

**October 8, 2018  
Springfield, Missouri**

The City Council met in regular session September 24, 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: Phyllis Ferguson, Matthew Simpson, Tom Prater, Mike Schilling, Jan Fisk, Craig Hosmer, Richard Ollis and Ken McClure. Absent: None. Vacant Seat: General C.
- Minutes** Mayor McClure noted the minutes of the September 24, 2018 City Council Meeting and October 2, 2018 Special City Council Meeting will be approved at the October 22, 2018 City Council Meeting.
- Consent Agenda** The Consent Agenda was approved as presented.

**CEREMONIAL MATTERS .**

Anita Cotter, City Clerk, swore in Barbara Garcia to the Springfield/Greene County Environmental Advisory Board.

- City Manager's Report** Jason Gage, City Manager, stated at City Council Luncheon on October 2, 2018, the findings from a citizen survey on the Capital Improvement Transportation Projects all **related to the renewal of the ¼ cent capital improvement sales tax were presented by** the Springfield Public Works Department. Mr. Gage noted upwards of 1,500 citizens responded to the survey, the project proposals are moving forward, and are scheduled to be on the October 22, 2018 City Council Meeting Agenda. Mr. Gage noted details are available online at [www.springfieldmo.gov/election](http://www.springfieldmo.gov/election)

Mr. Gage stated he would like to thank Springfield Fire Department and other local Emergency Services Personnel working together to create and implement the Pulse Point App in our community. Mr. Gage noted this app allows bystanders to be alerted during a cardiac emergency. Mr. Gage expressed his appreciation for the partnership effort and to those who attended the September 26, 2018 news conference.

Mr. Gage offered congratulations to the Springfield/Greene County Health Department for attainment of their national accreditation. Mr. Gage noted this is a significant achievement requiring a multi-year process and Springfield now has one of just two hundred Health Departments that are nationally accredited. Mr. Gage noted the Public Health Accreditation Board looked at the areas of public health excellence, including topics of effectiveness in public health preparedness, enforcement of public health laws and ordinances, community engagement and other areas.

Mr. Gage stated City Council is still accepting applications for two available seats on the Board of Public Utilities thru October 19, 2018. Mr. Gage noted one seat requires residency inside the City Limits and the second seat only requires residency inside the City Utilities service area. Mr. Gage stated interviews for the two seats are scheduled for October 31, 2018.

Mr. Gage stated City Council will accept applications for the General C Seat vacancy until October 12, 2018. Mr. Gage noted the individual appointed will serve until the April 2, 2019 election. Mr. Gage noted details are available at [www.springfieldmo.gov](http://www.springfieldmo.gov)

## **SECOND READING AND FINAL PASSAGE.**

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

#### **2700 E. Battlefield Rd. Public Hearing will continue at the October 22, 2018 City Council Meeting.**

Sponsor: Simpson. Amended Council Bill 2018-196. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8 acres of property, generally located at 2700 East Battlefield Road, from R-SF, Single-Family Residential District, to GR, General Retail District; and establishing Conditional Overlay District No. 151. (Staff and Planning and Zoning Commission both recommend approval.) (By: Briarcliffe Investments, LLC and John Gentry; 2700 East Battlefield Road; Z-15-2018 w/COD #151.)

Councilman Simpson noted he intends to make a motion to table Council Bill 2018-196 until the October 22, 2018 City Council Meeting. Mr. Simpson noted he would state his reasons for the motion and would like City Council to have the opportunity to make comments prior to the motion. Mr. Simpson expressed his opinion the previous amendment made to the bill did not adequately address the concerns of citizens or City Council and he believes additional review is needed. Mr. Simpson noted over the past two weeks, meetings with the developers have occurred, resulting in a new amendment that he would like to provide to City Council for the next two weeks for consideration.

Mr. Simpson stated the new amendment would be more specific to the only allowable uses of the property as opposed to excluding uses not desired for the property. Mr. Simpson noted the draft of the new amendment accepted by property owners and buyers would only allow art galleries, libraries, museums, catering, churches/places of worship, daycare centers, general office use group medical office use group, personal services use group, and retail sales use groups no larger than 5,000 square feet. Mr. Simpson noted from the neighborhood meetings held, not allowing groups larger than 5,000 square feet are important to keeping the local business and character of the area and prevent a business such as a Walgreens or Dollar General from being built there. Mr. Simpson stated the prohibiting of temporary lodging for a medical facility and any businesses with fuel sales are part of the new amendment. Mr. Simpson noted the new amendment maintains the same use limitations including traffic improvements, barriers, tree requirements and restrictions on access to residential streets in the area. Mr. Simpson stated that as the bill currently stands he will not support it, but he will support it if this amendment is adopted. Mr. Simpson expressed his opinion the new amendment is appropriately restrictive to ensure the developer follows thru with a medical office facility, the best use of the site, or if that were to fall thru, a development that complies with the restriction the amendment sets forth on the property. Mr. Simpson stated he will wait to make his motion and asked for City Council support in looking over the new amendment before voting on it in two weeks.

