

July 11, 2016
Springfield, Missouri

The City Council met in regular session July 11, 2016 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Bob Stephens. A moment of silence was observed.

Roll Call

Present: Ken McClure, Craig Hosmer, Kristi Fulnecky, Phyllis Ferguson, Mike Schilling, Justin Burnett, Craig Fishel and Bob Stephens. Absent: Jan Fisk.

Minutes

There being no additions, deletions or corrections, the minutes of June 27, 2016 were approved as presented.

Consent Agenda

Anita Cotter, City Clerk, stated Staff received a request to remove Council Bill 2016-173 from the agenda as a potential resolution has been reached. Councilwoman Ferguson moved to remove Council Bill 2016-173 from the agenda. Mayor Pro Tem McClure seconded the motion.

The Consent Agenda was finalized and approved as amended.

Mayor Pro Tem McClure moved to add Council Bill 2016-176 which was posted as possible additions to the agenda in the Clerk's Office on Friday under ceremonial bills. Councilman Fishel seconded the motion.

CEREMONIAL MATTERS

Mayor Stephens acknowledged Boy Scouts Troop 494 and thanked them for attending the Council Meeting.

Recognizing Mary
Mannix Decker

Council Bill 2016-176. A resolution recognizing Mary Mannix Decker for her dedicated years of service to the City of Springfield on the occasion of her retirement.

Councilman Fishel expressed his appreciation for Ms. Decker's work for the City and wished her well.

Councilwoman Ferguson expressed her appreciation for Ms. Decker's work on difficult financial issues.

Mayor Pro Tem McClure expressed his appreciation for Ms. Decker's work for the City of Springfield.

Mayor Stephens expressed his appreciation for Ms. Decker's service to the City.

Councilman Schilling expressed his appreciation for Ms. Decker's work on the yearly budget.

Councilman Burnett expressed his appreciation for Ms. Decker's service.

Council Bill 2016-176 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Mary Mannix Decker, Director of Finance, thanked Council for their recognition and expressed her appreciation for Council and all the employees for their work throughout the years.

City Managers report and responses to questions raised at the previous City Council meeting:

Greg Burris, City Manager, thanked those who participated in the Zone Blitz Launch. Mr. Burris stated the zone blitz is a long term commitment by the community and expressed his belief the Zone Blitz Launch will provide much-needed services.

Mr. Burris stated Mary Ann Rojas, Director of Workforce Development, announced the creation of a Pre-Apprenticeship Academy as a result of a \$149,000 grant from the State of Missouri Department of Workforce Development. Mr. Burris noted the grant will provide an opportunity to fund a career pathway for individuals interested in the trades and will help create a pipeline of talent for the industry. Mr. Burris stated the Springfield-Greene County Park Board has several upcoming events, including “Dirt Days” at Lafayette Park, Hovey House ADA Improvements at Grant Beach Park, Steve Pokin’s “Run for Fun Club” at Westport School-Park, “Tennis Under the Lights” at Lafayette Park and “Concert by the Cave” at Doling Park. Mr. Burris noted there are many positive programs occurring through the Springfield-Greene County Park Board and thanked Bob Belote, Kim Reser, Maria Johnston and the Parks team for their work. Mr. Burris thanked Mary Mannix Decker, Director of Finance, for her work with the City and expressed his appreciation to have her at the City of Springfield for so many years. Mr. Burris spoke on behalf of Chief Paul Williams for those who have expressed their support for law enforcement during the recent Dallas Shootings. Chief Williams thanked those who have made food donations and have taken time to drop off donations.

Councilwoman Fulnecky thanked the police officers for their work despite the danger they constantly face.

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

Blaine Street Frontage

Sponsor: McClure. Amended Council Bill 2016-059. A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article III, Division IV, Subdivision III, Section 36-425(7), Design Requirements, of the COM, Commercial Street District in the Zoning Ordinance to clarify Blaine Street Frontage and new construction requirements.

