



# Agenda City Council Meeting

City Council Chambers  
Historic City Hall, 830 Boonville

## Robert Stephens, Mayor

### Zone Councilmembers

Phyllis Ferguson, Zone 1  
Justin Bumett, Zone 2  
Mike Schilling, Zone 3  
Craig Fishel, Zone 4

### General Councilmembers

Jan Fisk, General A  
Craig Hosmer, General B  
Kristi S. Fulnecky, General C  
Ken McClure, General D

## Upcoming Council Meeting Agenda April 18, 2016 - 6:30 p.m.

Speakers must sign up with the City Clerk to speak to an issue on the agenda. Speakers are to limit their remarks to three to five minutes.

Note: Sponsorship does not denote Council member approval or support.

1. **ROLL CALL.**
2. **APPROVAL OF MINUTES. April 4, 2016 And April 12, 2016 - Special**  
  
Documents: [04-04-2016.PDF](#), [04-12-2016 SPECIAL CITY COUNCIL MEETING.PDF](#)
3. **FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.**
4. **CEREMONIAL MATTERS.**
5. **CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETINGS.**
6. **SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On. Item No. 7 Is Being Posted As A Possible Addition To The Agenda. Item No. 10. Citizens May Speak To Amendment Only. May Be Voted On.**
7. **Council Bill 2016-034. (Schilling)**

**Possible Addition: A request has been received to remove this bill from the table and add it to the April 18, 2016 Council agenda. This requires Council action at the April 18**

added to the April 16, 2016 Council agenda. This requires Council action at the April 16, 2016 meeting to be removed from the table. This bill was tabled by request of the applicant at the February 8, 2016 and at the February 22, 2016 City Council Meeting. If removed from the table by Council, **Citizens Have Spoken. May Be Voted On.**

A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.81 acres of property, generally located at 608, 614, and 618 West Mount Vernon Street, from R-SF, Single-Family Residential District, to R-LD, Low-Density Multi-Family Residential District; establishing Conditional Overlay District No. 103; and adopting an updated Official Zoning Map. (Staff, and Planning and Zoning Commission recommend approval.) (By: Mount Vernon 608, LLC; 608, 614 and 618 West Mount Vernon Street; Z-39-2015 & Conditional Overlay District No. 103.)

Documents: [2016-034.PDF](#)

**8. Council Bill 2016-059. (McClure) Tabled For 2 Weeks At The April 4, 2016 Council Meeting.**

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.

Documents: [2016-059.PDF](#)

**9. Council Bill 2016-075. (Burnett)**

A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield, Missouri, to enter into an agreement with Missouri State University (MSU), Greene County, and the Watershed Committee of the Ozarks (WCO) to participate in supporting and implementing Project Water Education for Teachers (WET), a water quality education program for Springfield and Greene County, Missouri.

Documents: [2016-075.PDF](#)

**10. Amended Council Bill 2016-076. (Fisk) Citizens May Speak To Amendment Only. May Be Voted On.**

A general ordinance amending the Springfield City Code by repealing language contained in Chapter 98 Streets, Sidewalks and Public Places, Article I in General, Section 98-8 Outdoor Sculptures; and adding new regulations for Sculpture Walk.

Documents: [2016-076.PDF](#)

**11. RESOLUTIONS.**

**12. EMERGENCY BILLS.**

**13. PUBLIC IMPROVEMENTS.**

**14. GRANTS.**

**15. AMENDED BILLS.**

**16. COUNCIL BILLS FOR PUBLIC HEARING.**

**17. FIRST READING BILLS. Citizens May Speak. Not Anticipated To Be Voted On..**

**18. Council Bill 2015-324 Substitute 1. (Stephens)**

A special ordinance amending the General Fund budget of the City of Springfield, Missouri, for Fiscal Year 2015-2016, by appropriating the carryover fund balance and increasing expenses in the amount of \$3,963,570.

Documents: [2015-324S1.PDF](#)

19. **POSSIBLE ADDITIONS.**

**Possible Additions to City Council Agenda; however, a determination of whether these will be added will be made by City Council at the meeting.**

**Council Bill 2016-090. (Stephens)**

A special ordinance amending the General Fund budget of the City of Springfield, Missouri, for Fiscal Year 2015-2016, by appropriating a portion of the 2015 fiscal year carryover funds and increasing expenses in the amount of \$750,000.

**Council Bill 2016-091. (Fisk, Ferguson, Burnett, & McClure)**

A general ordinance amending the Springfield City Code, Chapter 10, Alcoholic Beverages, Section 10-62 Exception for general merchandise stores, restaurants, and exempt organizations, to increase and expand the area for certain permitted events; Chapter 78, Offenses and Miscellaneous Provisions, Section 78-4 Possession, sale or consumption of alcoholic beverages in public place, to add exemptions for certain permitted events; amending Chapter 106, Traffic and Vehicles, Section 106-50 Use of right-of-way during Artsfest; and including a sunset provision for December 31, 2016.

Documents: [2016-090.PDF](#), [2016-091.PDF](#)

20. **PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

Mr. Fred Hamburg wishes to address City Council.

21. **NEW BUSINESS.**

22. **UNFINISHED BUSINESS.**

23. **MISCELLANEOUS.**

24. **CONSENT AGENDA – FIRST READING BILLS. See Item #3.**

25. **Council Bill 2016-084. (Fisk)**

A special ordinance authorizing the City Manager, or his designee, to enter into a contract with Texas A & M Engineering Extension Service (TEEX) to teach a course for the Springfield Police Department.

Documents: [2016-084.PDF](#)

26. **Council Bill 2016-085. (Hosmer)**

A resolution authorizing the Mayor of the City of Springfield, Missouri to sign a petition to request the annexation of approximately 22.84 acres of City-owned property, generally located in the 3100 block of South Kauffman Road and declaring the intent of the City of Springfield to annex and rezone said property.

Documents: [2016-085.PDF](#)

27. **Council Bill 2016-086. (Fulnecky)**

A special ordinance authorizing the City Manager, or his designee, to grant a license to Springfield Community Gardens ("SCG") and its invitees allowing them to enter onto City-owned property, specifically, Fire Station No. 8 located at 1405 South Scenic Avenue, for the purpose of creating, cultivating and maintaining a community garden.

Documents: [2016-086.PDF](#)

28. **Council Bill 2016-087. (Ferguson)**

A special ordinance acknowledging the Springfield-Greene County Park Board's acceptance of

an anonymous donation for the resurfacing of the Miracle League Ball Field and replacing the bleacher seating in the Stadium at the Park Board's Dan Kinney Park; expressing appreciation to the donor for this donation; and amending the budget for the Park Board for fiscal year 2015-2016 in the amount of \$350,000.

Documents: [2016-087.PDF](#)

29. **CONSENT AGENDA – ONE READING BILLS. See Item #3.**

30. **Council Bill 2016-088. (Schilling)**

A special ordinance amending Special Ordinance No. 26450 to redefine the boundaries of Sanitary Sewer District No. 183 of Section No. 16 of the main sewers of the City of Springfield located in the general vicinity of Grand Street and West Bypass.

Documents: [2016-088.PDF](#)

31. **Council Bill 2016-089. (Burnett)**

A special ordinance authorizing the City Manager, or his designee, to accept Temporary Assistance for Needy Families (TANF) grant of \$69,294 for the State Park Youth Corps program and \$394,286 for the Summer Jobs League Program from the Missouri Division of Workforce Development and to enter into necessary agreements to carry out the grant; and amending the budget of the Department of Workforce Development for Fiscal Year 2015-2016 in the amount of \$463,580 to appropriate the grant funds.

Documents: [2016-089.PDF](#)

32. **CONSENT AGENDA – SECOND READING BILLS. Citizens Have Spoken. May Be Voted On.**

33. **Council Bill 2016-077. (Ferguson)**

A special ordinance authorizing the City Manager, or his designee, to enter into a cost apportionment agreement with the Missouri Highways and Transportation Commission (MHTC), to share costs associated with the improvement of both Route EE and North Airport Boulevard.

Documents: [2016-077.PDF](#)

34. **Council Bill 2016-078. (Fishel)**

A special ordinance authorizing the City Manager, or his designee, to enter into an addendum to contract number 2015-0720 with Environmental Works, Inc., to install and maintain one additional monitoring well on public right-of-way to monitor groundwater conditions at no cost to the City.

Documents: [2016-078.PDF](#)

35. **Council Bill 2016-079. (Ferguson)**

A special ordinance approving the plans and specifications for the Mt. Vernon Street Widening (Orchard Crest Avenue to Suburban Avenue) project, Plan No. 2013PW0039T; 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.

Documents: [2016-079.PDF](#)

36. **Council Bill 2016-080. (Burnett)**

A special ordinance approving the sale of real property at 1102 North Rogers Avenue to Affording Housing Action Board for \$12,500 and authorizing the issuance of a deed for same.

Documents: [2016-080.PDF](#)

37. **Council Bill 2016-081. (Burnett)**

A special ordinance approving the sale of real property at 1410 East Pacific Street to Affordable Housing Action Board for \$12,500 and authorizing the issuance of a deed for same.

Documents: [2016-081.PDF](#)

38. **END OF CONSENT AGENDA.**

39. **ADJOURN.**

*Persons addressing City Council are asked to step to the microphone and clearly state their name and address before speaking.*

*All meetings are recorded.*

*In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 864 -1443 at least 3 days prior to the scheduled meeting.*

**April 4, 2016**  
**Springfield, Missouri**

The City Council met in regular session April 4, 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: Jan Fisk, Craig Hosmer, Kristi Fulnecky, Phyllis Ferguson, Mike Schilling, Justin Burnett, Craig Fishel, Ken McClure, and Bob Stephens. Absent: None.

**Minutes**

The minutes of March 21, 2016 were approved as presented.

**Consent Agenda**

The Consent Agenda was finalized and approved as amended. Anita Cotter, City Clerk, informed Council she had received a request to remove Council Bill 2016-067 from the Consent Agenda Second Reading Bills. She noted this item will be added for consideration under Second Reading Bills.

**Adding Emergency Council Bills to Agenda**

Mayor Pro Tem McClure moved to add three Council Bills to the agenda. Councilman Burnett seconded the motion and it was approved by voice vote. Anita Cotter, City Clerk, informed Council that Council Bills 2016-071, 2016-072, and 2016-073 will be added to the agenda under Emergency Bills.

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

Tim Smith, Deputy City Manager, provided answers to four questions from the March 21, 2016 City Council meeting. In response to a question regarding the number of current taxi drivers under the age of 30, Mr. Smith stated there are no taxi drivers between the ages of 18 and 21. In response to a question regarding the age of the vehicles-for-hire bill, Mr. Smith stated the original chapter was repealed and replaced on April 12, 1976. This bill was repealed again on April 15, 1996. He noted after the 2001 adoption of the City Code there were additional changes made, however, those changes were more specific to particular sections. Mr. Smith stated a history of these changes is available upon request. In response to a question regarding the comparison of the proposed Transportation Network Companies Council Bill, Mr. Smith stated these comparisons have been provided to each Council member. In response to a question regarding potential shelter sites, Mr. Smith stated staff is updating the map of potential shelter sites and will provide it to the Veterans Coming Home center in the next few weeks.

Mr. Smith noted there will be a Special Election on April 5, 2016. He stated the 1/8-cent Transportation and 1/4-cent Capital Projects sales tax renewals are on the ballot and if they pass, there will be no tax increases. Mr. Smith noted the City relies on the revenues from these two taxes to maintain, repair and build major roadways, bridges and other infrastructure. He stated more information is available at [springfieldmo.gov/election](http://springfieldmo.gov/election).

Mr. Smith noted Missouri State University is hosting best-selling author Robert Putnam. He stated Dr. Putnam has written several books including *"Our Kids"*

and *“Bowling Alone”* and he is well-known for his focus on addressing childhood poverty. Mr. Smith encouraged everyone to attend one of the sessions.

Mr. Smith noted the Zone Blitz Plan Review is scheduled for April 14, 2016 at the Northwest Senior Center, from 6:00 p.m. to 7:00 p.m. He stated residents, topic team coaches, members, and partners will be invited.

Mr. Smith noted a Convoy of Hope event is scheduled for May 7, 2016 at the Ozark Empire Fairgrounds. He stated Convoy of Hope has teamed with the City and dozens of local churches, nonprofit organizations and service providers to make this a day of fun and hope for those needing a little assistance.

Mr. Smith noted the Parks Department provided their regular update to Council. He stated the Lasers Professional Tennis Team drafted John Isner, the number one male tennis player in America, for a second consecutive season with the Lasers. Mr. Smith noted Isner is currently ranked number 13 in the world and will appear in Springfield this year.

Mr. Smith noted Zim Schwartze, Director of Springfield-Greene County 9-1-1 Emergency Communications, was named the Missouri 9-1-1 Director of the Year at the annual Missouri Public Safety Communicators Conference. He stated she was praised for her forward thinking and spirit of cooperation, which led to strong collaboration between southwest Missouri 9-1-1 operations.

Mr. Smith noted a letter from the Community Partnerships’ Continuum of Care has been provided to Council. He stated the Continuum recognizes the City has been very active in working to address the challenge of homelessness. Mr. Smith noted the letter further describes the roles and responsibilities of the Continuum and outlines efforts that are being taken collectively by the City, service agencies, the faith communities, and advocates alike to create a true system of care for those in need.

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

**FY16 CDBG and HOME Investment Partnership Program**

Sponsor: McClure. Council Bill 2016-056. A special ordinance authorizing the City Manager, or his designee, to make application to the U.S. Department of Housing and Urban Development (HUD) for the Federal Fiscal Year 2016 Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funds under the Consolidated Plan, to accept CDBG and HOME funds; to enter into any necessary agreements to carry out the grants; to exercise any and all powers necessary to implement selected projects; and to select projects for funding for the City of Springfield Fiscal Year 2016-2017; and reaffirming the Community Development Objectives and Priorities set out in “Exhibit C.” (Staff and Citizen Advisory Committee for Community Development recommend approval.)

Council Bill 2016-056. Special Ordinance 26708 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Rezoning 540 & 550 East Chestnut Expressway**

Sponsor: Ferguson. Council Bill 2016-057. A general ordinance amending Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning

approximately 0.62 acres of property generally located at 540 & 550 East Chestnut Expressway from an HM, Heavy Manufacturing District to a GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: William P. Brandt Properties, LLC; 540 & 550 East Chestnut Expressway; Z-2-2016.)

Council Bill 2016-057. General Ordinance 6270 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Conditional Use Permit No.420, 522 West McDaniel Street**

Sponsor: Schilling. Council Bill 2016-058. A special ordinance authorizing the issuance of Conditional Use Permit No.420 to allow a brewery within a CC, Center City District generally located at 522 West McDaniel Street.

Council Bill 2016-058. Special Ordinance 26709 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Blaine Street Frontage  
Tabled Until April 18,  
2016 Council Meeting**

Sponsor: McClure. 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.

Councilwoman Ferguson moved to table Council Bill 2016-059 until the next regularly scheduled Council Meeting on April 18, 2016. Mayor Pro Tem McClure seconded the motion and it was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Reasonable Accommodation Policy and Procedure**

Sponsor: Fishel. Council Bill 2016-060. A general ordinance amending Chapter 36 of the Springfield, Missouri City Code, known as the Land Development Code, by adding a new section, to be known as Section 36-336, Reasonable Accommodation Policy and Procedure, to Article III, Division 3, Subdivision I.

Council Bill 2016-060. General Ordinance 6271 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Term Limits for Planning and Zoning Commission**

Sponsor: Fisk. Council Bill 2016-061. A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article III, Zoning Regulations, Division 3, Administration, Enforcement, and Review, Subdivision II, Commissions and Boards, Section 36-350, Planning and Zoning Commission, subsection (1), Composition of Commission.

Council Bill 2016-061. General Ordinance 6272 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Term Limits for Landmarks Board Members**

Sponsor: Fulnecky. Council Bill 2016-062. A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article III, Zoning Regulations, Division 3, Administration, Enforcement, and

Review, Subdivision II, Commissions and Boards, Section 36-353, Landmarks Board by amending subsection (3), Terms of membership.

Council Bill 2016-062. General Ordinance 6273 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**South Market Avenue,  
Blighted Area**

Sponsor: Schilling. Council Bill 2016-063. A special ordinance declaring the area generally located along the east side of South Market Avenue, between West Mount Vernon Street and West Harrison Street, as a blighted area pursuant to the Land Clearance for Redevelopment Authority Law. (The Land Clearance for Redevelopment Authority (LCRA) recommends denial. Staff recommends approval.)

Councilman Fishel expressed his opinion it is in the City's best interest for the City to move forward with demolishing the property and placing a lien on the property to recoup the demolition expenses. He stated he does not support the proposed and noted this is the first time he has not voted in favor of a tax abatement.

Councilman Hosmer expressed his opinion the Land Clearance for Redevelopment Authority (LCRA) has only recommended denial for abatement twice that he is aware of and the property was going to be demolished before the current owner purchased it. He expressed his opinion the City is incentivizing property owners who allow their property to become run-down and ignore notices from the City with tax abatements worth, in some cases, up to five times more than the cost of demolition. Mr. Hosmer expressed his opinion the proposed is bad public policy and not a proper use of the tax abatement process.

Councilman Schilling expressed his opinion the proposed is unfair to the tax payers who properly maintain their properties. Mary Lilly Smith, Director of Planning and Development responded this property did go through the public hearing process once it was designated as a blighted property and has a pending abatement order and must be demolished by May 3, 2016. Mr. Schilling asked for clarification on how far back records indicate problems with this property. Ms. Smith responded the record shows the number of contacts with the property owner and the attempts to get the property cleaned up prior to it being designated a dangerous building. Ms. Schilling expressed his opinion the proposed incentivizes property owners to not properly maintain their property.

Councilwoman Fulnecky asked if all blighted properties are demolished by the developer. Ms. Smith responded blighted properties are either rehabilitated or demolished. She stated the purpose of the LCRA is to remediate blight through rehabilitation or demolition and construction of something new. Ms. Fulnecky asked for clarification on whether the proposed is a vote on a blight designation or tax abatement. Ms. Smith responded the proposed is for a designation of blight. She stated for the developer to receive a tax abatement, a blight designation must be approved and the developer will then have to submit a redevelopment plan for approval. Ms. Fulnecky expressed her opinion Council should follow their rules on economic development incentives.

Councilwoman Ferguson stated she will not support the proposed. She expressed

her opinion the current owner knew the property was on the dangerous building list and left the property in its current condition for a period of time in the knowing the property was blighted. She expressed her opinion the property owners purchased the property knowing all of the facts and were going to expect the City to cover the costs of demolition.

Councilwoman Fisk asked Councilwoman Ferguson if the property owner purchased the property recently. Councilwoman Ferguson responded in the affirmative.

Mayor Pro Tem McClure stated he supports the proposed. He expressed his opinion Chapter 99 is clear on the requirements for a blight designation and Council should the guidance in this chapter. Mr. McClure expressed his opinion the current owner purchased the property knowing the blight designation process was the only method available for dealing with this property. He stated he fears if the proposed is not approved, the building will be demolished and the lot will be vacant for years.

Council Bill 2016-063. Special Ordinance 26710 was approved by the following vote: Ayes: Fisk, Fulnecky, Burnett, McClure, and Stephens. Nays: Hosmer, Ferguson, Schilling, and Fishel. Absent: None. Abstain: None.

**West Wye Connector  
Project**

Sponsor: Hosmer. Council Bill 2016-068. A special ordinance authorizing the City Manager, or designee, to enter into a Real Estate Transfer Agreement with BNSF Railway Company (BNSF), to transfer certain property underlying the West Wye Connector project (the "Project") to BNSF, and finding that the Project supports the public purposes of improving public safety, providing a more efficient rail system, and promoting economic development in central Springfield.

Sarah Kerner, Interim Director of Economic Development, provided an update on train traffic for this area. She stated the crossing at Farm Road 123 has a daily average of 36 trains, and the Meteor Avenue crossing has an average of 22 trains per day. Ms. Kerner noted the combined daily average of trains at the Eldon Avenue crossing is 58 trains. She stated based upon seasonal requirements BNSF anticipates the number of trains using the West Wye Bypass will be approximately 30 percent of the current daily train traffic.

Mayor Pro Tem McClure asked for clarification on the costs of the planned subsequent projects. Ms. Kerner expressed her opinion the 2006 Rail Study attempted to estimate costs for each of the projects, but after ten years it would be difficult to estimate what the current cost projections might be. Mr. McClure asked if the subsequent projects list is in priority order. Ms. Kerner responded the subsequent projects are not listed in project priority. She stated the information provided depicts the scheduling of each project and which projects must be completed prior to other projects starting. Mr. McClure asked if the West Wye project is critical to the planning of the rest of the proposed projects. Ms. Kerner responded in the affirmative.

Councilwoman Ferguson expressed her opinion the proposed will be beneficial to the residents in the surrounding neighborhoods.

Councilman Schilling asked for clarification on whether there are more trains using the West Wye Bypass than just the trains delivering coal to the Southwest Power Plant. Ms. Kerner responded in the affirmative.

Councilwoman Fisk asked for clarification on the affected rail crossings. Ms. Kerner responded those crossings are Farm Road 123, Meteor Avenue, and Eldon Avenue.

Mayor Stephens noted Council has been discussing the West Wye Bypass since at least 2009 and expressed his opinion it is good to be completing this project.

Councilman Schilling expressed his opinion the original cost of all projects identified in the 2006 Rail Study was \$180 Million.

Council Bill 2016-068. Special Ordinance 26711 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Homeland Subdivision  
Stormwater Improvement  
Project, 1705 North  
Colgate Avenue**

Sponsor: Ferguson. Council Bill 2016-067. A special ordinance declaring the necessity to condemn right-of-way over, under, and through the property located at 1705 North Colgate Avenue for the Homeland Subdivision Stormwater Improvement Project.

Mayor Pro Tem McClure asked for clarification on the need for the proposed.

Dan Smith, Director of Public Works, gave a brief overview of the proposed. He stated the property at 1705 North Colgate Avenue is a rental property and the City has had a difficult time contacting the owner. Mr. Smith noted the proposed is an attempt to move forward with the Stormwater Improvement Project in order to stay on schedule and is a temporary construction easement.

Councilwoman Fulnecky asked for clarification on the location of the easement. Mr. Smith provided the location and explained the need for the easement.

Councilwoman Ferguson expressed her opinion of how important this project is to the neighborhood.

Anita Cotter, City Clerk, informed Council the proposed was a second reading bill on the Consent Agenda and was first read at the April 4, 2016 City Council meeting.

Council Bill 2016-067. Special Ordinance 26712 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**RESOLUTIONS.**

**Transportation Plan  
Element**

Sponsor: Fisk. Council Bill 2016-074. A resolution amending the Transportation Plan element of the Springfield-Greene County Comprehensive Plan of the City of Springfield, Missouri, by adopting new Figures 20-2 and 20-9 to update the Major Thoroughfare Plan. (Planning and Zoning Commission and staff recommend approval.)

Martin Gugel, Assistant Director of Public Works, gave a brief overview of the proposed. He stated Council adopted the Springfield-Greene County Comprehensive Plan's Transportation Element on June 11, 2001. Mr. Gugel noted the Major Thoroughfare Plan is a very important document to City staff and developers since it represents future roadway functions and provides the overall framework for making decisions on thoroughfare improvements, relocations, extensions, and new streets throughout the City. He stated the plan identifies locations of future major transportation corridors and serves as a general guide for securing rights-of-ways. Mr. Gugel noted the proposed amendments are in compliance with the goals set forth in the Transportation Plan.

Mayor Pro Tem McClure asked if other communities are involved in this process. Mr. Gugel responded in the affirmative. Mr. McClure asked for clarification on whether the number of changes for Springfield is considered significant. Mr. Gugel responded the amendments are in affect until the next plan review with the Ozarks Transportation Organization. He stated the goal is to review the plan annually, but the long-range transportation plan is reviewed every five years. Mr. Gugel noted 37 changes are not significant when compared to the number of streets Springfield has on the plan and compared to other communities. Mr. McClure asked for clarification on how staff uses the thoroughfare plan. Mr. Gugel responded as new development plans are submitted for review, these plans are compared to the thoroughfare plan to determine if rights-of-way are required and whether new streets are required to be part of the development.

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

Council Bill 2016-074. Resolution 10263 was approved by the following vote:  
Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

#### **EMERGENCY BILLS.**

#### **PUBLIC IMPROVEMENTS.**

#### **GRANTS.**

#### **AMENDED BILLS.**

#### **PUBLIC HEARING.**

#### **FIRST READING BILLS.**

#### **Project Water Education for Teachers (WET)**

Sponsor: Burnett. Council Bill 2016-075. A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield, Missouri, to enter into an agreement with Missouri State University (MSU), Greene County, and the Watershed Committee of the Ozarks (WCO) to participate in supporting and implementing Project Water Education for Teachers (WET), a water quality education program for Springfield and Greene County, Missouri.

Barbara Lucks, Sustainability Officer, gave a brief overview of the proposed. She stated the purpose is to further the partnership between the City, Missouri State University (MSU), and the Watershed Committee of the Ozarks to support and implement water quality education. Ms. Lucks noted Project WET, or Water Education for Teachers, is an international nonprofit environmental education program for kindergarten through 12<sup>th</sup> grade. She stated the proposed supports the City's clean water education and public outreach mandates. Ms. Smith noted this partnership has been in place since 2008 and the City's contribution is \$10,000 per year. She stated the proposed is a two-year contract for the years of 2016-2017 with a potential for renewal. Ms. Lucks noted Greene County will also contribute \$10,000, the Watershed Committee of the Ozarks will furnish the field office and financial contributions when they can, and MSU will contribute furnishes the office, webspace, expenses, and provides a full-time employee to support this program.

Councilwoman Fulnecky asked for clarification on the mandate. Ms. Lucks responded public education and outreach is a requirement of the City's Municipal Separate Storm Sewer Systems (MS4) permit. Ms. Fulnecky asked if the mandate allows for local control. Ms. Lucks responded in the affirmative.

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

### **Sculpture Walk**

Sponsor: Fisk. Council Bill 2016-076. A general ordinance amending the Springfield City Code by repealing language contained in Chapter 98 Streets, Sidewalks and Public Places, Article I in General, Section 98-8 Outdoor Sculptures; and adding new regulations for Sculpture Walk.

Mayor Pro Tem McClure moved to amend Council Bill 2016-076, section 98-8, line 29 by removing, "or his designee". He expressed his opinion with the latitude being given to staff, it is in the best interest of the City to have the Director of Public Works make all approval decisions as opposed to designating that responsibility.

Councilman Burnett seconded the motion and approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

Martin Gugel, Assistant Director of Public Works, gave a brief overview of the proposed. He stated over the past several years, the City has received various proposals concerning finding ways to integrate and display public art. Mr. Gugel noted Jubilee Park was the first venue of displaying public art. He stated the proposed will allow sculptures to be displayed in right-of-ways in locations that do not adversely effect pedestrian or vehicular traffic. Mr. Gugel noted the proposed requires the permittee to enter into a contract with the City outlining liability concerns and the procedures for displaying sculptures on City property.

Councilman Fishel asked for clarification of who determines the appropriateness of the artwork. Mr. Gugel responded for the upcoming Springfield Sculpture Walk event, a committee comprised of members of the Sculpture Walk and Springfield Regional Arts Council along with members of City staff, reviewed and approved submissions. He stated for future events applications must be

submitted to the Director of Public works for review of proposed location and content. Mr. Gugel noted content will be reviewed for appropriateness of the sculpture. Mr. Fishel asked if they will control content. Mr. Gugel responded in the affirmative and stated content will be reviewed to determine its appropriateness to be displayed in a public right-of-way.

Councilwoman Ferguson asked for clarification on insurance, liability, and how other communities approached this. Marianne Banks, Interim City Attorney, responded she is not aware of how other communities approached this subject. She expressed her opinion the committees involved with the proposed have talked with other cities to determine what their requirements were. Ms. Banks noted Springfield started with the same procedures used for licenses to encroach. She stated to encourage public art, the City has been able to utilize their fine arts policy that covers the Art Museum as well as the City's general liability policy to cover this year's Sculpture Walk project. Ms. Banks noted for future years, the contract will be written to cover the art being displayed and she expressed her opinion insurance costs will be determined by the value of that art.

Councilwoman Fulnecky asked for clarification on attaching the artwork to the concrete. Mr. Gugel responded there will be pedestals attached to the concrete sidewalks and the sculptures will be fastened to the pedestals. Ms. Fulnecky asked if the artist will own the sculpture and if the City will own the pedestal. Mr. Gugel responded in the affirmative.

An opportunity was given for citizens to express their views.

Robert Carolla spoke in support of the proposed. He stated he has been working on the proposed for four years to create a museum without walls. Mr. Carolla noted the sculpture selection committee was headed by Nick Nelson, Director of Springfield Art Museum.

Nicole Brown spoke in support of the proposed. She stated in February 2016, the selection committee chose 12 sculptures to be displayed. Ms. Brown noted all sculptures will be displayed in downtown Springfield. She stated many of the sculptors are from the Ozarks. Ms. Brown noted the sculptures will be loaned to the City for one year and new sculptures will be chosen for display the next year.

Councilwoman Fulnecky asked if Springfield Sculpture Walk is a 501C3 organization. Ms. Brown responded in the negative.

Councilwoman Fisk asked for clarification on the Cities this project is modeled after. Mr. Carolla responded Sioux Falls, South Dakota and St. Joseph, Missouri. Ms. Brown stated Cape Girardeau, Missouri has a similar program the committee reviewed. Ms. Fisk asked for clarification on future plans. Ms. Brown noted this first event will start at the Square and will expand to all points throughout the City.

With no further appearances, the public hearing was closed.

#### **PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

**Did Not Appear**

Mr. Phillip Benton wishes to address City Council.

**The following appeared on the agenda under New Business:**

**Coal Tar**

Refer to the Plans and Policies Committee the issue of public notification and remediation costs in conjunction with the use of coal tar parking lot sealant.

Mayor Pro Tem McClure moved that Council deny the referral to the Plans and Policies Committee. Councilman Fishel seconded the motion and it was discussed.

Mayor Pro Tem McClure expressed his opinion the resolution to refer is very broad in its statements and refers to a 2012 study by Missouri State University (MSU), but does not refer to a 2015 study which states the 2012 MSU study was flawed. Mr. McClure expressed his opinion that Asphalt Emulsion Sealant, an alternative to Coal Tar lasts about half as long as Coal Tar, is more expensive than Coal Tar, and several businesses have gone back to Coal Tar after using the alternative material. He expressed his opinion the resolution asks the City to do something it cannot do. He stated the resolution requires the City to notify citizens who live within 185 feet of a parking lot using a Coal Tar sealant. Mr. McClure expressed his opinion the City does not know how many parking lots use a Coal Tar sealant. He expressed his opinion if the proposed is approved, the City should be required to notify citizens living next to an parking lot using an Asphalt Emulsion sealant that they run the risk of tracking Asphalt Emulsion into their homes and automobiles. Mr. McClure expressed his opinion the marketplace is working, technology continues to improve, and business will make the right choices for what works best for them.

Councilman Schilling spoke in opposition to the motion. He stated his intention for submitting the resolution is based on the Maine Avenue clean up being conducted by City Utilities at a cost of \$7 Million. Mr. Schilling urged Council to reject the motion and refer his resolution to the Plans and Policies Committee.

Councilman Hosmer spoke in opposition to the motion. He stated Coal Tar has been designated a carcinogen. Mr. Hosmer noted there is proof there has been a migration of Coal Tar from the parking lots into the City's drainage basins. He expressed his opinion the City will incur costs associated with Coal Tar clean ups in the future. Mr. Hosmer stated the resolution is only asking for the Committee to discuss this issue. He stated not referring this resolution to the Committee does not make good public policy and creates a public health risk.

Councilwoman Fulnecky stated she does not support the resolution as it is written. She expressed her opinion as long as two Council members want to refer a matter to committee, Council should support that request.

Councilman Fishel expressed his concern that requiring businesses to replace the Coal Tar sealant on their parking lots would be economically catastrophic to all businesses.

Councilman Schilling noted numerous communities all around the country have banned this substance. He stated he is not asking to ban Coal Tar sealant, but wants to have the opportunity for the Committee to discuss the issue.

Councilwoman Ferguson asked for clarification on the results of the previous discussions on this issue. Tim Smith, Deputy City Manager, noted he was not employed by the City at that time, but does remember it being a controversial issue. He stated experts came to City Council meetings and expressed opinions on both sides of the issues. Mr. Smith expressed his opinion no action was taken by Council and the issue has been pending since that time.

Councilman Hosmer stated the resolution is only asking for referral to Committee not a solution to the Coal Tar problem.

Mayor Stephens noted Coal Tar has been discussed twice previously and stated several businesses have gone back to using Coal Tar sealant after replacing it with the Asphalt Emulsion sealant.

Mayor Pro Tem McClure stated the 2015 study seriously undermined the 2012 MSU study. He noted there have been mitigation measures put in place and he expressed his opinion these processes are working.

Councilman Hosmer asked for clarification on the referral process. Ms. Banks noted the City Charter does not specifically address the referral process other than saying it is good policy to refer issues to committees.

Councilwoman Ferguson asked for clarification on when the last time Council addressed this issue. Mr. Smith expressed his opinion it would have been at least 2012-2013.

Councilwoman Fulnecky expressed her opinion the matter should be referred to Committee for discussion.

Councilman Hosmer noted only one member of Council was a member of Council the last time this issue was discussed. He urged Council to refer the matter to the Plans and Policies Committee.

Mayor Pro Tem McClure expressed his opinion the Council should focus their attention to issues which have a chance of making a difference and this resolution does not do that.

The motion to deny referral to Committee was approved by the following vote: Ayes: Fisk, Ferguson, Fishel, McClure, and Stephens. Nays: Hosmer, Fulnecky, Schilling, and Burnett. Absent: None. Abstain: None.

**UNFINISHED BUSINESS.**

**MISCELLANEOUS.**

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

**Cost Apportionment Agreement HMTc Route EE and North Airport Boulevard**

Sponsor: Ferguson. Council Bill 2016-077. A special ordinance authorizing the City Manager, or his designee, to enter into a cost apportionment agreement with the Missouri Highways and Transportation Commission (MHTC), to share costs associated with the improvement of both Route EE and North Airport

Boulevard.

**Contract Number 2015-0720 with Environmental Works, Inc.** Sponsor: Fishel. Council Bill 2016-078. A special ordinance authorizing the City Manager, or his designee, to enter into an addendum to contract number 2015-0720 with Environmental Works, Inc., to install and maintain one additional monitoring well on public right-of-way to monitor groundwater conditions at no cost to the City.

**Mt. Vernon Street Widening (Orchard Crest Avenue to Suburban Avenue)** Sponsor: Ferguson. Council Bill 2016-079. A special ordinance approving the plans and specifications for the Mt. Vernon Street Widening (Orchard Crest Avenue to Suburban Avenue) project, Plan No. 2013PW0039T; 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.

**Sale of Real Property at 1102 North Rogers Avenue** Sponsor: Burnett. Council Bill 2016-080. A special ordinance approving the sale of real property at 1102 North Rogers Avenue to Affordable Housing Action Board for \$12,500 and authorizing the issuance of a deed for same.

**Sale of Real Property at 1410 East Pacific Street** Sponsor: Burnett. Council Bill 2016-081. A special ordinance approving the sale of real property at 1410 East Pacific Street to Affordable Housing Action Board for \$12,500 and authorizing the issuance of a deed for same.