Mayor McClure asked for clarification on Councilman's Simpson intent to formally offer an amendment in two weeks that would accomplish what he had discussed, and that if adopted, there would be Public Hearing on that amendment only.

Mr. Simpson responded affirmatively and expressed his opinion that there is agreement in principle on the amendment, but not enough time to allow for fair consideration at the current City Council Meeting which is why he will motion to table until the October 22, 2018 City Council Meeting.

Mr. McClure asked if there were other City Council Members wishing to comment.

Councilwoman Ferguson asked for clarification on the new amendment being brought forward for Public Hearing in two weeks and voted on two weeks from that date.

Mr. Simpson responded affirmatively.

**City's Sanitary  
Landfill**

Mr. McClure asked if there were any additional comments from City Council.

With no additional comments, Mr. Simpson moved to table Council Bill 2018-196 to the October 22, 2018 City Council Meeting. Councilman Prater seconded the motion and it was approved by the following vote: Ayes: Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, Ollis and McClure. Nays: None. Vacant Seat: General C.

**HOME Investment  
Partnership  
Program**

Sponsor: Hosmer. Council Bill 2018-233. A special ordinance authorizing the City Manager, or his designee, to enter into a Contract of Obligation with the Missouri Department of Natural Resources whereby the City agrees to financially secure the future closure and post-closure care of all currently active and previously completed portions of the City's Sanitary Landfill.

Sponsor: Ollis. Council Bill 2018-220. A special ordinance approving City Utilities' Fiscal Year 2019 Annual Operating Budget for its Fiscal Year ending September 30, 2019.

Council Bill 2018-233 was approved by the following vote: Ayes: Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, Ollis and McClure. Nays: None. Vacant Seat: General C.

**Salary Ordinance,  
Building  
Development  
Services**

Sponsor: McClure. Council Bill 2018-234. A special ordinance authorizing the City Manager, or his designee, to accept \$264,551 in additional HOME Investment Partnership Program grant funds from the United States Department of Housing and Urban Development; adopting an amendment to the Comprehensive Housing Assistance Program for the use of such funds; and amending the budget for the Planning Department for Fiscal Year 2018-2019 in the amount of \$264,551. (Staff recommends approval.)

Council Bill 2018-234 was approved by the following vote: Ayes: Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, Ollis and McClure. Nays: None. Vacant Seat: General C.

**Annexation of  
4244 S. Farm  
Road 137 (Scenic  
Avenue)**

Sponsor: Fisk. Council Bill 2018-235. 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 job titles primarily within Building Development

Services, as contained in the Professional, Administrative and Technical Salary Schedule, by adding three new job titles, and by deleting one job title.

Council Bill 2018-235 was approved by the following vote: Ayes: Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, Ollis and McClure. Nays: None. Vacant Seat: General C.

**Rezoning of 4244  
S. Farm Road 137  
(Scenic Avenue)**

**Council Bills 2018-240 and 2018-241 were read simultaneously.**

Sponsor: Schilling. Council Bill 2018-240. A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' by annexing approximately one acre of property into the City of Springfield, Missouri, generally located at 4244 South Farm Road 137 (Scenic Avenue), and generally referenced as Annexation A-3-18; 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. (By: Kenneth Medley; 4244 S. Farm Road 137 (Scenic Ave.); Annexation A-3-18.)

Sponsor: Schilling. Council Bill 2018-241. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately one acre of property, generally located at 4244 South Farm Road 137 (Scenic Avenue), from County R-1, Single-Family Residential District, to O-1, Office District; and establishing Conditional Overlay District No. 156. (Staff and Planning and Zoning Commission both recommend approval.) (By: Kenneth Medley; 4244 S. Farm Road 137 (Scenic Ave.); Z-21-2018 w/Conditional Overlay District No. 156.)