Amended Council Bill 2016-059. General Ordinance 6290 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Amending Springfield City Code, Section 2-504(b)(14) to Limit Insurance Requirements for

Sponsor: Hosmer. Council Bill 2016-147. A general ordinance amending the Springfield City Code, Section 2-504(b)(14) to limit the insurance requirements for special events held on public property to \$1,000,000.00; including a severability clause, savings clause, and declaring an emergency.

Special Events

Councilman Hosmer stated he will be voting in opposition of the proposed and expressed his belief the liquor liability is low and leaves the City at risk for damages.

Councilwoman Fulnecky stated she is in favor of the proposed and expressed her belief the proposed is a good compromise for both the City and event organizers.

Councilman Fishel stated he is in favor of the proposed and expressed his belief a small group sells alcohol at events and if the insurance was increased it would eliminate events serving alcohol.

Council Bill 2016-147. General Ordinance 6291 was approved by the following vote: Ayes: McClure, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: Hosmer. Absent: Fisk. Abstain: None.

Approving Mapping of East West Arterial, Riverbluff Boulevard to Kissick Avenue

Sponsor: Schilling. Council Bill 2016-148. A special ordinance approving the mapping of the East West Arterial, generally located between US Highway 65 and Riverbluff Boulevard to Kissick Avenue, pursuant to Section 11.10 of the City Charter of the City of Springfield, Missouri in order to preserve right-of-way for future public street improvements for five years. (Planning and Zoning Commission and Staff recommend approval.)

Council Bill 2016-148. Special Ordinance 26761 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Amending Springfield Land Development Code, Section 36-306, Zoning Maps, 1215 & 1225 North Benton Avenue

Sponsor: Ferguson. Council Bill 2016-150. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.89 acres of property, generally located at 1215 and 1225 North Benton Avenue, from a Planned Development No. 348 with the Mid-Town Urban Conservation District No. 3 Area E to a Planned Development District No. 348 Amendment 1 with the Mid-Town Urban Conservation District No. 3 Area E; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Mike and Hannah Textor; 1215 and 1225 North Benton Avenue; Planned Development 348 Amendment 1.)

Council Bill 2016-150. General Ordinance 6292 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Amending the Historic Patterson House Redevelopment Plan

Sponsor: Fishel. Council Bill 2016-149. A special ordinance amending the Historic Patterson House Redevelopment Plan and declaring its redevelopment necessary for the preservation of the public peace, prosperity, health, safety, morals, and welfare. (Planning and Zoning Commission, the Land Clearance for Redevelopment Authority and Staff recommend approval.)

Council Bill 2016-149. Special Ordinance 26762 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Amending the Springfield Land

Sponsor: Fulnecky. Council Bill 2016-151. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning

**Development Code,
Section 36-306 Zoning
Maps, 2350 North
Clifton Avenue**

approximately 1.1 acres of property, generally located at 2350 North Clifton Avenue, from LI, Light Industrial District, to an IC, Industrial Commercial District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Springfield Mo. Association of Fire Fighters; 2350 North Clifton Avenue; Z-8-2016.)

Council Bill 2016-151. General Ordinance 6293 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

**Authorizing Issuance
of Conditional Use
Permit No. 424 at 2800
South Fort Avenue**

Sponsor: Schilling. Council Bill 2016-152. A special ordinance authorizing the issuance of Conditional Use Permit No. 424 to allow a nursing and retirement home within the R-MD, Medium-density Multi-family Residential District, generally located at 2800 South Fort Avenue. (Staff and Planning and Zoning Commission recommend approval.)

Mayor Stephens stated due to a misunderstanding at the June 27 Council meeting, the public hearing was held over for one additional speaker.

Nancy Dunn spoke in opposition of the proposed. Ms. Dunn expressed her belief the nursing home is poorly staffed and should not be allowed to expand their facility.