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

**Sanitary Sewer District No. 182 of Section No. 16** Sponsor: Ferguson. Council Bill 2016-082. A special ordinance to establish and define the boundaries and adopt the plat, plans, specifications, and sealed estimate of construction costs, and authorize acquisition of necessary right(s)-of-way, by purchase or condemnation thereof, for Sanitary Sewer District No. 182 of Section No. 16 of the main sewers of the City, located in the general vicinity of West Bypass and Division Street; further providing that all labor shall be paid the prevailing wages; and directing the City Manager, or his designee, to advertise for bids for the construction of said sewers.

Council Bill 2016-082. Special Ordinance 26713 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

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

**Stormwater Improvements Atlantic Street** Sponsor: Burnett. Council Bill 2016-066. A special ordinance approving the plans and specifications for the Stormwater Improvements Atlantic Street (West of Glenstone Avenue) project, Plan No. 2015PW0005WT, 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.

Council Bill 2016-066. Special Ordinance 26714 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Planned Development** Sponsor: Fulnecky. Council Bill 2016-069. A special ordinance approving the

**District No. 228, 1320  
East McClernon Street**

final development plan of Planned Development District No. 228 Amended, Lot 21, generally located at 1320 East McClernon Street (Planning and Zoning Commission and Staff recommend approval).

Council Bill 2016-069. Special Ordinance 26715 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Adjourn**

With no further business to come before Council, the meeting adjourned at approximately 7:55 p.m.

Anita J. Cotter, CMC/MRCC  
City Clerk

Prepared by Tom Smith  
Assistant City Clerk

**April 12, 2016  
Springfield, Missouri**

The City Council met in regular session April 12, 2016 in the Busch Municipal Building, 4<sup>th</sup> Floor Conference Room. The meeting was called to order by Mayor Bob Stephens.

**Roll Call**

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

**MINUTES.**

**CONSENT AGENDA.**

**CEREMONIAL MATTERS.**

**CITY MANAGER'S REPORT.**

**SECOND READING BILLS.**

**RESOLUTIONS.**

Sponsor: Council. Council Bill 2016-083. A resolution declaring the results of a Special Election held on the 5th day of April, 2016 under the Home Rule Charter of the City of Springfield, Missouri.

Greg Burris, City Manager, noted 86 percent of the voters approved these initiatives. He expressed his appreciation to the voters, and to the Departments of Public Works and Public Information and Civic Engagement, as well as the entire staff for the effort put forth in obtaining the approval of the voters for these very important taxes.

Mayor Stephens expressed his appreciation to staff and Council for their efforts in communicating the importance of these taxes. He thanked the voters for their overwhelming approval.

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

Council Bill 2016-083. Resolution 10264 was approved by the following vote:  
Ayes: Fisk, Hosmer, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens.  
Nays: None. Absent: Fulnecky. Abstain: None.

**EMERGENCY BILLS.**

**PUBLIC IMPROVEMENTS.**

**GRANTS.**

**AMENDED BILLS.**

**PUBLIC HEARING.**

**FIRST READING BILLS.**

**PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

**NEW BUSINESS.**

**UNFINISHED BUSINESS.**

**MISCELLANEOUS.**

**CONSENT AGENDA FIRST READING BILLS.**

**CONSENT AGENDA ONE READING BILLS.**

**CONSENT AGENDA SECOND READING BILLS.**

**Adjourn**

With no further business to come before Council, the meeting adjourned at approximately 12:05 p.m.

Anita J. Cotter, CMC/MRCC  
City Clerk

Prepared by Tom Smith  
Assistant City Clerk

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. \_\_\_\_\_  
Filed: 01-19-16

Sponsored by: Schilling

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016- 034

GENERAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, Zoning Maps, by  
2 rezoning approximately 0.81 acres of property, generally located at 608,  
3 614, and 618 West Mount Vernon Street, from R-SF, Single-Family  
4 Residential District, to R-LD, Low-Density Multi-Family Residential District;  
5 establishing Conditional Overlay District No. 103; and adopting an  
6 updated Official Zoning Map. (Staff, and Planning and Zoning Commission  
7 recommend approval.)  
8  
9

10 WHEREAS, an application has been filed for a zoning change of the property  
11 described in "Exhibit B" of this Ordinance, generally located at 608, 614, and 618 West  
12 Mount Vernon Street, from R-SF, Single-Family Residential, to R-LD, Low-Density  
13 Multi-Family Residential District, and establishing Conditional Overlay District No. 103;  
14 and  
15

16 WHEREAS, the owners of all the property to be rezoned have petitioned for the  
17 creation of a Conditional Overlay District in accordance with the provisions of Section  
18 36-407 the Land Development Code (Zoning Ordinance); and  
19

20 WHEREAS, following proper notice, a public hearing was held before the  
21 Planning and Zoning Commission, a copy of the Record of Proceedings from said public  
22 hearing being attached hereto as "Exhibit A"; and said Commission made its  
23 recommendation; and  
24

25 WHEREAS, proper notice was given of a public hearing before the City Council,  
26 and that said hearing was held in accordance with the law.  
27

28 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
29 SPRINGFIELD, MISSOURI, as follows, that:  
30

31 Section 1 – The property described in "Exhibit B" of this Ordinance be, and the  
32 same hereby is, rezoned from R-SF, Single-Family Residential, or such zoning district  
33 as is designated on the Official Zoning Map adopted by the City Council, to R-LD, Low-

34 Density Multi-Family Residential District, and establishing Conditional Overlay District  
35 No. 103; and the Springfield Land Development Code, Section 36-306 thereof, Zoning  
36 Maps, is hereby amended, changed and modified accordingly.

37  
38 Section 2 – The property described by "Exhibit B" of this ordinance will be subject  
39 to Conditional Overlay District No. 103, which is attached hereto as "Exhibit C" and  
40 incorporated herein as if copied verbatim, and the requirements of R-LD, Low-Density  
41 Multi-Family District zoning will be modified by said Conditional Overlay District for  
42 development within this property.

43  
44 Section 3 – The City Council hereby directs the City Manager, or his designee, to  
45 update the City's digital zoning map to reflect this rezoning, and City Council adopts the  
46 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided  
47 for in the Springfield Land Development Code, Section 36-306, Official Zoning Maps  
48 and Rules of Interpretation.

49  
50 Section 4 – The Official Zoning Map herein adopted shall be maintained and  
51 archived in the same digital form in which this Council has approved its adoption.

52  
53 Section 5 – This ordinance shall be in full force and effect from and after  
54 passage.

55  
56 Passed at meeting: \_\_\_\_\_  
57  
58 \_\_\_\_\_  
59 Mayor

60  
61 Attest: \_\_\_\_\_, City Clerk

62  
63 Filed as Ordinance: \_\_\_\_\_

64  
65 Approved as to form: Richard T. Weder, Assistant City Attorney

66  
67 Approved for Council action: Greg Burnett, City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016- 034**

FILED: 01-19-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.81 acres of property generally located at 608, 614 and 618 West Mount Vernon Street from an R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District; and establishing Conditional Overlay District No. 103.

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-39-2015/CONDITIONAL OVERLAY DISTRICT NO. 103

The applicant is proposing to rezone the subject property from a R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District No. 103. The proposed Conditional Overlay District will restrict the residential density to 11 dwelling units per acre or less and require a combination of all subject properties. A landscaped buffer yard "Type B" at least 15 feet wide is required between any adjacent R-SF District and no portion of a structure shall be higher than forty-five (45) degree bulk plane where the property adjoins a R-SF District.

The Growth Management and Land Use Plan of the Comprehensive Plan designate this area as appropriate for Medium or High Density Housing uses. The plan recommends townhouses and multi-family apartments where there is good traffic access, when located between low-density housing and non-residential land uses, and at high-amenity locations. The Major Thoroughfare Plan classifies Mount Vernon Street as a collector roadway which supports the proposed land use.

REMARKS: The Planning and Zoning Commission held a public hearing on January 7, 2016, and recommended approval, by a vote of 5 to 0, of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings, "Exhibit A").

The Planning and Development staff recommends the application be approved with the requirements of Conditional Overlay District No. 103 (see the attached Development Review Staff Report, "Exhibit C").

**FINDINGS FOR STAFF RECOMMENDATION:**

1. The Growth Management and Land Use Plan of the Comprehensive Plan identify this as an appropriate area for Medium or High Density Housing. The requested R-LD, Low-Density Multi-Family Residential zoning is consistent with this recommendation. The Growth Management and Land Use Plan also encourage a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents.

2. Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a sustainable manner; Objective 4a, Increase density in activity centers and transit corridors.
3. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure. The request will change the status of two non-conforming uses and make them conforming.
4. The Major Thoroughfare Plan classifies Mount Vernon Street as a collector roadway which supports the proposed land use.
5. The proposed conditional overlay district will lower the residential density similar to the R-TH, Residential Townhouse District. The R-TH District zoning district allows duplexes. The development requirements in the R-LD District are adequate for mitigating any other potential impacts of the proposed development on the adjoining properties.

Submitted by:

---

Daniel Neal, Senior Planner

Reviewed by:

Approved by:

  
\_\_\_\_\_  
Mary Lilly Smith, Director

  
\_\_\_\_\_  
Greg Burris, City Manager

**EXHIBITS:**

- Exhibit A, Record of Proceedings
- Exhibit B, Legal Description
- Exhibit C, Development Review Staff Report

**ATTACHMENTS:**

- Attachment 1, Department Comments
- Attachment 2, Neighborhood Meeting Summary
- Attachment 3, Conditional Overlay District Provisions
- Attachment 4, Neighborhood Correspondence

## EXHIBIT A

### RECORD OF PROCEEDINGS Planning and Zoning Commission January 7, 2016

Z-39-2015 w/COD #103  
608, 614 & 618 West Mt. Vernon Street  
**Applicant:** Mt. Vernon 608, LLC

Mr. Hosmer stated that this is a request to rezone approximately 0.81 acres of property generally located at 608, 614 and 618 West Mount Vernon Street from an R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District; and establishing Conditional Overlay District No. 103.

The Growth Management and Land Use Plan of the Comprehensive Plan identify this as an appropriate area for Medium or High Density Housing. The requested R-LD, Low-Density Multi-Family Residential zoning is consistent with this recommendation.

The Major Thoroughfare Plan classifies Mount Vernon Street as a collector roadway which supports the proposed land use.

The history of this property is prior to 1995 these properties were originally zoned as C-3, Commercial District, which allowed for both commercial and all types of residential uses. In 1995 the city wide reclassification rezoned these properties to R-MD, Medium-Density Multi-Family Residential District. In 1998, the West Central Neighborhood Strategic Plan was adopted and identified these properties as appropriate for R-SF, Single Family zoning. In 1998-99, the City rezoned this area to R-SF. In 2001, the City adopted the Growth Management and Land Use Element of the Comprehensive Plan that identified these properties as appropriate for Medium-to High-Density Housing. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Geoff Butler, 319 N. Main, this property was originally zoned C-3, then in 1995 after the reclassification all of the properties in the community had to be remapped because C-3 did not allow residential at all. 618 W. Mt. Vernon is the largest piece and it has a dilapidated single family residence, which is a one bedroom house. All the other rooms that might qualify for a bedroom does not have any windows. It cannot be considered a two or three bedroom home and it has been added onto several times. It needs to be demolished and new construction placed there. Interesting part of the remapping, it was remapped to multi-family and all the property owners in the community had an opportunity to present, but since those properties were multi-family, they were probably fine with it. I do not know what happened to get it rezoned RS-F and if the property owners knew and only the owners can rezone their property and yet it was rezoned to RS-F making two of the properties non-conforming uses, which means if it is destroyed they would have to build a single family home. We are trying to make the two properties conforming and redevelop the third property. We think it is an appropriate use, it is on a collector street and it is a good place for a low density multi-family housing.

Mr. Cline reaffirmed that was being rebuilt, but knocking down the little house and put something there. He asked whether the duplexes are remaining as duplexes.

Mr. Butler said that they are remaining duplexes and have been significantly rehabilitated over the last year since they have been acquired. They haven been gutted and rebuilt and in the past, they were not that nice and all of the problems that the neighborhood had there were from the prior owners, who did not keep the property up. My client, their organization, has a history of buying properties and significantly investing in their area and improving the properties. These two properties on the east side have been significantly invested and they have been redone and with that come a better and more affluent tenant and they can charge more rent because it is a nicer property. That is the goal that we are going to invest in the community and invest in the area and make that something worth while.

Mr. Doennig, in requesting the change to RL-D with the Conditional Overlay District, are you trying to create something of hybrid between the RL-D district and the R-TH district.

Mr. Butler stated that the R-TH only allows one building, a duplex on one lot.

Mr. Doennig asked because of the two duplexes on one lot.

Mr. Butler stated that they have 2 duplexes and R-TH will not be appropriate, because R-TH only allows 11 units per acre, but the only way to get 11 units per acre would be to sub-divide into multiple lots and can't meet the subdivision regulations to do it. We want to put a four-plex in and there is plenty of room for parking so R-TH would be great if were not tied to one lot per building.

Mr. Doennig asked if they wanted to avoid the minor subdivision and do it the way as mentioned.

Mr. Butler stated that they could not do it with a subdivision because they cannot create enough lots to get 11 units an acre and use the R-TH with conditional overlay district to reduce the density to what is appropriate.

Mr. Gene Beauchamp, 3220 W. Meadowlark Circle, has a rental house that touches this area at 614 West Harrison. Approves for this project to go forward, but two concerns. Parking is a problem, fire trucks cannot go down Main Street if a vehicle is parked on the right and the left, it is totally impossible. Wants to make sure that the rental or lease agreement is enforced, because it will enforce the parking. The second item are the civil war artifacts, Mr. James Cox, who belongs to the Civil War Round Table and other organizations. The area is part of the old battle of Springfield, there should be many bullets and other artifacts buried so whoever is digging, they need to be aware of any artifacts. When Hammon's Tower was built, they had to look for civil war artifacts and it is very important. Please observe for anything of artifacts that may be there.

Mr. Baird stated that he would hope that anyone working on the site that they do pay attention, because it is a historical part of the area and the City. Mr. Baird then asked if Mr. Beauchamp was more concerned with people parking on the street or what the specific concern.

Mr. Beauchamp stated that people may stay longer and can't park on Main Street, so they would need to be very careful and enforce the parking by the landlord.

Ms. Kathleen Cowens, 741 S. Market Avenue, and is the president of West Central Neighborhood Alliance. The West Central board voted in favor of retaining the RS-F zoning. Retaining the present zoning is probably the main West Central priority by stabilizing the neighborhood and community by promoting ownership occupant housing. It has been a consistent goal for the West Central Neighborhood for the past 25 years or more and has found many references or policies promoting owner occupied homes. The West Central board is in full support of the wishes of Alan and Patricia Neff as well as many others. They have been long time residents and have changed their corner of the neighborhood and living in a lovely home. West Central has been really working hard at stabilizing the neighborhood. There has been a lot of focus on decreased home ownership and increased crime. With an apartment dwelling, there is an increase of noise, and people coming and going and believe that college students will be the targeted tenants. She also stated that she is aware that the Planning and Zoning commission is consistent with the Comprehensive Plan, the adopted goals, objectives, and policies related to community development. She also stated concerns regarding the future and what might happen to the properties and is not aware of anyone in the neighborhood is supportive of the zoning change or the four unit apartment complex.

Mr. Cline asked when the West Central board vote occurred.

Ms. Cowens stated that it was taken this week via e-mail. Six people said yes, one person abstained, one is out of town and two people did not respond.

Mr. Cline asked if the West Central vote was known to the Planning staff.

Ms. Cowens stated that they did not know of the vote.

Mr. Cline asked about a plan for the neighborhood, is it part of the Comprehensive Plan or something that the West Central neighborhood has put together for itself.

Ms. Cowens said that it would be in conjunction with the City.

Mr. Baird stated that it be a good plan if anytime you could get a group of people together and move in one direction.

Ms. Patricia Neff, 632 W. Mt. Vernon, our home was built in 1895 and has been familiar with this neighborhood for 60+ years. In 1995 I came forward requesting the zoning to be changed to RS-F. Our home at that time was commercial and changed our home from a 3-plex to a single family home. We have been working for the 35 years to restore our Victorian home and the house next door and help promote a better neighborhood. In 1999 when the duplexes were built they were rented to low income person and become a consent crime, a consent noise, disturbance, fighting, and the police were consistently being called. I'm asking that the zoning stay as is so we can rebuild the neighborhood. She also stated that she is concerned with the run off water because if there is a lot of rain, the water flows down the street and gathers on the corner.

Mr. Cline asked if the duplexes would be targeted towards students.

Ms. Neff stated that she thought they would be for students.

Mr. Rose asked how the addresses are divided up.

Mr. Hosmer stated that there are three lots, 608, 614, and 618 W. Mt. Vernon. The parcels are ownership and not subdivision parcels.

Ms. Brandy Roberts, 626 W. Mt. Vernon concerned with more density in the neighborhood and another concern was an incident taken place July 25, 2013 at the duplexes was a shooting. This is a very dense neighborhood, it requires two police squads and we have a lot of crime in the neighborhood and want to keep with single family homes.

Ms. Dixie Decker, 1122 E. Walnut, property owner of the addresses in question. We have spent \$100,000 fixing up the properties to make it a better street and neighborhood. We have several properties in this area and provide parking for each of them and have improved the community and the streets.

Mr. Baird asked if they give thought to the neighborhood while designing or do they just have a plan to as to what is being built.

Ms. Decker stated that the interior design typically does not change and there is a standard operating procedure. On the exterior we try to comply with what the neighborhood already looks like. That is the goal when we start planning.

Mr. Baird also asked if they primarily rent to students.

Ms. Decker stated that there are a lot of students in the area, however most of the time the parents are involved because we charge a higher rental price and that typically brings parents and kids together on the leases.

Mr. David Eslick, 3311 S. Elmira, on the Landmarks Board is in favor and has seen the work the Decker's have done. They have done a very good of matching the architecture on Walnut Street with the neighborhood. The properties that I have seen them redo have significantly improved the neighborhoods.

Ms. Phyllis Netzer, 845 S. Missouri Avenue, does not want to speak, however has filled out one of the forms.

Ms. Terry Knapp, 931 W. Monroe Terrace, a member on the West Central Neighborhood and would not to see the neighborhood being turned into what developers whatever they want to do. The goal of West Central neighborhood is to make it single family homes and this defeats the purpose.

Mr. Cline stated that he is familiar with the neighborhood and knows about the crime in the neighborhood. He asked if Ms. Knapp was aware of criminal property problems of the new owners.

Ms. Knapp replied that she is not aware of any of criminal property problems but stated that she does not want the neighborhood denser and wants to keep the single family home.

Mr. Baird closed the public hearing.

Mr. Baird stated that he usually drives by the neighborhood and does a cursory look. The cursory drive in the area looked like a great place for this development and is a difficult one after reading the public comments.

Mr. Edwards stated the Neighborhood Associations are the key to keeping what we have in the community. This case is not cut and dry and the applicants do own the property and have the rights to petition this council for the zoning change. The zoning change is not out of line with the neighborhood and I plan to support this case, but hope that the landlords will do right by the neighborhood and I believe it will be an improvement.

Mr. Rose, stated he has no trouble supporting the rezoning the lots of the duplexes, however hesitates on the single family house that is on a single family zoned lot. I ultimately support this rezoning because I believe it will be the best outcome for the neighborhood.

Mr. Cline stated that he does not believe that it about concepts of density however more with the kinds of neighbors that lower income people make and more to do with landlords that are not paying attention. I will support this and Butler Rosenbury is good company and is impressed with the owners that spoke. I am troubled by what appears to a blanket assumption that density, renters, poor people equal problems. This is good rezoning and I am voting yes.

Mr. Doennig stated that the decision on 608 & 614 is easy, bringing properties that are compatible to a zoning by its current use. The single family residence is more of a problem as I feel that we really need to work very hard in Springfield to preserve the existing house stock. When looking at the surrounding neighborhood we have RL-D and R-TH zoning all around, I believe that the developer with respect to the conditional overlay district is reasonable and hope they will be something to the neighborhood that will add value and plan to vote yes.

**COMMISSION ACTION:**

Mr. Edwards motions that we approve Z-39-2015 w/COD #103 (608, 614 & 618 West Mt. Vernon Street). Mr. Rose seconded the motion. The motion **carried** as follows: Ayes: Baird, Edwards, Doennig, Cline, and Rose. Nays: None. Abstain: None. Absent: Ray, Shuler, and Cox



---

Bob Hosmer, AICP  
Principal Planner

EXHIBIT B  
LEGAL DESCRIPTIONS  
ZONING CASE Z-39-2015 & CONDITIONAL OVERLAY DISTRICT NO. 103

608-614 West Mount Vernon:

Beginning at the NorthWest corner of the North one half (N1/2) of the NorthEast Quarter (NE1/4) of the SouthEast Quarter (SE1/4) of Section 23, Township 29, Range 22; thence south twenty (20.0) feet and East 17 poles and 65 ½ feet for a beginning point, thence East 44 feet, thence South 185 feet, thence West 44 feet, thence North 185 feet to the point of beginning.

And

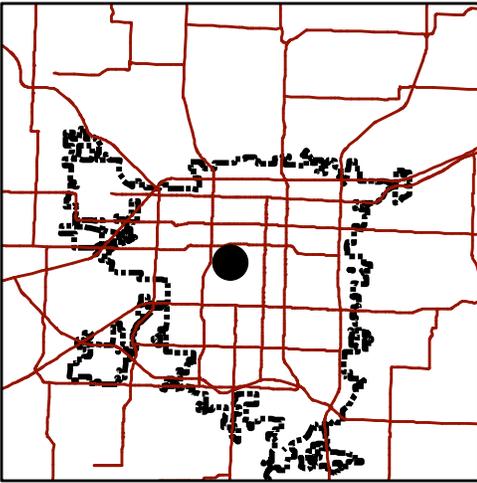
Beginning at a point 294.5 feet east of the SouthEast corner of Grant Avenue and Mount Vernon Street in the City of Springfield, thence east 51.5 feet, thence South 185 feet, thence west 51.5 feet, thence north to the point of beginning, in the City of Springfield, Greene County, Missouri.

618 West Mount Vernon:

Beginning at the NorthWest corner of the North one half (N1/2) of the NorthEast Quarter (NE1/4) of the SouthEast Quarter (SE1/4) of Section 23, Township 29, Range 22; thence south twenty (20.0) feet; thence east twelve (12) rods for a beginning point; thence South eighteen (18) rods; thence east five (5) rods and thirteen (13) feet; thence North eighteen (18) rods; thence west five (5) rods and thirteen (13) feet to the beginning; except the South one hundred and twenty five (125.0) feet all in Springfield, Greene County, Missouri except that part taken, deeded or used for road purposes.

# Development Review Staff Report

Planning & Development - 417/864-1031  
840 Boonville - Springfield, Missouri 65802



## Z-39-2015/Conditional Overlay District No. 103

Location: 608, 614 & 618 W. Mount Vernon Street

Current Zoning: R-SF, Single-Family Residential

Proposed Zoning: R-LD, Low-Density Multi-Family Residential  
& COD #103

### LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

DEVELOPMENT REVIEW STAFF REPORT  
ZONING CASE Z-39-2015 & CONDITIONAL OVERLAY DISTRICT NO. 103

PURPOSE: To rezone approximately 0.81 acres of property generally located at 608, 614 and 618 West Mount Vernon Street from an R-SF, Single-Family Residential District to a R-LD, Low-Density Multi-Family Residential District; and establishing Conditional Overlay District No. 103.

REPORT DATE: December 30, 2015

LOCATION: 608, 614 and 618 West Mount Vernon Street

APPLICANT: Mount Vernon 608, LLC

TRACT SIZE: Approximately 0.81 acres

EXISTING USES: Two existing legal non-conforming duplexes and a single-family residence

PROPOSED USES: Retain existing duplexes and multi-family residential uses

FINDINGS FOR STAFF RECOMMENDATION:

1. The Growth Management and Land Use Plan of the Comprehensive Plan identifies this as an appropriate area for Medium or High Density Housing. The requested R-LD, Low-Density Multi-Family Residential zoning is consistent with this recommendation. The Growth Management and Land Use Plan also encourages a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents.
2. Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use Major Goal 4: Develop the community in a sustainable manner. Objective 4a, Increase density in activity centers and transit corridors.
3. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure. The request will change the status of two non-conforming uses and make them conforming. This will provide investment security for improvements on the property.
4. The Major Thoroughfare Plan classifies Mount Vernon Street as a collector roadway which supports the proposed land use.

- The proposed conditional overlay district will lower the residential density similar to the R-TH, Residential Townhouse District. The R-TH District is the least dense zoning district that allows duplexes. The development requirements in the R-LD District are adequate for mitigating any other potential impacts of the proposed development on the adjoining properties.

RECOMMENDATION:

Staff recommends **approval** of this request

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-TH & R-MD	Public School and single-family residence uses
East	R-SF	Duplex and single-family residences
South	R-SF	Single-family residences
West	R-SF	Single-family residence

COMPREHENSIVE PLAN:

- The Growth Management and Land Use Plan of the Comprehensive Plan designates this area as appropriate for Medium or High Density Housing uses. The plan recommends townhouses and all multi-family apartment buildings in this category, which are located where there is good traffic access, located between low-density housing and non-residential land uses, and at high-amenity locations. The Major Thoroughfare Plan classifies Mount Vernon between Grant and Campbell as a collector roadway which supports the proposed land use. The Growth Management and Land Use Plan also encourages a variety of housing types that would enable developers to compete more effectively and provide a greater housing choice for residents.

HISTORY:

- These properties were originally zoned as C-3, Commercial District, prior to the 1995 City-wide reclassification. This district allowed for both commercial and all types of residential uses. The 1995 reclassification rezoned these properties to R-MD, Medium-Density Multi-Family Residential District. In 1998, the West Central Neighborhood Strategic Plan was adopted and identified these properties as appropriate for R-SF zoning. In 1998-99, the City rezoned this area to R-SF. In 2001, the City adopted the Growth Management and Land Use Element of the Comprehensive Plan that identified these properties as appropriate for Medium-to High-Density Housing.

## STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from an R-SF, Single-Family Residential District to an R-LD, Low-Density Multi-Family Residential District with Conditional Overlay District No. 103. The proposed Conditional Overlay District (Attachment 3) will restrict the residential density to 11 dwelling units per acre or less. The applicant is also proposing to combine the subject properties at 608, 614 and 618 West Mount Vernon Street. The proposed rezoning to R-LD will make the two existing duplexes conforming uses and allow the property at 618 West Mount Vernon to be redeveloped for higher density. The existing structures at 608 and 614 West Mount Vernon St. were converted to duplexes around 1998, but were being used as 4-plexes before then. The applicant also owns the property at 604 West Mount Vernon which was initially a part of this request but has since been removed from consideration.
2. The R-LD District is intended to accommodate multi-family developments at densities up to approximately eighteen (18) units per acre and is intended to have all vehicular access from a collector or higher classified street without traversing minor streets in adjoining residential neighborhoods. The applicant is requesting a conditional overlay district that will restrict the maximum density to eleven (11) dwelling units per acre. The Multi-Family Location and Design Guidelines are not required for multi-family developments at eleven (11) dwelling units per acre or less. The current R-SF, Single-Family Residential District allows for a maximum residential density of 7 du/ac. The proposed conditional overlay district will restrict the residential density to 11 dwelling units per acre which is similar to the R-TH, Residential Townhouse District. This is a difference of 4 du/ac. While both the R-TH and R-LD Districts allow duplexes, the primary difference is that the R-TH District only allows one duplex per lot while the R-LD allows for multiple duplexes or units on a single lot.
3. If the existing duplexes are not rezoned and brought into a conforming status, then in the event that any building or structure is damaged or destroyed, by any means, to the extent of more than seventy-five (75) percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located.
4. A traffic study was not warranted by Public Works Traffic Division since the rezoning from R-SF to R-LD with COD #103 on such small lots will not generate a significant amount of additional traffic. The Major Thoroughfare Plan classifies Mount Vernon Street as a collector roadway which supports the proposed land use.
5. The property to the east, south and west of the subject property is zoned R-SF, Single Family Residential. The normal bufferyard required between R-LD and R-SF zoning would be a landscaped Bufferyard "Type B" at least 15 feet wide. For

each one-hundred (100) linear feet of bufferyard, there must be one (1) canopy tree, one (1) understory tree, one (1) evergreen trees and six (6) shrubs. There are no required structures (i.e. solid fence, wall or hedge) in Bufferyard "B". The subject property qualifies for narrow and shallow lot exemptions because it is less than 200 feet wide and deep, however, the landscaping and structure requirements for the alternative bufferyard are more restrictive. All structures shall remain below a forty-five (45) degree bulk plane as measured from the boundaries of any R-SF district. The property to the north is zoned R-TH and R-MD, therefore no bufferyards are required across Mount Vernon Street.

6. The standard development requirements in the R-LD District are otherwise adequate for mitigating potential impacts of the multi-family uses on the adjoining single-family residential properties. No portion of a multi-family structure shall be higher than forty-five (45) degree bulk plane where the property adjoins an R-SF District. The standard requirements for noise, lighting, odor and signage will be covered by the Zoning Ordinance.
7. The proposed rezoning was reviewed by City departments and comments are attached (Attachment 1).

#### NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting with property owners, residents and any registered neighborhood association within 500 feet of the subject properties on November 18, 2015. A summary of the meeting is attached (Attachment 2).

#### PUBLIC COMMENTS:

The property was posted by the applicant or their representative on December 17, 2015 at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Thirty-one (31) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

#### CITY COUNCIL MEETING:

January 25, 2016

#### STAFF CONTACT PERSON:

Daniel Neal  
Senior Planner  
864-1036

ATTACHMENT 1  
DEPARTMENT COMMENTS  
ZONING CASE Z-39-2015 & CONDITIONAL OVERLAY DISTRICT NO. 103

BUILDING DEVELOPMENT SERVICES COMMENTS:

1. Building Development Services does not have any issues with R-LD zoning with the COD to reduce the density.

TRAFFIC DIVISION COMMENTS:

1. No traffic issues with the proposed zoning request. The requested rezoning will not generate a significant amount of traffic to trigger a traffic study.

STORMWATER COMMENTS:

1. There are no stormwater issues with rezoning this property. Please note, however, that development (or re-development) of the property will be subject to the following conditions at the time of development.
2. Any increase in impervious area will require the development to meet current detention and water quality requirements. Existing impervious surfaces currently in good condition can be credited as existing impervious surface. Existing gravel surfaces meeting the above definition are eligible for 50% credit.
3. A payment in lieu of construction of detention facilities is not an option for this site due to existing downstream flooding problems.
4. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or drainage easement.

CLEAN WATER SERVICES COMMENTS:

1. No objections to rezoning

CITY UTILITIES:

1. No objection. CU has all facilities available to provide service.

**ATTACHMENT 2: NEIGHBORHOOD MEETING SUMMARY**

---

1. Request change to zoning from:     **R-SF**     to     **R-LD with COD (11 units per Acre)**      
*(existing zoning)* *(proposed zoning)*
2. Meeting Date & Time:     **November 18, 2015 4:00 - 6:30 pm**
3. Meeting Location:     **618 W Mt Vernon**
4. Number of invitations that were sent:     **190**
5. How was the mailing list generated:     **By City**
6. Number of neighbors in attendance (attach a sign-in sheet):     **11**
7. List the verbal comments and how you plan to address any issues:  
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

**See attached**

8. List or attach the written comments and how you plan to address any issues:

**See attached**

November 18, 2015

## **Neighborhood Meeting Notes**

### **Rezoning 604, 608, 614, 618 W Mount Vernon**

Below is a summary of concerns expressed:

They do not want renters. They want Homeowners. They said that renters don't take care of the properties and in the past let the property run down and then the druggies and prostitutes move in.

*Our response: We are investing in the area and improving property values in the area and with that investment comes higher rents and a better more affluent renter. Zoning does not address ownership. It merely addresses whether the tract of land can have one dwelling or more than one. A multifamily residential building could have four or five units in it and all could be owned under a condominium ownership.*

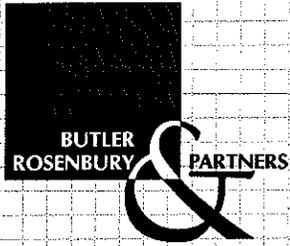
They would prefer that the three existing duplexes be converted to single family homes rather than rezone them to allow multifamily housing which they already are.

*Our Response: These are already legal non conforming uses but if they get damaged by a storm or a fire, they could not be rebuilt as anything other than a single family home without the rezoning. This property was zoned C-3 Commercial prior to 1995 when the new zoning went into effect. However, they were remapped as R-SF incorrectly and should have been zoned multifamily at that time. This corrects that mistake.*

They are opposed to removing the 618 property (which is an older single family property) from the zoning application so that the others could be properly zoned.

*Our Response: We offered to just rezone the three duplexes and they would not consider it. The 618 property is in very poor shape. It is a one bedroom home and the floors sag, the roof leaks and sags and it cannot be renovated to make it a desirable property without spending more money than it is worth. It would never sell or rent in a manner that the investment could be returned.*

**We could not find any common ground on things which would satisfy them except leaving it all RSF and converting the duplexes to single family homes.**



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 Project Management

NEIGHBORHOOD MEETING  
 REZONING - 604 - 618 MT VERNON  
 NOV 18 2015  
 4:00 - 6:30 PM

NAME	ADDRESS	PHONE #
S. David Carr	500 W Mt Vernon St	849-3941
PAT Nott	632 W. Mt Vernon	864-5700
Alan Jeff	632 W Mt Vernon	
Brandy Roberts	626 W. Mt. Vernon	417-894-7849
Phyllis Aetzer	845 S MISSOURI	866-8776
Kathleen Cowens	741 S Market Ave	865-7427
Tammy Ann Kaye	931 W. Memorial Terrace	865-3158
Rusty Worley	807 W Walnut	569-8866
Caron Parnell	800 W. Walnut	314.825.6498
John Dukewits	941 W LOMBARD	417 766 6818
KARL JASINSKI	626 S. MARKET AVE. 626, 630, 630.	810-922-4556

BRANDON DICKMAN  
 DIXIE VAUGHN

ROZA HOMES

GEOFF BUTLER

BUTLER ROSENBERG



*Architecture*  
*Engineering*  
*Planning*  
*Project Management*

YOUR **VISION.** OUR **FOCUS.**

October 28, 2015

To: Nearby Neighbors of the properties at 604, 608, 614 and 618 West Mount Vernon

Re: Proposed Rezoning

Greetings,

I am representing the property owners of the above properties on West Mount Vernon. There are three lots there which they want to rezone from R-SF single family residential to R-LD Residential low density. 608 and 614 Mount Vernon are existing duplex units which are being rehabbed. The property at 618 Mount Vernon will be demolished and a new multi-family building with five units is planned there. 604 Mount Vernon is an existing single family house which will eventually be combined with 608 and 614 when that needs to be redone.

The purpose of this letter is to let you know of the upcoming zoning process and to invite you to a Neighborhood meeting that we are holding on **Wednesday evening November 18<sup>th</sup> between 4:00 PM and 6:30 PM.** The meeting will be held at **618 Mount Vernon.** There will be no formal presentation so you can come by any time during that period and I will be there to answer any questions you might have.

If you do not have time to come by please feel free to call me to discuss your concerns. My contact information is at the bottom of the first page of this letter.

Sincerely,

**BUTLER, ROSENbury & PARTNERS, INC.**

A handwritten signature in red ink, appearing to read "Geoffrey H. Butler", written over a red circular stamp or seal.

