



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, March 2, 2020

7:00 PM

Regular

**Council Chamber
Columbia City Hall
701 E. Broadway**

I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, March 2, 2020, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, and TRAPP were present. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of February 3, 2020 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Ruffin.

Mr. Trapp asked that femerell be changed to ephemeral for the February 17, 2020 meeting minutes. The minutes of the regular meeting of February 17, 2020 with the change of femerell to ephemeral were approved unanimously by voice vote on a motion by Mr. Trapp and a second by Mr. Skala.

Mr. Thomas asked that R31-20 be moved from the consent agenda to new business.

The agenda, including the consent agenda with R31-20 being moved to new business, was approved unanimously by voice vote on a motion by Mayor Treece and a second by Mr. Skala.

II. SPECIAL ITEMS

SI2-20

Resolution of Appreciation - Tad Johnsen, Utilities Director.

Mayor Treece asked Mr. Johnsen to join him at the podium, and noted he epitomized what they wanted for all City employees in terms of coming to Columbia, dedicating themselves to the community, and retiring in Columbia with their dignity and health. He read and presented the Resolution of Appreciation to Mr. Johnsen.

Mr. Johnsen thanked the current and past Councils and noted it had been an honor and privilege to work for the City of Columbia. He stated his career had been satisfying and he had enjoyed his time with the City. He commented that as a department director, he had learned the importance of boards and commissions and had enjoyed interacting with them. He noted utilities were a complicated and diverse operation, and the boards and commissions provided a critical step in the public process. He stated Columbia was blessed as a community in terms of that type of involvement.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Treece appointed Josephine "Jo" Stealey to the Mayor's Task Force on Bicentennial Celebration Planning. He explained she was the immediate past Chair of the Department of Art at the University of Missouri College of Arts and Science, and had been recommended by both Co-Chairs of the Task Force. He noted the Task Force was holding an event next Thursday to announce what they had done thus far and to kick-off the next phase of their efforts. He asked if there was any objection to the appointment,

and no one objected.

IV. SCHEDULED PUBLIC COMMENT

SPC10-20 Traci L. Wilson-Kleekamp - Rethinking Community Policing a Year Later.

Peggy Placier, 209 S. Greenwood Avenue, explained she was speaking on behalf of Ms. Wilson-Kleekamp and Race Matters, Friends (RMF), and commented that an undated and updated community policing plan had been released at a work session prior to the holidays. She pointed out the work session had not been televised and the public was not allowed to ask questions at those sessions. As a result, presenting the plan in that setting had limited transparency and public engagement. She noted that was an example of a practice that contradicted the philosophy of community policing. Given the criticisms of the previous non-plan plan on community policing that had been produced by Sergeant Fox and the former City Manager, she felt the Council and the Columbia Police Department (CPD) should have been aware RMF and other community stakeholders would be anxious to see what this one promised. She thought it deserved to be rolled out during a regular council meeting and explained those were their process concerns. In terms of the content of the plan, she did not believe it was a genuine plan at this time, mostly due to disjointed organization, minimal discussion of important aspects of community policing, and the lack of meaningful specifics that could be evaluated. She hoped the Council would support RMF in requesting the CPD to edit that draft into a plan rooted in a philosophy based on elements of community policy. She commented that the current statement of philosophy was a list of things that would be done, and the items listed appeared to be good things. She stated a philosophy would provide an argument for why they were good things. She explained a recent work by Rachel Wahl titled *The Inner Life of Democracy: Learning and Deliberation between the Police and Communities of Color* employed deliberative democracy as a philosophical framework for community policing and argued that it was unlikely that groups that had been victimized by the police would come to trust the institution unless they demonstrated goodwill by making themselves more vulnerable to communities through increases in things such as transparency and accountability. She suggested hearing more about the deliberative encounters that could ameliorate the problems. She noted some things in the plan were more relevant to community policing than others, and some did not fit at all. She understood CPD would continue the traditional practice of arresting people charged with crimes, and did not feel it deserved several paragraphs in a document about community policing. If this was a plan for transformational change, she thought they needed to hear more about relevant changes and less about structural arrangements, efficiency, and crime fighting. She understood the plan described officers weaving themselves into the fabric of neighborhoods. If done well and with a deep commitment to learning, those things would make a difference. She suggested they hear more about that. As Wahl pointed out, it was not always what one did that carried political weight, but how one did it. The assumption that only structural change mattered missed the point as structures were dependent on the human beings that administered them. She asked how the officers would be prepared and evaluated on the quality and effects of what they did. She noted the plan also briefly mentioned empowering officers to act as guardians without defining it and that community members would be more involved in training, policy reviews, and other meetings, but they did not know how that would work and how it would be evaluated. She suggested analyzing a recent critical incident as a team once the plan was better formulated in terms of what had been and had not been consistent with community policing. She commented that the Council should not expect anything less from a community policing plan, and felt the Climate Action and Adaptation Plan was an excellent example of an authentic transformative plan.

SPC11-20 Jim Windsor - Electric Load Forecasting.