Council Bill 2016-152. Special Ordinance 26763 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

**Approving the Plans
and Bid Specifications
of Landfill Drilling and
Piping Specialists, LLC**

Sponsor: Fulnecky. Council Bill 2016-153. A special ordinance approving the plans and bid specifications, and accepting the bid of Landfill Drilling and Piping Specialists, LLC in the amount of \$440,925.90 for installation of Phase V of the Gas Collection & Control System Expansion at the Springfield Sanitary Landfill; authorizing the City Manager, or his designee, to enter into a contract with such bidder; and approving a budget adjustment to amend the Fiscal Year 2016-2017 budget of the Environmental Services Department for the Solid Waste Fund in the amount of \$485,000 for construction of this project and reimbursement from City Utilities based on a previously approved Memorandum of Understanding #2005-0937.

Council Bill 2016-153. Special Ordinance 26764 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

**Authorizing the City
Manager to Enter into
Agreements with RSM
US LLP**

Sponsor: McClure. Council Bill 2016-154. A special ordinance authorizing the City Manager, or his designee, to enter into agreements with RSM US LLP, to provide professional auditing services to the City and to The Police Officers' and Fire Fighters' Retirement System for fiscal years 2016 through 2020.

An opportunity was given for citizens to express their views.

Jim Meadows spoke in opposition of the proposed. Mr. Meadows encouraged Council to not view auditing as a commodity. Mr. Meadows expressed his belief the audit should not go to the lowest bidder and to look at the quality, not cost.

Mayor Pro Tem McClure stated he is voting in favor of the proposed. Mr. McClure expressed his belief the process of selecting a new auditor should be evaluated for improvement in the future.

Councilwoman Ferguson stated she agrees with Mayor Pro Tem McClure and expressed her belief that Council should not proceed with the changing the auditor.

With no further appearances, public hearing was closed.

Council Bill 2016-154. Special Ordinance 26765 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Approving the Plans and Specifications for Turner Street Drainage Improvements

Sponsor: Fisk. Council Bill 2016-155. A special ordinance approving the plans and specifications for the Turner Street Drainage Improvements from Lyon Avenue to Boonville Avenue Project, Plan No. 2014PW0029SWT, accepting the bid of Hartman and Company, Inc. for that project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Councilwoman Ferguson expressed her appreciation for the proposed and stated this will aid in relieving flooding in Zone 1.

Council Bill 2016-155. Special Ordinance 26766 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

RESOLUTIONS.

Authorizing Mayor Stephens to Travel to Orlando, Florida to Represent City of Springfield at APCO

Sponsor: McClure. Council Bill 2016-160. A resolution authorizing Mayor Bob Stephens to travel to Orlando, Florida to represent the City of Springfield and the Greene County Mayor's Association during the 2016 Association of Public-Safety Communications (APCO) International Conference.

Greg Burris spoke on the proposed. Mr. Burris stated Zim Schwartz, 9-11 Director, had been awarded the International Director of the Year by the Association of Public Safety Communications Officials. Mr. Burris noted the City of Springfield is very proud of Ms. Schwartz and her achievements. Mr. Burris stated it is typical for a representative of the City to attend the award ceremony, as has been done in previous years and made himself available for questions.

Councilwoman Fulnecky asked for an approximate amount of the trip. Anita Cotter responded the amount is not available as the tickets have not been purchased yet. Ms. Fulnecky stated she will be voting in opposition of the proposed and expressed her belief she cannot vote on an item that does not have a clear amount. Mr. Burris responded any council member traveling must comply with the rules established by the City.

Councilman Fishel stated it is incredible to have another employee from the City of Springfield be presented with such an honorable award and expressed his belief it is important for a Council member be there to show our support for Zim

Schwartz.

Council Bill 2016-160. Resolution 10275 was approved by the following vote:
Ayes: McClure, Hosmer, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays:
Fulnecky. Absent: Fisk. Abstain: None.

**Accepting the Report
of Kevin O'Keefe
regarding
Councilwoman
Fulnecky**

Sponsor: Stephens. Council Bill 2016-161. A resolution accepting the report from Kevin O'Keefe addressing the facts regarding Councilwoman Kristi Fulnecky's business license taxes

Greg Burris spoke on the proposed. Mr. Burris stated the proposed is Kevin O'Keefe's findings on whether or not Councilwoman Kristi Fulnecky had paid for her business licenses when she took her oath, making her ineligible to serve on Council. Mr. Burris noted Kevin O'Keefe was hired to represent seven of the nine Council members after Councilwoman Fulnecky hired her own legal counsel.