Geoffrey H. Butler, AIA  
Architect & Partner

GHB

CC: City of Springfield – Planning and Zoning Commission

Geoffrey H. Butler, AIA  
Architect & Partner  
Direct Line: 417.521.6106  
Mobile: 417.848.6000  
Email: butler@brpae.com

319 North Main, Suite 200  
Springfield, MO 65806  
Phone: 417.865.6100  
Fax: 417.865.6102  
www.brpae.com



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December 4, 2015

To: Nearby Neighbors of the properties at 608, 614 and 618 West Mount Vernon

Re:: Proposed Rezoning

Greetings,

I am representing the property owners of the above properties on West Mount Vernon. There are lots there which they want to rezone from R-SF single family residential to R-LD Residential low density with a Conditional Overlay District limiting the density to 11 units per acre. 608 and 614 Mount Vernon are existing duplex units which are being rehabbed. The property at 618 Mount Vernon will be demolished and a new fourplex multi-family building is planned there. Previously 604 Mount Vernon was a part of this zoning but it has been removed from the application.

The purpose of this letter is to let you know that 604 Mount Vernon was removed from the request and that the zoning public hearing has been tabled until January 7<sup>th</sup>. Also please find the Notice form which was inadvertently omitted from our last letter to the neighborhood. We apologize for any inconvenience this might have caused.

Please feel free to call me any time to discuss your concerns. My contact information is at the bottom of the first page of this letter.

Sincerely,

**BUTLER, ROSENbury & PARTNERS, INC.**

A handwritten signature in red ink, appearing to read "Geoffrey H. Butler", written over a red circular stamp or seal.

Geoffrey H. Butler, AIA  
Architect & Partner

GHB

CC: City of Springfield – Planning and Zoning Commission

Geoffrey H. Butler, AIA  
Architect & Partner  
Direct Line: 417.521.6106  
Mobile: 417.848.6000  
Email: butler@brpae.com

319 North Main, Suite 200  
Springfield, MO 65806  
Phone: 417.865.6100  
Fax: 417.865.6102  
www.brpae.com

ATTACHMENT 3  
CONDITIONAL OVERLAY DISTRICT PROVISIONS  
ZONING CASE Z-39-2015 & CONDITIONAL OVERLAY DISTRICT NO. 103

The requirements of *Section 36-382.* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district.

1. Use Limitations:

- a. The maximum density for the subject properties are eleven (11) dwelling units per acre.
- b. All subject properties shall be combined into one lot following the Subdivision Regulations if there are any existing non-conformities.

NOTICE

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits, an application for a change in land use or zoning the property will be posted, there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1<sup>st</sup> City Council Public Hearing (185 feet notification from subject property)
5. 2<sup>nd</sup> City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at [zoning@springfieldmo.gov](mailto:zoning@springfieldmo.gov). Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner  
City of Springfield Development Review Office  
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to [zoning@springfieldmo.gov](mailto:zoning@springfieldmo.gov)

DATE:	12-9-2015	Telephone No.	417-689-0341
YOUR NAME:	Phyllis Netzer		
YOUR ADDRESS:	845 S Missouri Ave		
PROJECT ADDRESS:	600 blk of Mount Vernon St.		

COMMENTS: The people of this neighborhood have fought, argued for at least 15 years to have single family zoning as much as possible. There have been multiple RFD and above constructed in the last several years.

~~The~~ WC N has been a blighted neighborhood for several years. Until we, everyone, make efforts for more home ownership and less multi family we will never be able to crawl out of this "Blighted" label. IT is a shame to have these beautiful old homes upgraded in Density.

City of Springfield, Missouri - Development Review Office - 840 Boonville, Springfield, MO 65802 - 417.864.1611 Phone / 417.864.1882 Fax

So someone, who doesn't live in the neighborhood, can make a few more bucks,

Can you mail another form to me?

NOTICE

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Bob Hosmer, AICP Principal Planner  
City of Springfield Development Review Office  
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to [zoning@springfieldmo.gov](mailto:zoning@springfieldmo.gov)

DATE:	12-21-15	Telephone No.	863-1205
YOUR NAME:	Peggy J. Patrick		
YOUR ADDRESS:	619 West Harrison St, Springfield, MO 65806		
PROJECT ADDRESS:	608, 614, & 618 West Mt. Vernon St.		
COMMENTS:	<p>I believe that the duplexes at 608 &amp; 614 W. Mt. Vernon should remain as R-SF - single family residential.</p> <p>I believe the home at 618 W. Mt. Vernon should be rehabbed and remain as R-SF - single family residential.</p> <p style="text-align: right;">Peggy J. Patrick</p>		

**NOTICE**

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1. Application
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City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

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Bob Hosmer, AICP Principal Planner  
 City of Springfield Development Review Office  
 840 Boonville Ave, Springfield Missouri 65801

**Comment Card:** mail comments to the address above or email comments to [zoning@springfieldmo.gov](mailto:zoning@springfieldmo.gov)

DATE:	DEC 30 2015	Telephone No.	417-8645700
YOUR NAME:	PATRICIA NEFF & Alan NEFF		
YOUR ADDRESS:	<del>638</del> 632 W. MT Vernon St. Spd, MO 65806		
PROJECT ADDRESS:	608, 614 & 618 W. MT Vernon St. Springfield, MO 65806		
COMMENTS:	We are the property owners of 638, 632, 626 MT Vernon - IN 1995 I spoke before the City Council on the zoning to R-SF. Our Home at 632 was a 3 unit, our property at 626 was a 2 unit the were changed to Single Family we reside at 632 W MT Vernon this has been our dwelling for the past 35 years. We wish to see this neighborhood over come its current reputation I believe leaving the current properties as R-SF is the only hope for this block Please DO NOT Rezone		

City of Springfield, Missouri - Development Review Office - 840 Boonville, Springfield, MO 65802 - 417.864.1611 Phone / 417.864.1882 Fax

*Patricia Neff*  
*Alan Neff*

NOTICE

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits, an application for a change in land use or zoning the property will be posted, there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1<sup>st</sup> City Council Public Hearing (185 feet notification from subject property)
5. 2<sup>nd</sup> City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at [zoning@springfieldmo.gov](mailto:zoning@springfieldmo.gov). Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner  
City of Springfield Development Review Office  
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to [zoning@springfieldmo.gov](mailto:zoning@springfieldmo.gov)

DATE:	12/30/15	Telephone No.	417-894-7849
YOUR NAME:	Brandy Roberts		
YOUR ADDRESS:	6210 W. Mt. Vernon		
PROJECT ADDRESS:	1018-1014-1008 W. Mt. Vernon		

COMMENTS: I am concerned about the current density of our neighborhood. I am also concerned about the high crime rate in direct correlation to the density. I am not in favor of the rezoning of 1018-1014-1008 W. Mt. Vernon. The duplexes 1014 & 1008 have been constant culprits of rotating crime & violence. 1018 W. Mt. Vernon is a nice livable home that should not be demolished to build a multi-dwelling unit. It's absurd. In the 8 years I have lived next door to 1018 it has never been an issue. ~~about~~ This block doesn't need anymore Density!

**RECEIVED**  
 DEC 18 2015  
 BY: *Ashley Clowers* - 3:50 pm

**ZONING PROTEST PETITION TO THE  
 CITY COUNCIL OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. 2-39-2015 Capital, City Council Bill No., \_\_\_\_\_ (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Alan Neff	632 West Mt Vernon	626 Mt. Vernon	<i>Alan Neff</i>
<b>PATRICIA NEFF</b>	"	"	<i>Patricia Neff</i>
Alan Neff	"	638 West Mt Vernon	<i>Alan Neff</i>
<b>PATRICIA NEFF</b>	"	"	<i>Patricia Neff</i>
Alan Neff	"	632 W. Mt. Vernon	<i>Alan Neff</i>
<b>PATRICIA NEFF</b>	"	"	<i>Patricia Neff</i>

PLEASE NOTE:

**ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).**

**THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.**

STATE OF MISSOURI  
 COUNTY OF GREENE ss.

On this 2<sup>nd</sup> day of December, 2015, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

*Judy K. White*  
 \_\_\_\_\_  
 Notary Public

(SEAL)

JUDY K. WHITE  
 Notary Public - Notary Seal  
 State of Missouri  
 Commissioned for Greene County  
 My Commission Expires: October 20, 2019  
 Commission Number: 16897552

My Commission Expires: October 20, 2019

**RECEIVED**  
 DEC 30 2015  
 BY: Anita Climer 9:29am

**ZONING PROTEST PETITION TO THE  
 CITY COUNCIL OF SPRINGFIELD, MISSOURI**

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. Z-39-2015 w/COD #103, City Council Bill No., \_\_\_\_\_ (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
Peter Hendricks	630 W. Harrison ST		
Carolyn Hendricks	630 W. Harrison ST		

**PLEASE NOTE:**

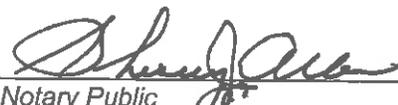
**ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).**

**THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.**

STATE OF MISSOURI  
 COUNTY OF GREENE ss.

On this 29 day of December, 2015, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)

  
 \_\_\_\_\_  
 Notary Public

My Commission Expires: 5-31-2019

SHIRLEY J. ALLEN  
 Notary Public - Notary Seal  
 State of Missouri  
 Commissioned for Polk County  
 My Commission Expires: May 31, 2019  
 Commission Number: 15439482

**ZONING PROTEST PETITION TO THE  
CITY COUNCIL OF SPRINGFIELD, MISSOURI**

**RECEIVED**  
DEC 30 2015  
BY: *Chris Meyer* 2:25pm

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. Z-39-2015 COD#103 City Council Bill No., \_\_\_\_\_ (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
<i>Jeffrey DAVID O'Neill</i>	<i>632 S GRANT AVE</i>		<i>Jeffrey D O'Neill</i>

**PLEASE NOTE:**

**ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).**

**THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.**

STATE OF MISSOURI  
COUNTY OF GREENE ss.

On this 22nd day of December, 2015, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)

*Shirley J. Allen*  
Notary Public

My Commission Expires: 5-31-2019

SHIRLEY J. ALLEN  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Polk County  
My Commission Expires: May 31, 2019  
Commission Number: 15439482

**ZONING PROTEST PETITION TO THE  
CITY COUNCIL OF SPRINGFIELD, MISSOURI**

**RECEIVED**  
**DEC 30 2015**  
BY: *Richie* 2:25pm

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. Z-39-2015 COD#103 City Council Bill No., \_\_\_\_\_ (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
<i>Peggy J. Patrick</i>	<i>619 W. Harrison St.</i>	<i>—</i>	<i>Peggy J. Patrick</i>

**PLEASE NOTE:**

**ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).**

**THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.**

STATE OF MISSOURI  
COUNTY OF GREENE ss.

On this 17<sup>th</sup> day of December, 2015, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(SEAL)

*Robin Lynn McDaniel*  
Notary Public

My Commission Expires: November 08, 2019

**ROBIN LYNN McDANIEL**  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Greene County  
My Commission Expires: November 08, 2019  
Commission Number: 15548377

**ZONING PROTEST PETITION TO THE  
CITY COUNCIL OF SPRINGFIELD, MISSOURI**

**RECEIVED**  
**JAN 06 2015**  
 BY: *Cheri Meyer* 11:19 am

Please take notice that the undersigned property owners acknowledge that they are the owners of either the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed and that said owners do protest and object to said proposed rezoning of Planning and Zoning Commission Case No. Z-39-2015 COD#103 City Council Bill No., \_\_\_\_\_ (if applicable). This protest is given in contemplation of the provisions of City Code and applicable laws. Petitions must be filed with the City Clerk's Office.

Printed Name of Owner:	Owner(s) Address:	Property Address (if different):	Owner(s) Signature(s)
<i>Bailey Grace</i>	<i>427 W Harrison St Springfield, MO 65806</i>		<i>Bailey Grace</i>

**PLEASE NOTE:**

**ALL OWNERS OF RECORD MUST SIGN THE PETITION IN ORDER FOR THEIR PROPERTY TO BE INCLUDED IN THE REQUIRED THIRTY PERCENT (30%).**

**THE NOTARY EXECUTING THIS PETITION MUST WITNESS ALL SIGNATURES.**

STATE OF MISSOURI  
 COUNTY OF GREENE ss.

On this 5<sup>th</sup> day of January, 2016, before me personally appeared the above named person(s) to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year first above written.

*Marguerite A. Phipps*  
 Notary Public

My Commission Expires: Nov 25, 2018

(SEAL)  
 MARGUERITE A. PHIPPS  
 Notary Public - Notary Seal  
 STATE OF MISSOURI  
 Greene County  
 My Commission Expires Nov. 25, 2018  
 Commission #14631721

**From:** [Karl Jasinski](#)  
**To:** [Zoning@springfieldmo.gov](mailto:Zoning@springfieldmo.gov)  
**Cc:** [Kathleen Cowens](#)  
**Subject:** Proposed rezoning of 608, 614 and 618 West Mount Vernon  
**Date:** Thursday, January 07, 2016 10:34:15 AM

---

Dear City Zoning staff and Planning Commission,

Regarding the zoning change request by the "new owner/Roza Homes" of the above properties, I truly hope that the city planning depart staff has decided not to recommend a Multi-Family rezone of the three historic "built-as" single family homes, and I truly hope the Planning Commission members hear the voices of the concerned residents regarding this proposal and what the desire for their neighborhood is; for we are the invested ones who live here and will be effected by the rezone request. I have yet to talk to one neighbor that approves of this.

In the past, I've served on a Planning Commission for three years and take a great interest in zoning and planning, I can't see how the above request is consistent with the neighboring properties and I certainly don't agree with additional multi-family units or a rezone at this location. The West Central Neighborhood is a majority of Built-as single family historic homes, many poorly subdivided into non conforming multiple units- most of these properties are now poised for conversion back to single family( and we are seeing this trend happening now on every street ) as a building boom of multi-family units in the downtown area will absorb most of the downtown/West Central neighborhood rental market. I ask the commission to please not reverse a positive trend that is happening now in our lovely neighborhood.

I applaud Roza Homes with for wonderful job they do in restoring and improving properties throughout the city and the improvements they've already made to the above properties.

Thank you for your time, I apologize this letter did not get sent out sooner and I hope it can be submitted in tonight's meeting.

All my best,

Karl Jasinski  
627 South Market Ave.  
Springfield, MO. 65806

**Karl Jasinski**  
DESIGNS  
Branson - Sarasota - Fenton  
810-922-4556

One-rdg. \_\_\_\_\_  
P. Hrngs.  X   
Pgs.  15   
Filed:  03-15-16

Sponsored by:  McClure

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO.  2016- 059

GENERAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, known as the Land Development  
2 Code, Article III, Division IV, Subdivision III, Section 36-425(7), Design  
3 Requirements, of the COM, Commercial Street District in the Zoning  
4 Ordinance to clarify Blaine Street Frontage and new construction  
5 requirements.  
6  
7

8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,  
9 MISSOURI, as follows, that:

10 Note: Underlined language is to be added. ~~Stricken~~ language is to be removed.

11  
12  
13 Section 1 – Chapter 36 of the Springfield, Missouri City Code, known as the Land  
14 Development Code, Article III - Zoning Regulations, Division IV - District Regulations,  
15 Subdivision III - Commercial Districts, Section 36-425 - Commercial Street District, is  
16 hereby amended as follows:

17  
18 Sec. 36-425. - COM - Commercial street district.

19  
20 (7) Design requirements.

21 (a) A site plan meeting the requirements of section 36-360, site plan review, shall  
22 be submitted and approved.

23 (b) If required, a landscape plan, meeting the requirements of sections 36-482,  
24 landscaping and buffer yards, and 36-483, off-street parking and loading area  
25 design standards, shall be submitted and approved.

26 (c) All off-street parking and vehicular use areas shall be screened from all  
27 residential uses in accordance with section 36-480, screening and fencing.

28 (d) Refuse storage areas shall be screened from view in accordance with section  
29 36-480, screening and fencing.

30 (e) Mechanical and electrical equipment, including air conditioning units shall be  
31 screened from view in accordance with section 36-480, screening and fencing.

- 32 (f) Lighting shall be designed to reflect away from any adjacent residential area  
33 and in accordance with section 36-484, lighting standards.
- 34 (g) Accessory buildings and structures shall meet the requirements of section 36-  
35 450, accessory structures and uses.
- 36 (h) The COM-1 district's purpose is to protect the unique nature and architectural  
37 character of the existing historic structures, and to protect it from infringing  
38 influences that may diminish or dilute the historic ambience. The COM-1 district  
39 should also promote new uses and development within the zoning district that  
40 provide an element of consistency and similarity of intensity, use, building  
41 heights, and materials used with the existing structures. These elements are  
42 described as follows:
- 43 1. Building façades. All sides of buildings visible to the public, whether viewed  
44 from the public right-of-way or a nearby property, shall display a similar  
45 level of quality and architectural finish. This shall be accomplished by  
46 integrating architectural variations and treatments such as windows and  
47 other decorative features into all sides of a building design. Two or more of  
48 the following design elements shall be incorporated for each 40 horizontal  
49 feet of a building façade or wall:
    - 50 a. Changes in color, texture, and material; or
    - 51 b. Projections, recesses and reveals expressing structural bays,  
52 entrances, or other aspects of the architecture; or
    - 53 c. Groupings of windows or fenestration.
  - 54 2. On each lot, the building façade shall be built to the district minimum  
55 setback line for at least 80 percent of the street frontage. This does not  
56 include Blaine Street frontage.
  - 57 3. The building façade shall be built to the district minimum setback line within  
58 30 feet of a block corner. This does not include Blaine Street frontage.
  - 59 4. The portions of the building façade required to be built at the district  
60 minimum setback line may include jogs of not more than 18 inches in depth  
61 except as otherwise necessary to allow bay windows, shop fronts and  
62 balconies.
  - 63 5. Blank lengths of wall exceeding 20 linear feet are prohibited on all street  
64 frontages. This does not include Blaine Street frontage.
  - 65 6. Fenestration on the ground floor facades shall comprise a least 40 percent,  
66 but not more than 90 percent of the façade area, measured as a  
67 percentage of the façade between floor levels.
  - 68 7. Fenestration on the upper floor facades shall comprise a least 20 percent,  
69 but not more than 60 percent of the façade area, measured as a  
70 percentage of the façade between floor levels.
  - 71 8. The ground floor of any new construction shall have at least 12 feet of clear  
72 interior height (floor to ceiling) contiguous to the required building line

73 frontage for a minimum depth of at least 25 feet. This does not include  
74 Blaine Street frontage.

75 9. The maximum story height for the ground story is 20 feet.

76 10. The maximum floor-to-floor story height for stories other than the ground  
77 floor is 12 feet.

78 11. Building materials and colors.

79 a. Metal shall not be used as a primary exterior surface material, except  
80 for metal roofs. Metal trim can be used but not to exceed 15 percent of  
81 the exterior surface. The following exterior finishes shall be allowed on  
82 all exterior walls of the building:

83 (i) Customary brick masonry;

84 (ii) Natural or cast stone;

85 (iii) Oversized brick;

86 (iv) Split-faced block;

87 (v) Architectural pre-cast concrete; and

88 (vi) Accent materials such as glass block and ceramic tiles.

89 b. Façade colors shall have low reflectance. High-intensity, metallic, black  
90 or fluorescent colors are prohibited. Natural and recycled materials may  
91 be utilized to enhance the building façade and promote sustainable  
92 development.

93 12. The use of galvanized chain link fencing shall be prohibited. The use of  
94 vinyl-coated chain-link fencing shall be allowed in green, black, and brown.  
95 No fencing shall be allowed in the front yard of the building.  
96

97 Section 2 – Savings Clause. Nothing in this ordinance shall be construed to  
98 affect any suit or proceeding now pending in any court or any rights acquired or liability  
99 incurred nor any cause or causes of action accrued or existing, under any act or  
100 ordinance repealed hereby, or shall any right or remedy of any character be lost,  
101 impaired, or affected by this ordinance.  
102

103 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or  
104 phrase of this ordinance is for any reason held to be invalid, such decision shall not  
105 affect the validity of the remaining portions of this ordinance. The Council hereby  
106 declares that it would have adopted the ordinance and each section, subsection,  
107 sentence, clause, or phrase thereof, irrespective of the fact that any one or more  
108 sections, subsections, sentences, clauses, or phrases be declared invalid.  
109

110 Section 4 - This ordinance shall be in full force and effect from and after passage.  
111

112 Passed at meeting: \_\_\_\_\_  
113

114  
115  
116  
117  
118  
119  
120  
121  
122  
123

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: Richard J. Weder, Assistant City Attorney

Approved for Council action: Greg Bunn, City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016- 059**

FILED: 03-15-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend Subsection 36-425(7), Design Requirements, of the COM, Commercial Street District in the Zoning Ordinance to clarify Blaine Street frontage and new construction requirements. (Staff recommends approval)

BACKGROUND INFORMATION:

**ZONING ORDINANCE TEXT AMENDMENT – COM-1 DESIGN REQUIREMENTS AMENDMENTS**

Planning and Zoning Commission initiated amendments to the COM-1 District Design Requirements at their meeting on March 6, 2014.

There have been some recent development issues in the COM-1, Commercial Street District, pertaining to the design requirements and how they are applied to new construction/additions. Staff is proposing to clarify that Blaine Street was not intended to be used as a street frontage for design requirement purposes along other streets and that certain design requirements for interior building heights shall only apply to new construction. Blaine Street is currently built and functions as a public alley and development with frontage along Blaine should not be subject to the same design requirements as other streets. The original intent of the COM-1 District Design Requirements were to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic character. The Blaine Street frontages have little, if any, historic character since they are the rear frontages of buildings facing Commercial Street. Staff believes that the proposed amendments are in-line with the original intent of the design requirements and further clarify Blaine Street's status. The COM-1 Zoning District encompasses all of the properties along Commercial Street between Washington and Lyon Avenues. Blaine Street runs parallel and to the south of Commercial Street (see "Exhibit C").

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Environmental Advisory Board (EAB), Commercial Club and all registered neighborhood associations were notified of these amendments and have made no objections to date.

Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a sustainable manner.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will clarify the intent of the existing design requirements and allow them to be applied to the appropriate development.

2. The Growth Management and Land Use Element of the Comprehensive Plan encourage innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

REMARKS:

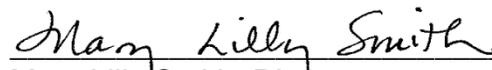
The Planning and Zoning Commission held a public hearing on March 3, 2016, and recommended approval, by a vote of 5 to 0, of the proposed changes to the Zoning Ordinance described in "Exhibit A."

The Planning and Development Staff recommends approval of the proposed amendments in "Exhibit A."

Submitted by:

  
\_\_\_\_\_  
Daniel Neal, Senior Planner

Recommended by:

  
\_\_\_\_\_  
Mary Lilly Smith, Director

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager

EXHIBITS:

- Exhibit A-1, Proposed Changes to Zoning Ordinance (Redlined Version)
- Exhibit A-2, Final Language after Proposed Changes (Clean Version)
- Exhibit A-3, Existing Language in Zoning Ordinance (Current Text)
- Exhibit B, Record of Proceedings
- Exhibit C, Blaine Street Location Map

## Exhibit A

### EXHIBIT A-1 PROPOSED CHANGES TO ZONING ORDINANCE COM-1 DESIGN REQUIREMENTS AMENDMENTS

Note: Language to be added is underlined.

Sec. 36-425. - COM - Commercial street district.

(7) Design requirements.

- (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
- (b) If required, a landscape plan, meeting the requirements of sections 36-482, landscaping and buffer yards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
- (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
- (h) The COM-1 district's purpose is to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic ambience. The COM-1 district should also promote new uses and development within the zoning district that provide an element of consistency and similarity of intensity, use, building heights, and materials used with the existing structures. These elements are described as follows:
  1. Building façades. All sides of buildings visible to the public, whether viewed from the public right-of-way or a nearby property, shall display a similar level of quality and architectural finish. This shall be accomplished by integrating architectural variations and treatments such as windows and other decorative features into all sides of a building design. Two or more of the following design elements shall be incorporated for each 40 horizontal feet of a building façade or wall:
    - a. Changes in color, texture, and material; or
    - b. Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or
    - c. Groupings of windows or fenestration.
  2. On each lot, the building façade shall be built to the district minimum setback line for at least 80 percent of the street frontage. This does not include Blaine Street frontage.

3. The building façade shall be built to the district minimum setback line within 30 feet of a block corner. This does not include Blaine Street frontage.
4. The portions of the building façade required to be built at the district minimum setback line may include jogs of not more than 18 inches in depth except as otherwise necessary to allow bay windows, shop fronts and balconies.
5. Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages. This does not include Blaine Street frontage.
6. Fenestration on the ground floor facades shall comprise a least 40 percent, but not more than 90 percent of the façade area, measured as a percentage of the façade between floor levels.
7. Fenestration on the upper floor facades shall comprise a least 20 percent, but not more than 60 percent of the façade area, measured as a percentage of the façade between floor levels.
8. The ground floor of any new construction shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet. This does not include Blaine Street frontage.
9. The maximum story height for the ground story is 20 feet.
10. The maximum floor-to-floor story height for stories other than the ground floor is 12 feet.
11. Building materials and colors.
  - a. Metal shall not be used as a primary exterior surface material, except for metal roofs. Metal trim can be used but not to exceed 15 percent of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:
    - (i) Customary brick masonry;
    - (ii) Natural or cast stone;
    - (iii) Oversized brick;
    - (iv) Split-faced block;
    - (v) Architectural pre-cast concrete; and
    - (vi) Accent materials such as glass block and ceramic tiles.
  - b. Façade colors shall have low reflectance. High-intensity, metallic, black or fluorescent colors are prohibited. Natural and recycled materials may be utilized to enhance the building façade and promote sustainable development.
12. The use of galvanized chain link fencing shall be prohibited. The use of vinyl-coated chain-link fencing shall be allowed in green, black, and brown. No fencing shall be allowed in the front yard of the building.

EXHIBIT A-2  
FINAL LANGUAGE AFTER PROPOSED CHANGES  
COM-1 DESIGN REQUIREMENTS AMENDMENTS

Sec. 36-425. - COM - Commercial street district.

(7) Design requirements.

- (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
- (b) If required, a landscape plan, meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
- (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
- (h) The COM-1 district's purpose is to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic ambience. The COM-1 district should also promote new uses and development within the zoning district that provide an element of consistency and similarity of intensity, use, building heights, and materials used with the existing structures. These elements are described as follows:
  - 1. Building façades. All sides of buildings visible to the public, whether viewed from the public right-of-way or a nearby property, shall display a similar level of quality and architectural finish. This shall be accomplished by integrating architectural variations and treatments such as windows and other decorative features into all sides of a building design. Two or more of the following design elements shall be incorporated for each 40 horizontal feet of a building façade or wall:
    - a. Changes in color, texture, and material; or
    - b. Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or
    - c. Groupings of windows or fenestration.
  - 2. On each lot, the building façade shall be built to the district minimum setback line for at least 80 percent of the street frontage. This does not include Blaine Street frontage.
  - 3. The building façade shall be built to the district minimum setback line within 30 feet of a block corner. This does not include Blaine Street frontage.

4. The portions of the building façade required to be built at the district minimum setback line may include jogs of not more than 18 inches in depth except as otherwise necessary to allow bay windows, shop fronts and balconies.
5. Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages. This does not include Blaine Street frontage.
6. Fenestration on the ground floor facades shall comprise a least 40 percent, but not more than 90 percent of the façade area, measured as a percentage of the façade between floor levels.
7. Fenestration on the upper floor facades shall comprise a least 20 percent, but not more than 60 percent of the façade area, measured as a percentage of the façade between floor levels.
8. The ground floor of any new construction shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet. This does not include Blaine Street frontage.
9. The maximum story height for the ground story is 20 feet.
10. The maximum floor-to-floor story height for stories other than the ground floor is 12 feet.
11. Building materials and colors.
  - a. Metal shall not be used as a primary exterior surface material, except for metal roofs. Metal trim can be used but not to exceed 15 percent of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:
    - (i) Customary brick masonry;
    - (ii) Natural or cast stone;
    - (iii) Oversized brick;
    - (iv) Split-faced block;
    - (v) Architectural pre-cast concrete; and
    - (vi) Accent materials such as glass block and ceramic tiles.
  - b. Façade colors shall have low reflectance. High-intensity, metallic, black or fluorescent colors are prohibited. Natural and recycled materials may be utilized to enhance the building façade and promote sustainable development.
12. The use of galvanized chain link fencing shall be prohibited. The use of vinyl-coated chain-link fencing shall be allowed in green, black, and brown. No fencing shall be allowed in the front yard of the building.

EXHIBIT A-3  
EXISTING LANGUAGE IN ZONING ORDINANCE  
COM-1 DESIGN REQUIREMENTS AMENDMENTS

Sec. 36-425. - COM - Commercial street district.

(7) Design requirements.

- (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
- (b) If required, a landscape plan, meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
- (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
- (h) The COM-1 district's purpose is to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic ambience. The COM-1 district should also promote new uses and development within the zoning district that provide an element of consistency and similarity of intensity, use, building heights, and materials used with the existing structures. These elements are described as follows:
  - 1. Building façades. All sides of buildings visible to the public, whether viewed from the public right-of-way or a nearby property, shall display a similar level of quality and architectural finish. This shall be accomplished by integrating architectural variations and treatments such as windows and other decorative features into all sides of a building design. Two or more of the following design elements shall be incorporated for each 40 horizontal feet of a building façade or wall:
    - a. Changes in color, texture, and material; or
    - b. Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or
    - c. Groupings of windows or fenestration.
  - 2. On each lot, the building façade shall be built to the district minimum setback line for at least 80 percent of the street frontage.
  - 3. The building façade shall be built to the district minimum setback line within 30 feet of a block corner.

4. The portions of the building façade required to be built at the district minimum setback line may include jogs of not more than 18 inches in depth except as otherwise necessary to allow bay windows, shop fronts and balconies.
5. Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages.
6. Fenestration on the ground floor facades shall comprise a least 40 percent, but not more than 90 percent of the façade area, measured as a percentage of the façade between floor levels.
7. Fenestration on the upper floor facades shall comprise a least 20 percent, but not more than 60 percent of the façade area, measured as a percentage of the façade between floor levels.
8. The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.
9. The maximum story height for the ground story is 20 feet.
10. The maximum floor-to-floor story height for stories other than the ground floor is 12 feet.
11. Building materials and colors.
  - a. Metal shall not be used as a primary exterior surface material, except for metal roofs. Metal trim can be used but not to exceed 15 percent of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:
    - (i) Customary brick masonry;
    - (ii) Natural or cast stone;
    - (iii) Oversized brick;
    - (iv) Split-faced block;
    - (v) Architectural pre-cast concrete; and
    - (vi) Accent materials such as glass block and ceramic tiles.
  - b. Façade colors shall have low reflectance. High-intensity, metallic, black or fluorescent colors are prohibited. Natural and recycled materials may be utilized to enhance the building façade and promote sustainable development.
12. The use of galvanized chain link fencing shall be prohibited. The use of vinyl-coated chain-link fencing shall be allowed in green, black, and brown. No fencing shall be allowed in the front yard of the building.

## EXHIBIT B

### RECORD OF PROCEEDINGS Planning and Zoning Commission March 3, 2016

COM-1 District Amendments  
Citywide

**Applicant:** City of Springfield

Mr. Hosmer stated that this is a request to amend subsection 36-425 (7) Design Requirements in the COM-1 Commercial Street District. There have been issues in the COM-1, Commercial Street District, pertaining to the design requirements and how they are applied to new construction/additions along Blaine Street. Blaine Street is currently built and functions as a public alley for access to the back of properties along Commercial Street. Staff is proposing to clarify that Blaine Street was not intended to be used as a street frontage for design requirement purposes and that certain design requirements for interior building heights shall only apply to new construction. The original intent of the COM-1 Commercial Street District Design Requirements was to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic character.

- On each lot, the building façade shall be built to the district minimum setback line for at least 80 percent of the street frontage. This does not include Blaine Street frontage.
- The building façade shall be built to the district minimum setback line within 30 feet of a block corner. This does not include Blaine Street frontage.
- Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages. This does not include Blaine Street frontage.
- The ground floor of any new construction shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet. This does not include Blaine Street frontage.

Mr. Baird and Ms. Cox asked about the text and language for Blaine Street and about the inclusion of Pacific Street.

Mr. Hosmer stated that Blaine Street is currently built and functions as a public alley for access to the back of properties along Commercial Street. Staff wanted to clarify that Blaine Street was not intended to be used as a street frontage for design requirement purposes. Staff indicated that Pacific Street was not included in the COM-1 District.

(Staff clarification: The COM-1 district does front along the north side of Pacific Street. However, in our discussions staff does want Pacific Street as well as other streets to meet the design requirements i.e., buildings built up to the setback to address the street. Alleys do not have to meet the requirements. Again the main reason we wanted to remove Blaine Street is that it functions as an alley access to the backs of the buildings facing Commercial Street. This would also be the case if buildings were built

along Pacific Street. The backs of buildings along Pacific Street would face Blaine Street. This could also allow buildings built along the frontage of Pacific Street to have parking in the back along Blaine Street.)

Mr. Ray opened the public hearing.

No member of the public spoke.

Mr. Ray closed the public hearing.

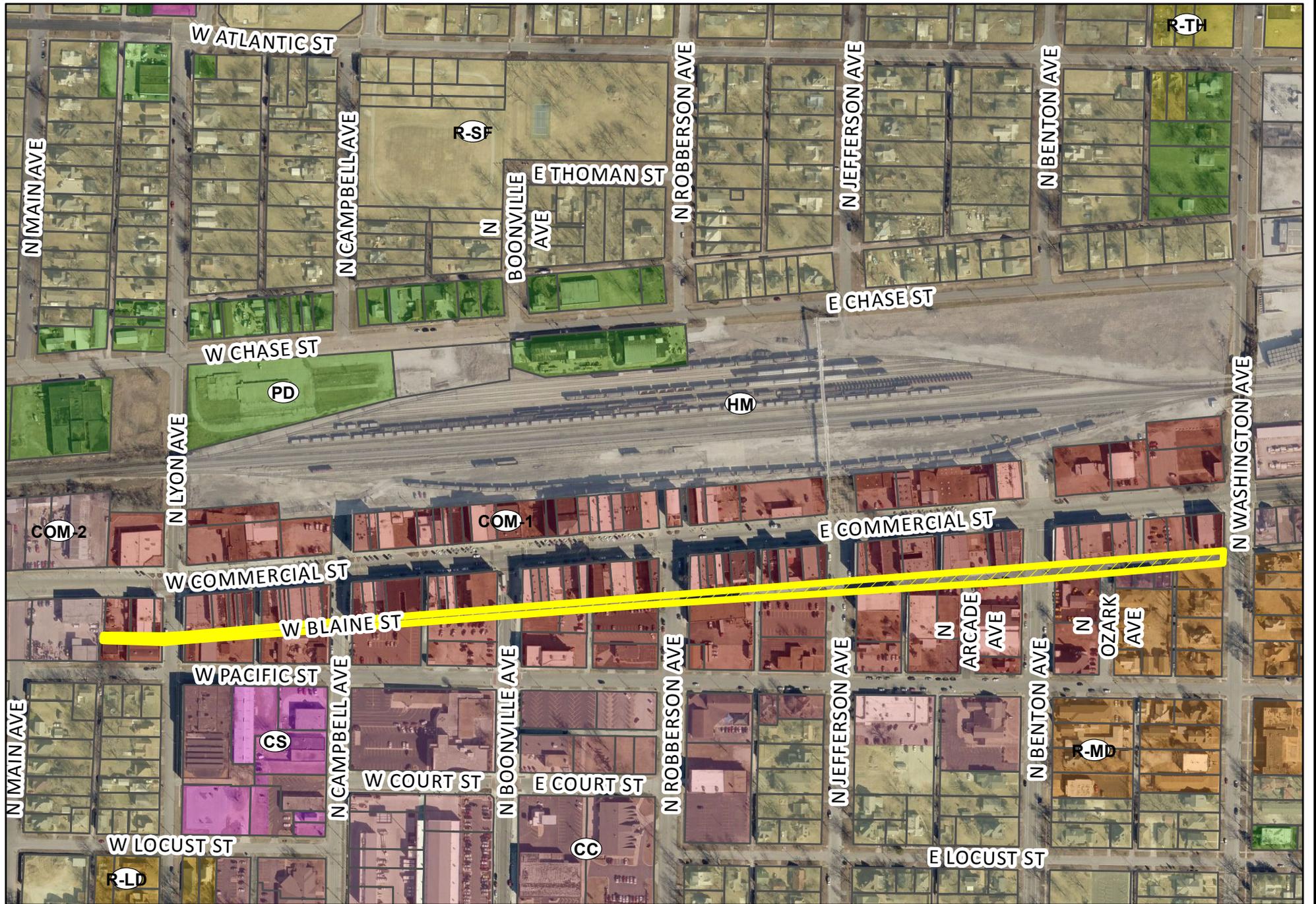
**COMMISSION ACTION:**

Mr. Doennig motions that we approve COM-1 District Amendments (Citywide). Ms. Cox seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Baird, Shuler, and Cox. Nays: None. Abstain: None. Absent: Cline, Rose, and Edwards



---

Bob Hosmer, AICP  
Principal Planner



 - Blaine Street



SCALE:

118,6005

**Exhibit C**



DISCLAIMER: All information included on this map or digital file is provided "as-is" for general information purposes only. The City of Springfield, and all other contributing data suppliers, make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the data for any particular use. Furthermore, the City of Springfield, and all other contributing data suppliers, assume no liability whatsoever associated with the use or misuse of the data.

