

February 24, 2020
Springfield, Missouri

The City Council met in regular session February 24, 2020 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, Jan Fisk, Craig Hosmer, Richard Ollis, Andrew Lear, Abe McGull, Matthew Simpson, Mike Schilling and Ken McClure. Absent: None.

Minutes The minutes of February 10, 2020 City Council Meeting, and February 18, 2020 and February 20, 2020 Special City Council Meetings were approved as presented.

Consent Agenda The Consent Agenda was approved as presented.

CEREMONIAL MATTERS

City Manager's Report Jason Gage, City Manager, noted the annual budget discussions would begin at the Council Lunch Workshop on February 25, 2020, at 11:30 a.m. where Finance Director, David Holtmann, and his staff will provide a fiscal year 2019 year-end review, share fiscal year 2020 revenue-to-date highlights and discuss fiscal year 2021 considerations.

Mr. Gage noted the City's Department of Workforce Development announced the results of the sixth annual Momentum State of the Workforce Survey. Results were highlighted at a February 19, 2020, luncheon attended by nearly 350 business, education and community leaders. Mr. Gage noted the key take-aways included: a continued upward trend of companies surveyed planning to increase hiring; 62% of companies reporting they were likely to expand over the next year; and 69% of those reporting they were "very unlikely" to expand somewhere else.

Mr. Gage welcomed Neil Slagle. Mr. Slagle has been named the City of Springfield's Director of Information Systems. Mr. Gage noted this position is critical in leading the City's technology needs, including those directly affecting daily operations, both emergency and routine citizen services. The IS Department serves approximately 2,500 employees across 22 departments, located in over 100 buildings throughout the City and surrounding areas. Additionally, the department supports nearly 400 software systems.

Mr. Gage noted Mr. Slagle comes to Springfield, following a 2017 retirement from the state of Michigan Department of Technology Management & Budget. He has over 23 years of experience in government, where he managed several different state agency information technology programs for the state of Michigan including the Department of Corrections, Department of the Attorney General and Department of Treasury.

Mr. Gage noted the Springfield Police Department is expanding its SPD in PE program to Westport and Study Middle Schools. Mr. Gage explained this program is a partnership between SPD and Springfield Public Schools. Police Officers attend physical education classes and lunchtime to build relationships with the students.

Mr. Gage congratulated Springfield Fire Chief David Pennington. Fire Chief Pennington has been awarded the Ambassador of the Year Award by the Center for Public Safety Excellence. The Center for Public Safety Excellence is an international technical organization that works with the most progressive fire and emergency service agencies, and most active fire professionals. The Ambassador of the Year Award recognizes an individual who goes above and beyond in their support of accreditation, credentialing, and the Center as a whole.

Mr. Gage advised the City Council about upcoming demolishing of three vacant buildings along Boonville – 827, 833 and 843-845, which are located across the street from the Busch Municipal Building. The buildings have been acquired by the City over the past few years because they are in disrepair and are considered to be dangerous buildings. Initially, a paved municipal parking lot, constructed by Public Works Street Division will replace the buildings. The lot will include 100 spaces, accessible parking for handicapped visitors to Government Plaza and lighting.

Councilman Hosmer asked Mr. Gage to look at House Joint Resolution 111, a constitutional amendment that will be submitted to voters prohibiting the City from using sobriety checkpoints. Councilman Hosmer expressed his concern this would affect local control and suggested this be placed on the City Council legislative agenda. Mayor McClure added Mr. Gage should check the state of House Joint Resolution 111.

Councilman McGull noted due to the outbreak of Coronavirus the City should consider continuity of operations if there should be an outbreak in Springfield. Mr. Gage responded there is a plan in place, however staff will continue to monitor the situation.

Mayor McClure congratulated Chief Pennington.

Mayor McClure recognized Cub Scout Pack 208 who were in attendance.

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

**International
Property
Maintenance Code**

Sponsor: Hosmer. 2nd Amended Council Bill 2019-252 Substitute No. 1. A general ordinance amending Chapter 36 of the Springfield City Code, known as the 'Land Development Code,' by repealing Article VII, 'International Property Maintenance Code,' in its entirety, and enacting a new Article VII, 'International Property Maintenance Code.'

Mayor McClure noted 2nd Amended Council Bill 2019-252 Substitute No. 1 was first heard for public hearing on February 10, 2020 and was held over for public comment on the amendment only.

An opportunity was given for citizens to express their views.

Christine Dicken spoke in support of the proposed. She expressed her belief the proposed would be a good first step. She encouraged councilmembers to vote affirmatively on the bill and invest in ways to enforce the legislation.

Phyllis Netzer spoke in opposition of the proposed. She expressed her opinion the nuisance property rules have existed since 1995, however many neighborhoods have not improved. She noted she is not in support of more regulating and suggested positive reinforcement rather than punishment.

Peter Radecki spoke in support of the proposed. He noted there should be clarifications regarding basement usage under 306.1.2 and change the word from room to habitable space. He further noted section 402 references operable windows and is not section 402, but section 403. Mr. Radecki noted language requires the floor and walls be “impervious” to water, dampness, and moisture intrusion and this may be a construction impossibility. Mr. Radecki likes the intent of the bill urged the Councilmembers to support the proposed.