Joseph Passanise spoke in opposition of the proposed. Mr. Passanise stated the resolution was not brought to Council previously and expressed his belief the resolution is misleading. Mr. Passanise expressed his belief license fees are not taxes and stated Councilwoman Fulnecky's confidential information was released in haste to get the resolution posted. Mr. Passanise asked Council for the proposed to be tabled in order for more information to be presented to Council.

Councilman Hosmer asked what the legal ramifications are if the resolution is passed. Mr. Passanise responded if the resolution is passed, Councilwoman Fulnecky will have to respond to the resolution. Mr. Passanise expressed his belief by voting in opposition of the proposed, it provides an opportunity for the record to be set straight.

Tim Havens spoke in opposition of the proposed. Mr. Havens expressed his belief Council should not be condemning other Council members. Mr. Havens stated the resolution should be tabled and noted Council members should speak for themselves.

Scott Pierson spoke in opposition of the proposed. Mr. Pierson stated he is an associate of the Wampler Firm. Mr. Pierson noted the resolution may be right for Council, but is not right for the citizens of Springfield. Mr. Pierson stated the resolution does not explain why the fee is labeled as a tax. Mr. Pierson expressed his belief the resolution should not be passed as it is a political move and not an actual finding.

Cindy Dennis spoke in opposition of the proposed. Ms. Dennis stated it is good to have diverse opinions on Council and asked for Council to vote no on the proposed.

With no further appearances, public hearing was closed.

Councilwoman Fulnecky expressed her belief it is not fair for her to be prosecuted by an opposing attorney and stated the report should be provided by an independent judge. Ms. Fulnecky noted she was not allowed to authorize the findings of Mr. O'Keefe. Ms. Fulnecky stated no citizen of the United States should have their confidential information leaked to the public or internet. Ms.

Fulnecky noted she will be seeking full legal remedies due to the breach. Ms. Fulnecky stated the greater issues need to be focused on and move forward with the City's business.

Mr. Fishel stated any business owner should know the law and be aware they will need to purchase a business license and expressed his belief Ms. Fulnecky cannot claim ignorance. Mr. Fishel asked what message Council should be sending to new business owners in Springfield. Mr. Fishel expressed his belief the voters who elected Councilwoman Fulnecky who believe she was elected under false pretenses should be allowed to remove her from Council.

Councilwoman Ferguson read a statement provided by Councilwoman Fisk who could not be in attendance. Ms. Ferguson stated on behalf of Ms. Fisk, previous Council's were a team, worked together and never used their position as a stepping stone. Ms. Fisk stated Councilwoman Fulnecky asked Ms. Fisk for a vote as Mayor Pro Tem and expressed her concern Ms. Fulnecky was too new on the Council to hold the seat. Ms. Fisk noted Ms. Fulnecky stated she did not have to pay for her license due to her being an attorney. Ms. Fisk expressed the controversy was avoidable and Ms. Fulnecky brought it upon herself. Ms. Fisk stated multiple Council Members are business owners and have paid for their business licenses. Ms. Fisk noted the controversy needs to come to an end and expressed her belief Ms. Fulnecky should pay for all of her fees and do the right thing. Ms. Fisk asked what Council and Ms. Fulnecky do to correct this situation.

Councilman Schilling stated the matter is about following the law and standards of ethic. Mr. Schilling noted had Ms. Fulnecky paid the fees and moved on, the situation would be remedied. Mr. Schilling asked Ms. Fulnecky to apologize to the City and Council.

Councilman Burnett stated all Council Members are very admirable and honorable and expressed his belief it is important to respect other Council members and staff. Mr. Burnett noted the Council, as a family, needs to come together. Mr. Burnett stated he will be abstaining from voting due to potential legal ramifications.