Mary Lilly Smith, Director of Planning and Development gave an overview of the proposed. Ms. Smith noted the annexation of 4244 South Farm Road 137 was initiated by City Council on September 10, 2018 at the request of the property owner. Ms. Smith noted this property is well within the Urban Service Area and she will provide City Council a map of this area at a later date. Ms. Smith noted this property is consistent with both the Comprehensive Plan and Urban Service Area philosophy, all city services can be provided to the property, Police and Fire have identified no issues, and Staff recommends approval.

Mayor McClure asked for clarification on the location of the property.

Ms. Smith responded the property is located on the Southeast corner of Republic Road and Scenic. Ms. Smith noted the property is proposed office zoning and the Growth Management and Land Use Plan indicates this property appropriate for Low-Density Housing, however this is inconsistent with current development patterns and depths along Republic Road. Ms. Smith stated the Land Use Plan recommends offices as appropriate uses along major roads and between higher intensity and residential uses, and in this case the Southeast corner of this intersection immediately north of the proposed property is already zoned for office. Ms. Smith noted the remainder of the area to the North of the property is zoned general retail and South of that is County Suburban R-1. Ms. Smith stated office use provides a step down between the retail activity on Republic Road and the residential zone on Scenic Avenue. Ms. Smith stated there will be a maximum height of 35 feet, subject

**Rezoning 4635  
South Campbell  
Avenue**

to 45-degree bulk plane adjacent to residential, a 15 feet bufferyard adjacent to residential, stormwater detention is required, there will be a conditional overlay requiring tracts to be combined and right-of-way be dedicated, and Staff and Planning and Zoning Commission recommend approval.

Councilman Schilling asked for clarification on stormwater run-off issues in the area.

Ms. Smith responded the current regulation for all zoning cases is the stormwater run-off cannot exceed pre-development run off. Ms. Smith stated stormwater engineers have recommended stormwater detention be provided on-site and payment of a fee in lieu of stormwater detention would not be permitted.

An opportunity was given for citizens to express their views.

Vickie Dunakin spoke in opposition to the proposed. Ms. Dunakin expressed her opinion there are currently many office spaces in this area that are currently not being utilized. Ms. Dunakin expressed her concern related to stormwater drainage problems in the area. Ms. Dunakin stated her husband is a disabled Veteran, they have spent 20 years obtaining the type of accessible home he can use without having problems with his disability, and it would be next to impossible for them to change homes now.

Mayor McClure asked Ms. Dunakin for clarification on the location of her home in relation to the proposed area.

Ms. Dunakin responded it is one block East on South Deborah facing Deborah Street.

Councilman Schilling asked for clarification on the flow of stormwater in the area.

Ms. Dunakin responded there is very little "ditch" in the area now and it runs off the pavement to the South and downhill as it moves South down Deborah and Scenic Avenues. Ms. Dunakin noted when there was a "100-year rain" water approximately six inches deep flowed thru her yard and all her neighbors' yards before there was any development in the area back between the years of 2000-2001. Ms. Dunakin stated her opinion the problem would be exacerbated by the addition of buildings and parking lots.

With no additional speakers the Public Hearing was declared closed.

Sponsor: Schilling. Council Bill 2018-242. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately eighteen acres of property, generally located at 4635 South Campbell Avenue, from O-1, Office District, to GR, General Retail District; and establishing Conditional Overlay District No. 157. (Staff and Planning and Zoning Commission both recommend approval.) (By: Springfield-Greene County Library District; 4653 S. Campbell Avenue; Z-22-2018 w/Conditional Overlay District No. 157.)

Mary Lilly Smith, Director of Planning and Development gave an overview of the proposed. Ms. Smith stated the proposed is a rezoning of property belonging to the Springfield-Greene County Library. Ms. Smith noted the Growth Management and

**Commercial Street  
Tax**

Land Use Plan designates the front, or East, portion appropriate for High-Intensity Retail, Office or Housing and the back portion appropriate for Low-Density Housing. Ms. Smith noted the property was rezoned to Office-1 in 1995 and properties to the South and West were rezoned to General Retail and Office-1 in 2014. Ms. Smith noted South Campbell Avenue is classified as an Expressway and the proposed area is adjacent to James River Freeway and Campbell Activity Centers. Ms. Smith stated the Consent Agenda includes a two-lot preliminary plat of the property and there is a Conditional Overly District that a subdivision is required, so the zoning would not be effective until the plat is completed. Ms. Smith stated a traffic study is required at time of development or redevelopment if proposed use creates increase in traffic above library use and both Staff and Planning & Zoning Commission recommend approval.

**Blaine Street  
Facade**

An opportunity was given for citizens to express their views.