Mr. Windsor, 200 Manor Drive, commented that for 30 years prior to retirement, he had

been responsible for electric load forecasting for the electric utility. It had been done in order to help make decisions with regard to power purchases and building the required infrastructure. He noted customer growth, temperature, economic conditions, and enrollment at the University of Missouri affected the electric load. He explained efficiency could be projected forward if they had vigorous efficiency programs on what could occur in the future. Otherwise the data collected today would include all of the efficiency as it had already occurred. Therefore, new efficiency would have to occur. He pointed out efficiency tended to decline over a period of time. For example, air conditioners that were not serviced would run less efficiently. He commented that the utility peaked in the late afternoon when the sun was going down. As a result, later in the afternoon, the effectiveness of solar was quickly declining and there was a rebound effect of solar customers using electricity off of the system. When reviewing the data, it appeared as though they peaked as individuals not too long afterwards. He stated utilities in places such as Arizona, which had a large penetration of solar, showed the peaks had continued to increase. They just did not sell as much electricity due to the solar during the day. He displayed a graphic and understood that someone might think the electric load was decreasing or not growing, but noted that was not correct because it had been a graph of temperature. He explained temperature had a significant effect on load, which was why the peak was in the summertime. The monthly peak of a mild April could be half of what it was for a very hot July. He stated in July 2011, it had been 105 degrees, and displayed the average hourly temperature for 2011. It had been 102 degrees the following year, and it was also the last time a substation transformer had failed. He noted it had essentially been 97 degrees in subsequent years so they had not had a hot summer in recent years. Anyone that lived in Columbia in 1980 might recall how hot it had been. There had been 27 days at or above 100 degrees and a two week period where it had been 102-109 degrees. The highest temperature had been 111 degrees. He commented that the record high had been in 1954 at 113 degrees. In 1936, 44 days had been over 100 degrees. He reiterated they had not experienced hot weather recently. He stated he was concerned because existing circuits were overloaded. Both transformers at the Perche Creek substation were at 80 percent, and that was before Westbury Village was constructed, which would add at least a couple of more megawatts. He pointed out there were over 5,000 more customers now than there had been in 2011 when it had been 105 degrees. He noted the economy was growing and the University of Missouri was pushing its NextGen Precision Health initiative, which could result in significantly more businesses. In addition, the University's enrollment was growing again after a downturn in 2015. He understood landlords tended to leave service on so they were counting a customer when no one was there. When those units were filled, it would put a significant load onto the system. He commented that all of those items were of a concern to him and the addition of a hot summer could create issues for the system. He explained electric forecasting entailed a lot of "what ifs." He stated he had lived in his home for 34 years and had never had a fire or a tornado impact the house, but he still purchased insurance due to the "what if." In terms of the electric system, he thought they needed to be prepared for a 1980 versus a 97 degree summer because it was unlikely they would always have 97 degree summers.

SPC12-20

Lillian Davis - Property Managements.

Ms. Davis, 905 Hardin Street, stated she had discovered that property management people worked for and out of Century 21 Access. She understood they were allowed to charge anywhere from \$35-\$75 per person for a place to live. She understood there were nine property management people, and they tended to impact those on fixed incomes, such as seniors and handicap people, in terms of having a place to live, and made them homeless. She did not feel that was right. She challenged the City to find the property management people to determine exactly what they were about as she did not feel what they were doing was right. She understood they purchased old homes, renovated them, and sold them to first time buyers, and asked where that left older people and those that

were handicap.

SPC13-20

Martha Brownlee-Duffeck, COMO Transit Justice Coalition - Better Buses Make Better Cities.

Ms. Brownlee-Duffeck, 701 S. Greenwood Avenue stated she was speaking on behalf of Columbia Faith Voices serving the CoMo Transit Justice Coalition and noted she had spoken in January when she had become disheartened by CATSO passing a revised 2050 Long Range Transit Plan without a single increase in funding for public transit. She noted she was very happy to learn that last Thursday the CATSO Coordinating Committee had launched a process to develop a major amendment to the Plan for a long range transit master plan to be overseen by an appointed citizen task force. She applauded this first step and looked forward to meeting with Mr. Glascock and others to learn about their views for this process. She commented that she felt it was critical to keep their eye on building a thriving public transit system. She explained her job had provided her the privilege of working with people adjusting to spinal cord injury, head injury, stroke, etc., and the perspective of knowing how easily any able-bodied person could join the marginalized non-driving disabled minority group at any time was humbling. She pointed out that even with healthy aging, there was a slowing of reaction time and the ability to shift from one piece of information, like a car, in the visual field to another, such as a child chasing a ball into the street. She stated many of them would outlive their ability to drive safely, and public transit could allow otherwise functional seniors to age in place. From a social equity perspective, she noted *The Color of Law* by Richard Rothstein had documented how post-World War II growth in the United States had used the structures of governmental institutions, such as the Federal Housing Administration, federal and state housing departments, and the urban renewal programs to purposefully build roads through African-American neighborhoods to make suburbs possible for white Americans while restricting where African-Americans and other minorities could live via the practice of redlining through mortgage lending. She commented that Harvard's equity of opportunity project demonstrated that the more sprawling and car dependent a region was, the less upward mobility it had. Youth without access to a car were less likely to work or participate in after-school activities. Steven Higashide who wrote *Better Buses, Better Cities* used the term mobility redlining to describe the concept of people not having access to things because they were cut-off from access to transportation. Even as many low-income families purchased cars to unlock opportunities, there were new sources of risks, such as broken transmissions, impound fees, and jail time due to unpaid tickets. In 2018, more Americans held automobile debt than in any other point in history. Automobile debt had increased by 75 percent from 2009 to 2018, and currently stood at \$1.26 trillion. She felt social equity needed to be a part of any public transit expansion plan, and pointed out it had an important role in mitigating climate change. According to the International Energy Agency statistics from 2018, the United States had the most energy intensive transportation system in the developed world. While the United States power sector had decreased greenhouse gas emissions below 1990 levels, transportation remained the single largest contributor to greenhouse gas emissions. Between 1980 and 2014, the population of the United States had grown by 41 percent while urban road mileage had grown by 77 percent, and between 1960 and 2000, parking budgets had tripled to accommodate the increased number of drivers. The larger roadways and more parking only created an unsustainable spiral of ever-increasing congestion. Cities like Washington D.C., which had blocked the general trend by investing in public transit infrastructure since the 1950s, now planned to decrease parking spaces to encourage more train riders to use public transit to get to the trains. While it was easy to fanaticize about how technology would save them, scientists had repeatedly found that electric vehicles were not sufficient on their own. The California Air Resources Board had found that even if every car in the State of California were electric and 75 percent of the electricity had come from renewable sources, driving would still have to decrease by 15