Councilwoman Ferguson stated previously she has stayed silent on this issue until this meeting. Ms. Ferguson noted when she took her oath, she believed it was her duty to get to the bottom of issues and sort them out. Ms. Ferguson stated it is time to move on to business and get back to City matters.

Mayor Pro Tem McClure stated society functions through law and all are expected to follow the rules. Mr. McClure noted name calling has no place in this Council and expressed his belief the City deserves a unified and functioning Council.

Councilman Hosmer stated it has been a difficult and trying situation. Mr. Hosmer stated he will be voting in favor of the resolution, though he does not agree with all aspects of the proposed, so Council can begin to move forward with City business.

Councilwoman Fulnecky stated it is unfair to let a Council person read a statement from another Council member. Ms. Fulnecky stated Council is acting as

a judge and prosecutor and expressed her belief none of the facts are included in the findings. Ms. Fulnecky stated by the time she had read the email, she had already paid her business license and the issue had been taken care of by the time the meeting was brought to the attention of Council. Ms. Fulnecky expressed her belief the resolution is a harassment on business owners.

Mayor Stephens stated a license is very inexpensive, not hard to obtain and readily available online for business owners. Mr. Stephens noted once the license has been filled, the City sends out annual notices. Mr. Stephens stated the findings show the communication between Councilwoman Fulnecky and the licensing offices.

Councilwoman Fulnecky stated it is outrageous for a citizen to have their confidential information released publicly.

Council Bill 2016-161. Resolution 10276 was approved by the following vote: Ayes: McClure, Hosmer, Ferguson, Schilling, Fishel and Stephens. Nays: Fulnecky. Absent: Fisk. Abstain: Burnett.

EMERGENCY BILLS.

PUBLIC IMPROVEMENTS.

GRANTS.

Authorizing the City Manager to Accept the Edward Byrne Memorial Justice Assistance Grant

Sponsor: Burnett. Council Bill 2016-162. A special ordinance authorizing the City Manager, or his designee, to accept the Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice and to enter into an interlocal agreement with Greene County, outlining the division of the grant funds; amending the budget for the Springfield Police Department for Fiscal Year 2016-2017 in the amount of \$151,450; and declaring that this bill qualifies for approval on one reading.

Chief Paul Williams spoke for the proposed. Chief Williams stated the proposed grant is annual and has been brought to Council previously. Mr. Williams stated the grant is unique as in order to accept the grant, the proposed must be shared with the Greene County Sheriff's Office. Chief Williams noted he would like for the funds to be spent on server capacity for the in-car and interview room videos and to replace the radios for the Springfield Police Department.

Councilman Fishel expressed his appreciation for coming up for more grants for the Springfield Police Department. Chief Williams thanked Sue Schofield, who works part time for the City of Springfield helping to put grants together for the Springfield Police Department.

Council Bill 2016-162. Special Ordinance 26767 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

AMENDED BILLS.

COUNCIL BILLS FOR PUBLIC HEARING.

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

Council Bills 2016-163 and 2016-164 were read simultaneously.

Amending the Operating Budget in the General Fund for the City of Springfield for Fiscal Year 2015-2016

Sponsor: Schilling. Council Bill 2016-163. A special ordinance amending the operating budget in the General Fund for the City of Springfield, Missouri, for Fiscal Year 2015-2016, by increasing revenue and expenses in the amount of \$658,335.89.

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

Amending the Operating Budget for Various Special Revenue Funds for Fiscal Year 2015-2016

Sponsor: Fulnecky. Council Bill 2016-164. A special ordinance amending the operating budget for various Special Revenue Funds for the City of Springfield, Missouri, for Fiscal Year 2015-2016, by increasing revenue and expenses in the amount of \$801,278.79.

Mary Mannix Decker spoke on the proposed. Ms. Decker stated the proposed are budget adjustments for Fiscal Year 2015-2016, including adjustments for insurance reimbursements and retirement payouts. Ms. Decker noted the most significant adjustment is prior service credit for Police and Fire employees who transferred from the City's plan to LAGERS and for weed and trash abatements. Ms. Decker stated the proposed is separate from the carryover fund.