Mayor McClure asked staff for clarification on the reference to 403 being listed as 402.

Mr. Gage noted staff would verify which section was correct.

Mayor McClure also asked Mr. Radecki to supply his recommendations to the City Manager’s Office.

Becky Volz, President of Woodland Heights Neighborhood Association, spoke in support of the proposed. She noted many neighbors are tenants and live in unsuitable environments citing lack of knowledge, fear of eviction, and uninformed landlords. Ms. Volz expressed her appreciation to the City for addressing this issue.

There being no further speakers the public hearing was declared closed.

Mayor Pro Tem Ferguson asked those in attendance for a show of hands if they were attending due to these issues. She expressed her belief the City has waited for people to do the right thing, the responsible thing, and conditions are worse. She further expressed the City cannot continue to allow irresponsible people to take properties and reduce them to slum dwellings. She noted citizens worry about the appearance of their neighborhood, the safety of children, and their health. Mayor Pro Tem Ferguson asked Council to join her in supporting the proposed.

Councilman Ollis thanked staff and Mayor Pro Tem Ferguson for their leadership and diligent effort. He also thanked the neighborhoods for patience and willingness to speak to Council. Councilman Ollis noted his support of the proposed.

Mayor McClure noted Council will vote on the bill, but asked staff to review Mr. Radecki’s comments and determine if amendments need to be prepared.

Mr. Gage noted staff did a quick review and code section 402, should be 403. He noted the language relating to the floor and walls in the basement is for areas typically comprised of concrete or blocks not referencing interior walls.

Mayor McClure asked if language was amended at this meeting, would the amendment be regarded as substantive. Ms. Lewsader noted the wording of the section is clear it should have referred to 403 and an amendment would not be regarded as substantive.

Mayor McClure moved to amend section 306.1.2.1.4 line 22 by replacing the number 402 with 403.

Councilman Simpson seconded the motion and was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

2nd Amended Council Bill 2019-252 Substitute No. 1. Ordinance 6573 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

**International
Property
Maintenance Code**

Sponsor: Ollis, Lear, and McGull. Council Bill 2019-252. A general ordinance amending Chapter 36 of the Springfield City Code, known as the 'Land Development Code,' by repealing Article VII, 'International Property Maintenance Code,' in its entirety, and enacting a new Article VII, 'International Property Maintenance Code.' (Recommended by Plans and Policies Committee.)

Council Bill 2019-252 failed due to passage of 2nd Amended Council Bill 2019-252 Substitute No. 1.

**Dangerous,
Blighted and
Nuisance Building
Code**

Sponsor: Hosmer. Council Bill 2020-007. A general ordinance amending the Springfield City Code, Chapter 26, 'Buildings and Building Regulations,' Article III, 'Dangerous, Blighted and Nuisance Building Code,' Subsection 26-62(5), to better define "open;" and Subsection 26-62(12), to add the property maintenance code to other listed codes.

Mayor McClure noted there was a public hearing on February 10, 2020 for Council Bill 2020-007 and it was amended. He further noted the hearing would be continued tonight on the amendment only.

An opportunity was given for citizens to express their views.

Peter Radecki spoke in support of the proposed. He believes the corrections added have been helpful. He further believes passing of the proposed will have the largest impact on the nuisance properties, more than even updating the property management code itself.

There being no further speakers the public hearing was declared closed.

Council Bill 2020-007. Ordinance 6575 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

Workable Program Sponsor: Ferguson. Council Bill 2020-279. A general ordinance amending Chapter 40 of the City Code, Article II, 'Workable Program,' Section 40-15; for the purpose of modifying the Workable Program's requirements regarding Payments in Lieu of Taxes.

Mayor McClure noted public hearing for Council Bill 2020-279 was held on February 10, 2020 and is now before Council for action.

Councilman Hosmer asked for an explanation of the staff recommendation.

Sarah Kerner, Economic Development Director, noted staff recommends permanently distributing the PILOTS to the taxing jurisdictions. She further noted, if it is Council's wish for abatement percentages to go back to 100%, the easiest thing to do would be to allow the sunset to expire.

Councilman Hosmer asked if the City followed staff's recommendation would the money that is not given to the developer go to the taxing jurisdictions. Ms. Kerner answered affirmatively. He asked if this included the library, schools, OTC, and people with developmental disabilities. Ms. Kerner answered affirmatively. He asked if the City eliminates the Workable Program would the money go to the developer. Ms. Kerner answered affirmatively. She noted if you eliminate the Workable Program completely, 100% abatement means a tax savings for the developer, there would be no payment to the developer, just taxes they would not have to pay. However, in this instance the reference is to percentage of the abatement. Councilman Hosmer asked if 100% of the abatement would go to the developer instead of being returned to the schools, OTC, the library. Ms. Kerner answered affirmatively. He asked if the Program was eliminated, if the But-For Test would still be available. Ms. Kerner answered affirmatively. Ms. Kerner then clarified the meaning of eliminating the Program, indicating the current Council Bill regards the sunset provision addressing the percentage of abatement. He asked if the score card would be ended. Ms. Kerner answered affirmatively noting the score card would no longer be relevant. He asked if the purposes of the score card had included job creation and energy efficiency. Ms. Kerner answered affirmatively and added preservation of existing buildings, public safety issues, having a CPTED analysis with the police department, environmental factors, and a wide variety of factors previously identified in Council discussions. He noted these items had been used to incentivize developers and help the community were the idea behind the score card. Ms. Kerner answered affirmatively.