percent for them to reach their climate goals. Project Drawdown, which was one of the most comprehensive models on the ability of different policies to reduce greenhouse gases, had concluded the most immediate public transportation priority was to maximize the share of trips taken by bicycles and public transit rather than individuals purchasing electric vehicles. She commented that the good news was that cities, like Houston, had been able to increase bus ridership by redesigning the bus system. She understood making the buses more frequent, faster, and reliable helped increase ridership. She thought with leadership, they could help businesses see the link between better buses and bigger labor pools, educate citizens on how to decrease the carbon footprint, and have a more inclusive, sustainable, affordable, and reliable way to get to work, school, and everything the community had to offer. She thanked the CATSO Coordinating Committee for taking the first step in leadership in their role involving public transit, and hoped the Council would continue its efforts.

SPC14-20

Lara Wakefield - Concerned with Columbia Public Schools Misusing School Resource Officers and Creating Serious Problems for Children and Families.

Ms. Wakefield, 2507 St. Regis Court, stated she was a social justice advocate who partnered with various groups to dismantle barriers for children to access a public education and keep them out of the school to prison pipeline. She noted she had the privilege of working with RMF this school year to address a growing concern related to how Columbia Public Schools (CPS) used school resources officers (SROs) and the CPD to start the gateway of the school to prison pipeline. She pointed out there were instances in which an SRO or a CPD officer could create a safe and successful experience when there was a crisis, and in those instances, the officer would act with integrity and conduct an independent investigation of the situation. The officer would gather as many facts as possible, check the sources, and make a decision. In some situations, this meant the officer would determine CPS staff did not provide accurate information and would make an independent decision on what to do. She noted this was how they avoided false arrests. She provided an example of this that had occurred on August 27, 2019 as it was a model of what should happen. She explained a student with a disability was having a meltdown at the end of the day at Derby Ridge Elementary, and the dysregulation meltdown was a part of his diagnosis. The school staff would not allow the student on the daycare van alleging he was unsafe, and the school secretary had called the parent, who was on her way back from Kansas City for her job, telling her to pick him up right away. Since the parent was an hour away, she asked the secretary to put him on the daycare van because he would probably calm down, but the secretary said he was out of control. The parent then asked the school secretary to get him to Missouri University Psychiatric Center (MUPC) if he was that out of control due to his diagnosis. A few minutes later, a police officer had contacted the parent indicating the school staff had stated she had abandoned her child. The parent could not believe what she was hearing. After some discussion, the officer did an independent investigation and realized the report by the school of child abandonment was false. In addition, when the officer noticed the child was calm, he offered to give the student a ride to daycare. The parent met the officer at the daycare where they had a good discussion, a positive experience, and problem-solved in terms of what to do going forward. She stated this was a good example of an officer focused on the facts creating community of trust instead of criminalizing the disability of a child. She commented that there were also examples of bad experiences. She explained she had seen instances at Rock Bridge High School and Hickman High School where a student might be having a minor academic issue or was frustrated and the school did not have enough staff to address the situation. Recently a student at Hickman High School who had been struggling in class had written "I don't know" on a piece of paper and the frustrated teacher had sent her to the Assistant Principal, who was overwhelmed with people in his office and told the

student to go to in school suspension (ISS). The student refused indicating she needed to speak with him as she did not feel it was fair to have to go to ISS because she did not understand the academic work, and the Assistant Principal threatened to call the SRO to escort her to ISS. This triggered the student who had a very negative experience in middle school with a SRO. She noted there had been a situation at Rock Bridge High School where the student was being accused of truancy, but did not know what that meant. He had indicated to the Assistant Principal that he did not know why he was there and asked what truancy meant. The Assistant Principal yelled for the SRO and stated the SRO needed to teach the student about respect. She commented that she had been told by students at Battle High School that the SROs sat and watched them eat lunch every day, and that it was like they were in prison. The SROs had also assisted CPS staff in building yellow barriers which were not removed and made it difficult for students to get to class. She told the story of a six year girl in Florida that had a meltdown in school due to a disability and was taken by police to a mental health facility, and noted that happened in Columbia as well. It had occurred at Mill Creek Elementary in January whereby a second grade boy was restrained and placed in seclusion, which escalated his behavior. The school then called the police to come get him, and afterwards called the parent. The student had been transported in a police car, and that was his first experience with a police officer. She reiterated these instances occurred in Columbia, and stated she was concerned. She believed CPS staff needed significant training and suggested the CPD work on an MOU in terms of what constituted a referral to the police.