Councilman Hosmer asked about police reimbursement for damaged vehicles. Ms. Decker responded it is if a police vehicle is damaged during an incident, the City then reimburses them to have the repairs done to the vehicle. Councilman Hosmer asked in addition about police restitution. Ms. Decker responded it is for crimes that have been committed and the money is then paid back to the City for damages usually on a case by case basis.

Mayor Pro Tem McClure asked for the entry of \$201,250 for the hotel/motel redistribution. Ms. Decker responded it is another capital project from the prior fiscal year that was carried over and is for improvements at Cooper's Soccer. Mr. McClure asked if it was unexpected. Ms. Decker responded in the negative.

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

Amending the Park Board's Fiscal Year 2015-2016 Operating Budget

Sponsor: Fulnecky. Council Bill 2016-165. A special ordinance amending the Park Board's Fiscal Year 2015-2016 Operating Budget by increasing revenue and expenses in the amount of \$600,000; and allocating appropriations between the Parks 2001 and 2006 Sales Tax Funds, respectively.

Jerry Mitchell, Parks Department, spoke on the proposed. Mr. Mitchell stated the proposed is to reallocate funds for pool repairs and replacement for the zoo boardwalk and made himself available for questions.

Councilwoman Ferguson asked if the proposed was for pool repairs at Meador Park. Mr. Mitchell responded in the affirmative.

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

Authorizing the City Manager to Apply for and Accept a Grant from the Environmental Protection Agency

Sponsor: Ferguson. Council Bill 2016-166. A special ordinance authorizing the City Manager, or his designee, to apply for and accept an additional \$500,000 grant from the Environmental Protection Agency for the purpose of providing supplemental funds for the Brownfields Revolving Loan Fund and to enter into contracts to carry out the grant objectives; and amending the Department of Planning and Development budget for Fiscal Year 2017 in the amount of \$500,000.

Olivia Huff, Planning and Development, spoke on the proposed. Ms. Huff stated the proposed is to fund additional environmental clean-ups. Ms. Huff noted the proposed allows for environmental clean-ups and current projects to continue and made herself available for questions.

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

Amending the Springfield City Code, Chapter 106-Traffic and Vehicles, Article II

Sponsor: Ferguson. Council Bill 2016-167. A general ordinance amending the Springfield City Code, Chapter 106 – Traffic and Vehicles, Article II – Administration and Enforcement, Division 2 – Violations and Procedure Upon Arrest, to add Section 106-102 – City Agency Towing Authority.

Chris Straw, Director of Building Development Services, spoke on the proposed. Mr. Straw stated the proposed allows Building Development Services to remove abandoned vehicles from properties. Mr. Straw stated the current law only allows officers to remove vehicles from a property and if the proposed is passed, the City will use a towing company to remove abandoned vehicles.

Mayor Pro Tem McClure asked what notice would be required. Mr. Straw responded an initial posting is put on the property, then a notification will be mailed to the property owner and if there is no response, a title search will be conducted to notify the vehicle owner. Mr. Straw stated after a ten day period, the towing company will be able to remove the vehicle.

Councilman Schilling asked how many vehicles are ready to be moved currently. Mr. Straw responded currently there are over twenty vehicles waiting to be moved.

Councilman Hosmer asked if Highway Patrol will be coming in to see if the vehicle is stolen. Mr. Straw responded in the negative and stated Building Development Services will be following state laws processes to remove abandoned vehicles.

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

Amending the Springfield City Code, Chapter 106, Traffic and Vehicles, Article IV

Sponsor: Fishel. Council Bill 2016-168. A general ordinance amending the Springfield City Code, Chapter 106, Traffic and Vehicles, Article IV, In General Section 106-157, Flashing signals by adding a new subsection (3) pertaining to flashing yellow arrow signals.