Councilman Simpson asked how many projects have used the score card during the entirety of the pilot period. Ms. Kerner answered one.

Councilman Hosmer asked if the Workable Program has been in effect for two years. Ms. Kerner answered affirmatively. He asked if the Program required a But-For Test. Ms. Kerner answered affirmatively. She noted the But-For Test would remain in effect regardless of the sunset provision. He asked if the But-For Test was one of the

provisions of the Workable Program. Ms. Kerner answered affirmatively. He noted as no developer has used this program in the past two years, it may indicate there is not a financial need for the taxpayer money to go the developer. Ms. Kerner answered affirmatively.

Councilman Shilling asked if there had been enough time to do a comparison to determine if the Program is not working or is detrimental. Councilman Shilling noted he would support the Workable Program and asked for this to happen if it meant eliminating the sunset clause.

Ms. Kerner noted an action must be taken before March 26, 2020 in order to keep the collection of PILOTS moving forward, otherwise it will sunset, meaning amending the existing ordinance.

Councilman Lear noted he believed the Program was well intentioned, but may need some adjustment and would be willing to entertain 100% abatement versus the current 75% cap. Additionally, he noted he likes the flexibility and the different levels of incentive and believes if left on the books with an amendment, there would be a better chance of revamping the Program than if it is allowed to sunset.

Councilman Ollis noted he was one of the original co-sponsors for the Workable Program but in practice it has not worked. He noted one of the focus points was to eradicate blight directly around the taxable jurisdictions. He also pointed out there has only been one project in two years. Councilman Ollis believes altering an existing program will create confusion, complexity and reduce the ability for the City to use incentives effectively. He would support looking at the Program more broadly but believes the bill should be voted down and will not be supporting Council Bill 2020-279.

Councilman Simpson agreed the Program was well intended but a program only used by one person is not a program that works for the City, for the goals of blight remediation, or for the tax districts involved. He noted he agrees with Councilman Lear, indicating he would like to look at a program with a flexible range from 50-100%, but the most appropriate way to do so is by using the method suggested by Councilman Ollis, using the Forward SGF comprehensive plan to determine goals people will use and advance the goals of the City. Councilman Simpson indicated he is planning to vote no.

Mayor Pro Tem Ferguson asked if no matter the vote, what would prevent the Program from being modified.

Mr. Gage responded there would not be anything to prevent the Program from being modified. He expressed modifications would depend on the outcome of the vote and how much time the Council would like before any changes are made and presented.

Mayor Pro Tem Ferguson clarified only one developer has used the program and there were two other developers interested. Ms. Kerner indicated one developer was using the program and four development plans had been approved, but only one is less than

100% abatement. She asked if the other three developers had gone through at 100%. Ms. Kerner answered affirmatively. Mayor Pro Tem Ferguson asked if there are development plans in the queue that would be affected by the vote. Ms. Kerner noted there are none.

Council Bill 2020-279 failed by the following vote: Ayes: Hosmer, Lear, and Schilling. Nays: Ferguson, Fisk, Ollis, McGull, Simpson, and McClure. None. Abstain: None.

**Official Zoning
Map and Rules for
Interpretation**

Sponsor: Simpson. Council Bill 2020-024. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning 0.69 acres of property, generally located at 3750 South Campbell Avenue, from HC, Highway Commercial district to GR, General Retail district; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: TRB Kickapoo, LLC; 3750 South Campbell Avenue; Z-1-2020.)

Councilman Simpson moved to table Council Bill 2020-024 until the March 9, 2020 City Council Meeting. The motion was seconded by Councilman Lear.

The motion was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

**Conditional Use
Permit No. 441**

Sponsor: Schilling. Council Bill 2020-025. A special ordinance granting Conditional Use Permit No. 441 for the purpose of authorizing an automotive service garage to operate within the GR, General Retail, district located at 216 West Weaver Road as a conditional use. (Staff and Planning and Zoning Commission recommend approval.) (By: McKeen Trust, LLC; 216 West Weaver Road; Conditional Use Permit 441.)

Anita Cotter, City Clerk, noted a protest petition was received and found to be insufficient at 14.12 percent and a copy of the supplemental explanation sheet has been provided at the councilmember's places. Therefore, a supermajority, or six votes, will not be required to pass the proposed.

Council Bill 2020-025. Ordinance 27828 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

**Home
Occupations**

Sponsor: Fisk. Council Bill 2020-026. A general ordinance amending Chapter 36 of the City Code, Article III, 'Zoning Regulations,' Section 36-451 for the purpose of allowing the provision of cosmetology services as a permitted home occupation. (Staff and Planning and Zoning Commission recommend approval.)