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 9  
Filed: 03-29-16

Sponsored by: Burnett

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016- 075

SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, on behalf of the City of Springfield,  
2 Missouri, to enter into an agreement with Missouri State University  
3 (MSU), Greene County, and the Watershed Committee of the Ozarks  
4 (WCO) to participate in supporting and implementing Project Water  
5 Education for Teachers (WET), a water quality education program for  
6 Springfield and Greene County, Missouri.  
7  
8

9 WHEREAS, the City of Springfield has an opportunity to partner with MSU,  
10 Greene County and WCO to support and implement water quality education for  
11 Springfield and Greene County, including Project WET, which is an international,  
12 nonprofit environmental educational program for grades K through 12, focusing on all  
13 aspects of water; and  
14

15 WHEREAS, Project WET and the water quality education programs will support  
16 the City's mandated clean water education and public outreach components of both the  
17 City's Municipal Separate Storm Sewer System (MS4) permit and the City's Amended  
18 Consent Judgment, while allowing the City to partner with other entities, thus  
19 maximizing the effective use of the City's resources; and  
20

21 WHEREAS, the City's goal of educating the public on clean water practices will  
22 be advanced and cost to the City will be minimized by participating in this joint effort.  
23

24 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,  
25 MISSOURI, as follows, that:  
26

27 Section 1 - The City Manager, or his designee, on behalf of the City of  
28 Springfield, Missouri, is hereby authorized to enter into an agreement with MSU,  
29 Greene County, Missouri, and the WCO, in a form substantially similar to that  
30 agreement attached here to as "Exhibit A," for the purpose of supporting and  
31 implementing water quality education programs, including the Project WET  
32 environmental educational program for children in grades K through 12, and to do all

33 things necessary to carry out such agreement.

34

35 Section 2 –This ordinance shall be in full force and effect from and after  
36 passage.

37

38

39 Passed at meeting: \_\_\_\_\_

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\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: *John Willington*, Assistant City Attorney

Approved for Council action: *Greg Burt*, City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016- 075**

FILED: 03-29-16

ORIGINATING DEPARTMENT: Environmental Services

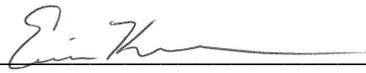
PURPOSE: To authorize the City Manager, or his designee, on behalf of the City, to enter into an agreement with Missouri State University (MSU), Greene County, and Watershed Committee of the Ozarks (WCO), to support and implement Project Water Education for Teachers (WET), a water quality education program for Springfield and Greene County.

BACKGROUND INFORMATION: Water quality education in schools is an important component of the federally mandated City and County Municipal Separate Storm Sewer System (MS4) permits. This partnership agreement began in 2008 when Missouri State University became the State Coordinator for Project WET, an international nonprofit environmental education program for grades K through 12, focusing on all aspects of water. This agreement will continue the City's contribution of \$10,000 per year to MSU to support Project WET and water quality education in schools.

REMARKS: This Council bill will authorize the City Manager to enter into an agreement "Exhibit A," with Missouri State University, Greene County, and WCO. The City's contribution of \$10,000 will be provided through the Department of Environmental Services from funds already budgeted. Environmental Services recommends approval of this council bill.

Supports the following Field Guide 2030 goal(s): Chapter 8, Natural Environment; Major Goal 2; Support local environmental/conservation non-profit organizations; Objective 2a, Ensure Adequate Funding for Non-Profit Organizations. Restore or elevate funding for City/County environmental not-profit partners such as the Watershed Committee of the Ozarks, Ozark Greenways, and James River Basin Partnership; consider funding to support new organizations that would address critical issues like air quality (e.g. Ozarks Clean Air Alliance). Objective 2b, Utilize Community Partners and Collaborations. Facilitate, encourage, and support partnerships and communication between city/county environmental departments and local environmental organizations/non-profits. Major Goal 8, Support environmental/conservation education; Objective 8b, Insure Adequate Education Funding – Maintain and enhance funding and support for existing activities, programs, and projects among city and area environmental/conservation non-profits to address current and emerging issues..

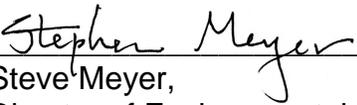
Submitted by:



---

Errin Kemper,  
Assistant Director of Environmental Services

Recommended by:

  
\_\_\_\_\_  
Steve Meyer,  
Director of Environmental Services

Approved by:

  
\_\_\_\_\_  
Greg Burris,  
City Manager

**EDUCATION PROGRAM AGREEMENT**

**THIS AGREEMENT** is by and between The Board of Governors of Missouri State University ("University") with principal place of business at 901 S. National Avenue, Springfield, MO 65897, the Greene County Commissioners ("County") with principal place of business at 933 N. Robberson Avenue, Springfield, MO 65802, the City of Springfield ("City") with principal place of business at 840 Boonville Avenue, Springfield, MO 65802, and the Watershed Committee of the Ozarks ("WCO") with principal place of business at 2400 E. Valley Water Mill Rd., Springfield, MO 65803. The term "Parties" shall be used to refer collectively to these entities.

**WITNESSETH:**

**WHEREAS**, the Parties to this Agreement agree to support and implement Project WET (Water Education for Teachers) and a water quality education program for Springfield and Greene County herein collectively known as 'Programs'; and

WHEREAS, the purpose of promoting the Programs is to encourage and provide useful knowledge to the public regarding water quality protection; and

WHEREAS, each party to the agreement has a vested interest in promoting water quality in the Ozarks and each party has valuable information to provide to the Programs.

**NOW THEREFORE**, for the purpose of promoting the increase of useful knowledge, and in consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

**Article 1 – Parties agree to the following:**

1.1 Term – The Parties agree that this Agreement will be for a period of two (2) years beginning on/about January 1, 2016. Thereafter the Term can be extended on an annual basis through agreement by the Parties in writing which shall become an addendum to the Agreement. In the event the parties are unable to agree to the terms of such a continuation of the Program beyond the Term, or addendum, the Program shall terminate. It is understood that the discontinuation of this agreement has no effect on the continuation and activities of the Project WET program.

1.2 Termination – A party can terminate its participation in the Agreement by forwarding a notice to the official representatives of the other parties no later than November 1<sup>st</sup> of each year that the Agreement is in force.

1.3 Publicity – A party shall have the right to acknowledge participation in the Program and the involvement of the other parties. In any such statements, the parties shall describe the scope and nature of their participation accurately and appropriately.

1.4 Confidential Information – The Parties agree that no confidential information shall be exchanged in conjunction with the work to be performed under this Agreement.

1.5 Liability

1.5.1. University is, as of the date of execution of this Agreement, subject to the Missouri State Legal Expense Fund, as established by Missouri Statute and administered and interpreted by the Attorney General of the State of Missouri, and that the University has no liability insurance that can extend protection to any other person under this Agreement.

1.5.2 City is, as of the date of the Agreement, a governmental entity entitled to certain immunities under the Doctrines of Sovereign, Official and Governmental Immunity. City assumes any and all risks of personal injury and property damage attributable to the negligent acts of City, its officers employees or agents related to activities resulting from the Agreement to the extent such claims for personal injury or property damage constitute exceptions to Missouri Sovereign Immunity Statutes, Sections 537.600 and 537.610, RSMo.

1.5.3 County is, as of the date of the Agreement, a governmental entity entitled to certain immunities under the Doctrines of Sovereign, Official and Governmental Immunity. County assumes any and all risks of personal injury and property damage attributable to the negligent acts of County, its officers employees or agents

related to activities resulting from the Agreement to the extent such claims for personal injury or property damage constitute exceptions to Missouri Sovereign Immunity Statutes, Sections 537.600 and 537.610, RSMo.

1.5.4 In no event shall the language of this Agreement constitute or be construed as a waiver or limitation of any party's rights or defenses with regards to any party's applicable sovereign, governmental or official immunities and protections as required by federal and state constitution or law.

1.6. Independent Contractor – Each party shall be deemed to be and shall be an independent contractor of the other and, as such, neither party shall be entitled to any benefits applicable to employees of the other. No party is authorized or empowered to act as agent for the other for any purpose and shall not on behalf of the other enter into any contract, warranty, or representation as to any matter. No party shall be bound by the acts or conduct of the other.

1.7 Non-discrimination – Parties give assurance that each is an equal opportunity employer and does not discriminate against any employee, student, or applicant for employment or registration in a course of study or in its services to people on the basis of race, color, religion, sex, national origin, ancestry, age, disability or veteran status.

1.8 Compliance with Statutes and Regulations – Parties agree to comply with all laws and regulations applicable to this Agreement. This Agreement shall be governed by, construed by, and enforced in accordance with the internal laws of the state of Missouri.

1.9 Assignment – No assignment of this Agreement can be made by any party without the prior written consent of the other parties.

1.10 This Agreement constitutes the entire and only agreement between the parties relating to the Program, and all prior negotiations, representations, agreements, and understandings are superseded hereby with relating to the Program. No agreements altering or supplementing the terms hereof may be made except by means of a written document signed by the duly authorized representatives of the parties.

1.11 This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this agreement be litigated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

1.12 Payments – Parties agree to provide payments as designated below.

## **Article 2 – University agrees to the following:**

2.1 Develop and implement a comprehensive education program on water quality and stormwater directed at the general public and school students through working with formal and non-formal educators.

2.2 Work with members of the general public, water quality/stormwater professionals, government agencies, community groups, teachers and non-formal educators to provide education and outreach services supporting the County and City Municipal Separate Storm Sewer System (MS4) stormwater permit requirements.

2.3 Work cooperatively with the Watershed Committee of the Ozarks, James River Basin Partnership, Springfield/Greene County Parks Department, and other groups/organizations toward the goal of water quality education.

2.4 Work cooperatively in the planning and implementation of special education events, such as water festivals, workshops, seminars, tours, demonstration projects, and assisting in the design and staffing of educational displays and booths.

2.5 Designate a qualified person to serve as the "Program Director".

2.6 Hire an Aquatic Education Specialist to implement the Program, and to contribute \$20,000 plus benefits for a full-time staff position for the first year; and at least \$10,000 plus benefits each year thereafter.

2.7 Provide office space, web page space, computer support, and travel funds for the Aquatic Education Specialist.

2.8 Designate the Office of Research Administration as the recipient of official notices pertaining to this Agreement. Such notices are to be mailed to: Office of Research Administration, Missouri State University, 901 South National Avenue, Carrington 405, Springfield, MO 65897.

**Article 3 – City agrees to the following:**

3.1 Designate a Technical Representative for this Program, and coordinate a water quality education program with the Program Director and the Aquatic Education Specialist.

3.2 Pay the University \$10,000 as a fixed cost for support of the Program in the first year and at least \$10,000 each year during the term of this Agreement, with payments due within thirty (30) days after receipt of an invoice from the University that shall be forwarded on or about February 1<sup>st</sup> of each year that this Agreement is in force. Checks are to be made payable to Missouri State University.

**Article 4 – County agrees to the following:**

4.1 Designate a Technical Representative for this Program.

4.2 Pay the University \$10,000 as a fixed cost for support of the Program in the first year and at least \$10,000 each year during the term of this Agreement with payments due within thirty (30) days after receipt of an invoice from the University that shall be forwarded on or about February 1<sup>st</sup> of each year that this Agreement is in force. Checks are to be made payable to Missouri State University.

**Article 5 – WCO agrees to the following:**

5.1 Designate a Technical Representative for this Program.

5.2 Provide field office space for the Aquatic Education Specialist at the Watershed Center.

5.3 Function as a collaborating partner, providing the Watershed Center as educational facility space for educational activities and events, while continually pursuing funding options to provide financial support at some future time.

5.4 Maintain appropriate levels of liability and worker's compensation insurance covering its employees and agents, including any such persons present on University property or otherwise engaged in activities as a result of this Agreement.

5.5 Assume any and all risks of personal injury and property damage attributable to the negligent acts of WCO, its officers, employees or agents related to activities resulting from this Agreement.

**IN WITNESS WHEREOF**, the parties have executed this agreement effective as of the day and year indicated in Section 1.1.

**For the Board of Governors of Missouri State University**

\_\_\_\_\_  
James Baker, Vice President for Research  
and Economic Development

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dr. Janice Greene,  
Director, Bull Shoals Field Station

\_\_\_\_\_  
Date

**Watershed Committee of the Ozarks**

\_\_\_\_\_  
Mike Kromrey, Executive Director

\_\_\_\_\_  
Date

**City of Springfield**

\_\_\_\_\_  
Greg Burris, City Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved as to form  
Jan Millington, Assistant City Attorney

\_\_\_\_\_  
Date

Certificate of Director of Finance: I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

\_\_\_\_\_  
Mary Mannix-Decker, Director of Finance

\_\_\_\_\_  
Date

**Greene County Commission**

\_\_\_\_\_  
Robert Cirtin  
Presiding Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Harold Bengsch  
Commissioner 1<sup>st</sup> District

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roseann Bentley  
Commissioner 2<sup>nd</sup> District

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved as to form  
John W. Housley, Greene County Counselor

\_\_\_\_\_  
Date

**AUDITOR CERTIFICATION**

I certify that the expenditure contemplated by this document is within the purpose of the appropriate to which it is to be charged and that there is an unencumbered balance of anticipated revenue appropriated for payment of same.

\_\_\_\_\_  
Cindy Stein  
Greene County Auditor

\_\_\_\_\_  
Date

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 12  
Filed: 03-29-16

Sponsored by: Fisk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016- 076

GENERAL ORDINANCE NO. \_\_\_\_\_

An Ordinance

1 AMENDING the Springfield City Code by repealing language contained in Chapter 98  
2 Streets, Sidewalks and Public Places, Article I In General, Section 98-8  
3 Outdoor Sculptures; and adding new regulations for Sculpture Walk.  
4

5  
6 WHEREAS, the Sculpture Walk Springfield Committee (Sculpture Walk) wishes to  
7 obtain a permit from the City to place sculptures in the right-of-way; and  
8

9 WHEREAS, City Code Section 98-8 currently regulates outdoor sculptures on city  
10 right-of-way; and  
11

12 WHEREAS, the proposed amendments to the existing City Code language will allow  
13 the expansion of the placement of outdoor sculptures in the city right-of-way,  
14 accommodating the Sculpture Walk, while allowing the Director of Public Works to ensure  
15 the sculptures do not interfere with the intended use of the city right-of-way.  
16

17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
18 SPRINGFIELD, MISSOURI, as follows, that:  
19

20 Section 1 - The Springfield City Code, Chapter 98 Streets, Sidewalks and Public  
21 Places; Article I In General; Section 98-8 Outdoor Sculptures, is hereby amended as  
22 follows:  
23

24 Note: Underlined language has been added and ~~stricken~~ language has been deleted.  
25

26 ARTICLE II. - IN GENERAL  
27

28 Sec. 98-8. - Outdoor Sculptures.

29 The director of public works, or his designee, may issue a permit to use a portion of  
30 the rights-of-way for outdoor sculptures ~~along Commercial Street between the streets of~~  
31 ~~Campbell Avenue and Robberson Avenue, and at the Jefferson Avenue Footbridge Plaza,~~  
32 subject to the following conditions:  
33

34 (1) The permittee shall be required to enter into a contract with the city, approved by  
35 the city manager and approved as to form by the city attorney, outlining the terms

36 and conditions for placing outdoor sculptures in the city's right-of-way. The permittee  
37 shall at all times comply with the contract, ordinances of the city, and the laws of the  
38 state, as well as applicable federal laws, rules and regulations dealing with use of  
39 rights-of-way.

40  
41 (2) A permit shall be granted to a permittee only in conjunction with an approved  
42 footprint for an outdoor sculpture that does not extend beyond the footprint area  
43 designated by the director of public works. ~~No more than four (4) such permits shall~~  
44 ~~be granted and in effect at any one time.~~ Such permits shall be in effect until revoked  
45 by the director of public works at his discretion, ~~or for a period of one (1) year after~~  
46 ~~issuance, whichever occurs first.~~

47  
48 (3) A permit shall be granted only in conjunction with an outdoor sculpture project  
49 conducted by the permittee. A permit may be granted upon a determination that the  
50 placement of an outdoor sculpture does not prevent the reasonable use of the city  
51 sidewalks or streets by the public and that it does not interfere with businesses in the  
52 area. The permittee shall limit the placement of outdoor sculptures to those areas  
53 approved and shall not place any sculpture that contains moving parts, lights or any  
54 other part that may confuse or distract drivers of vehicles. No sculpture may be  
55 placed pursuant to a permit that would violate any other ordinance of the city,  
56 including but not limited to ordinances dealing with signs.

57  
58 ~~(4) The permittee shall submit with the application for a permit a plan showing the~~  
59 ~~manner of disposal of any litter, trash or materials not a part of the outdoor sculpture~~  
60 ~~from the area immediately surrounding the sculpture. The permittee shall make~~  
61 ~~adequate provision for the disposal of litter and extraneous materials on or around~~  
62 ~~the sculptures, and shall maintain the premises used for the sculpture free of litter,~~  
63 ~~trash and extraneous materials. If the permittee does not keep the area of the~~  
64 ~~sculptures free of litter, trash and extraneous materials, the city reserves the right to~~  
65 ~~do so itself and to charge the permittee for the cost of the cleanup. This charge shall~~  
66 ~~be a private debt against the permittee, and failure to pay shall constitute cause to~~  
67 ~~revoke or not renew the permit.~~

68  
69 (5) The permittee shall agree to indemnify and hold harmless the city and its  
70 agents, employees and officers with respect to any claim arising out of the  
71 placement of the sculptures on city property. The permittee shall at all times maintain  
72 insurance or other security to protect the city from any liability which might arise from  
73 the activities in the area of the outdoor sculpture, in an amount to be determined by  
74 the law department of the city. The permittee shall submit copies of the insurance to  
75 the director of public works prior to placement of any sculptures at any permitted  
76 location for approval.

77  
78 (6) Before any work is performed on the sidewalk or street or other city property, the  
79 permittee shall submit a written plan describing the work. No work shall be  
80 performed on city property until the director of public works has authorized the work,  
81 the permittee has entered into a contract with the city, and a permit is issued by the

82 city to do the work. In no event shall the work exceed that which is described in the  
83 permit and/or contract as approved by the city.

84  
85 (7) If the permittee violates any of the conditions of this article or conditions which  
86 are a part of the permit and/or contract, the director of public works shall have the  
87 authority to suspend or revoke the permit with forty-eight (48) hours' notice. The  
88 permittee shall thereafter terminate the use of the street or sidewalk or other city  
89 property and remove any outdoor sculpture at its sole expense. Any person who  
90 violates the conditions of a permit shall also be subject to penalties set forth in  
91 Section 1-7.

92  
93 Section 2 – The section and subsection numbers shown herein shall be used unless  
94 the City Clerk or the codifier of the City Code assign a different section or subsection  
95 number to the language.

96  
97 Section 3 – Savings Clause. Nothing in this ordinance shall be construed to affect  
98 any suit or proceeding now pending in any court or any rights acquired or liability incurred  
99 nor any cause or causes of action occurred or existing, under any act or ordinance repealed  
100 hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this  
101 ordinance.

102  
103 Section 4 – Severability Clause. If any section, subsection, sentence, clause, or  
104 phrase of this ordinance is for any reason held to be invalid, such decision shall not affect  
105 the validity of the remaining portions of this ordinance. The Council hereby declares that it  
106 would have adopted the ordinance and each section, subsection, sentence, clause, or  
107 phrase thereof, irrespective of the fact that any one or more sections, subsections,  
108 sentences, clauses, or phrases be declared invalid.

109  
110 Section 5 – This ordinance shall be in full force and effect from and after passage.

111  
112 Passed at meeting: \_\_\_\_\_

113  
114 \_\_\_\_\_  
115 Mayor

116  
117 Attest: \_\_\_\_\_, City Clerk

118  
119 Filed as Ordinance: \_\_\_\_\_

120  
121 Approved as to form: Amanda R. Callaway, Assistant City Attorney

122  
123 Approved for Council action: Lynn Burt, City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016- 076**

FILED: 03-29-16

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: Amending the Springfield City Code by repealing language contained in Chapter 98, Article I, Section 98-8 Outdoor Sculptures to add new regulations to accommodate Sculpture Walk.

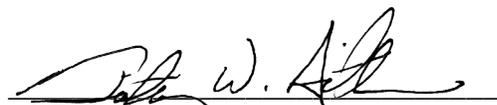
BACKGROUND INFORMATION: The Sculpture Walk Springfield Committee (Sculpture Walk), working with the Springfield Regional Arts Council has a mission "to encourage the artistic transformation of Springfield through outdoor sculpture, thus enhancing our quality of life and promoting economic development." Sculpture Walk will be a privately funded annually rotating exhibit of sculptures from across the nation. Initially 12 pieces will be displayed in center city this spring. Sculpture Walk plans to expand in the future to other compatible areas in Springfield such as historic Route 66, Commercial Street, the Boonville corridor, greenway trails and more. Of the initial 12 pieces, 10 will be located on city right-of-way and two will be located on private property.

City Code Section 98-8 currently allows sculptures in city right-of-way in certain locations. The proposed amendments will remove the geographic limits and allows the Director of Public Works to determine appropriate locations for sculpture placement in the city right-of-way and issue permits therefore. The proposed amendments will also require the permittee to maintain insurance and enter into a contract approved by the City Manager and approved as to form by the City Attorney. A sample contract is attached hereto as "Exhibit A."

Supports the following Field Guide 2030 goal(s): Chapter 1, Arts, Culture, and Tourism; Major Goal 5, Increase opportunities and support for public art and individual artists; Objective 5a: Achieve City Council adoption of inclusion of Public Art in area development plans; Objective 5c, Update inventory of public art in the area; Objective 5g, Continue to foster and build the community of artists and supporters of the arts by encouraging public and private collections and identifying and sustaining space for artists use and reuse community wide.

REMARKS: Staff worked with the Sculpture Walk Springfield Board over the past year to develop a framework to display public sculpture. The process included discussions at monthly committee meetings, extensive research, and smaller sub-committee meetings with staff and public representation. The Springfield Regional Arts Council, Sculpture Walk Springfield Board, Jordan Valley Advisory Committee and staff recommend approval.

Recommended by:

  
Tim Smith, Deputy City Manager

Approved by:

  
Greg Burris, City Manager

**Exhibit A**

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) SRAC	(3) OWNER
	(4) LAW DEPARTMENT	(5) CITY CLERK'S OFFICE	
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
CITY		Springfield Regional Arts Council d/b/a Sculpture Walk Springfield	
CITY OF SPRINGFIELD 840 BOONVILLE, P.O. Box 8368 SPRINGFIELD, MO 65802		Name:	
		Address:	
Attention:		Attention:	
Department: <b>CHOOSE</b>		Phone:	Fax:
Phone:	Fax:		

**AGREEMENT FOR PLACEMENT OF  
OUTDOOR SCULPTURES ON CITY RIGHT-OF-WAY**

This Agreement (Agreement) for placement of outdoor sculptures on city right-of-way is made and entered into on this \_\_\_\_ day of \_\_\_\_, 2016, by and between the City of Springfield, Missouri (City), the Springfield Regional Arts Council dba Sculpture Walk Springfield (SRAC/SWS) and the Owner (collectively, the Parties).

City: City of Springfield, Missouri  
 840 N. Boonville  
 Springfield, Missouri 65802

SRAC/SWS: Springfield Regional Arts Council  
 411 N. Sherman Parkway  
 Springfield, Missouri, 65802

Owner: \_\_\_\_\_

WHEREAS, the City is interested in fostering appreciation of the arts, and believes it can provide an opportunity to display artwork in public while bringing attention to its downtown area; and

WHEREAS, the SRAC/SWS has a mission of fostering appreciation of the arts, and supporting local Owners, by developing opportunities for them to display their art while supporting and promoting the City's downtown area; and

WHEREAS, Owner appreciates the opportunity to display their art in a public location for better visibility and marketability and agrees, at their own risk and discretion, to voluntarily loan their art for display in the designated public place.

NOW, THEREFORE, in consideration of the following terms and conditions, the parties agree as follows:

### 1. EXHIBITION.

a) The City, for the purpose of fostering appreciation of the arts, bringing attention to its downtown and providing Owners an opportunity to display their work in public, will allow certain outdoor sculptures to be displayed on public property in downtown Springfield. The locations of display will be determined by the City for approximately a ten month period, as defined in the attached Exhibit A, incorporated herein by reference.

b) The Owner of the artwork shall either be the artist that created the artwork or the individual who owns the rights to the artwork. The Owner voluntarily submitted the artwork described in Exhibit A for inclusion in this public exhibition. Owner affirmatively states by signing this Agreement that Owner has the right to display the artwork described in Exhibit A. Owner must provide a waiver of artist's rights if Owner does not own those rights. Further, Owner must provide a waiver complying with paragraph 6(c) of this Agreement from the artist.

c) SRAC/SWS agrees, upon Owner's delivery of selected artwork to the designated location, to pay Owner a One Thousand and 00/100 Dollar (\$1000.00) honorarium which shall constitute complete compensation to Owner for all services and artwork Owner provides under this Agreement.

### 2. INSTALLATION AND REMOVAL.

a) Transportation and delivery of the artwork to and from the designated location, including any associated costs to the City and/or SRAC/SWS, shall be the responsibility of the Owner. Delivery will be complete when the Owner delivers the artwork to the designated location in the city limits specified in Exhibit A. SRAC/SWS is responsible for transportation of the artwork from the designated location to the display location. Return of the artwork to the Owner shall occur on the Release Date, at a designated location within the City of Springfield, Missouri, and transportation on return shall be the responsibility of the Owner.

b) Installation and removal of the artwork in and from public display locations will be provided by SRAC/SWS, with Owner assistance. The City reserves the right to remove the artwork from the exhibition for any reason whatsoever, provided the City has first notified SRAC/SWS as to the reason for the intended removal. The City shall not be liable in any manner for damage to the artwork should the City remove the artwork pursuant to this paragraph.

### 3. DURATION OF LOAN.

a) The term of the Agreement shall be twelve (12) months from the date of execution by all parties; and

b) Release of artwork. The artwork described in this Agreement and Exhibit A will not be released from loan by the SRAC/SWS until the termination of the exhibition plus a reasonable

time allowance for removal from the exhibition, as determined in the SRAC/SWS discretion (the "Release Date"), except by prior written agreement between the Parties.

It is hereby agreed that the SRAC/SWS is entitled to exclusive possession of the artwork until the artwork has been released from loan. Unless otherwise agreed in writing by the Parties, the SRAC/SWS will surrender the artwork directly to the Owner on the Release Date.

c) Artwork retrieval and storage costs. After the exhibition ends, the artwork must be picked up by the Owner on or before the date specified on the Exhibit A. A storage fee of One Hundred and 00/100 Dollars (\$100.00) per week will be charged by the SRAC/SWS to the Owner during the six (6) months after the specified date. If the SRAC/SWS is unable to return the artwork to the Owner within six (6) months after the specified date, and no special arrangements have been made in writing by the Parties, then the SRAC/SWS shall consider the artwork abandoned by the Owner, and the Owner shall have no further claim of title to the artwork described herein. Thereafter, the SRAC/SWS shall have the right to dispose of the artwork in any manner whatsoever. In the event the artwork is considered abandoned by the SRAC/SWS, notice that the SRAC/SWS will dispose of the artwork pursuant to this section shall be provided to the Owner. This Agreement is binding upon and shall inure to the benefit of the Parties, heirs, executors, administrators, representatives, successors, and assigns.

In the event the City or SRAC/SWS incurs any costs associated with removal of the artwork arising out of or relating to the Owner's breach of this Agreement, the Owner shall reimburse the City and/or SRAC/SWS for those costs.

#### 4. CARE AND SAFEKEEPING.

a) SRAC/SWS shall be solely responsible for cleaning the artwork. SRAC/SWS shall notify the City when SRAC/SWS intends on cleaning so that City can work with SRAC/SWS to coordinate any necessary street or sidewalk closure.

b) Repair. In the event that the City, SRAC/SWS, or the Owner decides that the artwork requires repair in order to preserve public safety or to preserve the artwork, the City shall notify the Owner in writing, and the Owner shall be given the first opportunity to make the necessary repairs under City supervision, to coordinate any necessary street or sidewalk closure, and within a reasonable time under the prevailing circumstances. If the Owner has not completed satisfactory repairs in a reasonable amount of time after notification that such repairs are required, or if the repairs must be completed immediately in order to ensure public safety or remove potentially offensive material, then the City and/or SRAC/SWS reserve the right to remove the artwork and SRAC/SWS will place the artwork in a safe location for storage. The City and SRAC/SWS shall not be liable in any manner for damage to the artwork should the City and/or SRAC/SWS remove the artwork pursuant to this paragraph.

#### 5. INSURANCE AND LIABILITY:

a) Risk of loss or damage of/to any of Owner's work by theft, vandalism, loss or damage while in transit to and from City, and while on City property shall rest solely on the Owner and City shall not be responsible for any such loss caused by any factor, even the negligence of the City, natural disaster, or any City employee and/or agent. If Owner desires to have insurance to insure the Owner's work from such risks, Owner will provide a certificate of insurance to the City prior to any delivery of Artwork to the City. In no event shall the City be liable to the Owner for special, indirect, or consequential damages.

b) General Liability Coverage. Without limiting any of the other obligations or liabilities of SRAC/SWS, SRAC/SWS shall secure and maintain at its own cost and expense, throughout the duration of this Agreement, Commercial General Liability Insurance, including coverage for Contractual Liability and Independent Contractor's Liability. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least Two Million Seven Hundred Thirty-Four Thousand Five Hundred Sixty-Seven and no/100 Dollars (\$2,734,567.00) for all claims arising out of a single accident or occurrence, at least Four Hundred Ten Thousand One Hundred Eighty-Five and no/100 Dollars (\$410,185.00) with respect to injuries and/or death of any one person in a single occurrence and an amount not less than at least One Million and 00/100 Dollars(\$1,000,000.00) for all claims to property arising out of a single occurrence, and at least One Hundred Thousand and 00/100 Dollars (\$100,000.00) to any one owner with respect to damages to property. SRAC/SWS agrees that the proceeds of such insurance policy shall first be used to pay any award, damages, costs, and/or attorneys' fees incurred by or assessed against City, its employees, officers and agents, before payment of any award, damages, costs or attorney's fees of SRAC/SWS, its employees, officers or agents. SRAC/SWS agrees to cause its insurer to name City as an additional insured on such insurance policy, including the City as an additional insured party for coverage under its products-completed operations hazard, and said policy shall be primary and noncontributory.

The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City. Regardless of such approval, it shall be the responsibility of SRAC/SWS to maintain adequate insurance coverage at all times during the term of this Agreement. Failure of SRAC/SWS to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability in general or under this Agreement.

The certificates of insurance, including evidence of the required endorsements hereunder or the policies shall be filed with the City within ten (10) days after the date of the execution of this Agreement and prior to delivery of the artwork to the City. All insurance policies shall require that the insurance company in question provide thirty (30) days written notice prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to City of Springfield - Public Works, P.O. Box 8368, Springfield, MO 65801-8368.

In the event the scope or extent of the City's tort liability as a governmental entity as described in Section 537.600 through 537.650 RSMo is broadened or increased during the term of this agreement by legislative or judicial action, the City may require SRAC/SWS, upon ten (10) days written notice, to execute a contract addendum whereby the SRAC/SWS agrees to provide, at a

price not exceeding SRAC/SWS actual increased premium cost, additional liability insurance coverage as the City may require to protect the City from increased tort liability exposure as the result of such legislative or judicial action. Any such additional insurance coverage shall be evidenced by an appropriate certificate of insurance and shall take effect within the time set forth in the addendum.

d) Indemnify and Hold Harmless. Except to the extent of the City's insurance obligations set forth above, SRAC/SWS and Owner shall indemnify, defend and hold harmless the City, its officers, employees and agents, from and against any and all loss, damage, injuries, claims, cause of causes of action, or any liability whatsoever resulting from, or arising out of, or in connection with SRAC/SWS's obligations or actions under this Agreement, including but not limited to damage to or destruction of the artwork, injury to the Owner, or any other damage resulting from the installation, location, maintenance, repair, replacement, or removal of the artwork regardless of the cause of said damage or destruction.