Mr. Jared Rasmussen spoke in support of the proposed. Mr. Rasmussen stated he was there to answer any questions City Council had and he is in favor of the rezoning to make the property, in his opinion, more marketable to potential retail spaces.

With no additional speakers the Public Hearing was declared closed.

**Council Bills 2018-243 and 2018-244 were read simultaneously.**

Sponsor: Ferguson. Council Bill 2018-243. A special ordinance amending the budget of the City of Springfield Planning and Development Department for Fiscal Year 2018–2019 in the amount of \$520,000.00 for the purpose of approving expenditures from the Commercial Street Tax Increment Financing Special Allocation Fund for certain public improvement projects within the Commercial Street Tax Increment Financing District. (Staff recommends approval.)

Sponsor: Ferguson. Council Bill 2018-244. A special ordinance approving the **Blaine Street Façade Loan Program Rules and Regulations.**

Sarah Kerner, Economic Development Director provided a brief overview of the proposed. Ms. Kerner stated the Commercial Street (C-Street) Tax Increment Financing (TIF) Plan was adopted by City Council on April 7, 2018 and only public improvement projects identified in the Redevelopment Plan may be funded with TIF revenues and the process for spending those revenues is City Council approves TIF-funded projects with recommendation from City staff and stakeholder input. Ms. Kerner stated TIF does not add an additional tax but captures the increase in the base level. Ms. Kerner stated the additional funds could be reinvested in the area, and at the end of the TIF the taxes fully flow thru the taxing jurisdiction. Ms. Kerner noted the TIF boundary of the proposed is Commercial Street between Grant Avenue and Clay Street and provided City Council with a list of public improvement projects in priority order when the plan was adopted. Ms. Kerner noted the current balance of the TIF Special Allocation Fund was \$532,474 as of June 30, 2018 and both assessed value and Payment In lieu of Taxes (PILOTs) collected are on an upward trend with projected future annual income of \$150,000. Ms. Kerner stated a stakeholder meeting was held August 30, 2018 with good attendance between property owners, merchants, residents, and members of the general public. Ms. Kerner noted Springfield Public Information Office provided a press release on the

meeting and local news media was present at that meeting. Ms. Kerner provided an overview of the meeting and the progress of the TIF to date. Ms. Kerner noted a follow up to the priority order projects list showing improvements to Frisco Lane (paved, 60 added parking spaces, landscaping and fencing), Streetscapes and Commercial Club Building renovations. Ms. Kerner stated five additional projects were identified from the list for moving forward with improvements to include: refurbishment of parking lots, creation of a business loan grant program, acquiring blighted parking lots (willing seller), Blaine Street improvements and alleyway improvements. Ms. Kerner noted Stakeholder input showed top priority projects as parking, alleys, and Blaine Street improvements, as well as support of creating a business loan program. Ms. Kerner stated projects proposed totaled more than the current balance of the TIF fund and a strong majority wanted to commit current and future funds to projects. Ms. Kerner stated the City continued with the “pay as you go” method for evaluating TIF projects but would welcome input from City Council as to whether to continue that approach or to borrowing or bonding against future TIF revenues. Ms. Kerner stated in her opinion the TIF would be a stable source of revenue in the future due to generating large amounts of revenue from property taxes. Ms. Kerner noted 2018 project recommendations coming from staff were parking improvements for \$250,000, alleyway improvements for \$150,000 and a loan program totaling \$120,000 for total costs of \$520,000. Ms. Kerner noted three public parking lots south of Blaine Street and of those the lot furthest East would be where parking lot improvements would begin with resurfacing, restriping, and landscaping the parking lot at Jefferson Avenue and Blaine Street for \$250,000. Ms. Kerner noted alleyway improvements would link that parking lot with the C-Street Market to the North and an alleyway to the West would link public parking at Campbell Avenue and Pacific Street with C-Street to the North. Ms. Kerner stated alleyway improvements would include removal of existing surface, concrete resurfacing, accessible pedestrian walkway surface, lighting, links to C-Street to underused public parking lots and a stamped pedestrian crossing to C-Street Market for a cost of \$150,000. Ms. Kerner stated City Council approved \$50,000 for Dr. Tickle alley only two years prior however that is no longer budgeted per the City Finance Department and the improvement cost for one alley is \$50,000 and the other longer alley to the East \$100,000.