Mayor McClure noted a public hearing was held on February 10, 2020 and Council Bill 2020-026 was before Council and asked Council for question.

Councilman McGull expressed concern with enforcement, parking, infringement on single family dwellings, businesspeople moving from commercial locations to home

locations, and crime. He expressed his belief the proposed has good intentions, but there may be unintended consequences and will therefore be voting against the bill.

Councilman Hosmer asked staff about line 139. He asked if the state prohibition of altering the character of the building applied to just cosmetology or all home businesses. Mary Lilly Smith, Director of Planning and Development, noted cosmetology is the only business the state requires a separate entrance for in order to gain a license. He asked if the bill was approved by the City, would the City be abdicating responsibility to the state if additional or future changes were to be enacted by the state licensing department. Ms. Smith answered affirmatively. He noted he was not aware of any other instance in the City code where the state has jurisdiction to make changes to City code and therefore, he will be voting against the proposal.

Mayor Pro Tem Ferguson asked about line 169, regarding the amount of usable space in the home and required parking. Ms. Smith answered a garage is not required, the parking provision has existed since at least 1995, and the impact to parking is no different from a visiting guest parking on the street. Mayor Pro Tem Ferguson expressed concern about neighbor complaints related to parking. Ms. Smith responded the ordinance has existed for many years and to her knowledge there have been no complaints.

Councilman Lear asked if the provision has been in effect since at least 1995 have there been complaints related to parking. Ms. Smith noted she has not researched complaints or violations, but she is not aware of any. He asked if other communities are allowing cosmetology as a home-based business. Ms. Smith answered affirmatively and noted there has been a long history of hairdressers working from their home. He noted other types of home-based businesses such as daycares, attorneys, insurance agents, and almost any other type of business. He asked if there are regulations in terms of parking, nuisance, and noise. Ms. Smith answered affirmatively.

Councilman Schilling asked about the specific application Council Bill 2020-026 is related to. Ms. Smith noted a citizen had approached Councilman Lear who is an esthetician and would like to locate the business in her home. The citizen has complied with all statutory requirements, but the City ordinance restricts the business to haircutting and styling, it does not include the other classes included in cosmetology licensing.

Councilman Simpson noted the licensing for cosmetology and state inspections. Ms. Smith added a minimum number of education hours are required.

Councilman McGull asked if the City would be conducting inspections. Ms. Smith noted inspections would be done on a complaint basis and this is the same process for existing businesses.

Mayor McClure asked if inspections are also done by the State Board of Cosmetology. Ms. Smith answered affirmatively.

Council Bill 2020-026. Ordinance 6574 was approved by the following vote: Ayes: Ferguson, Fisk, Ollis, Lear, Simpson, Schilling and McClure. Nays: Hosmer and McGull. Abstain: None.

Vacating Right-of-Way

Sponsor: Ferguson. Council Bill 2020-027. A special ordinance vacating a portion of public right-of-way located in the 200 block of East Phelps Street upon the occurrence of certain conditions. (Staff and Planning and Zoning Commission both recommend approval.) (By: Board of Governors of Missouri State University; 200 blk East Phelps Street; Vacation 814.)

Mayor McClure noted a public hearing was held on February 10, 2020 and Council Bill 2020-027 was before Council and asked Council for questions.

Council Bill 2020-027. Ordinance 27283 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

SpringNet Memorandum of Understanding

Sponsor: Hosmer. Council Bill 2020-028. A special ordinance authorizing the City Manager, or his designee, to enter into a Memorandum of Understanding between City Utilities of Springfield, Missouri, doing business as "SpringNet" and the City of Springfield, Missouri, to allow alternate methods for permitting and cost recovery for work on City rights-of-way associated with a large, specialized project known as the SpringNet Fiber Optic Expansion Project.

Mayor McClure noted a public hearing was held on February 10, 2020 and Council Bill 2020-028 was before Council and asked Council for questions.

Mayor Pro Tem Ferguson noted she will be voting in favor and asked staff about traffic control and public notification. Dan Smith, Director of Public Works, noted the City will be working with SpringNet and the City's Public Information Office to ensure timely public notification.

Councilman Simpson noted he will be voting in favor and expressed his enthusiasm for the SpringNet project.

Council Bill 2020-028. Ordinance 27284 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

Springfield Convention & Visitors Bureau Addendum

Sponsor: Fisk. Council Bill 2020-029. A special ordinance authorizing the City Manager to enter into an addendum to the annual agreement with the Springfield Convention & Visitors Bureau, Inc., executed on July 30, 2019; and amending the City's budget for Fiscal Year 2019-2020 in the amount of \$250,000, for the purpose of reflecting current and projected operational changes.

Council Bill 2020-029. Ordinance 27285 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

Cost Share Agreement

Sponsor: Ollis. Council Bill 2020-030. A special ordinance authorizing the City Manager, or his designee, to enter into a Cost Share Agreement between the City of Springfield, Missouri, The Board of Governors of Missouri State University and the Vecino Group for the purpose of apportionment of costs for stormwater improvements through the “IDEA Commons” development area. (Staff Recommends Approval.)