SPC15-20

Chad McLaurin, Race Matters, Friends - Thoughts on Vehicle Stop Data to Date.

Mr. McLaurin, 1807 Jackson Street, read a statement from RMF, which indicated the similarities between the administration of Chief Jones and the past administration were striking. It went on to say that proclaiming to be transparent while actions simultaneously demonstrated opacity was not transparency, and hiding behind the Sunshine Law was not transparency. The Sunshine Law assumed any public document, piece of information, video, photograph, or communication was considered open if not specifically closed for a narrow set of reasons, and something being closed did not necessarily bind Chief Jones from releasing it anyway. If he was aiming for transparency, he could and would release the documents as he was free to release just about anything. He commented that waiting eight days to tell the public the police employed deadly force on one of its citizens was the antithesis of transparency and community policing, and claiming to need to wait until all of the facts were in when a public information officer was on scene and the incident involved the police department should not take eight days. RMF felt Chief Jones willfully made the decision to withhold information from the public, and believed that was unacceptable. He noted that when Chief Jones had been asked about the 8-day delay, he treated the media with thinly veiled contempt and one sentence curt replies. He stated RFM felt the video explaining police action regarding the Vibes incident was a high-tech denial of allegations. The video could have included still photos or even short video clips of the care provided to Mr. Kitchen as neither would have compromised the investigation. He commented that the CPD had missed an opportunity to visually demonstrate police action when the facts were in dispute.

Mr. McLaurin explained he was a member of the Vehicle Stop Committee, but was speaking for himself. He referred to an interview with the author of *Suspect Citizens* in terms of what 20 million traffic stops told them about policing and race in North Carolina, and noted traffic stops were ineffective at catching criminals. He stated police departments should not use vehicle code as an excuse to fight the war on drugs or war on crime as it essentially profiled people. He commented that policies such as that were associated with profiling because it was based on a hunch. In North Carolina, the disparities in search rates and the number of vehicles stopped were 2:1. When reviewing

which police officers were contributing the most to those figures, the police chief was forced to make adjustments and fire some officers. He pointed out the ratio in Columbia was 5:1. He believed the issue needed to be looked into and noted the firing of officers based on it was not new in terms of a precedent. He understood the "bad apple" argument was also understated as 30 percent of the police force had been contributing to the disparities in North Carolina. He felt Columbia was not immune that issue and should take that into consideration. In 2017, the CPD stopped 4,062 black drivers, and this represented 30-50 percent of the black population. The stops had resulted in 165 arrests, which was four percent. The return on investment of this police practice was terrible. Weapons had only been found in 23 incidents, which resulted in 0.5 percent, and only one percent involved arrests due to an outstanding warrant. He encouraged the CPD and the Council, to the extent possible, to help change the institutional mindset and pointed out they needed to determine whether the policing practices were paying dividends to the community.

Mayor Treece introduced Vincent LeLoux who was a rotary exchange student visiting from Itterbeck, Germany. He noted Mr. LeLoux was attending Rock Bridge High School, and when he finished school here, he would go back to finish two more years in Germany. His plan was to study general surgery or international law with an emphasis on human rights. Mayor Treece stated he hoped Mr. LeLoux would carry a little of Columbia back with him to Germany and that he had a pleasant and enjoyable stay while in Columbia.

V. PUBLIC HEARINGS

PH8-20

Proposed construction of Phase I of the Fifth to Wilkes Sewer Improvement Project to include sanitary sewer improvements from the intersection of Fifth Street and Rogers Street to Sixth Street.

PH8-20 was read by the Clerk.

Mr. Sorrell provided a staff report.

Ms. Peters asked if this was just sewer or if it also included stormwater. Mr. Sorrell replied it was only sewer at this point, and noted it was the red portion of the sewer on the diagram. It got them across the school property and took them far enough up Sixth Street to remove a piece of pipe that actually ran uphill. The blue piece would be a future potential sewer that would possibly be done with a stormwater project. Ms. Peters asked about the green lines. Mr. Sorrell replied the green lines depicted existing sewers. Ms. Peters asked if those were in good shape. Mr. Sorrell replied most of those had been rehabilitated. Ms. Peters asked if there was a time frame for which the sewer depicted by the blue line would be done. Mr. Sorrell replied no. He explained they were still developing the best method to approach the stormwater project. As they came to a resolution as to how to best approach the stormwater improvements, they would have a better idea of a time frame. He stated they were actively working toward getting to a point whereby they could hold a public hearing for those two projects. Ms. Peters asked if they would have a plan within the next year. Mr. Sorrell replied the public hearing would be held within the next year. Depending on the situation, they might do the stormwater project first and the sewer project later. They would have to determine what would work best for the neighborhood and the timing of the overall projects.