**Ms. Kerner stated the Blaine Street Façade Loan Program would establish a \$120,000 loan fund with a goal to improve the image of C-Street from the South and assist building owners in preserving historic structures. Ms. Kerner stated there have been over one million dollars in commercial loans utilized for C-Street and because the commercial loan program is tied to job creation using those funds for improving the back side does not meet the criteria. Ms. Kerner stated using the Blaine Street Façade Loan Program would utilize local money with less restrictions than Housing and Urban Development funds feeding the City’s Commercial Loan Fund Program. Ms. Kerner noted the proposed Blaine Façade Loan Program Terms are: 2%, five year loans, a maximum loan amount of \$30,000, must be secured by appropriate collateral, subject to underwriting an approval by City loan committee, interest will go to pay staff time, principal will be returned to Special Allocation Fund and there would be potential for use outside Blaine if funds were available 12 months after program approval. Ms. Kerner stated the request to City Council was approving the project list and budget adjustment for C-Street TIF Special Allocation Fund including parking improvements for \$250,000, alleyway improvements for \$150,000 and adding a loan program for \$120,000 as well as approving the Blaine Street Façade Loan Program**

Rules & Regulations.

Councilman Simpson stated his opinion the revival of C-Street was impressive, and momentum should continue. Mr. Simpson stated his opinion the Blaine Street **Façade Program**'s allowable use of public art was important and saw examples of that use during his visit to Chattanooga, Tennessee. Mr. Simpson asked for clarification if the City has reached out to the local arts community for involvement in C-Street alleyway revitalization efforts.

Ms. Kerner responded that could be done.

Councilman Schilling asked for clarification on original plans for the Community Improvement District to borrow from the TIF for improvements to the area.

Ms. Kerner responded the rules allow for the CID to borrow from the TIF and it is a popular method among business owners and residents of C-Street. Ms. Kerner stated when spending money, the City took a more conservative approach by only spending what is currently in the special allocation fund. Ms. Kerner noted input is welcomed from City Council on the method used going forward with projects.

Councilman Ollis stated his opinion infrastructure tends to fall behind development in the City and noted the proposed re-development of the Missouri Hotel on C-Street. Mr. Ollis stated his opinion the proposed parking lot and alleyway improvements would be a necessity to development of specific locations along C-Street such as the Missouri Hotel. Mr. Ollis expressed his opinion the proposed improvements need to be completed sooner than later to keep up with development in the area. Mr. Ollis asked for clarification on methods for flexibility involving loans or bonding to make improvements happen more quickly if needed and how that would affect the current proposed use of TIF funding if passed by City Council.

**Special Events  
Amendment**

Ms. Kerner responded in her opinion, there would be multiple options including tabling with direction to staff, approving the current bill and directing staff to prepare another bill and welcomed City Council input.

Mr. Ollis expressed his opinion allowing flexibility within the proposed plan, similar to how flexibility in the Capital Improvement Plan was discussed, would be an improvement to our community. Mary Collette spoke in support of the proposed. Ms. Collette expressed gratitude to City Council members for their service and to Ms. Kerner, and her staff for their work on Commercial Street projects. Ms. Collette expressed her opinion the presentation of projects by City Staff at the stakeholder meeting was very well done and 17 comments were made by those in attendance. Ms. Collette noted 14 of those comments were in favor of the proposed projects. Ms. Collette noted additional projects not proposed at the meeting were improvements to all four parking lots in the district, not just the one single parking lot improvement proposed by the City, and the original proposal of a \$500,000 loan against future TIF funds. Ms. Collette expressed her opinion future revenues coming into the TIF will exceed expected levels because of work currently being done on several C-Street properties, specifically the properties at the Missouri Hotel. Ms. Collette expressed her opinion more flexibility is needed in using TIF funds as a guaranteed revenue stream. Ms. Collette noted the original plan included improvements to the intersection of Campbell Avenue and C-Street parking lot and expressed her opinion



this is an important improvement because of how many citizens enter the district from the South on Campbell Avenue. Ms. Collette noted she is in support of the existing proposal and stated her opinion the additional \$500,000 in the original improvement plan should be added to the proposal to fund the improvements of the Campbell Avenue parking lot, increasing the Blaine Street Façade Loan Program to \$250,000 and possibly adding an additional parking lot near Boonville Avenue and C-Street. Ms. Collette stated she hoped to see one million dollars in projects being proposed instead of only \$500,000. Ms. Collette expressed her opinion the ¼ cent sales tax renewal is not only good for the City, but good for C-Street as well.

With no additional speakers the public hearing was declared closed.