Council Bill 2020-030. Ordinance 27286 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

The following bills appeared on the agenda under Resolutions.

2020 Capital Improvements Program

Sponsor: Ollis. Council Bill 2020-033. A resolution adopting the 2020 Capital Improvements Program for the purpose of providing a schedule of public improvements for 2020 through 2025. (Planning and Zoning Commission and Staff recommend approval.)

Randall Whitman, Principal City Planner, provided a brief overview of the proposed. He noted funding and planning for the construction, maintenance and replacement of the City’s infrastructure, and public facilities over the next six-years. He noted there are 22 new projects or programs added to 2020 and 13 new projects or programs will receive funding in 2019.

Councilman Simpson asked if Mr. Tim Rosenberry, Director of Quality of Place Initiatives, would be added to these projects. Mr. Gage answered Mr. Rosenberry would be added to as many projects as possible.

Councilman Schilling asked for an estimated timeframe regarding the widening of Kansas Avenue between Walnut Lawn and Maplewood. Mr. Smith noted the project was approved, but a consultant has not yet been chosen; however, the project is slated for later this year.

An opportunity was given for citizens to express their views.

Greg Herren, General Manager for Multicraft Contractors, spoke in support of the proposed. He noted comments from visitors to Springfield regarding the continued improvements and enhancements to the City. Mr. Herren thanked the Council for their service and encouraged support of the proposed bill.

Megan Short spoke in support of the proposed. She recognized and thanked the City staff for their service and transparency, diligent work, and the information available to the public.

There being no further speakers the public hearing was declared closed.

Council Bill 2020-033. Resolution 10493 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

Annexation of 3245 West Sunshine Street

Sponsor: Schilling. Council Bill 2020-034. A resolution declaring the intent of the City of Springfield to annex 1.86 acres of private property located at 3245 West Sunshine Street. (Staff recommends approval.)

Mary Lilly Smith, Director of Planning and Development, provided a brief overview of the proposed. Ms. Smith noted this is a resolution of intent. She pointed out the city limits and indicated the property owner is asking for annexation in order to connect to city sewer.

An opportunity was given for citizens to express their views. There being no speakers the public hearing was declared closed.

Council Bill 2020-034. Resolution 10494 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

Short-Term Rental Type 2 Permit

Sponsor: Simpson. Council Bill 2020-035. A resolution granting a Short-Term Rental Type 2 Permit for the property located at 1270 East Edgewood Street for the purpose of allowing the establishment of a Short-Term Rental Type 2 pursuant to Section 36-473 of the Zoning Ordinance.

Mary Lilly Smith, Director of Planning and Development, provided a brief overview of the proposed. Ms. Smith explained short-term rental type 2 properties are rented for periods of less than 30 consecutive days, require a 500ft notification and neighborhood meeting, and an affidavit signed by 55% of the adjacent property owners. She explained if 55% of neighboring signatures are not secured, the property owner may appeal to the City Council. Ms. Smith noted she had researched the complaint database and no complaints have been filed on this property.

Councilman Ollis asked why the property owners are currently seeking an appeal when it had previously been listed as a short-term rental type 2 property. Ms. Smith responded Building Development Services and the Planning have reviewed listings on Airbnb, VRBO and Home Away to determine if all short-term rental type 2 properties had been identified and research found several properties had not finalized requirements in order to obtain their license. Ms. Smith noted the property at 1270 East Edgewood was one of those properties.

Councilman Ollis asked for clarification regarding adjacent property owners declining to sign. Ms. Smith responded a property owner declining to sign, simply means the property owner did not sign and lack of signatures cannot be construed as an indication of opposition. Ms. Smith noted the property owner and manager of 1270 East Edgewood was available to answer questions.

Councilman McGull asked if the ordinance for short-term rental type 2 properties required adjacent property owners declining to sign to list a reason for objecting. Ms. Smith noted it does not, only the signatures of property owners approving the short-term rental type 2 property. He noted the City would not know why a property owner objected to sign and suggested the City should investigate.

Councilman Simpson noted not supporting the short-term rental type 2 permit is viewed the same as opposing the short-term rental type 2 permit and therefore, would like the City to review the general process.

Councilman Hosmer asked if short-term rental type 2 properties had to be owner occupied. Ms. Smith responded short-term rental type 2 properties do not have to be owner occupied, however the property owner of 1270 East Edgewood has both leased the property and lived in the property. He asked if the short-term rental type 2 property and the owner have the same address. Ms. Smith answered affirmatively and noted there is a limit on the number of days you can rent the property as a short-term rental type 1 properties and if you exceed the number of days (90), even if you live in the house, you must get a short-term rental type 2 permit.

An opportunity was given for citizens to express their views.