Mr. Thomas asked how many and which properties would benefit from this project. Mr. Sorrell replied this project should reduce some of the hydraulic restriction. In the area that was upstream of this project, 20 different properties had reported backups during periods of heavy rain and there were three locations where the system had discharged to the environment. He stated he did not believe this project would alleviate all of those problems, but it would help. He noted the future piece would also help. Mr. Thomas understood it served 20 or more properties that were utilizing this portion of the trunk

sewer. Mr. Sorrell explained it served a lot more than 20 properties. Of all of the properties served, 20 had reported to them that there had been backups during wet weather.

Ms. Peters asked for the direction of the sewer. Mr. Sorrell replied it was flowing to the south. It went down to the Rogers Street and Fifth Street intersection, then across the Douglass Park property south toward Park Avenue, and then toward Flat Branch. Ms. Peters asked if that part of the sewer had been rehabilitated and was in good shape. Mr. Sorrell replied a portion of it downstream had been replaced in the recent five years. The CIP Plan also included a Phase 4 Flat Branch improvement project, which would go from Elm Street to Park Avenue. He pointed out that project was not currently programmed. Ms. Peters asked if this project would help the sewer or if there would just be a problem further south. Mr. Sorrell replied he believed it would help the properties up north and noted it should not create a problem for the properties to the south. Ms. Peters asked about the size of the sewer line. Mr. Sorrell replied it would be a 10-inch line as compared to the 8-inch line that was there now.

Mayor Treece asked for the location of the school construction project. Mr. Sorrell replied he thought it was to the west of the existing buildings, but he was not sure. He understood they were constructing a new gymnasium. Mayor Treece asked if they were tapping into the sewer line. Mr. Sorrell replied they could, but he doubted they would. He thought they would likely hook up to the one they were already connected to that was within Hickman Avenue. Mayor Treece understood Mr. Sorrell did not have any concern with placing the line underneath the practice field. Mr. Sorrell stated he did not.

Mayor Treece opened the public hearing.

Michael MacMann, 607 Washington Avenue, stated he had been asked to speak for some of the residents of Fifth Street and Sixth Street. He thanked Mr. Sorrell and his staff for visiting with the residents on Saturday to address some of their questions. He commented that an issue that had been revealed was communication to some specific neighbors, which the staff was trying to address. He explained there could be issues further south of this area, but they were not completely sure due to the lack of reporting. They thought there likely was, and he understood staff was making the effort to reach out to them. He felt this spoke to the wider issue of reporting fatigue in terms of people reporting things over and over without any resolution. In addition, some people did not make a report or the report was lost or not recorded well. He pointed out those in the areas surrounding the downtown were hypersensitive to these issues because they had sewage in their basements and noted they would be coming before the Council repeatedly to encourage more spending on sewer rehabilitation. He thanked staff again as he understood they had already followed up with some property owners this morning to determine where there might be issues.

Barbara Jefferson, 305 N. Fifth Street, thanked the staff for visiting with them on Saturday morning and noted she had appreciated it. She stated she had noticed that only certain sections of sewers were being fixed, and had heard two reasons. One was that they were trying to get ahead of things. She commented that the sewer problems had existed for a long time and wondered why they were trying to get ahead at one little spot. The other was that Jefferson Middle School was experiencing sewer problems. She noted the neighbors had been experiencing sewer problems also, and wondered why the students had to endure such an unhealthy environment in terms of bacteria. She stated there had been other projects in the area whereby sewer lines were constructed due to new homes. She reiterated projects were being done in pieces when all of Ward 1 had a bad history of sewer problems. She explained she did not enjoy cleaning the sewage in her home and did not feel anyone else did either. She asked the Council to consider fixing the problems in all of Ward 1 instead of only doing parts of it because of a new project that might be happening.

There being no further comment, Mayor Treece closed the public hearing.

Ms. Peters stated she was happy to have anything fixed and felt they needed to continue

working on it. She hoped this would address some of the sewer problems to the north, and looked forward to hearing from staff in about six months or so with regard to addressing the issues on the blue line.

Mr. Skala noted it was a perennial or intractable issue of too many problems with too little resources. They had to make choices, and he was glad to know they were chipping away at it to the extent possible. He wished they could address the entire First Ward, but it was not possible at this time. He thought they were trying the best they could to incrementally resolve the problems.

Mayor Treece made a motion directing staff to proceed with Phase 1 of the Fifth to Wilkes sanitary sewer improvement project. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

VI. OLD BUSINESS

B36-20

Granting design adjustments relating to the proposed Final Plat of Providence Walkway Plat 1 located on the northwest corner of the intersection of Providence Road and Park Avenue to allow reduced right-of-way dedication, reduced sidewalk construction, allowing a lot line to bisect an existing structure, and eliminate the installation of street trees (Case No. 12-2020).

The bill was given second reading by the Clerk.

Mr. Teddy explained he would handle B36-20 and B37-20 together as they were related. Mayor Treece understood if B36-20 did not receive approval by two-thirds majority of the Council, they would not need to address B37-20. In addition, if there were any design adjustments that were denied, the final plat would have to be tabled. Mr. Teddy stated the plat depended on the first design adjustment associated with B36-20 so if the Council did not grant that design adjustment, the plat would be moot. The other three design adjustments were performance-oriented items so they were not displayed on the plat. Conceivably, the Council could act on the plat even if those design adjustments were not granted.

Mr. Teddy provided a staff report.