Sponsor: Hosmer, Fisk, Prater, and Schilling. Council Bill 2018-245. A general ordinance amending the Springfield City Code, Chapter 2, 'Administration,' Article VII, 'Special Events,' Division 1, 'Generally,' Section 2-504, 'Application,' by adding an exception to insurance requirements for certain special events that do not involve closure of more than one City street or alley, or more than two City blocks; and clarifying that hold harmless agreements and insurance provided for special events shall not be deemed inadequate solely because the applicant is a voluntary association. (Recommended by the Plans and Policies Committee.)

Cora Scott, Director of Public Information and Civic Engagement provided an overview of the proposed. Ms. Scott stated there were two issues to discuss, the first pertained to the recent recognition that several organizations applying for a special event permit were not considered "legal entities" and the second was revisiting the block party exemption measure. Ms. Scott stated the role of the Department of Public Information and Civic Engagement (PIO) for special events is to ensure all events coming to the City obtain proper permits and communicate with area neighborhoods and business districts affected by the events, that events are staged safely and friendly, and work with approximately ten other departments in the City to complete the appropriate permitting process seamlessly for residents. Ms. Scott noted a 25-member City committee with representation from 10 departments convened, a 20-member special events community task force convened to analyze race events and consider changes to the City's event permit process, and the special event permitting process moved to the PIO Department in April 2015. Ms. Scott noted development of regulations occurred thru City staff research into best practices throughout Spring 2015, six stakeholder meetings during June 2015, amendments to City Code and zoning ordinances initiated by City Staff to create more efficient and customer-friendly special events permitting process and a "Special Events Ordinance" within the zoning ordinance was approved by City Council. Ms. Scott noted the new regulations required event applicants using public right-of-way to provide a general liability insurance policy in the amount of one millions dollars for any injury to any person, including death, arising out of one incident; and one millions dollars for any damage to property; and one millions dollars automobile plus worker's compensation insurance up to one millions dollars if police are hired. Ms. Scott stated events using public right-of-way, not events held on private property, was what she was providing an overview of this evening. Ms. Scott noted additional policy changes that have occurred that may affect special event permitting, including worker's comp insurance requirements raised from one millions dollars to three millions dollars for extra-duty police officers and a "Hold Harmless" agreement requirement for the City to be an additional insured on a primary basis and the special event sponsor shall execute the

agreement indemnifying the City. Ms. Scott noted the contract execution process as proof of insurance submitted by applicants adds the City as an additional insured through a contract, the "Hold Harmless" agreement serves as the contract requiring the insurance and without that binding contract, the City may not be fully covered. Ms. Scott noted only a legal entity can be bound by a contract as identified by being a (1) individual person, or (2) a corporation, partnership, LLC, etc., registered with the Secretary of State. Ms. Scott stated the challenge occurred when applicants are "associations" i.e. groups, formed for a purpose who are not registered with the Secretary of State because associations cannot enter a binding contract under Missouri law and a contract not binding can deny the City coverage by the insurer. Ms. Scott noted examples of scenarios in which the City would deny a permit for events on public right-of-way would be local groups with national chapters, parent-teacher associations, some neighborhood associations, labor unions and associations which have not filed. Ms. Scott noted one option considered by Plans and Policies Committee was to approve the permits even though the applicant was not a legal entity and inform the applicant they were still required to obtain insurance, but this option allows for more City exposure due to lack of a binding contract. Ms. Scott noted another option considered by the Committee was not approving a permit unless an applicant was a legal entity which would allow an individual member or parent organization/sponsor to apply and register with the Secretary of State, but this option may decrease the number of events even though it decreases City exposure. Ms. Scott noted the Plans and Policies Committee voted and sent forward the option of approving permits even though an applicant may not be a legal entity, as well as requiring compliance with all other processes in place for special event permitting. Ms. Scott noted the possible financial risks include defense costs or lack of additional insured status and liability, insurance deductibles and claims affecting departmental allocations in the self-insurance fund.

Councilman Ollis asked for clarification about applicants not being a legal entity, would the "hold harmless" provision in a contract would apply.

Ms. Rhonda Lewsader, Deputy City Attorney, responded if an applicant was not a legal entity they are still required to provide proof of insurance and a "hold harmless" agreement, but the question would be if the contract would be enforceable under Missouri law.

Mr. Ollis asked for clarification on whether the contract would be enforceable under the law.

Ms. Lewsader responded it seems likely the contract would not be enforceable, but the City does not know that for sure.

Mr. Ollis asked for clarification if a voluntary organization is allowed to have any type of event with music, dancing, and liquor without being a legal entity or is the City just limiting its exposure to block parties.