Shiloh Weaver spoke in support of the proposed. Ms. Weaver is the owner of 1270 East Edgewood. She is in favor of regulation for short-term rental type 2 properties and the process. Ms. Weaver lived in the property until May 2019 and used the property as an Airbnb from 2013-2017. She removed the property from Airbnb to serve as a caretaker for a family member. Ms. Weaver explained she is bringing her appeal forward at this time because she was out of state when the law came into effect. She hired a property manager to address the short-term rental type 2 property appeal process. Ms. Weaver stressed 1270 East Edgewood is her primary residence and she considers it her home.

Nicholas Williams spoke in support of the proposed. He noted he owns property in Rogersville and manages several properties in Springfield and the surrounding community. Mr. Williams explained he spoke with the landlords of the adjacent properties and they told him they did not want to sign for 1270 East Edgewood due to the vagueness of the verbiage and possible lack of recourse.

Councilman McGull expressed concern, indicating adjacent property owners can block short-term rental type 2 property owner permits by objecting to sign. He believes the City could accept an adjacent property owner's refusal to sign as approval or give the adjacent property owner notice of a hearing and allow non-signing adjacent property owner to speak at the hearing. Councilman McGull does not believe it is fair to people who are actively following the process to be penalized by those who are apathetic.

Councilman Simpson noted he agrees with Councilman McGull about the need to review the processes but will be voting in favor of the proposed.

Mayor McClure asked Mr. Gage to add short-term rental type 2 properties to a future City Council Lunch Workshop and the number of applications and outcomes. Mr. Gage indicated short-term rental type 2 properties can be added and noted short-term rental type 2 ordinances should be vetted in order to avoid repeated amendment to the ordinance.

Council Bill 2020-035. Resolution 10495 was approved by the following vote: Ayes: Ferguson, Fisk, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: Hosmer. Abstain: None.

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

The following bill appeared on the agenda under Grants.

MoDOT Grant

Sponsor: Hosmer. Council Bill 2020-036. A resolution declaring the official intent of the City of Springfield to support the Southwest District of the Missouri Department of Transportation in its application for a 2020 Infrastructure for Rebuilding America grant to widen Interstate 44 to six lanes through the City; and pledging \$2,000,000 in matching funds upon award of said grant.

Dan Smith, Director of Public Works, presented a brief overview. He noted the proposed is due to a request from MoDOT for a grant they are submitting to improve and widen Interstate 44 from West Bypass to US 65, increasing from four lanes to six lanes, replacing six bridges, and adding a boxed culvert under Interstate 44 around Doling. Mr. Smith stressed the unique opportunity of the culvert, noting it would allow for pedestrians, connect future trail systems, and is a project alone would cost \$1,000,000. He then displayed a slide indicating previous cost shares with MoDOT. Mr. Smith explained the MoDOT widening project is a \$70,000,000 project and MoDOT is asking for \$2,000,000 from the City if the MoDOT grant is approved. He noted the money is available.

Mayor McClure asked if the City would be using federal funds to match federal funds. Mr. Smith answered affirmatively. He also noted Greene County is pledging \$1,000,000. He asked how many exits are between West Bypass and US 65. Mr. Smith noted this project covers seven miles and there are four interchanges.

Councilman McGull asked if adding extra lanes would add burden to the interchanges. Mr. Smith noted it would not and there is a possibility MoDOT would address interchanges as well; however, MoDOT has yet to consult a designer as they have not received the grant yet.

Councilman McGull expressed concern for traffic and stacking space at the interchanges. Mr. Smith responded he will pass the concern on to MoDOT.

Councilman Hosmer asked if the only planned pedestrian pass is at Doling. Mr. Smith answered affirmatively.

An opportunity was given for citizens to express their views. There being no speakers the public hearing was declared closed.

Council Bill 2020-036. Resolution 10496 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

AMENDED BILLS

The following bill appeared on the agenda under Council Bills for Public Hearing.

Conditional Use Permit No. 442 – 3510 West Sunshine

Sponsor: Schilling. Council Bill 2020-037. A special ordinance granting Conditional Use Permit No. 442 for the purpose of authorizing an automotive service garage to operate within the GR, General Retail, district located at 3510 West Sunshine Street as a conditional use. (Staff and Planning and Zoning Commission recommend approval.)

Mary Lilly Smith, Director of Planning and Development, provided a brief overview of the proposed. She noted the requesting property is located at 3510 West Sunshine and meets all 21 standards for a Conditional Use Permit.

An opportunity was given for citizens to express their views. There being no speakers the public hearing was declared closed.

Intersection Visibility

The following bills were read and discussed simultaneously.

Sponsor: Hosmer. Council Bill 2020-038. A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 5, 'Supplemental District Regulations,' Section 36-453 'Supplemental Open Space and Yard Regulations,' and Chapter 106 of the Springfield, Missouri, City Code, 'Traffic and Vehicles,' Article 1, 'In General,' Section 106-32, 'Trees, Shrubs or other Vegetation obstructing visibility at Intersections,' both relating to vegetative obstructions in intersection sight triangles. (Planning and Zoning Commission and Staff recommend approval.)

Sponsor: Fisk. Council Bill 2020-039. A general ordinance amending Chapter 114 of the Springfield, Missouri, City Code, 'Vegetation,' Article II, 'Trees,' Division 1, 'Generally,' Section 114-31 'Trees on private property creating hazard to public ways.' (Staff recommends approval.)