Mayor Treece asked if staff had an opinion on the appropriateness of design adjustments versus the pursuit of a variance. He wondered if this was the appropriate path to get to where they wanted. Mr. Teddy replied yes. He commented that he thought the design adjustment for the street trees was a little peculiar and maybe premature, and that staff did not support it. He explained the trees already existed. Typically for a design adjustment, one would show justification, such as the construction of new buildings. In this situation the existing conditions would remain so he wondered why they would not keep the street trees as they currently existed. He noted they could ask for that relief in the future if it was necessary. He pointed out staff did not agree with the design adjustment for the sidewalk either. It was a fairly busy area along a public street and staff thought there should be public sidewalks on the frontages. He understood there was a walkway system through the campus so there was some walkway access, but it was a matter of convenience.

Mr. Thomas asked about the position of staff regarding the right-of-way reduction design adjustment. Mr. Teddy replied he thought this was about as good as they could expect. They would have liked to have the right-of-way at a full 53-foot half-width, but they would be getting close to the existing buildings with that line. He noted it was a constrained right-of-way and much improved over what the Planning and Zoning Commission (PZC) had seen.

Mr. Ruffin asked if there were other areas along Providence Road where the 53-foot half-width dimension would not even be possible. Mr. Teddy replied there were some areas where it could cause displacement. Further north, near Hickman High School, he

thought the total right-of-way width was about 80 feet. It was probably a little over 70 feet when they were in the downtown area. He pointed out it varied due to incremental platting activity.

Mr. Pitzer understood a number of design adjustments had been granted in terms of the right-of-way along Providence Road, and asked if that was correct. Mr. Teddy replied there had been one associated with the Greek House at the curve. Mr. Pitzer recalled some along College Avenue as well. Mr. Teddy stated there had been one that had been requested but not granted. As a result, that right-of-way had been provided. He explained the reason for the request here was that it was a fairly long frontage of over 500 feet. In addition, it was a property that had been identified for future rebuilding so in a sense that provided a blank canvas. He understood some site improvements would stay in place so it was not completely a blank canvas. Mr. Pitzer understood Providence Road was a MoDOT road along that stretch. Mr. Teddy stated that was correct. Mr. Pitzer understood College Avenue was also a MoDOT road along the stretch near the downtown. Mr. Teddy stated that was correct. Mr. Pitzer asked how MoDOT felt about the right-of-way. Mr. Teddy replied they had been indifferent. The City staff had taken the position that they ought to obtain the right-of-way despite the opinion of MoDOT. He noted the stance of MoDOT was likely that they would be pleased to have more right-of-way, but they were not insisting more be acquired. Mr. Pitzer asked if staff had looked into whether having that one standard was appropriate in this type of built atmosphere due to the number of requests recently. Mr. Teddy replied there was language within the street standards that indicated they could vary from it. Typically that was done when a road project was designed as an analysis was done to determine the amount of right-of-way needed. There was not a road project pending here. He commented that an area that was unlikely to redevelop was a factor that could be weighed for a design adjustment. Mr. Pitzer understood that would weigh into the recommendation of staff for the design adjustment, but it would not factor into the requirement of the applicant to apply for the design adjustment. He felt there were areas where it might not make sense to have this one size. Mr. Teddy commented that there was not any doubt that adjustments would have to be made when looking at the entire length of Providence Road. Mr. Pitzer thought this might be something worth looking into from a policy standpoint so they did not have to continue to deal with these issues.

Mr. Pitzer understood there was a proposed change to the street tree ordinance as that legislation would be introduced tonight, and asked if it would affect this design adjustment request if it were to pass. Mr. Teddy replied the applicant would conform to the new standard for street trees, and noted the proposed ordinance still required street trees on major roads like Providence Road. He explained they conformed to it now and would conform to it then with the existing trees. Mr. Pitzer understood they would still need to request the same design adjustment. Mr. Teddy replied yes. He noted the staff had pointed out to the PZC that they believed some trees were 20-inch in diameter or greater and that the UDC required the preservation of those larger specimens unless there was a conflict. As a result, staff was not in a position to say the entire site could be clear-cut in a redevelopment scenario. He pointed out he did not feel that was the intent of the applicant either.

Jay Gebhardt indicated he was an engineer with A Civil Group representing the Columbia Housing Authority (CHA) and explained they had revised the right-of-way to dedicate the maximum amount they could without causing the Blind Boone Center or the existing apartments to become nonconforming. He noted staff had said they could have a 15-foot setback for the northern lot, and since the Blind Boone Center faced Providence Road, it needed a 25-foot setback. He pointed out they had dedicated right-of-way to where they were up against it. He commented that staff had mentioned that this was a redevelopment, and that had been the intent, but the project had not been funded so there was still the possibility that the units would be rehabilitated instead of torn down and replaced. As a result, the protection of the status of these buildings and keeping them

from becoming nonconforming, especially the Blind Boone Center, was very important to them. In terms of the sidewalk on Switzler Street, there was a very steep section next to the laundry that would require a retaining wall to be built causing it to be quite expensive to construct. He explained it was purely an issue with regard to money. He also noted they were building sidewalks through the site, and thought four separate sidewalks would run east to west through the site. As a result, there were plenty of alternatives for pedestrians to use. On the east half of the south side of Switzler Street, there was a sidewalk. In addition, on the north side, there was a sidewalk along the entire length. He did not believe there were any questions or concerns with regard to the parking lot in terms of the lot line. With regard to the street trees, he stated he had been surprised to hear staff say they completely complied because they did not have a tree every 40 feet as was required and pointed out that design adjustment was probably the least important to them tonight. He commented that the CHA had spent a lot of time, effort, and money in making the Providence Road right-of-way look nice, and they did not want to have to change or enhance it at the expense of the limited funds that were available for low-income housing.