Tom Dancey, Traffic Engineer, spoke on the proposed. Mr. Dancey stated with new statutes, left turn signals are no longer allowed to have a green circular signal lights, therefore these will be changed to a flashing yellow arrow. Mr. Dancey noted it may not be a new application in the state of Missouri and one is already implemented in Springfield currently on the intersection of Campbell and Primrose. Mr. Dancey stated handouts were available for business owners in the area along with a news release and made himself available for questions.

Councilman Hosmer asked how many lights will be changed in Springfield. Mr. Dancey responded any new traffic signals implemented will have the new yellow signal and it is anticipated the City will eventually add the new signal to other traffic lights.

Mayor Pro Tem McClure stated he has encountered these in Jefferson City and was confused by them. Mr. McClure asked how citizens will be educated about the new signals. Mr. Dancey responded in schools, driving programs and large employment areas and expressed his belief as citizens encounter the new signals more often they will be have a greater knowledge and understanding of the new lights.

Councilwoman Ferguson asked if the proposed makes an intersection safer for pedestrians and drivers. Mr. Dancey expressed his belief it would be as it brings more awareness to the surroundings.

Councilman Burnett asked if new state issued handbooks include the new signals. Mr. Dancey expressed his belief it is included in the new handbooks but would need to verify if that is correct.

Mayor Stephens asked if a public service announcement would be available if the proposed is passed. Mr. Dancey responded in the affirmative.

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

Amending the Springfield City Code, Chapter 106, Traffic and Vehicles, Articles VI

Sponsor: Hosmer. Council Bill 2016-169. A general ordinance amending the Springfield City Code, Chapter 106, Traffic and Vehicles, Article VI Stopping, Standing and Parking, Division 3, Method of Parking, by amending Sections 106-295 and 106-298 to add language allowing reverse angle parking.

Eric Claussen, Traffic Engineer, spoke on the proposed. Mr. Claussen stated there is a need for additional parking spots in the Commercial Street area. Mr. Claussen noted the proposed provides better visibility, items can be loaded from the sidewalk, open doors shield passengers and is safer for pedestrians and bicyclists.

Councilman Fishel asked if parking blocks would be placed behind the parked vehicles. Mr. Claussen responded in the negative.

Councilwoman Ferguson asked if tickets were already being issued for those not parking correctly. Mr. Claussen stated warning tickets are available to be issued, but actual tickets won't be issued until after the new parking arrangement has been in place for six months.

Councilman Hosmer asked why citizens can't idle while loading and unloading. Mr. Claussen responded it is due to pedestrians and citizens being outside to ensure they will not be subjected to exhaust fumes.

Councilwoman Fulnecky asked if a car is idling, will they be issued a ticket. Mr. Claussen responded in the affirmative but is used in worst case scenario.

Mr. Burris stated if a vehicle is idling, it would impact citizens in the surrounding area.

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

**Amending Chapter 120,
Wastewater Regulations,
Articles VI**

Sponsor: Burnett. Council Bill 2016-170. A general ordinance amending Chapter 120, Wastewater Regulations, Article VI, Wastewater Charges and Rates, Section 120-247, Extra charges, of the Springfield City Code, by repealing Section 120-247(6) to maintain the existing surcharge for biochemical oxygen demand and total suspended solids.

Errin Kemper, Assistant Director of Environmental Resources, spoke on the proposed. Mr. Kemper stated this ordinance currently holds the B.O.D. and T.S.S. surcharge for eighteen of the industrial customer levels through Fiscal Year 2015-2016 and made himself available for questions.

Councilwoman Ferguson asked what B.O.D. and T.S.S stands for. Mr. Kemper responded B.O.D. stands for Bio-Oxygen Chemical Demand and T.S.S. stands for Total Suspended solids.

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

**Approving the Plans and
Specifications for Sanitary
Sewers for District 38**

Sponsor: Fisk. Council Bill 2016-171. A special ordinance approving the plans and specifications for Sanitary Sewers for District 38 of Section 1 - Aerial Sanitary Sewer Replacement, accepting the bid of Hamilton & Dad, Inc., for that project and authorizing the City Manager, or his designee, to enter into a contract for said improvement.