Mandy Buettgen-Quinn, Engineer, provided a brief overview of the proposed. She noted vegetation, while beautiful, can become a nuisance. She noted depending on the situation, the City may leave an educational flier or pursue abatement with a citizen. Ms. Buettgen-Quinn explained there are discrepancies in the codes. She noted Section 106-32 and Section 36-453 refer to vegetation near intersections, but the yard grade versus the street grade result in radically different measurements of approved vegetation growth and height. Additionally, she noted the request to have Section 36-

453 6(b)4 stricken and all sections would refer to the table that bases the triangle side based on the classification of the roadway. Ms. Buettgen-Quinn noted another discrepancy between Section 106-32 and Section 36-453, adding there have been complaints, and noting the recommendation is to take all limbs to a height of eight feet and only allow one tree. She expressed her belief the language in the abatement code should be updated by copying what is in the BDS codes and adding it to the vegetation codes.

Mayor Pro Tem Ferguson expressed concern tree removal and trimming can be costly, and many citizens may not have the means for removal or trimming. Ms. Buettgen-Quinn responded the City will review crash history and if there is a safety issue the City would research it to determine if the area in question is the property owner's responsibility or the City's.

Councilman McGull expressed his concern regarding visibility of the traffic area. He asked for clarity regarding branches versus tree removal. Ms. Buettgen-Quinn noted tree removal would result only if it was an issue. She further noted the City would go out on a complaint basis, however if the case was dangerous, the City would abate immediately at no charge to the property owner rather than follow the notification process.

An opportunity was given for citizens to express their views. There being no speakers the public hearing was declared closed.

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

**Stormwater
Improvements –
Linden Avenue
and Latoka Street**

Sponsor: Simpson. Council Bill 2020-040. A special ordinance approving the plans and specifications for Stormwater Improvements at Linden Avenue and Latoka Street; accepting the bid of Hartman & Company, Inc., in the amount of \$506,000.00, for the project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Kirkland Preston, Professional Engineer, provided a brief overview of the proposed. He noted the project is located south of Sunshine and US 65 and the project is a result of longstanding community requests to improve drainage. Mr. Preston noted the project consists of removing the deteriorated retaining wall; adding channel improvements; and, underground insulation of stormwater pipe network. The scope includes City Utilities gas and water renewal and relocation with City Utilities providing reimbursement of \$180,416.25. Mr. Preston noted the City received two bids, with a low bid of \$506,000 from Hartman & Company, Inc.

An opportunity was given for citizens to express their views. There being no speakers the public hearing was declared closed,

**Alcoholic
Beverages
Exception for
Downtown and**

Sponsor: Lear. Council Bill 2020-041. A general ordinance amending the Springfield City Code, Chapter 10, 'Alcoholic Beverages,' by revising Section 10-62, 'Exception for general merchandise stores, restaurants, and exempt organizations,' to remove text related to certain permitted events and by adding a Section 10-66, 'Exception for

**Commercial Street
Events**

Downtown and Commercial Street Events,’ to authorize in City Code certain permitted events previously authorized each year by adoption of an ordinance; amending Chapter 78, ‘Offenses and Miscellaneous Provisions,’ Section 78-4, ‘Possession, sale or consumption of alcoholic beverages in public place,’ to reference the new Section 10-66; and amending Chapter 106, ‘Traffic and Vehicles,’ Section 106-50, ‘Use of City right-of-way during Artsfest,’ to reference the new Section 10-66.

Cora Scott, Director of Public Information and Civic Engagement, provided an overview. She stated community events with alcohol began with C-Street Jam a decade ago. Ms. Scott noted since this time, 12 events were requested in 2019 and there have been no issues. She explained benefits of these events include new patron attraction, economic development, and crime reduction. Ms. Scott noted the proposed would allow 14 events and the ordinance would not sunset, promoting efficiency by eliminating the need to adopt a new ordinance each year to authorize permitted events. She noted the City would keep the rigorous permitting process in place which requires review by the City’s Public Safety Department and other City departments. Ms. Scott outlined the application process for groups wishing to hold a community event with alcohol.

Councilman McGull expressed his belief a standardized container should be required at events. Ms. Scott noted glass containers have not been allowed and would review Councilman McGull’s suggestion.

Mayor Pro Tem Ferguson asked if people who are consuming alcohol are required to wear a wrist band. Ms. Scott answered affirmatively and added sometimes it may be a mark on the back of the patron’s hand, but some type of identification is required.

Councilman Hosmer asked about the liquor liability policy amount. Ms. Scott deferred to Ms. Lewsader, City Attorney, who noted she would review the policy. Ms. Scott noted a liquor liability policy is a requirement.

An opportunity was given for citizens to express their views. There being no speakers the public hearing was declared closed.

**Collective
Bargaining
Agreement**

Sponsor: City Council. Council Bill 2020-046. A general ordinance approving the “First Amendment to Section 3.02 – Wages, Paragraph 3,” of the Collective Bargaining Agreement Between: The City of Springfield, Missouri, and Southern Missouri Professional Fire Fighters Local 152, the Bargaining Unit of the Springfield Fire Department; and authorizing the City Manager, or his designee, to execute and deliver the First Amendment on behalf of the City of Springfield, Missouri, to the Bargaining Unit.

