookshire responded in the affirmative.

Councilwoman Ferguson asked if the property owner bought the property lot knowing there was a split down the middle. Ms. Brookshire responded in the affirmative.

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

**Agreement with
Bailey School
Redevelopment
Corporation**

Sponsor: Ferguson. Council Bill 2018-157. A special ordinance amending a redevelopment agreement with the Bailey School Redevelopment Corporation regarding the redevelopment of an area generally located at 501 West Central Street to extend the time for completion until December 31, 2019; and authorizing the City Manager to execute an addendum to said redevelopment agreement. (Staff recommends approval.)

Sarah Kerner, Director of Economic Development, provided a brief overview of the proposed. Ms. Kerner stated the proposed is the site of the former Bailey School and was purchased by the developer. She noted the proposed will be converted into a multi-family residential apartment building. Ms. Kerner stated the proposed is partially financed with state and federal historic preservation tax credits. She noted the proposed agreement sets the deadline for completion of blight removal and redevelopment activities on or before December 31, 2018. Ms. Kerner stated the proposed has an excusable delay provision that allows the City Council to grant an extension for delays beyond the developer's control. She noted the historic rehabilitation of the former Bailey School is underway and the developer is requesting an extension of time due to unavoidable delays to December 31, 2019.

Councilman Hosmer asked if the extension has any added cost to the City. Ms. Kerner responded in the negative.

An opportunity was given for citizens to express their views.

Jason Murray spoke in favor of the proposed. Mr. Murray expressed his opinion things are going well but not fast enough.

With no further appearances, the discussion was closed.

**Lease Agreement
with the Kirk A.
Heyle Trust**

Sponsor: Ferguson. Council Bill 2018-158. A special ordinance authorizing the City Manager, or his designee, to enter into a Lease Agreement with the Kirk A. Heyle Trust for the purpose of leasing property at 911 West Chestnut Street for use by the Departments of Public Works and Environmental Services as office and work space.

Martin Gugel, Assistant Director of Public Works, provided a brief overview of the proposed. Mr. Gugel stated they are requesting the ability to lease property at 911 West Chestnut. He stated the proposed lease location is a 4,000 square foot vacant building and will house Public Works Grounds Crews and equipment. Mr. Gugel made himself available for questions.

Councilwoman Fulnecky asked how many employees will be in the building. Mr. Gugel responded about 15 to 20 employees as well as equipment and office space will be stored in the building.

Councilwoman Fulnecky asked if there are any vacant buildings the City owns that can be used. Mr. Gugel responded in the negative. He noted any of the current buildings the City owns are not large enough to house all of the needs of the Public Works Department.

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

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

NEW BUSINESS

- Recommended** The Mayor recommends the following appointment to the Springfield Convention and Visitors Bureau, Inc: Brent Parker to fill the unexpired term of Phillip Burgess. Mr. Parker's term will expire January 1, 2019.
- Recommended** The Public Involvement Committee recommends the following appointments to the Board of Equalization: Robert Baldwin and Gregory Loftin with terms to expire April 1, 2021.
- Recommended** The Public Involvement Committee recommends the following appointments to the Citizens Advisory Committee for Community Development: Kate Stockton with term to expire May 1, 2021; and David Carr to fill the unexpired term of Mary Ann Jennings, and Brandy McShane to fill the unexpired term of Delia Croessmann. Mr. Carr and Ms. McShane's terms will expire May 1, 2020.
- Recommended** The Public Involvement Committee recommends the following reappointment to the Citizens Advisory Committee for Community Development: Christina Dicken with term to expire May 1, 2021.
- Recommended** The Public Involvement Committee recommends the following appointments to the Citizens' Tax Oversight Committee: Charles Cowherd with term to expire May 1, 2021; and Keith Slater to fill the unexpired term of Gene Hartley. Mr. Slater's term will expire May 1, 2021.
- Recommended** The Public Involvement Committee recommends the following reappointment to the Citizens' Tax Oversight Committee: David Troyer with term to expire May 1, 2021.
- Recommended** The Public Involvement Committee recommends the following appointment to the Landmarks Board: Layne Hunton to fill the unexpired term of Matthew Cadle. Mr. Hunton's term will expire November 1, 2018.

Referred

Refer to the Community Involvement Committee the topic of Sex Offender Requirements and Legislation.

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

CONSENT AGENDA ONE READING BILLS

CONSENT AGENDA SECOND READING BILLS

Confirmed

Confirm the following appointment to the Springfield-Greene County Public Library Board: Emily Denniston to fill the unexpired term of Matthew Simpson. Ms. Denniston's term will expire July 1, 2020.

Confirmed

Confirm the following appointments to the Art Museum Board: Matt Edwards, with a term to expire June 1, 2021 and Tiffany Brunner, to fill the unexpired term of Jennifer Kennally. Ms. Brunner's term will expire June 1, 2020.

Confirmed

Confirm the following reappointments to the Art Museum Board: Norene Rinker and Jeffrey Schmitt, with terms to expire June 1, 2021.

END OF CONSENT AGENDA.

There being no further business, the meeting adjourned at approximately 9:15 p.m.

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by
Megan Cunningham