## 6. MISCELLANEOUS:

a) SCOPE. This Agreement only covers artwork displayed pursuant to the terms of this Agreement on City property. It is understood by the Parties that any artwork displayed by SRAC/SWS on private property is not part of this Agreement.

b) RIGHTS TO ARTWORK. The undersigned Owner hereby warrants that he/she created all of Owner's artwork and/or that Owner possesses all legal rights in them, and appoints SRAC/SWS as its agent for the purpose of exhibition of the works of art set forth in Exhibit A.

c) VISUAL ARTISTS RIGHTS ACT. The Owner, as the artist of the artwork specifically identified in Exhibit A, waives any rights they have pursuant to 17 U.S. Code § 106A in said artwork for the uses stated in this Agreement, including but not limited to, the outdoor placement of the artwork where the artwork may be exposed to the natural elements. If the Owner is not the artist of the artwork, the Owner shall provide a waiver from the artist of the above stated rights.

d) SALE. The City will not be a part of, or involved in, the private sale of any artwork.

e) PUBLICITY. The City and SRAC/SWS may use the Owner's name, images of the Owner's work, and other pertinent information to promote the exhibition in the media. The Owner grants permission to the City and SRAC/SWS to photograph or reproduce any and all artwork in the exhibition for publicity or documentation, without compensation. It is understood between the Parties that artworks in the exhibition may be photographed by the general public.

f) CONFLICTS. No salaried officer or employee of the City and no member of the City Council shall have a financial interest, direct or indirect, in this contract. A violation of this provision renders the contract void. Any federal regulations and applicable provisions in Section 105.450 et seq. RSMo. shall not be violated. Owner covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services to be performed under this contract. The Owner further

covenants that in the performance of this contract no person having such interest shall be employed.

g) NOTICE. Pursuant to this Agreement, notice shall be provided by personal delivery or via First Class, U.S. Mail, postage prepaid, to the addresses set forth at the beginning of this Agreement, or in the case of the Owner, to the address set forth on Exhibit A. Notice shall be effective three (3) calendar days following the date of mailing. The Parties may from time to time change the notice address provided in this section by notifying the other Parties as set forth herein.

h) ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the Parties. Any amendments to this Agreement shall be made in writing and signed by all Parties.

i) APPLICABLE LAW AND VENUE. This Agreement shall be interpreted according to the laws of the State of Missouri. In the event of any dispute or controversy between the Parties, each party agrees that the Circuit Court of Greene County, Missouri, shall have exclusive jurisdiction to determine all issues between them and no cause of action can be brought in any other venue.

j) SEVERABILITY. If any provision of this Agreement is determined to be invalid or unenforceable, that determination will not affect the other provisions of this Agreement, which will be construed in all respects if the invalid or unenforceable provision was omitted.

k) DISCRIMINATION. The Owner and SRAC/SWS agree in the performance of this contract not to discriminate on the ground or because of race, creed, color, national origin or ancestry, sex, sexual orientation, religion, handicap, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee of Owner or applicant for employment and shall include a similar provision in all subcontracts let or awarded hereunder. The Parties hereby incorporate the requirements of 41 C.F.R. §§ 60-1.4(a)(7), 29 C.F.R. Part 471, Appendix A to Subpart A, 41 C.F.R. § 60-300.5(a) and 41 C.F.R. § 60-741.5(a), if applicable.

i. The Owner and any subcontractor shall abide by the requirements of 41 C.F.R. § 60-300.5(a). This regulation prohibits discriminations against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.

ii. The Owner and any subcontractor shall abide by the requirements of 41 C.F.R. § 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.

l) COMPLIANCE WITH LAWS. Owner and SRAC/SWS agree to comply with all applicable federal, state and local laws or rules and regulations applicable to the provision of

services and products hereunder. Owner affirmatively states that payment of all local, state, and federal taxes and assessments owed by Owner is current.

m) GENERAL INDEPENDENT CONTRACTOR CLAUSE. This agreement does not create an employee/employer relationship between the Parties. It is the Parties' intention that the Owner will be an independent contractor and not the City's employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, Missouri revenue and taxation laws, Missouri workers' compensation and unemployment insurance laws. The Owner will retain sole and absolute discretion in the judgment of the manner and means of carrying out the Owner's activities and responsibilities hereunder. The Owner agrees that it is a separate and independent enterprise from the public employer, that it has a full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the work. This agreement shall not be construed as creating any joint employment relationship between the Owner and the City, and the City will not be liable for any obligation incurred by the Owner, including but not limited to unpaid minimum wages and/or overtime premiums. The Owner shall not be entitled to any of the benefits established for the employees of the City nor be covered by the Worker's Compensation Program of the City.

IN WITNESS WHEREOF, the Parties hereto have caused this agreement to be executed on the day and year first written.

CITY OF SPRINGFIELD, MISSOURI

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM

\_\_\_\_\_  
Nicholas Woodman, Assistant City Attorney

SPRINGFIELD REGIONAL ARTS COUNCIL d/b/a SCULPTURE WALK  
SPRINGFIELD (SRAC/SWS)

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM

\_\_\_\_\_  
Heather Rooney McBride, Board Attorney

OWNER

\_\_\_\_\_

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed: 04-13-16

Sponsored by: Stephens

First Reading: \_\_\_\_\_  
SUBSTITUTE  
COUNCIL BILL NO. 2015-324

Second Reading: \_\_\_\_\_  
SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AMENDING the General Fund budget of the City of Springfield, Missouri, for Fiscal  
2 Year 2015-2016, by appropriating the carryover fund balance and  
3 increasing expenses in the amount of \$3,213,570.  
4

5 \_\_\_\_\_

6 WHEREAS, at the close of Fiscal Year 2014-2015, the City had \$4,463,570 in  
7 carryover funds in the fund balance of the General Fund; and  
8

9 WHEREAS, \$500,000 of the carryover funds were appropriated in Special  
10 Ordinance No. 26705 for use in contracts for housing of City inmates; and  
11

12 WHEREAS, \$750,000 of the carryover funds are requested to be appropriated  
13 separately by Council Bill No. 2016-090, leaving a remaining carryover fund balance of  
14 \$3,213,570; and  
15

16 WHEREAS, Council Bill No. 2015-324 regarding reconciling the differences  
17 between the budgeted revenues and expenditures and actual revenues and  
18 expenditures was table at the December 14, 2015, Council Meeting; and  
19

20 WHEREAS, the remaining \$3,213,570 in carryover funds will be used to address  
21 a variety of critical one-time capital needs, as shown on "Exhibit A," attached hereto and  
22 incorporated herein; and  
23

24 WHEREAS, an amendment to the budget of the City, for Fiscal Year 2015-2016,  
25 has been approved and recommended by the City Manager.  
26

27 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
28 SPRINGFIELD, MISSOURI, as follows, that:  
29

30 Section 1 – The budget of the City for Fiscal Year 2015-2016 is hereby amended  
31 in the accounts and in the amounts as shown on Budget Adjustment No. 0044, a copy  
32 of which is attached hereto and incorporated herein by reference as "Exhibit A."  
33

34           Section 2 – The City Council finds the budget adjustment made above has been  
35 recommended by the City Manager and that the budget adjustment made herein is  
36 necessary to reconcile differences between budgeted revenues and expenditures and  
37 actual revenues and expenditures.

38  
39           Section 3 – The City Council hereby directs the City Manager to cause the  
40 appropriate accounting entries to be made in the books and records of the City.

41  
42           Section 4 – This ordinance shall be in full force and effect from and after  
43 passage.

44  
45 Passed at meeting: \_\_\_\_\_

46  
47  
48  
49 \_\_\_\_\_  
50 Mayor

51 Attest: \_\_\_\_\_, City Clerk

52  
53 Filed as Ordinance: \_\_\_\_\_

54  
55  
56 Approved as to form: *Marianna Anderson Banks*, City Attorney

57  
58 Approved for Council action: *Greg Burt*, City Manager  
59

## EXPLANATION TO COUNCIL BILL NO: 2015-324 Substitute 1

FILED: 04-15-16

ORIGINATING DEPARTMENT: Finance

**PURPOSE:** Amending the Fiscal Year 2015-2016 General Fund budget by appropriating the carryover funds and increasing expenses in the amount of \$3,213,570.

**BACKGROUND INFORMATION:** At the close of Fiscal Year 2015, there was \$4,463,570 available in end-of-year carryover funds from the General Fund fund balance. This amount is in addition to the City's \$16,000,000 operating reserve ("Rainy Day Fund"). The one-time carryover funds are the result of actual revenue exceeding the budget estimate and actual expenses being lower than budget. In Fiscal Year 2015, actual revenue exceeded the budget estimate by \$2.3 million, or 3%. Budgeted operating expenses were \$2.1 million, or 2.8%, below budget. Since the current level of reserves in the General Fund meets the City Council policy requirement of 20% of the General Fund operating budget, these additional funds are available for appropriation to address one-time, high-priority needs.

City staff presented an original recommendation to City Council in December, 2015. At that time, City Council elected to place this appropriation action "on hold" as a short-term jail solution was being developed.

Via Council bill 2016-071 approved by City Council on March 21, 2016 \$500,000 of the original \$4,463,570 carryover amount was appropriated for use to contract with Miller and Taney counties to provide a short-term jail option for Springfield. A separate Council bill seeking approval to appropriate \$750,000 of the carryover funds to replace software used by several City departments will be presented at the April 18, 2016 meeting. This proposed appropriation is being presented separately so that we can take advantage of discount pricing which expires on April 30, 2016. Thus, \$3,213,570 remains to be appropriated via this bill.

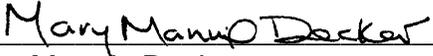
If approved by City Council, the one-time FY15 carryover funds will be used to address a variety of critical needs for several departments. The Police and Fire departments will receive 47% of the carryover funds. In addition to inmate housing, the most significant items funded for these departments are the start-up cost for the eleven new officers hired with the latest Community Oriented Policing Services (COPS) grant and the installation of exhaust systems in our older fire stations. The budget adjustment also begins the process of setting aside funds to purchase a ladder truck, by combining this carryover allocation with funds available from the Level Property Tax. Thus, as in past years, carryover funds will be used to address only the most urgent capital and facility needs. Funding is also provided to replace the carpet in the Busch Building due to its age and safety concerns. The Parks Department, Police Department, neighborhood groups, and

our downtown partners have expressed concern about security and other risk concerns at Founders Park. While the total cost to fully address these concerns is approximately \$500,000, the FY15 carryover budget adjustment includes only \$300,000 to address only the risk- and security-related concerns. The budget adjustment sets aside funds for potential environmental liabilities. Additionally, the proposed carryover allocation includes several other high-priority, but lower cost, projects proposed for funding.

All proposed projects have been presented to City Council, most recently during the April 12 Council Lunch Workshop, and all are listed individually on the attached budget adjustment.

REMARKS: Department directors identified many additional high-priority projects to be considered for funding. Although we are fortunate to have these one-time carryover funds available to address many of the projects considered the highest priority, funding is not available for all projects.

Recommended by:

  
\_\_\_\_\_  
Mary Mannix Decker  
Director of Finance

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager

CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit   A  

BA Number 0044

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
Net Revenue Adjustment						-	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	10	15020	508120	000000	00000	\$ 500,000	Fire Apparatus set-aside
10110	10	15020	508170	000000	00000	475,000	Exhaust Removal Systems - Fire Stations
10110	18	90100	501190	000000	00000	16,330	Ballistic Shields for SGT/Cpl cars
10110	18	90100	501230	000000	00000	21,000	Police Karex Software
10110	20	73020	502710	000000	00000	200,000	Facilities maintenance-Busch Building Carpet
10110	06	13010	509910	000000	00000	650,000	Environmental Liability
10110	11	57510	508120	000000	00000	35,000	Animal Control Vehicle
10110	18	97510	508120	000000	00000	512,000	COPS Grant - Start-up funds
10110	16	82570	509110	000000	10123	300,000	Founders Park - Phase I
10110	12	16010	504580	000000	00000	130,640	Compensation Consultant
10110	18	97580	504580	000000	00000	15,600	Blacktop Obstacle Course
10110	12	16010	502420	000000	00000	38,000	Recruitment and relocation program
10110	17	65210	504580	000000	00000	175,000	Planning Master Plan Update
10110	17	65210	504580	000000	00000	45,000	Neighborhood cleanups
10110	17	60210	504580	000000	00000	100,000	Kearney Street Economic Development Study
Net Expenditure Adjustment						\$ 3,213,570	

Fund Balance Appropriation:

Fund	Title	Amount
10110	2015 Carryover Funds	(3,213,570)

Explanation: Amend the FY15-16 General Fund by appropriating carryover fund balance and increasing expenditures.

Requested By:

Mary Mann O'Decker 4-15-16  
Department Head Date

Approved By:

Mary Mann O'Decker 4-15-16  
Director of Finance Date

Authorization:

Council Bill No. 2015-324 S1  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_

\_\_\_\_\_  
City Manager Date

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed: 04-13-16

Sponsored by: Stephens

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016-090

SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AMENDING the General Fund budget of the City of Springfield, Missouri, for Fiscal  
2 Year 2015-2016, by appropriating a portion of the 2015 fiscal year  
3 carryover funds and increasing expenses in the amount of \$750,000.  
4

5 \_\_\_\_\_

6 WHEREAS, at the close of Fiscal Year 2014-2015, the City had \$4,463,570 in  
7 carryover funds in the fund balance of the General Fund; and  
8

9 WHEREAS, \$500,000 of the carryover funds were appropriated in Special  
10 Ordinance No. 26705 for use in contracts for housing of City inmates; and  
11

12 WHEREAS, Council Bill No. 2015-324 regarding reconciling the differences  
13 between the budgeted revenues and expenditures and actual revenues and  
14 expenditures was table at the December 14, 2015, Council Meeting; and  
15

16 WHEREAS, in order to utilize discounts which expire on April 30, 2016, the City  
17 wishes to amend the General Fund budget separate from the remainder of the  
18 carryover funding by appropriating \$750,000 for the purchase of INFOR Public Sector  
19 Software and Implementation to be used for issuing permits and business licenses; and  
20

21 WHEREAS, an amendment to the budget of the City, for Fiscal Year 2015-2016,  
22 has been approved and recommended by the City Manager.  
23

24 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
25 SPRINGFIELD, MISSOURI, as follows, that:  
26

27 Section 1 – The budget of the City for Fiscal Year 2015-2016 is hereby amended  
28 in the accounts and in the amounts as shown on Budget Adjustment No. 0045, a copy  
29 of which is attached hereto and incorporated herein by reference as “Exhibit A.”  
30

31 Section 2 – The City Council finds the budget adjustment made above has been  
32 recommended by the City Manager and that the budget adjustment made herein is  
33 necessary to reconcile differences between budgeted revenues and expenditures and

34 actual revenues and expenditures.

35

36 Section 3 – The City Council hereby directs the City Manager to cause the  
37 appropriate accounting entries to be made in the books and records of the City.

38

39 Section 4 – This ordinance shall be in full force and effect from and after  
40 passage.

41

42 Passed at meeting: \_\_\_\_\_

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\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: *Marianne Gander Beck*, City Attorney

Approved for Council action: *Greg Burt*, City Manager

## **EXPLANATION TO COUNCIL BILL NO: 2016-090**

FILED: 04-13-16

ORIGINATING DEPARTMENT: Finance

**PURPOSE:** Amending the Fiscal Year 2015-2016 General Fund budget by appropriating the carryover funds and increasing expenses in the amount of \$750,000.

**BACKGROUND INFORMATION:** At the close of Fiscal Year 2015, there was \$4,463,570 available in end-of-year carryover funds from the General Fund fund balance. This amount is in addition to the City's \$16,000,000 operating reserve ("Rainy Day Fund"). The one-time carryover funds are the result of actual revenue exceeding the budget estimate and actual expenses being lower than budget. In Fiscal Year 2015, actual revenue exceeded the budget estimate by \$2.3 million, or 3%. Budgeted operating expenses were \$2.1 million, or 2.8%, below budget. Since the current level of reserves in the General Fund meets the City Council policy requirement of 20% of the General Fund operating budget, these additional funds are available for appropriation to address one-time, high-priority needs.

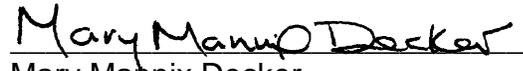
City staff presented an original recommendation to City Council in December, 2015. At that time, City Council elected to place this appropriation action "on hold" as a short-term jail solution was being developed.

Via Council bill 2016-071 approved by City Council on March 21, 2016 \$500,000 of the original \$4,463,570 carryover amount was appropriated for use to contract with Miller and Taney counties to provide a short-term jail option for Springfield. A separate Council bill seeking approval to appropriate \$3,213,570 of the carryover funds for various high-priority critical needs for several departments will be presented at the April 18, 2016 meeting.

This Council bill seeks approval for an appropriation of \$750,000 to replace the software used by several City departments to issue permits and business licenses. This software is over twenty years old. It has significant limitations, including limited financial controls. The new software will allow for more work to be accomplished in the field, resulting in quicker turnaround time, allow for more online payments and the financial controls are more robust. Thus, as in past years, carryover funds will be used to address only the most urgent capital and facility needs.

**REMARKS:** This proposed appropriation is presented separately in order to have two readings of the Council bill prior to April 30. This will allow us to take advantage of significant discounts which expire on April 30.

Recommended by:

  
Mary Mannix Decker  
Director of Finance

Approved by:

  
Greg Burris, City Manager

CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit   A  

BA Number 0045

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
Net Revenue Adjustment						-	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	10	15020	508120	000000	00000	\$ 750,000	INFOR Public Sector Software and Implementation
Net Expenditure Adjustment						\$ 750,000	

Fund Balance Appropriation:

Fund	Title	Amount
10110	2015 Carryover Funds	(750,000)

Explanation: Amend the FY15-16 General Fund by appropriating carryover fund balance and increasing expenditures.

Requested By:

Mary Mann O'Decker 4-15-16  
Department Head Date

Approved By:

Mary Mann O'Decker 4-15-16  
Director of Finance Date

Authorization:

Council Bill No. 2016-090  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_

\_\_\_\_\_  
City Manager Date

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 6  
Filed: 4-15-16

Sponsored by: Fisk, Ferguson,  
Burnett, McClure

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016 - 091

GENERAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 10, Alcoholic Beverages, Section 10-62  
2 Exception for general merchandise stores, restaurants, and exempt  
3 organizations, to increase and expand the area for certain permitted  
4 events; Chapter 78, Offenses and Miscellaneous Provisions, Section 78-4  
5 Possession, sale or consumption of alcoholic beverages in public place, to  
6 add exemptions for certain permitted events; amending Chapter 106,  
7 Traffic and Vehicles, Section 106-50 Use of right-of-way during Artsfest;  
8 and including a sunset provision for December 31, 2016.  
9

10  
11 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
12 SPRINGFIELD, MISSOURI, as follows, that:

13  
14 NOTE: Added language is underlined, deleted language is ~~stricken~~.

15  
16 Section 1 – The Springfield City Code, Chapter 10, Alcoholic Beverages, Section  
17 10-62 Exception for general merchandise stores, restaurants, and exempt  
18 organizations, Subsection (c) is hereby amended as follows:

19  
20 Sec. 10-62. Exception for general merchandise stores, restaurants, and exempt  
21 organizations.

22  
23 (c) Upon prior approval of the City Manager, an exempt organization whose  
24 premises are located in the area bounded by Mill Street, Jefferson Avenue,  
25 Pershing Street and Campbell Avenue may obtain a license for malt liquor  
26 containing alcohol not in excess of five percent by weight and light wines  
27 containing not in excess of fourteen percent of alcohol by weight by the drink at  
28 retail for consumption on the premises where sold.

29  
30 (1) The exempt organization shall be limited to offering alcohol for consumption  
31 during no more than 12 hours per day and for no more than 3 days per week.  
32 There shall be no more than nine (9) ~~5~~ permitted events per calendar year for  
33 the calendar year 2016. Events where intoxicating liquor is consumed shall

34 be limited to those held by the licensed exempt organization or other exempt  
35 organization that has leased or rented the premises from the licensee.

36  
37 (2) An exempt organization described in subsection (c) or its designee may  
38 obtain a picnic or caterers license to provide alcohol not in excess of five  
39 percent by weight and light wines containing not in excess of fourteen  
40 percent of alcohol by weight by the drink at retail.

41  
42 a. For purposes of Section 10-62(c)(ii) subsection (c)(2), "premises" shall  
43 be defined as limited to one of the following areas:

44  
45 (i) the boundary of the area defined as the "Downtown Mall" in section  
46 82-61 of the Springfield City Code, except that the west portion of the  
47 mall from along Park Central West from the east right-of-way line of  
48 Patton Alley to extending to the east right-of-way line of Campbell  
49 Avenue shall not be closed and is not included as part of the premises  
50 subject to use by the exempt organization or its designee. ("Limited  
51 Downtown Mall");

52  
53 (ii) the boundary of the area defined as the "Downtown Mall" in section  
54 82-61 with the addition of the following right-of-way: extending east from  
55 the west right-of-way line of Jefferson and Park Central East, continuing  
56 along St. Louis Street to the west right-of-way line of Benton Avenue,  
57 and extending west from the east right-of-way line of Campbell Avenue  
58 and Park Central West, continuing along College Street to the east right-  
59 of-way line of Grant Avenue; and the area including the right-of-way  
60 along Jefferson Street from the south right-of-way line of Olive Street to  
61 the north right-of-way line of McDaniel Street; ("Route 66 Festival Area");

62  
63 (iii) the area including the right-of-way along Jefferson Street from the  
64 south right-of-way line of Olive Street to the north right-of-way line of  
65 Park Central East/St. Louis Street; and

66  
67 (iv) the area including the right-of-way along Walnut Street from the west  
68 right-of-way line of National Avenue to the east right-of-way line of  
69 Kimbrough Avenue ("Artsfest Area").

70  
71 b. For purposes of subsection (c)(2), the number of events per year shall  
72 be limited as follows:

73 (i) Limited Downtown Mall Area - no more than six (6) events per year  
74 during the calendar year 2016;

75 (ii) Route 66 Festival Area - no more than one (1) event during the  
76 calendar year 2016;

77 (iii) Area defined in section 10-62(c)(2)(iii) - no more than one (1) event  
78 during the calendar year 2016; and

79 (iv) Artsfest Area - no more than one (1) event during the calendar year  
80 2016.

81  
82 bc. All other portions of sections 82-61—82-65 shall remain in effect during  
83 the time the Mall is closed ~~under Section 10-62(c)(ii)~~ subsection (c)(2).

84  
85 ed. During the duration of the event, the prohibition on open containers and  
86 public consumption of alcohol as set forth in section 78-4 shall not be in  
87 effect within the premises defined in subsection (a) above, subject to  
88 rules and regulations established by the city manager. Any person found  
89 guilty of violating the rules and regulations for the premises established  
90 by the city manager, on file with the city clerk, for the premises shall be  
91 punished pursuant to City Code Section 1-7 ~~subject to prosecution under~~  
92 ~~section 78-4.~~

93  
94 Section 2 - The Springfield City Code, Chapter 78, Offenses and Miscellaneous  
95 Provisions, Section 78-4 Possession, sale or consumption of alcoholic beverages in  
96 public place, Subsection (c) is hereby amended as follows:

97  
98 Sec. 78-4. - Possession, sale or consumption of alcoholic beverages in public place.

99  
100 (c) Exception for sidewalk cafes, ~~premises, and~~ commercial trolley bikes within the  
101 Downtown Mall, and premises exempted for limited duration pursuant to City  
102 Code Subsection 10-62(c) . The provisions of this section shall not apply to  
103 areas that are licensed as sidewalk cafes pursuant to section 58-54 or areas  
104 that are approved for alcohol sales and consumption pursuant to subsection 10-  
105 62(c) or the passenger area of commercial trolley bikes licensed as required by  
106 section 106-612. The exception for commercial trolley bikes applies only while a  
107 passenger is in or on the trolley bike. No person shall remove an open  
108 container of any alcoholic beverage from a commercial trolley bike and  
109 transport, carry, possess or have it on a public way or city parking lot. No  
110 person shall remove an open container of any alcoholic beverage from a  
111 commercial or retail establishment and carry, possess or have it on a public  
112 way or city parking lot while on a commercial trolley bike tour.

113  
114 Section 3 - The Springfield City Code, Chapter 106, Traffic and Vehicles, Section  
115 106-50 Use of right-of-way during Artsfest, Subsection (a) is hereby amended as  
116 follows:

117  
118 Sec. 106-50. - Use of city right-of-way during Artsfest.

119  
120 (a) Authority to issue permits. In order to protect the public health, safety and  
121 welfare, to promote the economy of the city, and to provide an orderly  
122 process for the use of limited city right-of-way, the city council hereby  
123 delegates to the Springfield Regional Arts Council the right to license all  
124 persons using city rights-of-way during the annual Artsfest within those areas

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described in Section 106-49. This delegation of authority shall not extend to the licensing for sale of any alcoholic beverages which may be authorized by Section 10-62(c).

Section 4 – This ordinance shall be in full force and effect from and after passage and shall expire and cease to be in effect at midnight on December 31, 2016. This ordinance may only be revived after that date by passage of a new ordinance setting forth that the provisions of this ordinance are readopted for the time period set forth therein.

Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: Marianne Gander Berke, City Attorney

Approved for Council action: Greg Burt, City Manager

## **EXPLANATION TO COUNCIL BILL 2016-091**

**FILED 4-15-16**

### **ORIGINATING DEPARTMENT: PIO**

**PURPOSE:** Amending the Springfield City Code, Section 10-62, Alcoholic Beverages, and Section 78-4, Sale or Consumption of Alcoholic Beverages, and Section 106-50, Artsfest, to renew the annual request to allow the sale and consumption of alcohol on the public right of way, expanding the “Downtown Mall” boundaries for the Birthplace of Route 66 Festival, designating the “Over the Edge” event as an additional event; and adding Artsfest. The total number of events requested this year: 9. At the conclusion of the year, City staff will review the history of the events and determine what areas to add if we want to continue this process.

**BACKGROUND INFORMATION:** The Downtown Springfield Association and City of Springfield continues to receive a large number of requests from entities to host events that permit alcohol in the Downtown Mall and at Artfest on Walnut Street.

Festivals celebrating a variety of food, fun and entertainment offerings are becoming a part of what makes Springfield a great place to live. Besides being fun, well-managed festivals and events offer a host of economic and social benefits to communities.

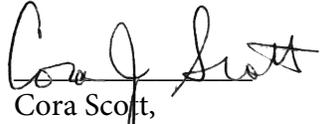
The benefits are similar to those for tourism, in general, which have the opportunity to bring communities together and instill a sense of community pride and knowledge of their history. The economic benefits of festivals are easiest to see and most often cited—festivals attract visitors, which stimulates the growth of tourism and other businesses in a town or region.

The social benefits of festivals are less visible, but they are just as important. Festivals foster community pride and others teach people new things, and strengthen relationships. Residents with community pride are more likely to speak positively about their town to others and to volunteer with organizations and activities that support the common good.

**Supports the following Field Guide 2030 goal(s):** Chapter 3, Economic Development; Major Goal 7, Continue the development and revitalization of center city Springfield; Chapter 1, Arts, Culture & Tourism; Major Goal 7: Use new and innovative communications to attract and retain engagement in arts and culture; Major Goal 6: Use product development and promotion generated through the travel and tourism industry to increase sales tax revenue and other economic benefits.

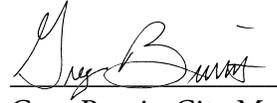
**REMARKS:** This issue was presented to the Community Involvement Committee on April 7, 2016.

Recommended By:



Cora Scott,  
Director of Public Information  
and Civic Engagement

Approved By:



Greg Burris, City Manager

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 11  
Filed: 04-12-16

Sponsored by: Fisk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016- 084

SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a contract with Texas  
2 A & M Engineering Extension Service (TEEX) to teach a course for the  
3 Springfield Police Department.  
4 \_\_\_\_\_  
5

6 WHEREAS, TEEX is a political subdivision of the state of Texas; and  
7

8 WHEREAS, pursuant to Section 70.220 of the Revised Statutes of the state of  
9 Missouri, this agreement must be approved by City Council.  
10

11 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
12 SPRINGFIELD, MISSOURI, as follows, that:  
13

14 Section 1 –The City Manager, or his designee, is hereby authorized to enter into  
15 a contract with Texas A & M; said agreement to be in substantially the form as that  
16 document attached hereto and incorporated herein by reference as "Attachment 1."  
17

18 Section 2 –This ordinance shall be in full force and effect from and after passage.  
19  
20

21 Passed at meeting: \_\_\_\_\_  
22  
23

24 \_\_\_\_\_  
25 Mayor  
26  
27

28 Attest: \_\_\_\_\_, City Clerk  
29  
30

31 Filed as Ordinance: \_\_\_\_\_  
32  
33

34 Approved as to form: Amanda R. Callaway, Assistant City Attorney

35

36

37 Approved for Council action: Greg Burt, City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016- 084**

FILED: 04-12-16

ORIGINATING DEPARTMENT: Police

PURPOSE: To authorize the City Manager, or his designee, to enter into a contract with Texas A & M Engineering Extension Service (TEEX), to teach a course for the Springfield Police Department.

BACKGROUND: Texas A & M University, through the university's Engineering Extension Services offered to present a three day "First Line Supervisor Course." Participants will learn topics in ethics, effective communication, leadership styles, counseling, planning and organizing and cultural diversity. The course will be presented at the Springfield Police and Fire Training Facility in 2016. TEEX will provide the instructors, course materials for each registered course participant, and all transportation and lodging for the instructors.

Pursuant to Missouri Revised Statutes Section 70.220, this agreement must be approved by City Council due to Texas A & M University being a political subdivision of Texas.

REMARKS: The total cost to the City is \$7,250.00.

Submitted by:

  
\_\_\_\_\_  
Paul Williams, Chief of Police

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager

**Attachment 1**

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) CONTRACTOR	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
( X ) NEW CONTRACT		( ) RENEWAL OF CONTRACT NO. _____	
<b>CITY</b>		<b>CONTRACTOR</b>	
CITY OF SPRINGFIELD 840 BOONVILLE, P.O. Box 8368 SPRINGFIELD, MO 65802		Name: Texas A&M Engineering Extension Service Address: P.O. Box 40006 College Station, TX 77842-4006	
Attention: Cpl. J.A. (Tony) Smith		Attention: Larry Frye	
Department: Springfield Police Dept – Training Unit		Phone: 979-458-3547	
Phone: 417-864-1788	Fax: 417-864-1352	Fax: 979-862-2788	

**SERVICES AGREEMENT**

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the parties identified above.

WITNESSETH:

THAT, WHEREAS, the City of Springfield desires to engage the Contractor to render certain technical and professional services hereafter described in connection with a project more particularly described in **Exhibit A**; and

WHEREAS, the Contractor made certain representations and statements to the City with respect to the provision of such services and the City has accepted said proposal;

NOW, THEREFORE, for the considerations herein expressed, it is agreed by and between the City and the Contractor as follows:

1. **Services.** The City agrees to engage the services of the Contractor and the Contractor agrees to perform the services hereinafter set forth in connection with projects described in **Exhibit A** in accordance with the standard of care, skill and expertise ordinarily used by other members of Contractor's profession in performing similar services.

2. **Addition to Services.** The City may add to the Contractor services or delete therefrom activities of a similar nature to those set forth in **Exhibit A**, provided that the total cost of such work does not exceed the total cost allowance as specified in Paragraph 6 hereof. The Contractor shall undertake such changed activities only upon the direction of the City. All such directives and changes shall be in written form and prepared and approved by the office of the City Manager and shall be accepted and countersigned by the Contractor.

3. **Exchange of Data.** All information, data, and reports in the City's possession and necessary for the carrying out of the work, shall be furnished to the Contractor without charge, and the parties shall cooperate with each other in every way possible in carrying out the scope of services.

4. **Personnel.** The Contractor represents that Contractor will secure at Contractor's own expense, all personnel required to perform the services called for under this contract by Contractor. Such personnel shall not be employees of or have any contractual relationship with the City except as employees of the Contractor. All of the services required hereunder will be performed by the Contractor or under Contractor's direct supervision and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services. None of the work or services covered by this contract shall be subcontracted without the written approval of the City.

5. **Term.** The services of the Contractor shall commence as soon as practicable after the execution of this contract, unless otherwise directed in writing, and shall be undertaken and completed in such sequence as to assure their expeditious completion in

the light of the purposes of the contract, but in any event, all of the services required hereunder shall be completed as set forth in the schedule for the project which is attached hereto as **Exhibit A**.

6. **Costs not to Exceed.** The City of Springfield is limited by law with respect to the amount of money it can pay. Therefore, the City has established a fixed sum for this contract which cannot be exceeded unless this contract is amended. The Contractor providing services hereunder shall be required to keep track of the amount of hours billable under this contract at all times; and any work in excess of the fixed sum shall not be eligible for payment. The Contractor shall notify the City if Contractor anticipates that the contract amount may be exceeded, in order to determine whether or not the City is prepared to increase the total compensation. The Contractor shall establish a billing system showing the amount of money remaining on the contract which shall be shown in each monthly billing.

7. **Payment.**

a. **Conditioned upon acceptable performance.** Provided Contractor performs the services in the manner set forth in paragraph 1 hereof, the City agrees to pay the Contractor in accordance with the terms set forth in **Exhibit A**, which shall constitute complete compensation for all services to be rendered under this contract; provided, that where payments are to be made periodically to Contractor for services rendered under this contract, the City expressly reserves the right to disapprove in whole or in part a request for payment where the services rendered during the period for which payment is claimed are not performed in a timely and satisfactory manner in accordance with the schedule and description of services set forth in **Exhibit A**.

b. **Total compensation not to exceed.** It is expressly understood that in no event will the total compensation and reimbursement to be paid to the Contractor under the terms of this contract exceed the sum of **Seven Thousand Two Hundred and Fifty Dollars (\$ 7,250.00 )**.

8. **Termination of Contract.**

a. **Termination for breach.** Failure of the Contractor to fulfill Contractor's obligations under this contract in a timely and satisfactory manner in accordance with the schedule and description of services set forth in **Exhibit A** shall constitute a breach of the contract, and the City shall thereupon have the right to immediately terminate the contract. The City shall give written notice of termination to the Contractor by one of three different means: Facsimile Transmission ("FAX") if Contractor has a FAX number; U.S. Postal Service Mails; or by hand delivering a copy of the same to the Contractor; or may give notice by any combination of the above methods. The date of termination shall be the date upon which notice of termination is hand delivered to Contractor or given by FAX, or the third day following mailing of the notice of termination, whichever first occurs. In the event of termination for breach, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other materials prepared by the Contractor under this contract shall at the option of the City become its property, and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials; provided, that the Contractor shall not be relieved of liability to the City for damages sustained by the City by virtue of any such breach of the contract by the Contractor.

b. **Termination for Convenience.** The City shall have the right at anytime by written notice to Contractor to terminate and cancel this contract, without cause, for the convenience of the City, and Contractor shall immediately stop work. In such event City shall not be liable to Contractor except for payment for actual work performed prior to such notice in an amount proportionate to the completed contract price and for the actual costs of preparations made by Contractor for the performance of the cancelled portions of the contract, including a reasonable allowance of profit applicable to the actual work performed and such preparations. Anticipatory profits and consequential damages shall not be recoverable by Contractor.

9. **Conflicts.** No salaried officer or employee of the City, and no member of the City Council shall have a financial interest, direct or indirect, in this contract. A violation of this provision renders the contract void. Any federal regulations, and applicable provisions in Section 105.450 et seq. RSMo. shall not be violated. Contractor covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services to be performed under this contract. The Contractor further covenants that in the performance of this contract no person having such interest shall be employed.

10. **Assignment.** The Contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the City thereto. Provided, however, that claims for money due or to become due to the Contractor from the City under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of such assignment or transfer shall be furnished in writing promptly to the City. Any such assignment is expressly subject to all rights and remedies of the City under this agreement, including the right to change or delete activities from the contract or to terminate the same as provided herein, and no such assignment shall require the City to give any notice to any such assignee of any actions which the City may take under this agreement, though City will attempt to so notify any such assignee.

11. **Confidentiality of Documents.** Any reports, data, design or similar information given to or prepared or assembled by the Contractor under this contract which the City requests to be kept as confidential shall not be made available to any individual or organization by the Contractor without prior written approval of the City.

12. **Discrimination.** The Contractor agrees in the performance of this contract not to discriminate on the ground or because of race, creed, color, national origin or ancestry, sex, religion, handicap, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee of Contractor or applicant for employment and shall include a similar provision in all subcontracts let or awarded hereunder. The parties hereby incorporate the requirements of 41 C.F.R. §§ 60-1.4(a)(7), 29 C.F.R. Part 471, Appendix A to Subpart A, 41 C.F.R. § 60-300.5(a) and 41 C.F.R. § 60-741.5(a), if applicable.

a. This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-300.5(a). This regulation prohibits discriminations against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.

b. This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.