Darla Morrison, Director of Human Resources, provided an overview. The ordinance is to provide a wage package to the Fire Fighters Local 152 to adopt the arbitrator’s recommendation regarding the Fiscal Year 2020 wage package comprised of merit steps. She noted there is 5% pay increase for fire captain, 3.5% pay increase for fire lieutenants, 2.5% increase for fire marshals, and 2.25% increase for equipment

operators, rescue specialists and fire fighters. Pay changes will be effective March 15, 2020 upon approval of City Council with a corresponding pay date of April 2, 2020.

An opportunity was given for citizens to express their views. There being no speakers the public hearing was declared closed.

**Law Enforcement
Schedule**

Sponsor: City Council. Council Bill 2020-047. A general ordinance amending Chapter 2, Article III, Division 1 of the Springfield City Code, Section 2.92, known as the 'Salary Ordinance,' relating to specific salary grades within the Law Enforcement Schedule ("LES").

Darla Morrison, Director of Human Resources, provided an overview. She noted this Council Bill seeks approval for a .44% increase across the board for the Springfield Police Officer Association employees in the bargaining unit, specifically Section 18.3. Ms. Morrison explained Section 18.3 is often called a "me too" clause or agreement noting if another unit negotiates a wage package agreement greater than the package SPOA received, then SPOA will receive the difference in an across the board wage increase. She noted the package up for approval for the Fire Fighters Local 152, citing this Council Bill would authorize compliance. Pay changes will be effective March 15, 2020 upon approval of City Council with a corresponding pay date of April 2, 2020.

Councilman Hosmer asked if the "me too" clause applied to other departments. Ms. Morrison noted most public safety unions have the "me too" clause. He asked why other collective bargaining units do not have the "me too" clause. Ms. Morrison answered because the other units did not negotiate for the "me too" clause.

An opportunity was given for citizens to express their views. There being no speakers the public hearing was declared closed.

The following item appeared on the agenda 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.

**Sale of Real
Property - 2017
North National
Avenue**

Sponsor: McGull. Council Bill 2020-042. A special ordinance approving the sale of real property at 2017 North National Avenue to Blackard Rentals, LLC, for \$2,500.00; and authorizing the issuance of a deed for same.

Police Department Budget Expenses Sponsor: Hosmer. Council Bill 2020-043. A special ordinance authorizing the City Manager, or his designee, to enter into a Memorandum of Understanding with the United States Department of Homeland Security, Homeland Security Investigations and the Springfield Police Department for reimbursement of overtime expenses for Springfield Police Department officers participating in joint operations with the United States Department of Homeland Security, Homeland Security Investigations; and amending the budget of the Springfield Police Department in the amount of \$4,000.00.

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

College Station Community Improvement District Board of Directors Sponsor: McClure. Council Bill 2020-044. A resolution confirming the reappointment of Martin Gugel, Scott Tillman, and Craig Wagoner to the College Station Community Improvement District Board of Directors. (Staff recommends approval.)

Council Bill 2020-044. Resolution 10497 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

Missouri Department of Health and Senior Services Grant Sponsor: Lear. Council Bill 2020-045. A special ordinance authorizing the City Manager, or his designee, to accept a grant from the Missouri Department of Health and Senior Services to support public health and emergency responder drug overdose response activities in the amount of \$15,883.00; entering into necessary agreements to carry out the grant; amending the budget of the Springfield-Greene County Health Department for Fiscal Year 2019-2020 in the amount of \$15,883.00, to appropriate the grant funds; and declaring that this bill qualifies for approval in one reading.

Council Bill 2020-045. Ordinance 27287 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

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

Preliminary Plat of Magers Crossroads Sponsor: Simpson. Council Bill 2020-031. A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Magers Crossroads at 65, generally located at 3525 East Battlefield Road, upon the filing and recording of a final plat which substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Council Bill 2020-031. Ordinance 27288 was approved by the following vote: Ayes: Ferguson, Fisk, Hosmer, Ollis, Lear, McGull, Simpson, Schilling and McClure. Nays: None. Abstain: None.

Confirmed Confirm the following appointment to the Springfield Convention & Visitors Bureau:
Bob Belote with term to expire January 1, 2021.

Confirmed Confirm the following appointment to the Springfield Convention & Visitors
Bureau: Laura Head-Elliott with term to expire January 1, 2023.

Confirmed Confirm the following appointment to the Tree City USA Citizen Advisory
Committee: Laurel Bryant with term to expire December 1, 2021.

END OF CONSENT AGENDA.

Motion to Adjourn Councilman Simpson moved to Adjourn. Councilman Schilling seconded the motion,
and it was approved by the following vote. Ayes: Ferguson, Fisk, Ollis, Lear,
Simpson, Schilling and McClure. Nays: Hosmer and McGull. Abstain: None.
The meeting adjourned at 8:55 p.m.



Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by
Monica Paxton