Ms. Scott responded this issue is not specifically limited to block parties and events with alcohol requires a separate process of coming before City Council to be approved on public rights-of-way.

Mr. Ollis asked for clarification on if the voluntary organization exemption proposed is

limited to block parties only.

Ms. Scott responded Mr. Ollis was correct in the exemption is in accordance with the other provisions, but not limited to just small events or block parties.

Mr. Ollis asked for clarification on a voluntary association not being able to legally sign a “hold harmless” agreement, their insurance possibly being invalid and not limiting their event contract to only a small event or block parties as opposed to any event that is applicable.

Ms. Scott responded Mr. Ollis was correct the issue pertains to any event that is applicable and there are specific rules for special events depending on the type of event the voluntary association would hold.

Ms. Scott stated there are issues regarding block parties specifically and the purpose of the ordinance is to address insurance requirements currently contained in the “special events ordinance” which may not be appropriate for all types of special events. Ms. Scott noted the original ordinance allowed insurance requirements for small neighborhood block parties be waivable, so long as certain conditions and requirements were met, and was approved at the September 18, 2017 City Council Meeting. Ms. Scott noted language was added noting the recommendation of the Plans and Policies Committee for approval with the exception criteria listed under section 14(a)(3), bounce house exception removed. Ms. Scott noted conditions and requirements to meet the exception were the special event cannot involve closure of more than on city roadway, street, or alley or more than two city blocks, and cannot have any item listed on the Exceptions List in connection with a proposed special event. Ms. Scott stated the list of exceptions originally contained bounce houses, but City Council previously exempted bounce houses from the list. Ms. Scott stated if an application is submitted for a block party special event permit waiver of insurance, the block party exemption is not applicable if any items on the exceptions list are included at the party. Ms. Scott noted the list of exemptions was provided by the Risk Management Department. Ms. Scott noted the original ordinance expired at midnight on April 15, 2018 and the Plans and Policies Committee planned to review the continued need for block party exemption. Ms. Smith stated post-review, the Committee recommends making the block party exemption permanent.

Councilman Schilling asked for clarification on bounce houses not being on the list of exceptions requiring insurance.

Ms. Scott responded if a block party spans less than or equal to two City blocks and there are no other items on the exceptions list at the party a bounce house is allowable at the event without insurance.

Councilman Ollis asked for clarification on the definition of inflatables as it relates to bounce houses.

Ms. Scott responded that Ms. Anita Cotter, City Clerk, assisted in recalling the ruling made by the Law Department that bounce houses are inflatables, but not all inflatables are bounce houses.

Mr. Ollis asked for clarification on the inflatable exemption applying to bounce

houses.

Ms. Scott responded bounce houses specifically were exempted from the list of exceptions.

Mr. Ollis asked for clarification on if the City is allowing bounce houses.

Ms. Scott responded the proposed ordinance allows the bounce house exemption.

Mr. Ollis noted that almost every general liability insurance policy made has an issue with bounce houses.

Councilman Prater asked for clarification on issues or problems that have occurred since the bounce house exemption was passed because the intent was to allow bounce houses for approximately one year and note if any issues or problems came forward.

Ms. Scott responded there have been no claims to her knowledge.

Mr. Prater asked for clarification if the purpose of the proposed ordinance was to continue encouragement of community activity and block parties and if any problems had occurred it would be revisited from a different perspective.

Ms. Scott responded Mr. Prater was correct and since 2015 the City has only had two special event related insurance claims that Doug Stone, Director of Risk Management, was aware of.

Councilwoman Ferguson stated her opinion bounce houses are important to children in the neighborhoods in the zone she represents and many of them do not get to enjoy bounce houses often because of budget constraints. Ms. Ferguson noted Doling neighborhood received a \$27,000 grant approximately two years ago of which part of the grant funds were used to purchase a bounce house. Ms. Ferguson stated she is in support of activities in City neighborhoods and communities including the bounce house exemption.

Councilman Ollis expressed concerns related to the exemptions. Mr. Ollis stated he supports public events as well as prudent risk management practices.

With no additional speakers the public hearing was declared closed.

## **RESOLUTIONS.**

### **EMERGENCY BILLS.**

### **PUBLIC IMPROVEMENTS.**

### **GRANTS.**

### **AMENDED BILLS.**

### **PUBLIC HEARING.**

**FIRST READING BILLS.**

**PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

**NEW BUSINESS.**

The Public Involvement Committee recommends the following reappointment to the Landmarks Board: Layne Hunton with term to expire November 1, 2021.