13. **Occupational License:** The Contractor shall obtain and maintain an occupational license with the City of Springfield, Missouri, if required by city code and any required state or federal license. The cost for this occupational license shall be borne by the Contractor. No contract will be executed by the City until this occupational license has been obtained.

14. **Compliance with Laws.** Contractor agrees to comply with all applicable federal, state and local laws or rules and regulations applicable to the provision of services and products hereunder. Contractor affirmatively states that payment of all local, state, and federal taxes and assessments owed by Contractor is current.

15. **Affidavit for Contracts Over \$5,000.00.** That pursuant to Missouri Revised Statute Sections 285.525 through 285.550, if this contract exceeds the amount of \$5,000.00 and Contractor is associated with a business entity, Contractor shall provide an acceptable notarized affidavit stating that the associated business entity is enrolled in and participates in a federal work authorization program with respect to the employees working in connection with the contracted services, and that said business entity does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. Additionally, Contractor must provide documentation for said business entity evidencing current enrollment in a federal work authorization program.

16. **Nonresident/Foreign Contractors.** The Contractor shall procure and maintain during the life of this contract:

a. If the Contractor is a foreign corporation, a certificate of authority to transact business in the State of Missouri from the Secretary of State, unless exempt pursuant to the provisions of Section 351.570 RSMo.

b. A certificate from the Missouri Director of Revenue evidencing compliance with the transient employer financial assurance law, unless exempt pursuant to the provisions of Section 285.230 RSMo.

17. **General Independent Contractor Clause.** This agreement does not create an employee/employer relationship between the parties. It is the parties' intention that the Contractor will be an independent contractor and not the City's employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal

Revenue Code, Missouri revenue and taxation laws, Missouri workers' compensation and unemployment insurance laws. The Contractor will retain sole and absolute discretion in the judgment of the manner and means of carrying out the Contractor's activities and responsibilities hereunder. The Contractor agrees that it is a separate and independent enterprise from the public employer, that it has a full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the work. This agreement shall not be construed as creating any joint employment relationship between the Contractor and the City, and the City will not be liable for any obligation incurred by the Contractor, including but not limited to unpaid minimum wages and/or overtime premiums.

18. **City Benefits.** The Contractor shall not be entitled to any of the benefits established for the employees of the City nor be covered by the Worker's Compensation Program of the City.

19. **Liability and Indemnity.** The parties mutually agree to the following:

- a. To the extent not covered by sovereign, governmental, or official immunity under Federal, State or Municipal Law or Regulation, each party to this agreement shall be responsible for its own actions in providing services and/or products under this agreement and shall not be liable for any civil liability that may arise from the furnishing of services and/or products by the other party. This language is not intended to act as a waiver or limitation on either party's rights and/or defenses with regard to sovereign, governmental, or official immunity under Federal, State or Municipal Law or Regulation.

20. **Notices.** All notices required or permitted hereinunder and required to be in writing may be given by FAX or by first class mail addressed to City and Contractor at the addresses shown above. The date of delivery of any notice given by mail shall be the date falling on the third day after the day of its mailing. The date of delivery of notice by FAX transmission shall be deemed to be the date transmission occurs, except where the transmission is not completed by 5:00 p.m. on a regular business day at the terminal of the receiving party, in which case the date of delivery shall be deemed to fall on the next regular business day for the receiving party.

21. **Entire Agreement.** This agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.

[Remainder of Page Intentionally Blank.]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year herein stated.

**CERTIFICATE OF DIRECTOR OF FINANCE**

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

\_\_\_\_\_  
Mary Mannix-Decker, Director of Finance

**APPROVED AS TO FORM**

\_\_\_\_\_  
Assistant City Attorney

**CONTRACTOR:**

By: \_\_\_\_\_

Name & Title: R. Charles Todd, Associate Agency Director/CFO

**CITY OF SPRINGFIELD, MISSOURI**

By: \_\_\_\_\_

Collin Quigley, Assistant City Manager

**Exhibit A to Services Agreement**

**Scope of Work**

<b>Name of Contractor</b>	Texas A & M Engineering Extension Service (TEEX)	
<b>Scope of Work (Job Description)</b>	<p>Texas A &amp; M Engineering Extension Service (TEEX) agrees to provide a three (3) day First Line Supervisor (LET 585) Course. The maximum number of participants for the course will be twenty five (25). The course will be taught at the Springfield Police and Fire Training Facility, located at 2620 W. Battlefield Springfield, Mo. TEEX shall provide the instructors to teach the First Line Supervisor Course. TEEX shall provide all necessary arrangements pertaining to the instructors including but not limited to transportation and lodging. TEEX shall provide each registered course participant with course reference materials.</p> <p>Should the City of Springfield, Mo (City) not fill all twenty five (25) seats for the course, the City retains the option of filling any remaining seats by selling those seats to outside agencies. The City will retain any revenue collected for those seats.</p>	
<b>Date</b>	Course to be held between the dates of May 2, 2016 through December 31, 2016	
<b>Interim Deadlines (if applicable)</b>	<b>Date</b>	<b>Phase of Project To Be Completed</b>
<b>Final Completion Deadline</b>	December 31, 2016	
<b>Reimbursable Expenses</b>	<input checked="" type="checkbox"/> None <input type="checkbox"/> Travel, Lodging, Meals, Phone Calls, Copying, Postage	
<b>Maximum Payment</b>	\$ 7,250.00	Maximum Payment for Services Rendered
	\$ N/A	Maximum Amount Of Expenses To Be Reimbursed
	\$ 7,250.00	Total Maximum Amount To Be Paid To Contractor
<b>Method of Payment</b>	<input checked="" type="checkbox"/> Lump Sum Of Entire Amount Upon Satisfactory Completion of Project <input type="checkbox"/> Monthly Payments Based On Rate of \$ _____ Per Hour <input type="checkbox"/> Incremental Payments As Follows:	
<b>City Official To Approve Payment(s)</b>	Chief Williams	
<b>Department Head's Signature</b>		<b>Date:</b>



## Texas A&M Engineering Extension Service - TEEX Addendum to Customer's Contract

**Customer Name:** City of Springfield, MO  
Springfield Police Dept ("Customer") **Date:** \_\_\_\_\_

8400 Boonville ; PO Box 8368, Springfield, MO 65802

Texas A&M Engineering Extension Service ("TEEX") and the **Customer** are this day entering into a contract and, for their mutual convenience, the parties are using the standard contract and/or purchase order form provided by the **Customer** (referred to hereafter as the "**Customer's Contract Form**").

This Addendum ("**Addendum**"), duly executed by the parties, is incorporated into the **Customer's Contract Form** dated \_\_\_\_\_ and made an integral part thereof. This Addendum and the **Customer's Contract Form** shall be referred to hereafter collectively as the "**Agreement**."

The **Customer's Contract Form** is, with the exceptions noted herein, generally acceptable to TEEX. Nonetheless, because certain standard clauses that may appear in the **Customer's Contract Form** cannot be accepted by TEEX because of its status as an agency of the State of Texas and in consideration for the convenience of using provisions in the **Customer's Contract Form** instead of negotiating a separate contract document, the parties agree that none of the provisions listed below, if they appear in the **Customer's Contract Form**, shall have any effect or be enforceable against TEEX:

1. Requiring TEEX to maintain any type of insurance either for TEEX's benefit or for the **Customer's** benefit.
2. Renewing or extending the Agreement beyond the contract term or automatically continuing the contract period from term to term.
3. Requiring or stating the terms of the **Customer's Contract Form** shall prevail over the terms of the purchase order or this Addendum in the event of conflict.
4. Requiring any total or partial compensation or payment for lost profit or liquidated damages by TEEX if the Agreement is terminated before the end of the contract term.
5. Changing the time period within which claims can be made or actions can be brought under the laws of the State of Texas.
6. Binding TEEX to any arbitration provision or to the decision of any arbitration board, commission, panel or other entity.
7. Obligating TEEX to pay costs of collection or attorneys' fees.
8. Requiring TEEX to provide warranties.

**Miscellaneous Provisions:**

**Alternative Dispute Resolution:** The dispute resolution process provided in Chapter 2260, *Texas Government Code*, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by the **Customer** and TEEX to attempt to resolve any claim for breach of contract made by the **Customer** that cannot be resolved in the ordinary course of business. The **Customer** shall submit written notice of a claim of breach of contract under this Chapter to the Deputy Director of TEEX, who shall examine the **Customer's** claim and any counterclaim and negotiate with the **Customer** in an effort to resolve the claim.

**Loss of Funding:** Performance by TEEX under the Agreement may be dependent upon the appropriation and allotment of funds from federally-funded programs and/or by the Texas State Legislature (the "Legislature"). In the event a curtailment of federally-funded programs occurs, or in the event state appropriations are unavailable, then TEEX will issue written notice to the **Customer** and TEEX may terminate the Agreement without further duty or obligation hereunder. The **Customer** acknowledges that appropriation of funds is beyond the control of TEEX.

**Non-Waiver:** The **Customer** expressly acknowledges TEEX is an agency of the State of Texas and nothing in the Agreement will be construed as a waiver or relinquishment by TEEX of its right to claim such exemptions, privileges, and immunities as may be provided by law.

**Confidentiality:** **Customer** acknowledges that TEEX is obligated to strictly comply with the Public Information Act, Chapter 552, Texas Government Code, in responding to any request for public information pertaining to this Agreement.

**Force Majeure:** Neither party is required to perform any term, condition, or covenant of the Agreement, if performance is prevented or delayed by a natural occurrence, a fire, an act of God, an act of terrorism, or other similar occurrence, the cause of which is not reasonably within the control of such party and which by due diligence it is unable to prevent or overcome.

**Entire Agreement:** This Addendum and the **Customer's Contract Form** constitute the entire Agreement between the parties and may not be waived or modified except by a written agreement signed by the parties.

**Savings Clause:** If a court of competent jurisdiction finds any provision of this Addendum and the **Customer's Contract Form** illegal, ineffective or beyond contractual authority of either party, then the offending provision will be stricken and the remainder of the agreement between the parties will remain in effect.

To the extent the language in this Addendum is in conflict with any language in the **Customer's Contract Form**, the language in this Addendum will control.

IN WITNESS WHEREOF, the parties have caused this Addendum to be duly executed, intending thereby to be legally bound.

**City of Springfield, MO:**

**Texas A&M Engineering Extension Service:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: R. Charles Todd

Title: \_\_\_\_\_

Title: Associate Agency Director/CFO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 8  
Filed: 4-12-16

Sponsored by: Hosmer

COUNCIL BILL NO. 2016- 085

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION

1 AUTHORIZING the Mayor of the City of Springfield, Missouri to sign a petition to  
2 request the annexation of approximately 22.84 acres of City-owned  
3 property, generally located in the 3100 block of South Kauffman Road  
4 and declaring the intent of the City of Springfield to annex and rezone  
5 said property.  
6 \_\_\_\_\_  
7

8 WHEREAS, the City of Springfield owns and maintains the real property  
9 proposed to be annexed, which is more fully described in "Exhibit A," which is attached  
10 hereto and incorporated herein as if set out as verbatim; and  
11

12 WHEREAS, the Springfield-Greene County Health Department and the  
13 Environmental Services Department are requesting that said property be annexed into  
14 the city limits to facilitate the construction of a new animal shelter and adoption facility;  
15 and  
16

17 WHEREAS, the annexation of such property is necessary to facilitate public  
18 improvements and development in the area; and  
19

20 WHEREAS, said property is contiguous with the existing city limits; and  
21

22 WHEREAS, the City of Springfield desires to have said land within the City limits.  
23

24 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
25 SPRINGFIELD as follows, that:  
26

27 Section 1 – The Mayor is hereby authorized to execute a petition, to be in  
28 substantial compliance with the petition attached hereto as "Exhibit C," requesting the  
29 annexation of said property.  
30

31 Section 2 – The City Council hereby declares its intent to annex and rezone the  
32 property described on "Exhibit A," which said property is contiguous with the existing  
33 city limits.  
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35 Section 3 – This resolution shall be effective immediately upon adoption.

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Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Resolution \_\_\_\_\_

Approved as to form: *A. Cholest, Wladimir*, Assistant City Attorney

Approved for Council action: *L. B. Burt*, City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016- 085**

FILED: 04-12-16

ORIGINATING DEPARTMENT: Planning and Development

**PURPOSE:** To authorize the Mayor of the City of Springfield, Missouri, to sign a petition requesting consent to annex approximately 22.84 acres of City-owned property generally located in the 3100 block of South Kauffman Road and declare the intent of the City of Springfield to annex and rezone said property into the City of Springfield (A-1-16).

**BACKGROUND INFORMATION:** The Springfield-Greene County Health Department and Environmental Services Department are requesting annexation and rezoning of City-owned property generally located in the 3100 block of South Kauffman Road (See "Exhibit B"). A consent to annex petition must be signed by the owner of all fee interests of the property (City of Springfield) proposed for annexation (See "Exhibit C"). The property involved in this annexation was acquired by the City of Springfield in 2003 as a buffer area for the Southwest Treatment Plant and the Public Works salt facility. The City is proposing to construct a new animal shelter and adoption facility at this location. The GM, General Manufacturing District is the least intense district to allow the existing and proposed uses.

Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a sustainable manner.

**RECOMMENDATIONS:**

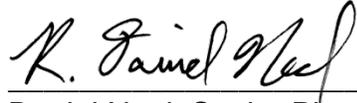
1. The area to be annexed is contiguous to and owned by the City of Springfield.
2. The Growth Management and Land Use Plan of the Comprehensive Plan supports the annexation because it enhances government efficiencies through rational and simplified city boundaries.

Staff recommends approval of the initiation of the annexation of the subject property.

**REMARKS:** This resolution initiates the proposed annexation and rezoning and does not actually annex or rezone the subject property. The property is currently zoned Greene County R-1, Suburban Residence District. Staff will request the property be rezoned to a GM, General Manufacturing District which will be reviewed concurrently with the annexation public hearing in May. Public hearings and review by City Council are required before the annexation can be approved (see "Exhibit D," Annexation Schedule).

If this request is approved, staff will submit Council Bills for public hearings to consider annexation and zoning of this property.

Submitted by:



Daniel Neal, Senior Planner

Reviewed by:



Bob Hosmer AICP, Principal Planner

Approved by:



Greg Burris, City Manager

EXHIBITS:

"Exhibit A," Legal Description

"Exhibit B," Location Map

"Exhibit C," Annexation Petition

"Exhibit D," Annexation Schedule

**Exhibit A**

A tract of land being a part of the Northwest Quarter of the Southwest Quarter of Section 5, Township 28 North, Range 22 West, Greene County, Missouri which is described as follows:

Commencing an existing railroad spike at the Southeast corner of the said Northwest Quarter of the Southwest Quarter; Thence along the South line of the said Northwest Quarter of the Southwest Quarter, N88°32'02"W a distance of 33.31 feet to the West right of way of Kauffman Road and the True Point of Beginning; Thence continuing N88°32'02"W a distance of 1314.01 feet to an existing iron pin capped LS-267D at the Southwest corner of the said Northwest Quarter of the Southwest Quarter; Thence along the West line of the said Northwest Quarter of the Southwest Quarter, N02°07'35"E a distance of 760.05 feet; Thence leaving said West line, S88°32'02"E a distance of 1298.95 feet to the West right of way of Kauffman Road; Thence along the said West right of way, S00°28'58"W a distance of 535.30 feet to an existing 1/2" iron pin; Thence continuing along said right of way, S02°12'11"W a distance of 224.79 feet to the Point of Beginning. Bearings used in this description are based on the Missouri Coordinate System of 1983, Central Zone. Tract contains an area of 994,731.7 Square Feet (22.84 acres), more or less.



2/16/2016

# Development Review Staff Report

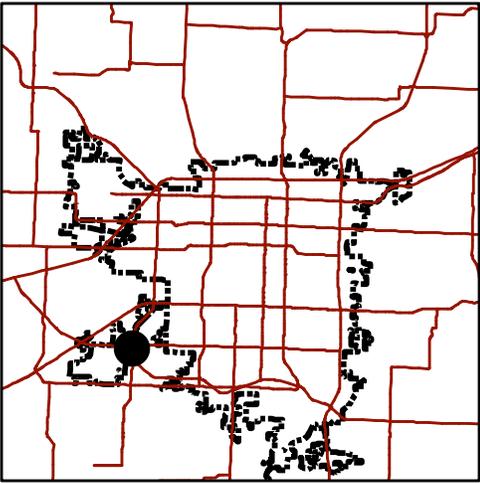
Planning & Development - 417/864-1031  
840 Boonville - Springfield, Missouri 65802

## Annexation A-1-16

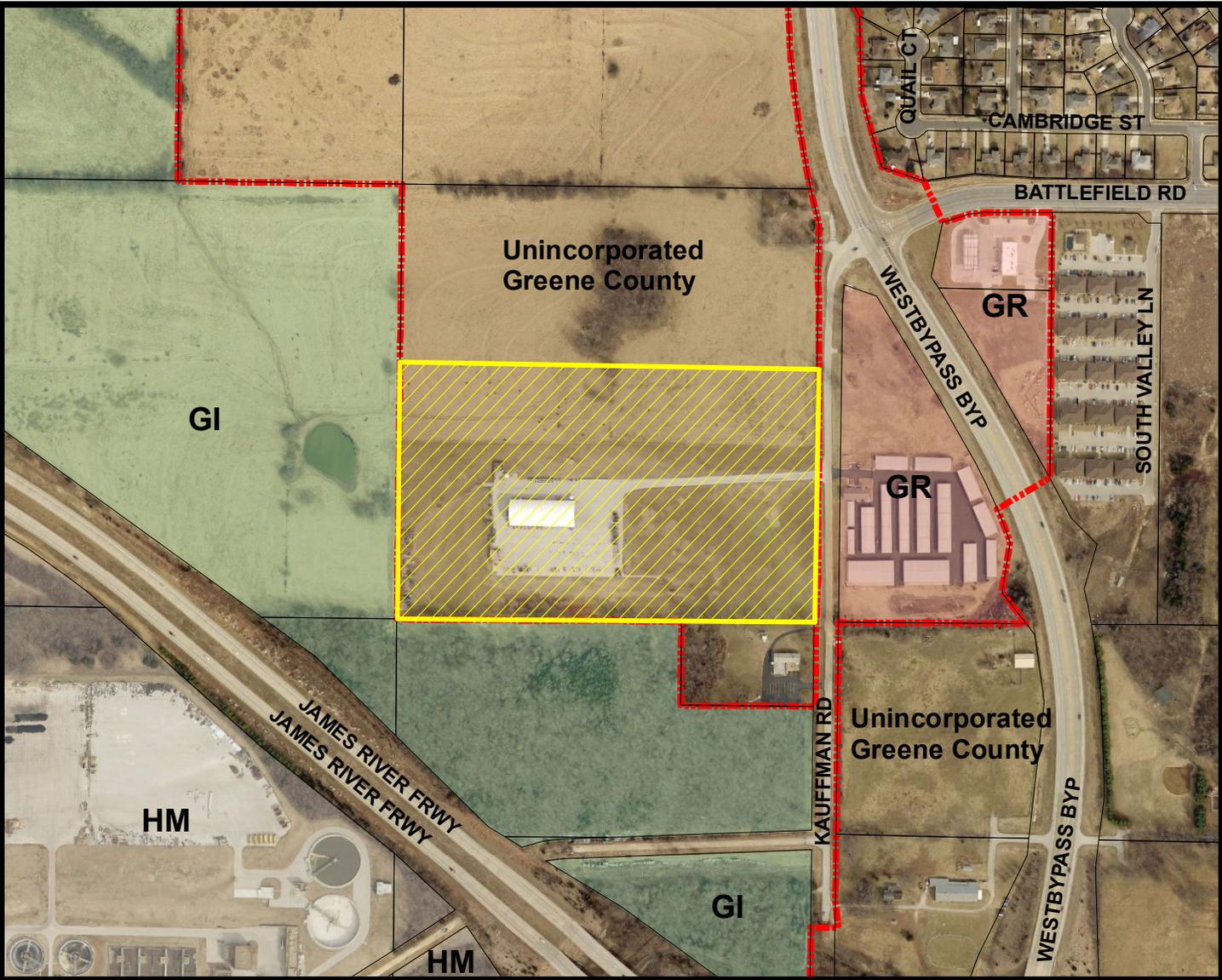
Location: 3100 block S. Kauffman Rd.

Current Zoning: County R-1, Suburban Residence District

Proposed Zoning: GM, General Manufacturing District



LOCATION SKETCH



 - Area of Proposal



1 inch = 500 feet

PETITION

**TO: THE CITY OF SPRINGFIELD, MISSOURI, A MUNICIPAL CORPORATION**

We, the undersigned petitioner(s), submit to the City Council of the City of Springfield, Missouri as follows:

- 1) The undersigned are the fee and simple owner(s) of record of the real estate in Greene County, Missouri more fully described in Exhibit A, and
- 2) The request and petition to the City of Springfield, Missouri to annex the land described in Exhibit A is not now a part of any corporate limits of any incorporated City, and
- 3) The land described in Exhibit A is contiguous to the existing corporate limits of the City of Springfield, Missouri, and
- 4) The request and petition is voluntarily made and is submitted under the provisions of Section 71.012 RSMo. 1986, as amended (Voluntary Annexation).

SIGNED \_\_\_\_\_

SIGNED \_\_\_\_\_

STATE OF MISSOURI  
COUNTY OF GREENE   SS.

ACKNOWLEDGEMENT OF CORPORATE OFFICIAL

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn did say that he/she is the \_\_\_\_\_ of \_\_\_\_\_, and that the seal affixed to foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal,  
at my office in \_\_\_\_\_ the day and year first above written.

“Notary Seal”

Notary Public: \_\_\_\_\_

Print Name: \_\_\_\_\_

**Exhibit D**

ANNEXATION  
SCHEDULE  
ANNEXATION A-1-16

ANNEXATION:

- Initiate annexation ..... April 18, 2016
- City Council public hearing.....May 31, 2016
- City Council second reading and vote .....June 13, 2016

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 7  
Filed: 04-12-16

Sponsored by: Fulnecky

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016- 086

SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee to grant a license to Springfield  
2 Community Gardens ("SCG") and its invitees allowing them to enter  
3 onto City-owned property, specifically, Fire Station No. 8 located at  
4 1405 South Scenic Avenue, for the purpose of creating, cultivating  
5 and maintaining a community garden.  
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7

8 WHEREAS, the City owns the property commonly referred to as Fire Station No.  
9 8 and is responsible for maintenance and management of such property; and  
10

11 WHEREAS, the City has contracted with SCG to create, cultivate and maintain  
12 community gardens in accord with funds provided to the City through the Health  
13 Department's Healthy Eating Active Living in Local Communities (HEAL) Grant; and  
14

15 WHEREAS, SCG will create, cultivate and maintain the garden enlisting its  
16 invitees and agents; and  
17

18 WHEREAS, the creation of a community garden at Fire Station No. 8, will be a  
19 public benefit to the surrounding community.  
20

21 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
22 SPRINGFIELD, MISSOURI, as follows, that:  
23

24 Section 1 – The City Manager, or his designee, is hereby authorized to grant a  
25 license to SCG and its invitees for the purpose of creating, cultivating and maintaining a  
26 community garden at Fire Station No. 8, located at 1405 South Scenic Avenue, in  
27 substantially the for set out in the Land Use License Agreement attached hereto as  
28 “Exhibit A,” and incorporated herein by reference as if fully set forth, and with such  
29 changes therein as shall be approved by the City Manager’s Office, with such Officers’  
30 signatures thereon being conclusive evidence of their approval thereof.  
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32 Section 2 – This ordinance shall be in full force and effect from and after  
33 passage.

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Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: K. Sturby, Assistant City Attorney

Approved for Council action: [Signature], City Manager

**EXPLANATION TO COUNCIL BILL NO. 2016-086**

ORIGINATING DEPARTMENT: Health

FILED: 4-12-16

**PURPOSE:** To allow the Springfield-Greene County Health Department, in partnership with the Springfield Community Gardens (SCG), to develop a community garden area located at Springfield Fire Department (SFD), Fire Station No. 8, to support activities pertaining to development and implementation of this community garden; and utilizing the Springfield-Greene County Health Department's Healthy Eating Active Living in Local Communities (HEAL) grant funds to start the garden area. No budget adjustment is needed for this project.

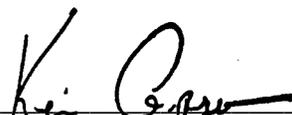
**BACKGROUND:** Current funding from the Missouri Department of Health and Senior Services (DHSS), HEAL Grant, will be used to support the activities of community garden development and initiation. The SCG organization will provide garden upkeep and maintenance thereafter. The SFD will provide garden ground space. This community project is for the purpose of improving healthy food preferences and eating habits of community members, increasing the connections between gardens and the community, and increasing the variety of fresh fruits and vegetables served to children in our community.

No budget adjustment is needed for this project.

The garden and HEAL Grant programs support the following Field Guide 2030 goal(s): Chapter 10, Public Health; Major Goal 8, Strengthen the Health Department's capacity to conduct ongoing assessments, expand core public health services and programs, and serve as a model for prevention.

**REMARKS:** This ordinance authorizes the spending of HEAL Grant funds, the partnership with SGC, and the location of a community garden at Springfield Fire Station No. 8.

Submitted by:

  
\_\_\_\_\_  
Kevin Gipson, Director of Health

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager

**Exhibit A**

<b>ROUTING ORDER:</b>	<b>(1) ORIGINATING DEPARTMENT</b>	<b>(2) ATTORNEY</b>	<b>(3) FINANCE DEPARTMENT</b>
	<b>(4) LAW DEPARTMENT</b>	<b>(5) CITY MANAGER'S OFFICE</b>	<b>(6) CITY CLERK'S OFFICE</b>
<b>EFFECTIVE DATE</b>	<b>TERMINATION DATE</b>	<b>CONTRACT NUMBER:</b>	
<b>( X ) NEW CONTRACT</b>		<b>( ) RENEWAL OF CONTRACT No. _____</b>	
<b>CITY</b>		<b>LICENSEE</b>	
<b>CITY OF SPRINGFIELD</b> <b>840 BOONVILLE, PO BOX 8368</b> <b>SPRINGFIELD, MO 65801-8368</b> <b>PHONE (417) 864-1498</b> <b>ATTN: RINDA DUNN</b>		<b>SPRINGFIELD COMMUNITY GARDENS</b> <b>1126 N. BROADWAY, BUILDING A</b> <b>SPRINGFIELD, MO 65802</b> <b>PHONE: (415) 613-7806</b> <b>ATTN: MAILE AUTERSON, PRESIDENT</b>	

**LAND USE LICENSE AGREEMENT  
COMMUNITY GARDEN AT FIRE STATION #8**

This Agreement is made and entered into between the City of Springfield (City) and the Springfield Community Gardens (SCG) on this \_\_\_\_\_ day of March, 2016.

WHEREAS, the City applied for and received the Healthy Eating/Active Living (HEAL) grant, for the purpose of increasing access to healthy foods and safe places to be physically active; and

WHEREAS, to carry out the purposes of the HEAL grant, the City desires to provide supplies to SCG to establish a new community garden, in an identified food desert region; and

WHEREAS, this is agreement is for a donation of goods only; no money will be exchanged between the City and SCG on account of this Agreement; and

WHEREAS, this Agreement establishes the terms and conditions of the SCG's and City's collaboration.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

1. License. The City hereby grants a license to SCG to use a portion of City property located at 1405 S. Scenic, Springfield, MO 65802 (Fire Station #8) to construct, maintain, manage, and operate a community garden (Garden) during the term of this agreement, and which includes a license to use existing parking spaces. The Garden shall be placed only at the location designated by the black box on the attached aerial view of the City property, which has been labeled "Exhibit A" and is incorporated herein as if fully set out. Parking by SCG members or its invitees shall be only in the location designated by the red star on Exhibit A.
2. SCG shall construct a path from the existing parking lot area to the Garden at the location designated by the black line connecting the parking lot and black box on Exhibit A. The path shall be constructed to Americans with Disability Act (ADA) standards.
3. City's Role. The City will provide the following to achieve the Agreement's objective:
  - a. The City will use its grant funds to provide supplies and services to SCG to assist in the establishment of the new community garden, such as hydrants, soil and tilling, sheds, water hose,

garden bed materials, and other miscellaneous gardening supplies. The City's expenditures shall not exceed the HEAL grant funds received for this purpose, in the amount of \$12,700.

- b. The City will promote neighborhood involvement with the new community garden.
  - c. The City will develop a timeline for garden construction and assist SCG in recruiting workers and volunteers for garden construction.
  - d. The City will develop and implement evaluation tools to determine the reach and impact of the community gardens.
4. SCG's Role. SCG will provide the following to achieve the Agreement's objective:
- a. SCG will secure appropriate permissions to establish a new community garden at the site selected.
  - b. SCG will establish the new community garden, using the supplies provided by the City under this Agreement. If any supplies are provided by SCG, such materials may be retrieved by SCG upon the permanent closure of the Garden, with the exception of the garden soil, provided that SCG removes such materials within 14 days of the permanent closing of the Garden.
  - c. SCG will take primary responsibility for promoting neighborhood involvement with the new community garden.
  - d. SCG will follow the timeline developed by the City for garden construction.
  - e. SCG will take primary responsibility for recruiting workers and volunteers for garden construction.
  - f. SCG is responsible for the upkeep and maintenance of the Garden in a manner the City deems attractive.
  - g. SCG will cooperate with the City in conducting evaluation of the community gardens.
  - h. SCG will not harm any trees or shrubs now existing on the property.
  - i. When the agreement expires or is terminated, SCG will return the property to its original condition by replanting grass and removing above ground planters and fixtures, unless the City requests in writing for any portion to be left as is.
  - j. SCG agrees that the City must pre-approve all signs, promotional information, or news releases that use the City's name, image, or logo.
5. Term and Termination. This agreement shall be in full force and effect from the date of execution to September 30, 2016. Modifications and provisions of this agreement shall only be valid when they have been reduced to writing, signed and dated by both parties. Both parties agree to renegotiate the agreement if Federal and/or State revisions of applicable laws or regulation make the changes necessary. This agreement may be terminated by either party without cause with at least sixty (60) days written notice.
6. Liability and Indemnification. SCG agrees to indemnify and save harmless the City from all damages, claims, and attorney fees arising out of any act, omission, or neglect by the SCG or any of its participants, volunteers, or invitees, and from any and all actions or causes of action arising from the SCG or any of its participants, volunteers, or invitees' occupation or use of the designated Garden.
7. Insurance. SCG shall during the entire term of this Agreement, keep at its sole expense in full force and effect a policy of public liability insurance with limits not to be less than One Million Dollars (\$1,000,000) per incident. The policy shall name the City as an additional insured and shall contain a clause that the insurer will not cancel or change the insurance without first giving thirty days prior written notice to the City. A copy of the policy or certificate of insurance shall be delivered to the City prior to the execution of this Agreement.
8. Non-discrimination. The parties agree in the performance of this contract not to discriminate on the ground or because of race, creed, color, national origin or ancestry, sex, religion, handicap, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee or applicant for employment and shall include a similar provision in all subcontracts let or awarded hereunder. The parties hereby incorporate the requirements of 41 C.F.R. §§ 60-1.4(a)(7), 29 C.F.R. Part 471, Appendix A to Subpart A, 41 C.F.R. § 60-300.5(a) and 41 C.F.R. § 60-741.5(a), if applicable.

- a. **This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-300.5(a). This regulation prohibits discriminations against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.**
- b. **This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.**

- 9. Independent Contractor Clause. This agreement does not create an employee/employer relationship between the parties. It is the parties' intention that SCG will be an independent contractor and not the City's employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, Missouri revenue and taxation laws, Missouri workers' compensation and unemployment insurance laws. SCG will retain sole and absolute discretion in the judgment of the manner and means of carrying out SCG's activities and responsibilities hereunder. SCG agrees that it is a separate and independent enterprise from the public employer, that it has a full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the work. This agreement shall not be construed as creating any joint employment relationship between SCG and the City, and the City will not be liable for any obligation incurred by SCG, including but not limited to unpaid minimum wages and/or overtime premiums.
- 10. Notices. Any notices required or permitted herein under and required to be in writing may be given by FAX or by first-class mail addressed to City and SCG at the addresses shown below. The date of delivery of any notice given by mail shall be the date falling on the third day after the day of its mailing. The date of delivery of notice by FAX transmission shall be deemed to be the date transmission occurs, except where the transmission is not completed by 5:00 p.m. on a regular business day at the terminal of the receiving party, in which case the date of delivery shall be deemed to fall on the next regular business day for the receiving party.

City	SCG
227 E. Chestnut Expressway	1126 N. Broadway, Building A
Springfield, MO 65802	Springfield, MO 65802
Phone: 417-864-1498	Phone: 415-613-7806
Attn: Rinda Dunn	Attn: Maile Auterson, President

- 11. Jurisdiction. This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this agreement be litigated, venue shall be proper only in the Circuit Court of Greene County, Missouri.
- 12. Conflict of Interest. SCG represents in entering into this Agreement that no personal conflict of interest exists by any employee, agent or officer of SCG, nor does any employee, agent or officer have any personal financial interest, direct or indirect, in this Agreement for the property referenced herein.
- 13. Non-Assignment. Licensee shall not assign any interest in this agreement, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the City thereto.
- 14. Entire Agreement. This agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.

IN WITNESS WHEREOF, the City and SCG caused this agreement to be executed by their proper officers, in triplicate, the day and year first written above.

**CERTIFICATE OF DIRECTOR OF FINANCE**

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefore.

\_\_\_\_\_  
Mary Mannix-Decker, Director of Finance

APPROVED AS TO FORM:

\_\_\_\_\_  
Kelby Stuckey, Assistant City Attorney

**SPRINGFIELD COMMUNITY GARDENS**

By: \_\_\_\_\_

\_\_\_\_\_  
Name & Title

**CITY OF SPRINGFIELD, MISSOURI**

By: \_\_\_\_\_  
Collin Quigley, Asst. City Manager

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 4  
Filed: 04-12-16

Sponsored by: Ferguson

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016 - 087

SPECIAL ORDINANCE NO. \_\_\_\_\_

A SPECIAL ORDINANCE

1 ACKNOWLEDGING the Springfield-Greene County Park Board's acceptance of an  
2 anonymous donation for the resurfacing of the Miracle League Ball  
3 Field and replacing the bleacher seating in the Stadium at the Park  
4 Board's Dan Kinney Park; expressing appreciation to the donor for  
5 this donation; and amending the budget for the Park Board for fiscal  
6 year 2015-2016 in the amount of \$350,000.  
7 \_\_\_\_\_  
8

9 WHEREAS, an anonymous donor has offered to donate up to \$350,000 to the  
10 Springfield-Greene County Park Board to assist with resurfacing the Miracle League  
11 Ball Field and replacing the bleacher seating in the Stadium at its Dan Kinney Park; and  
12

13 WHEREAS, the Park Board has agreed to receive and approved receipt of this  
14 donation and use of this money towards the resurfacing of the Miracle League Ball  
15 Field.  
16

17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
18 SPRINGFIELD, MISSOURI, as follows, that:  
19

20 Section 1 – The City Council hereby acknowledges Springfield-Greene County  
21 Park Board's acceptance of an anonymous donation of up to \$350,000 for use by the  
22 Park Board in resurfacing the Miracle League Ball Field and replacing the bleacher  
23 seating in the Stadium at the Park Board's Dan Kinney Park.  
24

25 Section 2 – The budget for the Park Board for Fiscal Year 2015-2016 is hereby  
26 amended in the accounts and in the amounts as shown on Budget Adjustment No.  
27 0043, a copy of which is attached hereto and incorporated herein by reference as  
28 "Exhibit A."  
29

30 Section 3 – The City Council hereby finds that the budget adjustment made  
31 above has been recommended by the City Manager and the Park Board.  
32

33           Section 4 – The City Manager is directed to cause the appropriate accounting  
34 entries to be made in the books and records of the City.