Ms. Peters asked which trees they were discussing. She asked if they were the 20-inch trees along Switzler Street. Mr. Gebhardt replied no, and explained the 20-inch trees were mainly along Trinity Place and they were not within the right-of-way. They were on the property of the CHA. Ms. Peters asked about the reason to remove those. Mr. Gebhardt replied they did not intend to remove them. Ms. Peters understood the design adjustment would allow the removal of existing street trees without replacement and asked where that would occur. Mr. Gebhardt replied they did not plan to remove those trees. Ms. Peters understood they were no longer asking for that design adjustment. Mr. Gebhardt stated they were asking to not have to plant additional trees between the sidewalk and the curb because they had those large trees. He reiterated he had been surprised to hear they were in compliance with the ordinance tonight as that had not been his understanding.

Mayor Treece asked Mr. Teddy for clarification. Mr. Teddy replied staff had indicated they believed the site conformed to street trees standard during their report at the PZC meeting. He pointed out he had just added commentary with regard to the 20-inch trees. It was an additional provision, and not one from which they were requesting relief.

Ms. Peters pointed out the slide stated "allow removal of existing street trees without replacement" and asked what they were talking about. Mr. Teddy replied that was for relief from the obligation to have street trees along the right-of-way, i.e., frontage, of the property. Mr. Teddy explained staff had indicated they felt there was enough with the existing vegetation. As a result, they had interpreted the request as permission to remove some in the future.

Mr. Thomas thought the request was to count the existing trees on private property as the ordinance requirement to plant trees in the public right-of-way. Mr. Teddy stated the applicant was requesting relief from planting trees every 40 feet along the right-of-way. Mr. Thomas pointed out that was not what was stated on the slide. Mr. Teddy commented that it was probably mischaracterized. He explained he was basing his remarks on the fact staff had said there were existing street trees on the site.

Mr. Gebhardt noted the confusion was his fault. He stated three trees were planted along the right-of-way. All of the large trees were on CHA property, and not necessarily classified as a street tree. He thought the ordinance allowed them to place the trees on private property if the trees could not be placed between the sidewalk and curb. Mr. Thomas asked if that meant this design adjustment was not needed. Mr. Teddy replied he thought that was the point staff was making. He commented that the bullet point on the slide might be misleading and suggested they consider it relief from the obligation to have a street tree every 40 feet along this site.

Phil Steinhaus, 201 Switzler Street, stated he was the CEO of the CHA, and explained that in 2014, the CHA had launched its affordable housing initiative. The CHA was the

only housing authority in Missouri that had been approved for the RAD program, which allowed them convert fluctuating operating subsidies to long-term rental contracts. It had enabled them to renovate 597 units of public housing thus far, and they had 120 left to go. He noted the 597 represented a \$75 million investment toward affordable housing in the community. He commented that this project had been submitted to the Missouri Housing Development Commission (MHDC) two years ago as a rehabilitation project, and the MHDC felt the cost was too close to the cost of a new development so they had asked them to come back with a proposal for new apartments. When the CHA had submitted it as a new development, they had been told the cost was still too high. As a result, they were trying to cut costs everywhere possible. He did not feel they needed to construct a retaining wall and about 50-feet of sidewalk at a cost of \$25,000-\$30,000. He noted the sidewalk would also require the removal of a large, mature tree. He pointed out the project was already designed as a very walkable community. He explained they wanted to ensure their buildings would not end up nonconforming due to the required setbacks, and noted they were back to the drawing board in terms of determining whether this project would be a renovation or new construction. They also had to tighten the budget and lower costs any way possible to get it down to where it would be funded by the MHDC. He understood that if the Blind Boone Center became nonconforming, it would limit what they could do to the building to 50 percent of its value. He noted they had a duplex just west of there to expand the Blind Boone Center in the future, and the building being nonconforming could limit their ability to expand the Center and better serve their families and children. With regard to street trees, he commented that the trees there were very nice, beautiful, big, and old. In addition, the space between the curb and the sidewalk was small. Trees every 40 feet would require them to be very small, and if they grew to be large, they would destroy the sidewalk. He reiterated that this was a very walkable community with lots of sidewalks, and they were requesting the design adjustment in an effort to cut costs and either renovate the 34 units or replace them with 35 units.

Mayor Treece asked Mr. Steinhaus about the time frame for this project. Mr. Steinhaus replied the application would be due in September, 2020. They would find out if they were funded in December, and it would then take 8-10 months to get to a firm commitment which involved financing and the full design. Once MHDC signed off on the firm commitment, construction could begin. If it was new construction, it would likely take two years from that point. A renovation would likely take 18 months.