The City Manager recommends the following appointment to the Springfield/Greene County Park Board: Cynthia Lipscomb with term to expire June 1, 2021.

**UNFINISHED BUSINESS.**

**MISCELLANEOUS.**

**CONSENT AGENDA FIRST READING BILLS.**

**Joint Funding Agreement with the U.S. Department of the Interior**

Sponsor: Hosmer. Council Bill 2018-246. A special ordinance authorizing the City Manager, or his designee, to enter into a Joint Funding Agreement with the U.S. Department of the Interior for the purpose of operating and maintaining four stream gages.

**Reed Enterprises earnest money**

Sponsor: Prater. Council Bill 2018-247. A special ordinance authorizing the City Manager, or his designee, to refund \$1,000 in earnest money to Reed Enterprises, LLC; approving a budget adjustment to amend the Fiscal Year 2018-2019 budget of the Department of Environmental Services; and repealing Special Ordinance 27039.

**Preliminary Plat of The Library Center subdivision**

Sponsor: Shilling. Council Bill 2018-248. A special ordinance authorizing the Director of Planning and Development to accept the dedication to the City of Springfield of public streets and easements shown on the Preliminary Plat of The Library Center subdivision, said subdivision being generally located at 4653 South Campbell Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Planning and Zoning Commission recommends approval and staff recommends that City Council accept the public streets and easements.)

**Amending Section 50-53 of the City Code**

Sponsor: Ollis. Council Bill 2018-249. A general ordinance amending Springfield City Code, Chapter 50, 'Emergency Services,' Article III, 'Automated External Defibrillators,' by amending Section 50-53, 'Possession and ownership of external defibrillators (AEDs),' subsection (1), by removing the requirement to include the names of persons expected to operate an AED and the dates of their required training in annual registration of the AED with the Springfield Fire Department.

**CONSENT AGENDA ONE READING BILLS.**

**Initiate annexation at 3723 South Scenic Avenue.**

Sponsor: Schilling. Council Bill 2018-250. A resolution declaring an intent to initiate the annexation of approximately .07 acre of private property generally located at 3723 South Scenic Avenue. (Staff recommends approval.)

Council Bill 2018-250. Resolution 10401 was approved by the following vote: Ayes: Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, Ollis and McClure. Nays: None. Vacant Seat: General C.

**Appointment of Dr. Travis Shaw to the Springfield Enhanced Enterprise Zone .**

Sponsor: Simpson. Council Bill 2018-251. A resolution accepting the appointment of Dr. Travis Shaw to serve as the school district's representative to the Springfield Enhanced Enterprise Zone Board. (Staff recommends approval.)

Council Bill 2018-251. Special Ordinance 10402 was approved by the following vote: Ayes: Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, Ollis and McClure. Nays: None. Vacant Seat: General C.

**CONSENT AGENDA SECOND READING BILLS.**

**Encroachment License Agreement with Wolf Residential .**

Sponsor: Schilling. Council Bill 2018-236. A special ordinance authorizing the City Manager, or his designee, to enter into an Encroachment License Agreement with Wolf Residential, LLC, to construct and maintain balconies that will extend over the public right of way at 328 South Avenue.

Council Bill 2018-236. Special Ordinance 27118 was approved by the following vote: Ayes: Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, Ollis and McClure. Nays: None. Vacant Seat: General C.

**1522 North Irving Avenue .**

Sponsor: Ferguson. Council Bill 2018-237. A special ordinance approving the transfer of real property generally located at 1522 North Irving Avenue to Springfield Community Land Trust at no cost; and authorizing the issuance of a deed for the same.

Council Bill 2018-237. Special Ordinance 27119 was approved by the following vote: Ayes: Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, Ollis and McClure. Nays: None. Vacant Seat: General C.

**1211 North Fulbright Avenue .**

Sponsor: Ferguson. Council Bill 2018-238. A special ordinance approving the transfer of real property generally located at 1211 North Fulbright Avenue to the Affordable Housing Action Board at no cost; and authorizing the issuance of a deed for the same.

Council Bill 2018-228. Special Ordinance 27120 was approved by the following vote: Ayes: Ferguson, Simpson, Prater, Schilling, Fisk, Hosmer, Ollis and McClure. Nays: None. Vacant Seat: General C.

**END OF CONSENT AGENDA.**

**ADJOURN.**

There being no further business, the meeting adjourned at approximately 8:13 p.m.

Prepared by  
Melissa Carman

Anita J. Cotter, CMC/MRCC  
City Clerk