35  
36           Section 5 – This ordinance shall be in full force and effect from and after  
37 passage.

38  
39 Passed at meeting: \_\_\_\_\_

40  
41 \_\_\_\_\_  
42 Mayor

43  
44 Attest: \_\_\_\_\_, City Clerk

45  
46  
47 Filed as Ordinance: \_\_\_\_\_

48  
49 Approved as to form: \_\_\_\_\_, Assistant City Attorney

50  
51 \_\_\_\_\_  
52 Approved for Council action: \_\_\_\_\_, City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016- 087**

FILED: 04-12-16

ORIGINATING DEPARTMENT: Parks

PURPOSE: Acknowledging the Springfield-Greene County Park Board's acceptance of an anonymous donation of up to \$350,000 to be used towards the cost of resurfacing the Miracle League Ball Field and replacing the bleacher seating in the Stadium at the Park Board's Dan Kinney Park, and amending the Park Board Budget for Fiscal Year 2015-2016, in the amount of \$350,000.

BACKGROUND INFORMATION: The Betty and Bobby Allison Miracle League Ball Field is a custom-designed barrier-free ball field where players of all ages and abilities can hit, run, catch and play ball. The field is specially equipped with a cushioned synthetic surface that allows players utilizing wheelchairs and walkers to move unrestricted and without fear of injury. The ball field is in need of resurfacing and the bleacher seating needs replaced, all of which is being made by possible by this wonderful donation by an anonymous donor, and will help to ensure that this ball field and stadium remain accessible.

In addition to the numerous community sponsors and donors, this overall project has been facilitated by the Springfield-Greene County Park Board and supported by the Rotary Club of Springfield North and the Community Foundation of the Ozarks. It is with great community support and excitement that the Park Board has been able to bring the community the Betty and Bobby Allison Miracle League Ball Field.

REMARKS: A budget adjustment has been included in the council bill to amend the Park Board Budget and place the donated funds into a specific account to be applied towards the cost of resurfacing the Miracle League Ball Field and replacing the bleacher seating in the Stadium.

Submitted by:

  
\_\_\_\_\_  
Bob Belote, Director of Parks

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager

CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

**Exhibit A**

BA Number 0043

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
44040	16	80020	414070	101084	00000	350,000	Miracle League Ball Field resurfacing and bleachers
Net Revenue Adjustment						350,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
44040	16	80020	508220	101084	00000	350,000	Miracle League Ball Field resurfacing and bleachers
Net Expenditure Adjustment						350,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To appropriate donations for the resurfacing of the Miracle League Ball Field and replacing the bleacher seating at Dan Kinney Park.

Requested By:

*Bob Belton* 4/12/16  
Department Head Date

Approved By:

*Mary Mann O'Donoghue* 4/12/16  
Director of Finance Date  
*Greg Bunt* 4/12/16  
City Manager Date

Authorization:

Council Bill No. 2016-087  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_



33 as per the recorded plat thereof, and a portion of Block 2, Block 3, and Block 6 of  
34 WEST HIGHLANDS Subdivision, as per the recorded plat thereof, City of  
35 Springfield, Official Records of Greene County, Missouri, described as follows:  
36 Beginning at an iron bar marking the southwest corner of said Block 2; thence  
37 North 2°15'26" East along the west line thereof a distance of 385.24 feet to the  
38 northwest corner of said Block 2; thence North 2°23'02" East along the west line  
39 of said Block 9 a distance of 479.52 feet to the southwest corner of said Block 4;  
40 thence North 2°22'17" East along said Block 4 a distance of 400.00 feet to the  
41 northwest corner of Lot 12 of said Block 4; thence South 88°37'29" East along  
42 the north line of Block 4 a distance of 840.66 feet to the northeast corner of Lot 5  
43 of said Block 4; thence South 2°23'02" West along the east line thereof a  
44 distance of 224.80 feet; thence South 88°38'07" East a distance of 105.00 feet to  
45 the east line of Lot 4 of said Block 4; thence South 2°23'02" West along the east  
46 line thereof a distance of 174.77 feet to the southeast corner of Lot 4 of said  
47 Block 4; thence North 88°38'44" West along the south line thereof a distance of  
48 104.59 feet; thence South 2°23'02" West along the east line of Lot 5 of said Block  
49 9 a distance of 479.55 feet to the north line of said Block 2; thence North  
50 88°39'04" West along the north line thereof a distance of 41.79 feet to the  
51 northeast corner of Lot 6 of said Block 2; thence South 2°15'11" West along the  
52 east line thereof a distance of 192.49 feet to the southeast corner of Lot 6 of said  
53 Block 2; thence North 88°39'37" West along the south line thereof a distance of  
54 99.88 feet to the northeast corner of Lot 20 of said Block 2; thence South  
55 2°14'51" West along the east line thereof a distance of 192.54 feet to the  
56 southeast corner of Lot 20 of said Block 2; thence South 2°51'00" West a  
57 distance of 49.67 feet to the northeast corner of Lot 7 of said Block 3; thence  
58 South 2°09'18" West along the east line of Lot 7 and Lot 20 of said Block 3 a  
59 distance of 445.21 feet to the north line of said Block 6; thence North 88°39'10"  
60 West along said north line a distance of 200.13 feet to the northeast corner of Lot  
61 9 of said Block 6; thence South 2°20'41" West along the east line of said Lot 9  
62 and the east line of Lot 18 of said Block 6 a distance of 395.00 feet to the  
63 southeast corner of said Lot 18; thence North 88°38'36" West along said south  
64 line a distance of 500.00 feet to the southwest corner of said Block 6; thence  
65 North 2°19'31" East along the west line of said Block 6 and said Block 3 a  
66 distance of 642.57 feet to the southwest corner of Lot 13 of said Block 3; thence  
67 North 2°17'32" East along the west line thereof a distance of 197.51 feet to the  
68 northwest corner of Lot 13 of said Block 3; thence North 2°24'56" East a distance  
69 of 49.56 feet to the Point of Beginning, EXCEPT: All of Lot 8, Lot 18, and Lot 19  
70 of Block 2, All of Lot 8, Lot 9, Lot 18, and Lot 19 of Block 3, and All of Lot 9, Lot  
71 15, Lot 16, and Lot 17 of Block 6; WEST HIGHLANDS Subdivision, as per the  
72 recorded plat thereof, City of Springfield, Official Records of Greene County,  
73 Missouri.

74  
75 and replacing it in its entirety as follows:

76  
77 Section 2 – A portion of Block 4 and Block 9 of HIGHLAND GARDENS  
78 Subdivision, as per the recorded plat thereof, and a portion of Block 2, Block 3,

79 and Block 6 of WEST HIGHLANDS Subdivision, as per the recorded plat thereof,  
80 City of Springfield, Official Records of Greene County, Missouri, described as  
81 follows: Beginning at an iron bar marking the southwest corner of said Block 2;  
82 thence North 2°15'26" East along the west line thereof a distance of 385.24 feet  
83 to the northwest corner of said Block 2; thence North 2°23'02" East along the  
84 west line of said Block 9 a distance of 479.52 feet to the southwest corner of said  
85 Block 4; thence South 88°45'00" East along the south line of said Block 4 a  
86 distance of 210.33 feet to the southwest corner of Lot 10 of said Block 4; thence  
87 North 2°24'40" East along the west line of said Lot 10 a distance of 399.55 feet to  
88 the northwest corner of Lot 10 of said Block 4; thence South 88°37'29" East  
89 along the north line of Block 4 a distance of 630.06 feet to the northeast corner of  
90 Lot 5 of said Block 4; thence South 2°23'02" West along the east line thereof a  
91 distance of 224.80 feet; thence South 88°38'07" East a distance of 105.00 feet to  
92 the east line of Lot 4 of said Block 4; thence South 2°23'02" West along the east  
93 line thereof a distance of 174.77 feet to the southeast corner of Lot 4 of said  
94 Block 4; thence North 88°38'44" West along the south line thereof a distance of  
95 104.59 feet; thence South 2°23'02" West along the east line of Lot 5 of said Block  
96 9 a distance of 479.55 feet to the north line of said Block 2; thence North  
97 88°39'04" West along the north line thereof a distance of 41.79 feet to the  
98 northeast corner of Lot 6 of said Block 2; thence South 2°15'11" West along the  
99 east line thereof a distance of 192.49 feet to the southeast corner of Lot 6 of said  
100 Block 2; thence North 88°39'37" West along the south line thereof a distance of  
101 99.88 feet to the northeast corner of Lot 20 of said Block 2; thence South  
102 2°14'51" West along the east line thereof a distance of 192.54 feet to the  
103 southeast corner of Lot 20 of said Block 2; thence South 2°51'00" West a  
104 distance of 49.67 feet to the northeast corner of Lot 7 of said Block 3; thence  
105 South 2°09'18" West along the east line of Lot 7 and Lot 20 of said Block 3 a  
106 distance of 445.21 feet to the north line of said Block 6; thence North 88°39'10"  
107 West along said north line a distance of 200.13 feet to the northeast corner of Lot  
108 9 of said Block 6; thence South 2°20'41" West along the east line of said Lot 9  
109 and the east line of Lot 18 of said Block 6 a distance of 395.00 feet to the  
110 southeast corner of said Lot 18; thence North 88°38'36" West along said south  
111 line a distance of 500.00 feet to the southwest corner of said Block 6; thence  
112 North 2°19'31" East along the west line of said Block 6 and said Block 3 a  
113 distance of 642.57 feet to the southwest corner of Lot 13 of said Block 3; thence  
114 North 2°17'32" East along the west line thereof a distance of 197.51 feet to the  
115 northwest corner of Lot 13 of said Block 3; thence North 2°24'56" East a distance  
116 of 49.56 feet to the Point of Beginning.

117  
118 Section 2 – This ordinance is for a public improvement and should be a one-  
119 reading bill under City Charter Section 10.15. Therefore, this ordinance shall be in full  
120 force and effect from and after passage.  
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Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as ordinance: \_\_\_\_\_

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

## EXPLANATION TO COUNCIL BILL NO. 2016- 088

FILED: 04-12-16

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: To amend Special Ordinance No. 26450, enacted by City Council on September 22, 2014, and redefine the boundaries of sanitary sewers in District No. 183 of Section No. 16, located in the general vicinity of Grand Street and West Bypass.

### BACKGROUND:

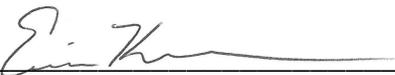
1. This project is scheduled for construction as part of the City's sewer construction program, as established in Resolution No. 7995, to eliminate septic tanks within the City limits and to encourage infill by providing sanitary sewer service. This project will be funded by sewer improvement bonds that are currently budgeted. It will make sewer available to 39 tracts which will eliminate 15 septic systems from within the City limits of Springfield.
2. Eleven vacant properties within the district boundary area are also located within the existing FEMA floodway. Developing single-family properties in the floodway is often financially infeasible due to the additional restrictions imposed by FEMA. As a result, these property owners were given the option of being included in the district so they would have access to sewer service if they so desired. However, all eleven vacant properties, as shown on "Exhibit A," chose to be excepted from the district with the understanding that they would be required to extend sewer to their vacant lots, at their own expense, in order to develop the property.
3. Special Ordinance No. 26450, passed by City Council on September 22, 2014, established and defined the boundaries for Sanitary Sewer District No. 183 of Section No. 16.
4. Plans, specifications, and a cost estimate have been prepared by the Department of Environmental Services and are on file in the Director's office.
5. Wastewater from this district would flow to the Southwest Treatment Plant.
6. The existing houses, on Lots 11 and 12, Block 4, Highland Gardens Subdivision, was dye tested and confirmed to be connected to an existing sanitary sewer main located on the north edge of the lots. Lots 11 and 12 are located at the end of a proposed sanitary sewer main in Sanitary Sewer District 183 of Section 16 (see "Exhibit A"). By removing the two lots, 200 feet of proposed sewer main will be eliminated from the project and over 200 feet of street repair will not be required. The shortening of the proposed sewer main within State Street will reduce the overall cost of construction. The reduction in cost of construction will offset the removal of Lots 11 and 12 so that the levied and assessed cost to

property owners within Sanitary Sewer District No. 183 of Section No. 16 will not be affected.

7. This ordinance is for a public improvement, where a special tax bill is issued, and should be a one-reading bill under City Charter Section 2.16(26).
8. This ordinance supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Objective 5b, Maintain high water quality and increase water quantity by securing and improving water resources for future generations; and Objective 5c, Protect our caves and karst ecosystems which contain plants, animals, and natural communities that depend on the surrounding land and water to thrive and survive. Chapter 10, Public Health; Objective 5c, Ensure a clean and sustainable water supply.

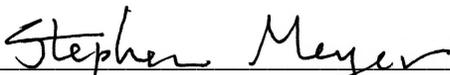
REMARKS: Environmental Services recommends passage of this Council Bill.

Submitted by:



Errin Kemper  
Assistant Director of Environmental Services

Recommended by:



Stephen Meyer  
Director of Environmental Services

Approved by:



Greg Burris  
City Manager

# SANITARY SEWERS DISTRICT 183 OF SECTION 16

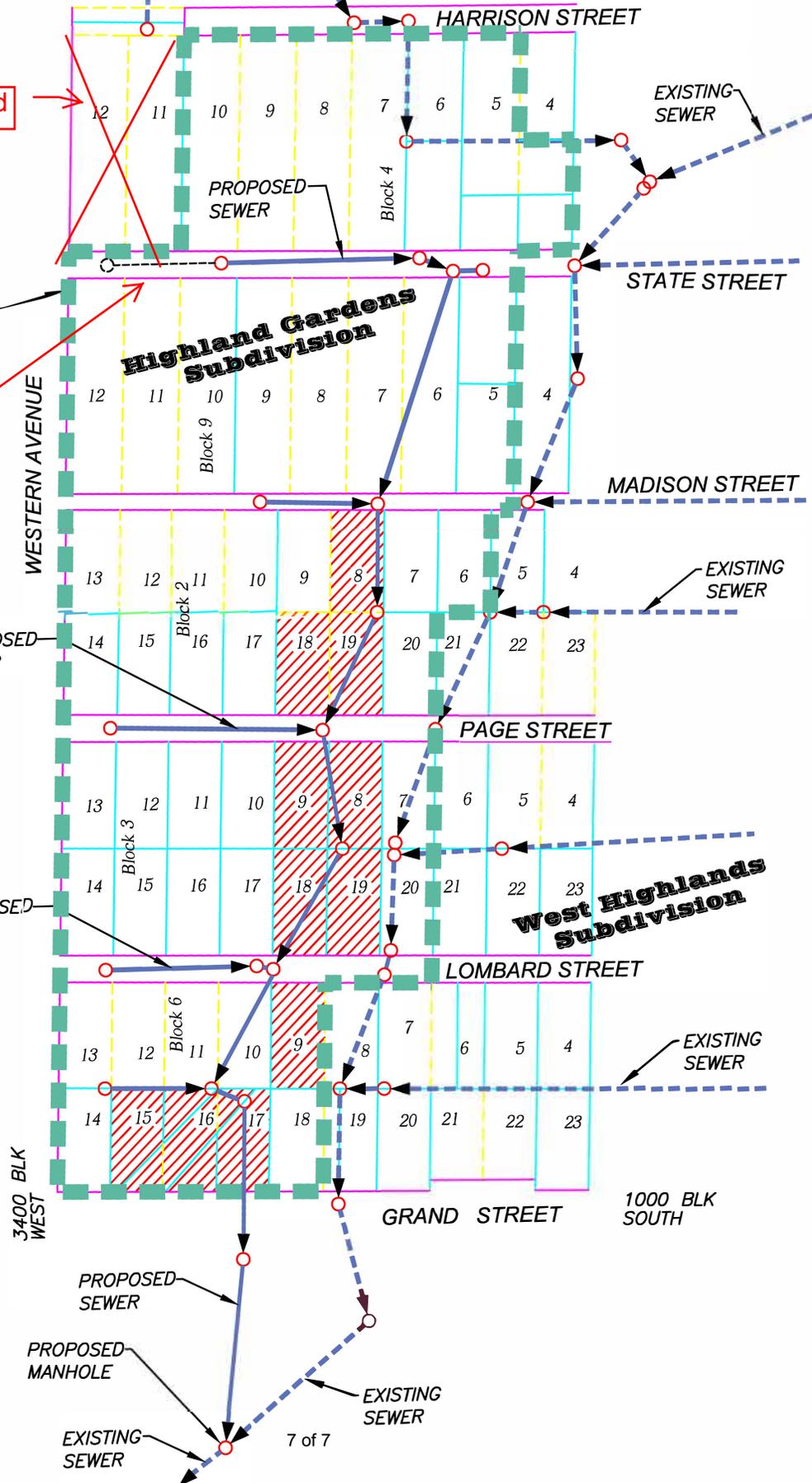


Lots to be removed

BOUNDARY FOR  
SANITARY SEWER  
DISTRICT 183 OF  
SECTION 16

Proposed sewer main  
to be eliminated

EXCEPTED FROM  
DISTRICT DUE TO  
VACANT LOT IN  
FLOODWAY



One-rdg.         X          
P. Hrngs.                           
Pgs.         6          
Filed:         04-12-16        

Sponsored by:         Burnett        

First Reading:                                 

Second Reading:                                 

COUNCIL BILL NO.   2016- 089  

SPECIAL ORDINANCE NO.                         

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept a Temporary Assistance  
2 for Needy Families (TANF) grant of \$69,294 for the State Park Youth  
3 Corps program and \$394,286 for the Summer Jobs League Program  
4 from the Missouri Division of Workforce Development and to enter into  
5 necessary agreements to carry out the grant; and amending the  
6 budget of the Department of Workforce Development for Fiscal Year  
7 2015-2016 in the amount of \$463,580 to appropriate the grant funds.  
8  
9

10 WHEREAS, the City has the opportunity, through its Department of Workforce  
11 Development, to accept Temporary Assistance for Needy Families (TANF) grant funds  
12 for the purpose of funding the State Park Youth Corps program and the Summer Jobs  
13 League Program; and  
14

15 WHEREAS, an amendment to the budget of the Department of Workforce  
16 Development for Fiscal Year 2015-2016 has been approved and recommended by the  
17 City Manager.  
18

19 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
20 SPRINGFIELD, MISSOURI, as follows, that:  
21

22 Section 1 – The City Manager, or his designee, is hereby authorized to accept a  
23 TANF grant for the State Park Youth Corps program in the amount of \$69,294 and for  
24 the Summer Jobs League Program in the amount of \$394,286 from the Missouri  
25 Division of Workforce Development as set out in “Exhibit A” for receipt and use by the  
26 Department of Workforce Development, and to do all things necessary to carry out the  
27 grant including the execution of contracts, provided the form of the contract is approved  
28 by the City Attorney.  
29

30 Section 2 – The budget of the Department of Workforce Development for Fiscal  
31 Year 2015-2016 is hereby amended in the accounts and in the amounts as shown on  
32 Budget Adjustment No. 0042, a copy of which is attached hereto and incorporated  
33 herein by reference as “Exhibit B.”

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Section 3 – The City Council hereby finds that the budget adjustment made above has been recommended by the City Manager.

Section 4 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City. In the event additional funding is provided under this grant by the grantor, the Director of Finance is hereby authorized to adjust this appropriation by an amount not to exceed 20 percent of the sum shown in “Exhibit B.”

Section 5 – The City Council hereby finds and declares that this ordinance authorizes the acceptance of grant funds from the State of Missouri and may be passed as a one-reading ordinance under City Charter Section 2.16(25) as it relates to a contract for the acceptance of grant funds from a state or federal agency. This ordinance shall be in full force and effect from and after passage.

Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: Rhonda Lewaden, Assistant City Attorney

Approved for Council action: [Signature], City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016- 089**

FILED: 4-12-16

ORIGINATING DEPARTMENT: Workforce Development

PURPOSE: Authorizing the City Manager, or his designee, to accept and appropriate \$69,294 in Temporary Assistance for Needy Families (TANF) funding, for a State Park Youth Corps Program; and \$394,286 Summer Jobs League Program funding, from the Missouri Division of Workforce Development (DWD); and amending the budget for the Department of Workforce Development for Fiscal Year 2015-2016.

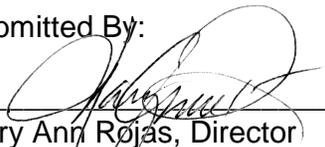
BACKGROUND INFORMATION: The DWD desires to enter into an agreement with the Department of Workforce Development to administer a State Park Youth Corps Program for low-income youth, for the period of March 1, 2016, through December 31, 2016; and an agreement to administer a Summer Jobs League Program for the period March 1, 2016, through December 31, 2016. The Department of Workforce Development has previous experience operating both the Summer Jobs League Program, and the State Park Youth Corps Program, and will utilize these funds to supplement youth activities funded through other sources.

Participating youth must be between the ages of 17 and 24 and must meet established program guidelines. Priority of service will be given to disconnected youth, disadvantaged in-school youth, those most at-risk of dropping out, youth in and aging out of foster care, youth offenders and those at risk of court involvement, homeless and runaway youth, children of incarcerated parents, migrant youth, Native American youth, youth with disabilities, and out-of-school youth. A worksite agreement for each youth participant will be developed with a service provider establishing goals for the youth to attain during the training period. Youth will be paid \$8.50 per hour for program participation with total participant hours not to exceed 300 hours for State Park Youth Corps or 240 hours for Summer Jobs League participants. Support services including bus passes, child care, meals, work attire, and other reasonable expenses may be available to participating youth. Sixteen slots have been allocated for the State Park Youth Corp Program with 115 slots allocated for the Summer Jobs League Program.

This ordinance authorizes the acceptance of grant funds from the state or federal government and may be passed as a one-reading ordinance under City Charter Section 2.16(25) as it relates to a contract for acceptance of grant funds from a state or federal agency.

Prepared By: Alma Price, Administrative Assistant to the Director

Submitted By:

  
\_\_\_\_\_  
Mary Ann Rojas, Director  
Workforce Development Department

Approved By:

  
\_\_\_\_\_  
Greg Burris, City Manager

Exhibit A



Jeremiah W. (Jay) Nixon  
Governor

Division  
of Workforce Development

Mike Downing, CEcD  
Director

Amy Sublett  
Director

March 30, 2016

Mary Ann Rojas, Director  
Dept. of Workforce Development  
City of Springfield  
2900 E. Sunshine  
Springfield, Missouri 65804

Dear Ms. Rojas:

It is the intent of the Division of Workforce Development to contract with the Full Employment Council, Inc. for the State Park Youth Corps program in the Ozark Region. This agreement will provide \$69,294 in Temporary Assistance for Needy Families (TANF) funding the period March 1, 2016 through December 31, 2016. A budget indicating the budget allocations and slot expectations for the program is attached. Please review the budget and return to Nancy Able and Melissa Woltkamp with any adjustments needed for the line items. A budget authorizing the allocation and slot expectations will be sent with the Scope of Work pending our approval from the Department of Social Services.

Should you have questions, please feel free to contact Melissa Woltkamp at (573) 526-8241 or my office at (573) 751-3349.

Sincerely,

A handwritten signature in black ink that reads "Amy J. Sublett". The signature is written in a cursive, flowing style.

Amy Sublett  
Director

AS/na

421 E. Dunklin Street • P.O. Box 1087 • Jefferson City, MO 65102-1087  
(573) 751-3999 • Fax (573) 751-8162

[jobs.mo.gov](http://jobs.mo.gov)

Missouri Division of Workforce Development is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Missouri TTY Users can call (800) 735-2966 or dial 7-1-1.

Jeremiah W. (Jay) Nixon  
Governor

Division  
of Workforce Development



Department of Economic Development

Mike Downing, CEcD  
Director

Amy Sublett  
Director

March 30, 2016

Mary Ann Rojas, Director  
Dept. of Workforce Development  
City of Springfield  
2900 E. Sunshine  
Springfield, Missouri 65804

Dear Ms. Rojas:

It is the intent of the Division of Workforce Development to contract with the Ozark Workforce Development Board for the Summer Jobs League program in the Ozark Region. This agreement will provide \$394,286 in Temporary Assistance for Needy Families (TANF) funding for the period of March 1, 2016 through December 21, 2016. A budget authorizing the allocation and slot expectations will be sent with the Scope of Work pending our approval from the Department of Social Services.

Should you have questions, please feel free to contact Melissa Woltkamp at (573) 526-8241 or my office at (573) 751-3349.

Sincerely,

A handwritten signature in black ink that reads "Amy J. Sublett". The signature is written in a cursive style with a large, prominent "A" and "S".

Amy Sublett  
Director

AS/na

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CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit B

BA Number 0042

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
24130	21	28210	416010	TBD		394,286.00	Grant Revenue - Summer Jobs
24130	21	28210	416010	TBD		69,294.00	Grant Revenue - State Parks Youth Corp
Net Revenue Adjustment						463,580.00	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
24130	21	28110	500110	TBD		7,000.00	Administrative Wages - Summer Jobs
24130	21	28210	500110	TBD		9,428.60	Program Wages - Summer Jobs
24130	21	28120	504580	TBD		23,000.00	Contracted Youth Services - Summer Jobs
24130	21	28220	504580	TBD		67,028.62	Contracted Youth Services - Summer Jobs
24130	21	28280	502340	TBD		234,600.00	Participant Wages - Summer Jobs
24130	21	28290	502340	TBD		41,383.78	Participant Fringe - Summer Jobs
24130	21	28320	502340	TBD		11,845.00	Participant Supplies - Summer Jobs
24130	21	28110	500110	TBD		1,120.00	Administrative Wages - State Parks Youth Corp
24130	21	28210	500110	TBD		3,929.40	Program Wages - State Parks Youth Corp
24130	21	28120	504580	TBD		1,880.00	Contracted Youth Services - State Parks Youth Corp
24130	21	28220	504580	TBD		11,779.60	Contracted Youth Services - State Parks Youth Corp
24130	21	28280	502340	TBD		40,800.00	Participant Fringe - State Parks Youth Corp
24130	21	28290	502340	TBD		7,201.48	Participant Supplies - State Parks Youth Corp
24130	21	28320	502340	TBD		2,583.52	Participant Supplies - State Parks Youth Corp
Net Expenditure Adjustment						463,580.00	

Fund Balance Appropriation:

Fund	Title	Amount

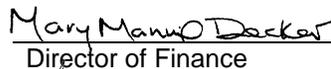
Explanation:

To appropriate grant revenue for TANF Summer Jobs League and State Parks Youth Corp.

Requested By:

  
\_\_\_\_\_  
Department Head                      4/12/16  
Date

Approved By:

  
\_\_\_\_\_  
Mary Mann O'Decker                      4/12/16  
Director of Finance                      Date

  
\_\_\_\_\_  
City Manager                                      4/12/16  
Date

Authorization:

Council Bill No. 2016-089  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 11  
Filed: 03-29-16

Sponsored by: Ferguson

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016- 077

SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a cost apportionment  
2 agreement with the Missouri Highways and Transportation Commission  
3 (MHTC), to share costs associated with the improvement of both Route  
4 EE and North Airport Boulevard.  
5  
6

7 WHEREAS, the City and MHTC desire to enter into an agreement to share costs  
8 associated with completing improvements of Route EE and North Airport Boulevard; and  
9

10 WHEREAS, this roadway improvement will benefit the citizens of the city and county.  
11

12 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
13 SPRINGFIELD, MISSOURI, as follows, that:  
14

15 Section 1 – The City Manager, or his designee, is hereby authorized to enter into a  
16 cost apportionment agreement with the Missouri Highways and Transportation Commission,  
17 said agreement to be in substantially the form as that document attached hereto and  
18 incorporated herein by reference as "Exhibit 1."  
19

20 Section 2 – This ordinance shall be in full force and effect from and after passage.  
21

22 Passed at meeting: \_\_\_\_\_  
23  
24

25 \_\_\_\_\_  
26 Mayor  
27

28 Attest: \_\_\_\_\_, City Clerk  
29

30 Filed as Ordinance: \_\_\_\_\_  
31

32  
33 Approved as to form: Amanda R. Callaway, Assistant City Attorney  
34

35  
36 Approved for Council action: Greg Burt, City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016-077**

FILED: 3-29-16

ORIGINATING DEPARTMENT: Public Works & Airport

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Cost Apportionment Agreement "Exhibit 1," with the Missouri Highways and Transportation Commission (MHTC), to share costs associated with improvement of both Route EE and North Airport Boulevard.

BACKGROUND INFORMATION: This Cost Apportionment Agreement shares the estimated \$1,120,000 cost for completing improvements of Route EE and North Airport Boulevard between the City (\$270,210) and MHTC (\$849,790). The improvements are generally located along Route EE from 0.24 miles northwest of the intersection of North Airport Boulevard and Route EE to 0.91 miles southeast of the intersection of North Airport Boulevard and Route EE and along North Airport Boulevard. Improvements on Route EE will consist of resurfacing and constructing shoulders with rumble strips. Improvements on North Airport Boulevard will consist of resurfacing. The City will contribute \$270,210 of which \$63,320 will be funded by the 1/4-Cent Capital Improvement Sales Tax from the Street Stabilization and Major Repaving Program and is already budgeted. The remaining City share of \$206,890 will be funded by Airport funds and will be budgeted as part of the Airport's FY 2017 annual budget.

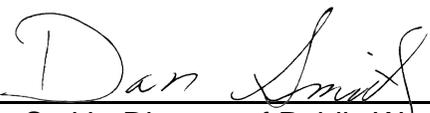
Supports the following Field Guide 2030 goal(s): Chapter 12, Transportation; Major Goal 2, Operations and Maintenance; Objective 2a, Keep streets and sidewalks and trails in good condition with an emphasis on arterial streets; Objective 2d, The City of Springfield should coordinate operations and maintenance efforts with Greene County, the State of Missouri, rail, and transit to ensure a seamless connection to the regional system.

REMARKS: Public Works and the Airport recommend approval of this Council bill.

Submitted by:

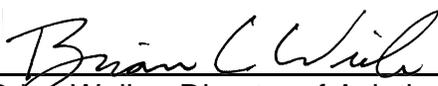
  
Kirk Juranas, Assistant Director of Public Works

Recommended by:

  
Dan Smith, Director of Public Works

Approved by:

  
Greg Burris, City Manager

  
Brian Weiler, Director of Aviation

**Exhibit 1**

CCO Form: DE07  
Approved: 07/97 (DPP)  
Revised: 03/14 (AR)  
Modified:

Cost Apportionment Agreement  
Route: EE  
County: Greene  
Job No.: J8S3058, J8S3058B

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
COST APPORTIONMENT AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Missouri (hereinafter, "Entity").

WITNESSETH:

WHEREAS, the Commission owns and maintains a portion of Route EE in Greene County as part of the State Highway System;

WHEREAS, the parties desire the improvement or reconstruction of Route EE and North Airport Boulevard, extending generally from 0.24 miles northwest of the intersection of North Airport Boulevard and Route EE to 0.91 miles southeast of the intersection of North Airport Boulevard and Route EE; and North Airport Boulevard.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this agreement is to coordinate participation by the Entity in the cost of the Commission's public improvement for Route EE, in the County of Greene, designated as Job No. J8S3058 and J8S3058B. This public improvement will involve resurfacing Route EE and constructing shoulders with rumble strips and resurfacing North Airport Boulevard.

(2) LOCATION: The transportation improvement that is the subject of this Agreement is contemplated at the following location:

J8S3058: Route EE Improvement: Beginning at the intersection of Route EE and Route AB in Greene County, run in a generally easterly direction along Route EE to the intersection of Route EE and Route 160. Total length of improvement is 5.6 miles. Job No. J8S3058 will except out the portion of Route EE that is within the City of Springfield limits as described below.

J8S3058B: Improvement within City – Route EE: Beginning at a point 0.24 miles northwest of the intersection of North Airport Boulevard and Route EE, run in a generally southeasterly direction along existing Route EE to a point 0.91 miles southeast of the intersection of North Airport Boulevard and Route EE. Length of improvement within city is approximately 1.14 miles.

J8S3058B: Improvement within City - North Airport Boulevard Improvement: Beginning at the intersection of Route EE and North Airport Boulevard, run in a generally northerly direction, around the loop for the terminal entrance, then run in a generally southerly direction back to the intersection of Route EE and Northern Airport Boulevard. Length of Improvement is approximately 1.7 miles.

The general location of the public improvement is shown in "Exhibit A." The detailed location of the improvement will be shown on the plans prepared by the Commission for the above-designated route and project.

(3) USE OF RIGHT-OF-WAY: The Entity grants the right to use the right-of-way of public roads, streets, and alleys as necessary for construction and maintenance of said public improvements.

(4) COMMISSION REPRESENTATIVE: The Commission's District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(5) PROJECT RESPONSIBILITIES: With regard to project responsibilities under this Agreement, the parties agree to contribute as follows:

(A) The Commission will be responsible for the preparation of detailed right-of-way and construction plans and project specifications. This includes design, letting of project, and inspection of project. The plans shall be prepared in accordance with and conform to Commission requirements.

(B) The Commission will acquire right-of-way as needed for the project in accordance with Commission requirements.

(C) The Commission will be responsible for letting the work for the herein improvement, which includes advertising the project for bids and awarding the construction contract. The Commission will solicit bids for the herein improvement in accordance with plans developed by the Commission, or as the plans may from time to time be modified in order to carry out the work as contemplated.

(D) The Commission will be responsible for construction of the herein improvements, which includes administration of the construction contract and inspection of the project work. The project shall be constructed in accordance with and conform to Commission requirements.

(6) PAYMENT RESPONSIBILITIES: With regard to payment responsibilities under this Agreement, the parties agree to contribute as follows:

(A) The currently estimated cost of project J8S3058 is eight hundred forty-nine thousand, seven hundred ninety dollars (\$849,790). The currently estimated cost of the project J8S3058B is two hundred seventy thousand, two hundred ten dollars (\$270,210). The currently estimated cost of the projects combined is one million, one hundred twenty thousand dollars (\$1,120,000). The details of the estimated cost breakdown may be seen in "Exhibit B," which is incorporated herein and attached hereto. The total project cost will include preliminary engineering, right of way acquisition, utility relocation, project construction, and work inspection.

(B) Commission: The Commission will pay 100% toward the actual project costs of J8S3058, currently estimated \$849,790. The Commission shall have no financial responsibility with regard to Job Number J8S3058B.

(C) Entity: The entity will pay 100% toward the actual project costs of J8S3058B, currently estimated at \$270,210. The entity shall remit a check in the amount of \$270,210 for Job Number J8S3058B at least 12 weeks prior to the project letting. This check should be made payable to *Director of Revenue – Credit State Road Fund*.