Errin Kemper, Assistant Director of Environmental Resources, spoke on the proposed. Mr. Kemper stated the proposed is to accept the bid from Hamilton & Dad, Inc. to reinforce the sewer crossing and made himself available for questions.

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

**Authorizing the City of
Springfield, Missouri to
Enter into Schedule of
Equipment No. 5**

Sponsor: Hosmer. Council Bill 2016-172. A special ordinance authorizing the City of Springfield, Missouri, to enter into Schedule of Equipment No. 5, which will become a part of its existing Master Equipment Lease Purchase Agreement, the proceeds of which will be used to pay the costs of acquiring equipment for the Parks Department, to do all things necessary to carry out the lease-purchase transaction, including the execution of certain documents in connection

therewith; and amending the budget of the Parks Department for Fiscal Year 2016-2017 in the amount of not to exceed \$490,000.

Mary Mannix Decker spoke on the proposed. Ms. Decker stated the proposed provides for a five year financing structure for capital equipment for the Parks Department. Ms. Decker noted the difficulty in the past of getting equipment replaced and stated after five years the Parks Department will own the equipment after paying off a low interest rate.

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

Petitions, Remonstrances, and Communications.

The following items appeared under New Business:

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

UNFINISHED BUSINESS.

MISCELLANEOUS.

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

Removed from Consent Agenda

Sponsor: McClure. Council Bill 2016-173. A special ordinance authorizing the City of Springfield, Missouri staff to proceed with condemnation of certain right(s)-of-way over, under, and through the properties located at 2738 East Kearney Street and 2808 East Kearney Street to proceed with Sanitary Sewer District 17 of Section 26 (Kearney Street and Lurvey Avenue) Project #4PW5542, and to do all things necessary to carry out the acquisition of the necessary right(s)-of-way for said sewer project.

Authorizing the City Manager to Enter into Agreement with MHz Trunked Radio System Participation Agreement

Sponsor: Ferguson. Council Bill 2016-174. A special ordinance authorizing the City Manager, or his designee, to enter into an Eighth Amendment to the 800 MHz Trunked Radio System Participation Agreement, Contract No. 2000-0182-07, to expand the license pool from 300 licenses to 600 licenses.

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

Authorizing the City Manager to Execute a Contract with the Missouri Highways and Transportation Commission

Sponsor: McClure. Council Bill 2016-175. A special ordinance authorizing the City Manager, or his designee, to execute a contract between the City of Springfield and the Missouri Highways and Transportation Commission, providing for a grant of funds under Section 305.230, RSMo, to the City, by and through the Springfield-Branson National Airport Board in the amount of \$215,000.00 for air service marketing and promotion of the Springfield-Branson National Airport, and amending the budget of the Springfield-Branson National Airport Board in the amount of \$238,889.00; and declaring that this bill qualifies

for approval on one reading.

Council Bill 2016-175. Special Ordinance 26768 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

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

**Authorizing the Director
of Planning and
Development to Accept
Dedication of the Public
Streets, 2638 North
National Avenue**

Sponsor: Burnett. Council Bill 2016-157. A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Paragon Court generally located at 2638 North National 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 the terms of this ordinance. (Staff recommends that City Council accept the public streets and easements.)

Council Bill 2016-157. Special Ordinance 26769 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

**Approving the Sale of
Real Property at 711 East
Jean Street**

Sponsor: Fulnecky. Council Bill 2016-158. A special ordinance approving the sale of real property at 711 East Jean Street to Barbara and Grant James for \$8,000 and authorizing the issuance of a deed for same.

Council Bill 2016-158. Special Ordinance 26770 was approved by the following vote: Ayes: McClure, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Confirmed

Confirm the following appointment to the Land Clearance for Redevelopment Authority: Dr. Allen Grymes with term to expire March 1, 2019.

Adjourn

With no further business to come before Council, the meeting adjourned at approximately 8:58 p.m.

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by Megan Cunningham