(D) If the Entity fails to make the deposit, the Commission is under no obligation to continue with the project. The Entity agrees that all funds deposited by the Entity, pursuant to this Agreement with the Commission, may be commingled by the Commission with other similar monies deposited from other sources. Any deposit may be invested at the discretion of the Commission in such investments allowed by its Investment Policy. All interest monies shall be payable to the Road fund. If the amount deposited with the Commission shall be less than the actual obligation of the Entity for this project, the Entity, upon written notification by the Commission, shall tender the necessary monies to the Commission to completely satisfy its obligation. Upon completion of the project, any excess funds, excluding interest, shall be refunded to the Entity based on its pro rata share of the investment.

(E) The Commission is responsible for the balance of project J8S3058 in excess of \$849,790 that is within Commission owned right of way. The entity is responsible for the balance of project J8S3058B in excess of \$270,210 that is within City owned right of way. Any underruns will be shared equally by the parties in a pro rata share of their investment.

(7) ADDITIONAL FUNDING: In the event the Commission obtains additional federal, state, local, private or other funds to construct the improvement being constructed pursuant to this Agreement that are not obligated at the time of execution of this Agreement, the Commission, in its sole discretion, may consider any request by the Entity for an off-set for the deposited funds, a reduction in obligation, or a return of, a refund of, or a release of any funds deposited by the Entity with the Commission pursuant to this Agreement. In the event the Commission agrees to grant the Entity's request for a refund, the Commission, in its sole discretion, shall determine the amount and the timing of the refund. Any and all changes in the parties' financial responsibilities

resulting from the Commission's determination of the Entity's request for a refund pursuant to this provision must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the Entity and the Commission.

(8) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the Entity and the Commission.

(9) ASSIGNMENT: The Entity shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(10) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Entity shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(11) APPROVAL OF FHWA AND AVAILABILITY OF FUNDS: This Agreement is entered into subject to the approval of the Federal Highway Administration and is further subject to the availability of federal and state funds for this construction.

(12) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the Entity with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Entity.

(13) ACCEPTED WITHIN HIGHWAY SYSTEM: Effective upon execution of this Agreement, the Commission accepts the portion of the Entity street system described in this Agreement as part of the State Highway System for the purposes of this project. However, during the construction period contemplated in this Agreement:

(A) The Commission will assume no police or traffic control functions not obligatory upon Commission immediately prior to the execution of this Agreement, and

(B) The Entity shall perform or cause to be performed normal maintenance on the project site.

(14) CITY TO MAINTAIN: Upon completion of construction of this improvement, the Entity shall accept control and maintenance of their portion of the improved city system described in this Agreement and which was temporarily accepted into the State Highway System pursuant to paragraph (13) above, and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of the City street system at its own cost and expense and at no cost and expense whatsoever to the Commission. All obligations of the Commission under this Agreement shall cease upon completion of the improvement.

(15) COMMISSION RIGHT OF WAY: All improvements made within the state-owned right-of-way shall become the Commission's property, and all future alterations, modifications, or maintenance thereof, will be the responsibility of the Commission, except as otherwise provided by this Agreement or a separate written agreement.

(16) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(17) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the Entity.

(18) NO INTEREST: By contributing to the cost of this project or improvement, the Entity gains no interest in the constructed roadway or improvements whatsoever. The Commission shall not be obligated to keep the constructed improvements or roadway in place if the Commission, in its sole discretion, determines removal or modification of the roadway or improvements, is in the best interests of the state highway system. In the event the Commission decides to remove the landscaping, roadway, or improvements, the Entity shall not be entitled to a refund of the funds contributed by the Entity pursuant to this Agreement.

(19) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(20) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(21) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(22) NO ADVERSE INFERENCE: This Agreement shall not be construed more strongly against one party or the other. The parties to this Agreement had equal access to, input with respect to, and influence over the provisions of this Agreement. Accordingly, no rule of construction which requires that any allegedly ambiguous provision be interpreted more strongly against one party than the other shall be used in interpreting this Agreement.

(23) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

*[remainder of page intentionally left blank]*

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Executed by the Commission this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION**

**CITY OF SPRINGFIELD**

\_\_\_\_\_  
Title \_\_\_\_\_

By \_\_\_\_\_  
Title \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By \_\_\_\_\_  
Title \_\_\_\_\_

Approved as to Form:

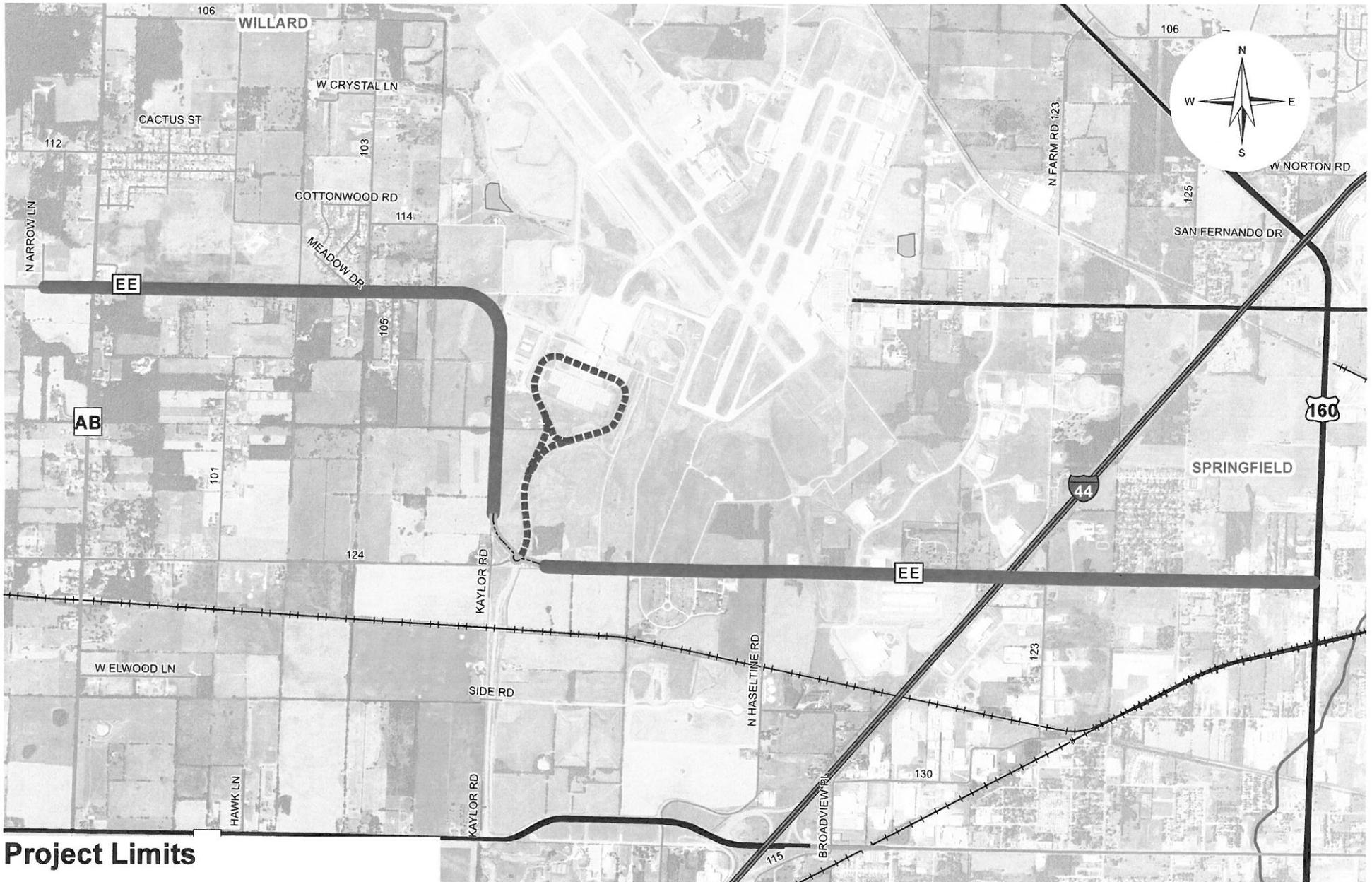
Approved as to Form:

\_\_\_\_\_  
Commission Counsel

\_\_\_\_\_  
Title: \_\_\_\_\_

Ordinance No \_\_\_\_\_

# EXHIBIT "A" FIGURE - 1



## Project Limits

-  MHTC
-  City of Springfield
-  Springfield-Branson National Airport



# EXHIBIT “B” FUNDING

Project Estimate	Amount
Engineering	\$71,000
Right of Way	\$0
Utilities	\$0
Construction	\$982,000
Inspection	\$67,000
<b>Total</b>	<b>\$1,120,000</b>
Funding Responsibilities	Amount
J8S3058 - MHTC	\$849,790
J8S3058B* – City of Springfield	\$270,210
<b>Total</b>	<b>\$1,120,000</b>
*J8S3058B Responsibilities	Amount
City of Springfield	\$63,320
Springfield-Branson National Airport	\$206,890
<b>Total</b>	<b>\$270,210</b>

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 9  
Filed: 03-29-16

Sponsored by: Fishel

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016- 078

SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an addendum to contract  
2 number 2015-0720 with Environmental Works, Inc., to install and maintain  
3 one additional monitoring well on public right-of-way to monitor  
4 groundwater conditions at no cost to the City.  
5  
6

7 WHEREAS, City Council passed S.O. 26580 on June 8, 2015, granting permission  
8 for Environmental Works, Inc., to install two monitoring wells as part of an ongoing  
9 environmental investigation that is taking place at the Rapid Roberts fueling station on the  
10 corner of Fremont Avenue and Republic Street; and  
11

12 WHEREAS, the additional monitoring well will assist Environmental Works, Inc., in  
13 this ongoing investigation.  
14

15 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
16 SPRINGFIELD, MISSOURI, as follows, that:  
17

18 Section 1 – The City Manager, or his designee, is hereby authorized to enter into an  
19 addendum to contract number 2015-0720 with Environmental Works, Inc., said agreement  
20 to be substantially in the form as that document attached hereto and incorporated herein by  
21 reference as "Exhibit 1."  
22

23 Section 2 – This ordinance shall be in full force and effect from and after passage.  
24

25 Passed at meeting: \_\_\_\_\_  
26  
27

28 \_\_\_\_\_  
29 Mayor  
30

31 Attest: \_\_\_\_\_, City Clerk  
32

33 Filed as Ordinance: \_\_\_\_\_  
34

35 Approved as to form: Amanda R. Callaway, Assistant City Attorney  
36

37  
38  
39

Approved for Council action: , City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016- 078**

FILED: 3-29-16

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To authorize the City Manager, or his designee, to enter into an addendum to contract number 2015-0720 with Environmental Works, Inc.; to install and maintain one (1) additional monitoring well on public right-of-way to monitor groundwater conditions at no cost to the City.

BACKGROUND INFORMATION: The monitoring well is part of an ongoing environmental investigation that is taking place at the Rapid Roberts fueling station on the corner of Fremont Avenue & Republic Street. This investigation is conducted with the oversight and approval of the Missouri Department of Natural Resources. The proposed monitoring well will be completed to an approximate depth of 25 feet, depending on field conditions. The well is to be installed flush with the ground and approximately 40 feet from the centerline along the north side of east Republic Street within the public right-of-way, as shown on "Exhibit 2."

The addendum, attached as "Exhibit 1," permits the consultant to install and maintain three (3) monitoring wells in the public right-of-way, in a location and manner approved by a designated representative of the Director of Public Works. The City has previously granted permission to install two (2) other wells as part of this particular investigation, located along the south side of east Republic Street (S.O. 26580). Proof of insurance has been submitted.

Supports the following Field Guide 2030 goals: Chapter 8, Natural Environment; Major Goal 16, Maintain or restore the pre-development hydrology of our watersheds and protect our waterways from pollution; Objective 16c, Support State Water Pollution Control Regulations - Support legislation to adequately fund the Missouri Department of Natural Resources to ensure they have the resources necessary to enforce the state's land disturbance program and other water pollution control regulations in areas that are not under the jurisdiction of an effective local program.

FINANCIAL: The cost of installation and maintenance falls to Environmental Works, Inc.

RECOMMENDATION: Public Works recommends passage of this Council bill.

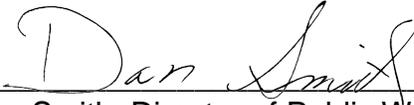
Submitted by:



---

Martin Gugel, Assistant Director of Public Works

Recommended by:

  
\_\_\_\_\_  
Dan Smith, Director of Public Works

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager

**Exhibit 1**

ROUTING ORDER	(1) CITY	(2) CONTRACTOR	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE _____, 2016	TERMINATION DATE	<b>ADDENDUM #1 TO CONTRACT # 2015-0720</b>	
<b>CITY</b>		<b>ENVIRONMENTAL WORKS, INC.</b>	
<b>CITY OF SPRINGFIELD</b> <b>840 BOONVILLE, P.O. Box 8368</b> <b>SPRINGFIELD, MO 65802</b> <b>PHONE: 417-864-1801 FAX: 417-864-1983</b> <b>ATTN: MANDY BUETTGEN-QUINN</b> <b>Dept: Public Works, Traffic Operations</b>		<b>ENVIRONMENTAL WORKS, INC.</b> <b>1455 E. CHESTNUT EXPRESSWAY</b> <b>SPRINGFIELD, Mo 65802</b> <b>PHONE: 417-890-9500 FAX: 417-823-9659</b> <b>ATTN: KATIE GRAPPONE</b>	

**ADDENDUM**

Entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, for good and valuable consideration, the undersigned hereby agree that this Addendum shall become part of that certain Contract executed on the 27<sup>th</sup> day of May, 2015, by the parties identified above.

The parties agree as follows:

1. That paragraph 1 on page 1 shall be replaced by a new paragraph 1, which reads as follows:
  1. License to Install and Maintain Groundwater Monitor Wells: City hereby grants Licensee, its subcontractors, employees and agents, a license to enter upon City property for the purpose of installing, testing, repair and maintenance of three groundwater monitor wells in connection with its environmental site characterization study. Pursuant to the original contract executed on May 27th, 2015, two monitoring wells already exist and have been installed as near as feasible to the location shown on Exhibit A. The third monitoring well shall be installed as near as feasible to the location shown on Exhibit B. Both exhibits are attached hereto and incorporated by reference. The license for the original two monitoring wells commenced on May 27th, 2015. The license for the third additional monitoring well shall commence on the date of the execution of this addendum. All licenses granted under this contract and any addendum shall continue until terminated by either party. Upon termination, all well equipment shall be removed, the wells properly capped and covered by Licensee and the right-of-way premises restored to the satisfaction of City upon termination of this license.
2. That Exhibit B which is attached to this Addendum shall be incorporated by reference to the original contract.
3. That all other provisions of the aforementioned Contract shall remain in full force and effect.
4. That this Addendum together with the Contract contain the entire agreement of the parties. No modification, amendment or waiver of any of the provisions of this Contract shall be effective unless in writing specifically referring hereto, and signed by both parties.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals on the day and year herein stated.

**[remainder of page intentionally left blank]**

**CITY OF SPRINGFIELD, MISSOURI**

**Environmental Works, Inc.**

By:

\_\_\_\_\_  
Collin Quigley, Assistant City Manager

By: \_\_\_\_\_

Name & Title \_\_\_\_\_

**APPROVED AS TO FORM**

\_\_\_\_\_  
Amanda R. Callaway, Assistant City Attorney

EXHIBIT A

Two Monitoring Wells for Rapid Roberts, on Republic Street, east of Fremont.

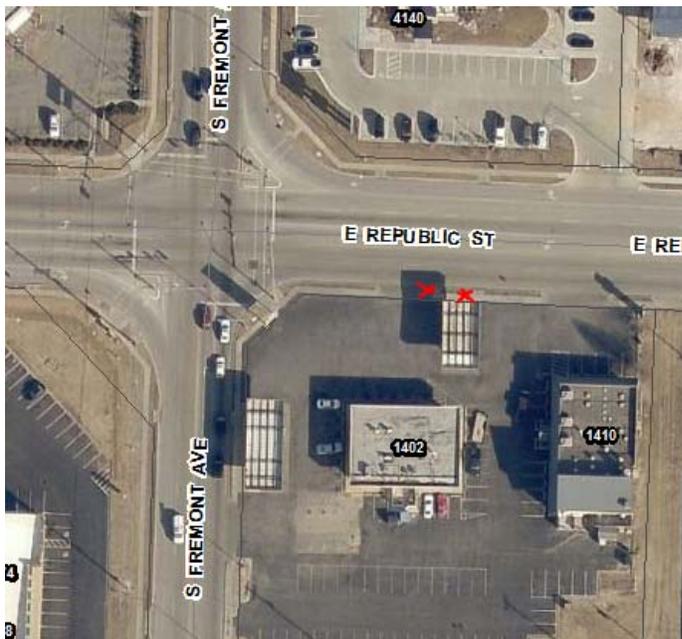
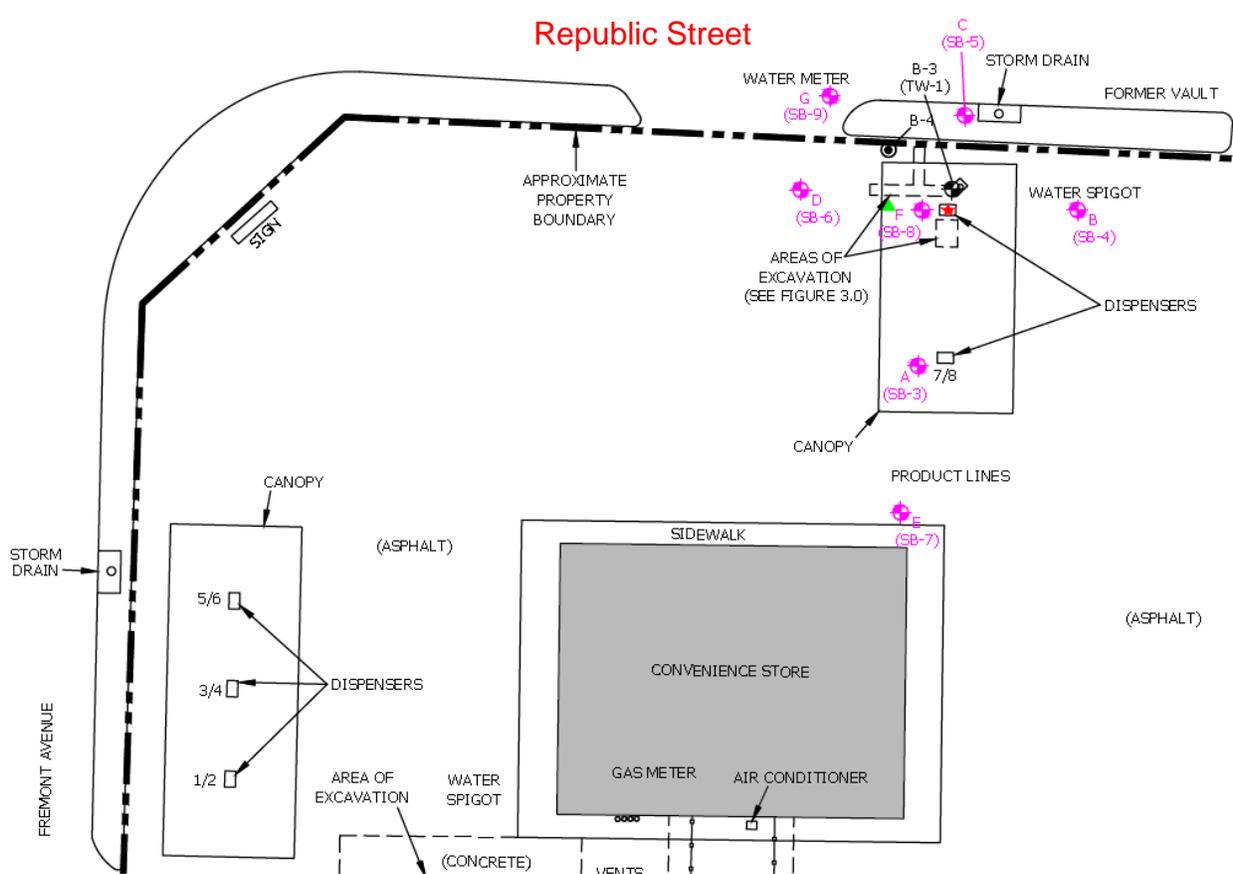
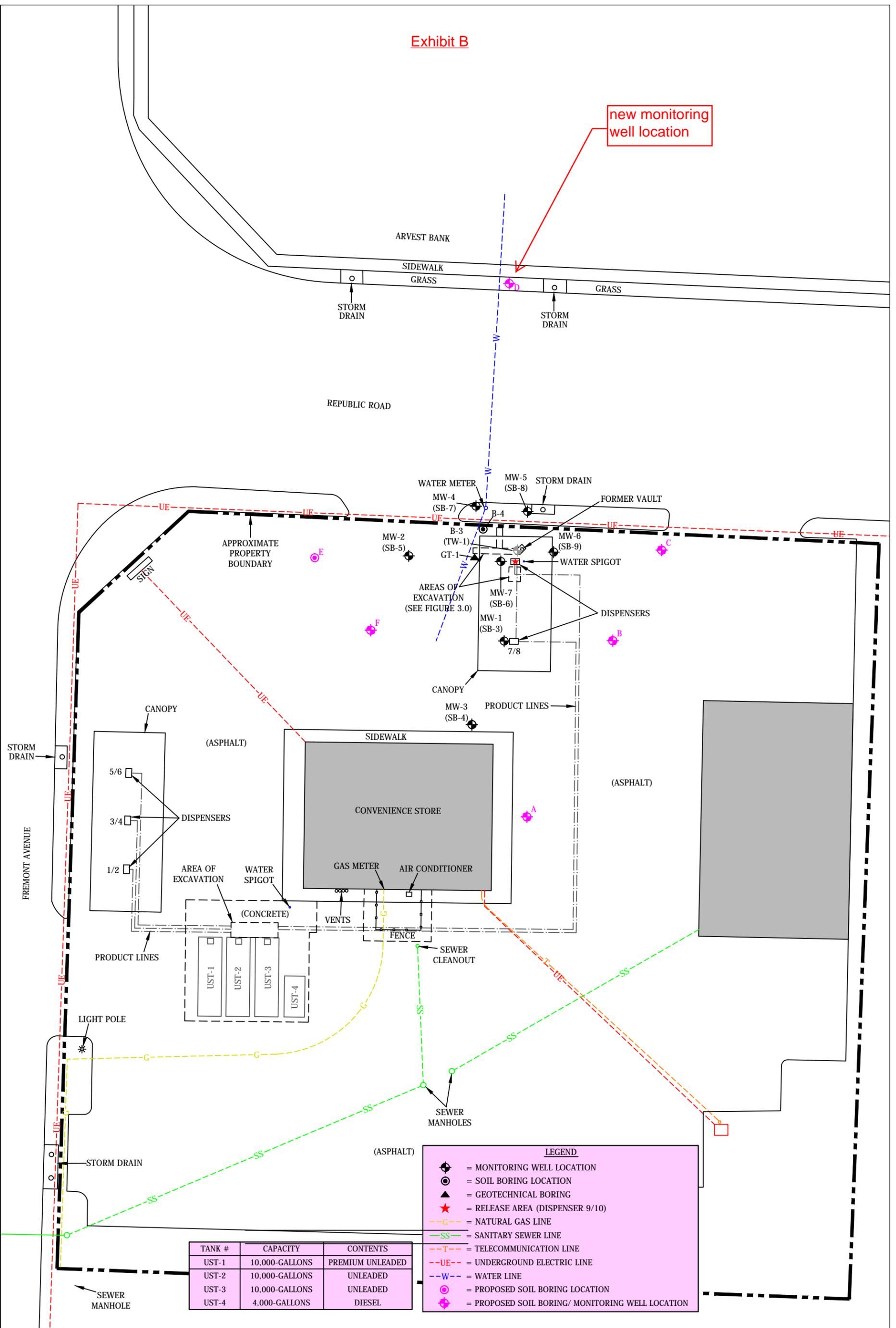


Exhibit B

new monitoring well location



CHECKED BY:  
K. GRAPPONE  
E.W.I. # 140196  
DRAWN BY: ARK  
Oct. 29, 2015

SCALE IN FEET  
0 15 30  
APPROXIMATE



Springfield Office Location:  
1455 E. Chestnut Expressway  
Springfield, MO 65802  
Phone: (417) 890-9500

PROPOSED SOIL BORING/  
MONITORING WELL

RAPID ROBERTS #111  
14002 E. REPUBLIC ROAD  
SPRINGFIELD, GREENE COUNTY, MISSOURI  
ST# 13755, CLAIM# 63382

FIGURE  
6.0

Exhibit 2

1349

S FREMONT AVE

4140

Monitoring Well Location

E REPUBLIC ST

1402

1410



SCALE: 1:8000



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One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed: 03-29-16

Sponsored by: Ferguson

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016- 079

SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 APPROVING the plans and specifications for the Mt. Vernon Street Widening  
2 (Orchard Crest Avenue to Suburban Avenue) project, Plan No.  
3 2013PW0039T; accepting the bid of Hartman and Company, Inc., for  
4 that project; and authorizing the City Manager, or his designee, to  
5 enter into a contract with such bidder.  
6 \_\_\_\_\_  
7

8 WHEREAS, Hartman and Company, Inc., is the lowest responsive and  
9 responsible bidder for the Mt. Vernon Street Widening (Orchard Crest Avenue to  
10 Suburban Avenue) project, Plan No. 2013PW0039T.  
11

12 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
13 SPRINGFIELD, MISSOURI, as follows, that:  
14

15 Section 1 – The City Council hereby approves the plans and specifications of the  
16 Mt. Vernon Street Widening (Orchard Crest Avenue to Suburban Avenue) project, Plan  
17 No. 2013PW0039T, and accepts the bid of Hartman and Company, Inc., for that project  
18 at the price and sum set forth in said bid, except as said sum may be lawfully increased  
19 or decreased by the actual quantities of work units involved. The City Manager, or his  
20 designee, is hereby authorized to enter into a contract with said bidder for such work in  
21 accordance with the terms of the bid, the plans, and the specifications.  
22

23 Section 2 – This ordinance shall be in full force and effect from and after  
24 passage.  
25

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Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: Amanda R. Callaway, Assistant City Attorney

Approved for Council action: Greg Burt, City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016- 079**

FILED: 3-29-16

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Approving the plans and specifications for the Mt. Vernon Street Widening (Orchard Crest Avenue to Suburban Avenue) project, Plan No. 2013PW0039T; accepting the bid of Hartman & Company, Inc., for that project, and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

BACKGROUND INFORMATION: The project will include widening Mt. Vernon Street from a point east of Orchard Crest Avenue to a point west of Suburban Avenue as shown on the "Exhibit A," project location map. This project will widen Mt. Vernon Street to a three lane section, with a center turn-lane. The project will also include new pavement, new sidewalk, updated storm sewer system and gas and water relocations.

Bids were solicited for this project by advertising in the *Daily Events* from February 22, 2016 through February 26, 2016. Bids were opened on March 15, 2016 at 10:30 a.m., with the following bids received:

<u>Contractor</u>	<u>Bid Amount</u>
Hartman & Company, Inc.	\$1,639,000.00
D&E Plumbing & Heating, Inc.	\$1,930,239.00
Emery Sapp & Sons, Inc.	\$2,628,190.00
Engineer's Estimate	\$2,052,195.00

The low bid, if accepted, will be funded from the 1/4-Cent Capital Improvements Sales Tax and the funds are already budgeted.

Utility Improvements included in the project are estimated at \$418,393.00 and will be reimbursed by City Utilities. This will reduce the net City cost funded by the 1/4-Cent Capital Improvement Sales Tax to \$1,220,607.00.

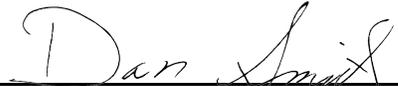
Supports the following Field Guide 2030 goal(s): Chapter 12, Transportation; Major Goal 2, Operations and Maintenance The City of Springfield should continue to maintain streets, sidewalks, trails and the airport, using the most effective strategies to maximize the efficient operation of the existing systems, keeping in mind safety, accessibility, sustainability, and collaboration; Objective 2a, Keep streets and sidewalks and trails in good condition with an emphasis on arterial streets.

REMARKS: Public Works recommends acceptance of the bid of Hartman & Company, Inc. as the lowest responsible bid and passage of this ordinance.

Submitted by:

  
\_\_\_\_\_  
Kirk Juranas, Assistant Director of Public Works

Recommended by:

  
\_\_\_\_\_  
Dan Smith, Director of Public Works

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager



One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed 3-29-16

Sponsored by: Burnett

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016 - 080

SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 APPROVING the sale of real property at 1102 North Rogers Avenue to Affordable  
2 Housing Action Board for \$12,500 and authorizing the issuance of a  
3 deed for same.  
4 \_\_\_\_\_  
5

6 WHEREAS, the City acquired the real property a 1102 North Rogers Avenue for  
7 \$9,261.86 and put it out for public bid; and  
8

9 WHEREAS, the Affordable Housing Action Board has offered to buy the property  
10 for \$12,500, an offer the City Manager considers acceptable; and  
11

12 WHEREAS, disposition of real property calls for City Council approval; and  
13

14 WHEREAS, the City Council is committed to using all available funds, wherever  
15 possible, to add to the Police-Fire Pension Fund.  
16

17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
18 SPRINGFIELD, MISSOURI, as follows, that:  
19

20 Section 1 – The City Council hereby approves the sale of the real estate located  
21 at 1102 North Rogers and depicted on “Exhibit A” to Affordable Housing Action Board  
22 for the price and sum of \$12,500.  
23

24 Section 2 – The City Council hereby authorizes the Mayor to execute such  
25 documents as are necessary to convey title to the real estate to the purchaser herein  
26 consistent with the offer and acceptance.  
27

28 Section 3 – The budget of the Department of Building Development Services for  
29 Fiscal Year 2015-2016 is hereby amended in the accounts and in the amounts as  
30 shown on Budget Adjustment No. 0040, a copy of which is attached hereto and  
31 incorporated herein by reference as “Exhibit B.”  
32

33 Section 4 – The City Council hereby finds that the budget adjustment made  
34 above has been recommended by the City Manager.  
35



**EXPLANATION TO COUNCIL BILL NO. 2016 - 080**

FILED: 3-29-16

ORIGINATING DEPARTMENT: City Manager's Office

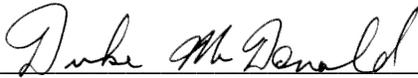
PURPOSE: To direct the City Manager, or his designee, to accept a \$12,500 bid from Affordable Housing Action Board to buy real property at 1102 North Rogers Avenue and to authorize the Mayor, or his designee, to execute necessary documents to convey title to the property.

BACKGROUND INFORMATION: The City acquired the property for \$9,261.86 and, after putting it out for public bid, received the bid noted above. No city department needs the property and it does not have a public purpose. A real-estate conveyance requires City Council's approval. Net proceeds from the sale of the properties will be returned to the fund from which each property was purchased, up to the amount of the purchase price. The City Council has stated its intent to put any additional unrestricted proceeds from the sales into the Police-Fire Pension Fund.

The budget of the City for Fiscal Year 2015-2016 is amended in the accounts and the amounts shown on the attached Budget Adjustment No. #0040, "see Exhibit B."

REMARKS: The above council bill originated with the Land Inventory Committee. Under "Administrative Memorandum #5D," the committee has declared the above property as surplus.

Submitted by:

  
\_\_\_\_\_  
Duke McDonald, Assistant City Attorney

Recommended by:

  
\_\_\_\_\_  
Collin Quigley, Assistant City Manager

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager



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*City of Springfield, Missouri*

**Exhibit A**

**1102 N. Rogers Ave.**



Printed: Mar 18, 2016



One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed 3-29-16

Sponsored by: Burnett

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2016 - 081

SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 APPROVING the sale of real property at 1410 East Pacific Street to Affordable  
2 Housing Action Board for \$12,500 and authorizing the issuance of a  
3 deed for same.  
4 \_\_\_\_\_  
5

6 WHEREAS, the City acquired the real property at 1410 East Pacific Street for  
7 \$6,395.01 and put it out for public bid; and  
8

9 WHEREAS, Affordable Housing Action Board has offered to buy the property for  
10 \$12,500, an offer the City Manager considers acceptable; and  
11

12 WHEREAS, disposition of real property calls for City Council approval; and  
13

14 WHEREAS, the City Council is committed to using all available funds, wherever  
15 possible, to add to the Police-Fire Pension Fund.  
16

17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
18 SPRINGFIELD, MISSOURI, as follows, that:  
19

20 Section 1 – The City Council hereby approves the sale of the real estate located  
21 at 1410 East Pacific and depicted on “Exhibit A” to Affordable Housing Action Board for  
22 the price and sum of \$12,500.  
23

24 Section 2 – The City Council hereby authorizes the Mayor to execute such  
25 documents as are necessary to convey title to the real estate to the purchaser herein  
26 consistent with the offer and acceptance.  
27

28 Section 3 – The budget of the Department of Building Development Services for  
29 Fiscal Year 2015-2016 is hereby amended in the accounts and in the amounts as  
30 shown on Budget Adjustment No. 0041, a copy of which is attached hereto and  
31 incorporated herein by reference as “Exhibit B.”  
32

33 Section 4 – The City Council hereby finds that the budget adjustment made  
34 above has been recommended by the City Manager.  
35



**EXPLANATION TO COUNCIL BILL NO. 2016 - 081**

FILED: 3-29-16

ORIGINATING DEPARTMENT: City Manager's Office

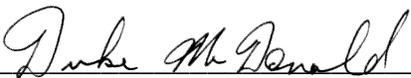
PURPOSE: To direct the City Manager, or his designee, to accept a \$12,500 bid from Affordable Housing Action Board to buy real property at 1410 East Pacific Street and to authorize the Mayor, or his designee, to execute necessary documents to convey title to the property.

BACKGROUND INFORMATION: The City acquired the property for \$6,395.01 and, after putting it out for public bid, received the bid noted above. No city department needs the property and it does not have a public purpose. A real-estate conveyance requires City Council's approval. Net proceeds from the sale of the properties will be returned to the fund from which each property was purchased, up to the amount of the purchase price. The City Council has stated its intent to put any additional unrestricted proceeds from the sale into the Police-Fire Pension Fund.

The budget of the City for Fiscal Year 2015-2016 is amended in the accounts and the amounts shown on the attached Budget Adjustment No. 0041 "Exhibit B."

REMARKS: The above council bill originated with the Land Inventory Committee. Under "Administrative Memorandum #5D," the committee has declared the above property as surplus.

Submitted by:

  
\_\_\_\_\_  
Duke McDonald, Assistant City Attorney

Recommended by:

  
\_\_\_\_\_  
Collin Quigley, Assistant City Manager

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager



*City of Springfield, Missouri*

**Exhibit A**

**1410 E. Pacific St.**



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Printed: Mar 18, 2016

CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit B

BA Number 0041

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
70710	09	14260	406170	000000	00000	6,104.99	Net proceeds of sale to Police and Fire Pension Fund
Net Revenue Adjustment						6,104.99	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
70710	09	14260	500240	000000	00000	6,104.99	Net proceeds of sale to Police and Fire Pension Fund
Net Expenditure Adjustment						6,104.99	

Fund Balance Appropriation:

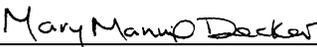
Fund	Title	Amount

Explanation: To appropriate net proceeds from the sale of property at 1410 E Pacific to the Police and Fire Pension Fund.

Requested By:

  
Department Head 3/29/16  
Date

Approved By:

  
Director of Finance 3/29/16  
Date

  
City Manager 3/29/16  
Date

Authorization:

Council Bill No. 2016-081  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_