Mr. Skala understood they were still struggling with the idea of whether it would be a renovation project or new construction, and asked if that decision was contingent upon the first design adjustment being granted. Mr. Steinhaus replied if the design adjustment was not granted, they would lose property so the greenspace in between the homes would be smaller. Mr. Skala understood it did not bear on the decision as to whether it was new construction or a renovation. Mr. Steinhaus stated it would not if it was new construction. If it was a renovation project, they would all be nonconforming units and it would affect the Blind Boone Center, which they had not planned to replace. He pointed out MoDOT did not want the additional easement as they had just built new sidewalks in the area.

Ms. Peters asked how many apartments they would be renovating. Mr. Steinhaus replied 34. If the units were torn down, they would build 35 new ones. He commented that the only reason the MHDC had concerns with regard to renovation was because they had run into termite damage at the Bryant Walkway location, which had resulted in a \$300,000 cost overrun.

Mr. Skala asked if the preference was to build new units. Mr. Steinhaus replied yes, if they could get it figured out. He commented that the plan was to build new units at Kinney Point, which was just north of Oak Towers, and to move people from Providence Walkway to that location when they renovated or replaced the Providence Walkway apartments. Ms. Peters understood that was dependent on financing. Mr. Steinhaus

stated that was correct, and noted they were hopeful the State would reinstate the State tax credits.

Pat Kelley, 1007 Grand Avenue, explained she walked down Providence Road all of the time from downtown to her home, and noted she had been grateful for the trees by the CHA buildings because there was almost no other shade along that roadway. Over the last 20 years, she had noticed that they had seemed to be losing more trees, and that those trees were not being replanted. Oak Tower had previously had some majestic trees, and they had been removed and not replanted. She stated a number of years ago, new curbs and gutters and sewers were constructed in the area of Garth Avenue, Third Avenue, and Fourth Avenue, and that project had involved treescaping whereby a tree that was removed was not necessarily replanted in the same location, but was still replaced and replanted in a location where it might be more appropriate. She noted they had really enjoyed the look that had provided in terms of the flowery and fall-colored trees they might not have otherwise had. She commented that people were planting more trees all over the world in an effort to absorb carbon, and felt it was a terrible precedent to set to not replace existing street trees. She thought they were needed in the neighborhood to keep Columbia walkable. If they were not exactly between the curb and the sidewalk, she believed they could be located elsewhere, and suggested that clause be removed from the plan.

Kevin Murphy, 3401 Broadway Business Court, stated he was with A Civil Group, and explained the CHA had planted and grown some trees for 50-plus years and did not intend to remove those trees if they did not have to be removed. He noted there would be some utility replacements with whatever project was done at this location, and they did not want to spend money on a beautiful corridor that would not do well. He understood the proposed changes to the street tree ordinance included removing that requirement from residential areas where there was typically only 3-4 feet between the back of the curb and the sidewalk. He pointed out this was the same condition they had along Providence Road, Trinity Place, and Switzler Street. He thought staff recognized it was not appropriate to plant trees in an area they would not do well, and thus they were proposing to remove that requirement in residential areas. He commented that regardless of whether this project involved a rehabilitation or new construction, they would replace the public sewer in the area and remove the bad and old connections that remained. He pointed out a 103-foot total width or a 56-foot half-foot width right-of-way entailed two driving lanes, a center lane, a bike lane, and an 8-foot pedway on one side of the road. With the dedication being proposed, it would still allow for a 6-foot bike lane and an 8-foot pedway. The only thing that would be reduced was the edge of sidewalk to the back of curb area. He asked the Council to consider tabling this issue if they were not agreeable to the reduction in the right-of-way so they could possibly figure out something else.

Mayor Treece commented that the thought this needed a little more work.

Mr. Trapp stated he thought they should support this. It was largely compliant, and the things they were talking about were around the edges. He did not feel there was a compelling case that they needed the right-of-way, and believed it was important to give the CHA some flexibility. Unlike other property owners, they had additional ways to ensure these properties were developed for the public good. He pointed out the Mayor appointed the Board that oversaw the operations of the CHA. He stated the City had a long-term investment in the CHA and noted they put a lot of their own federal pass-through funds toward CHA projects. He explained all 597 units that had been rehabilitated had steady funding. The long-term funding for public housing authorities had been in steep decline under both Democratic and Republican administrations, and the RAD program provided 20 years of stable funding to support affordable housing. He felt there were large context issues in their critical battle of preserving affordable housing and did not think they wanted to jeopardize that over five feet of right-of-way. He noted he had walked through the area and felt it was highly walkable, even down Switzer Street. There

was not any issue with the lot line and they had received some clarification regarding the street tree relief. They were not talking about the elimination of the large trees that were there. He pointed out the CHA had investments and wanted to keep those things for energy cost savings, quality of life, and the site. He commented that the City did not have policies to say they could not build affordable housing, but they had lots of policies that raised costs to make projects less competitive. When looking at larger issues, he thought they had to do things that were not direct impediments to the development and retention of affordable housing in the City. When they did not have affordable housing, it was not because they had laws saying they could not have affordable housing. It was because they had a complex code with a lot of things that piled on costs and pushed people to do easier developments like single-family housing to the expense of not having affordable apartment buildings. He stated he believed it was important to move this project forward.

Mr. Thomas commented that he agreed with Mr. Trapp. He noted the CHA worked incredibly hard to provide good quality low-income housing for hundreds of families. He stated it was a City priority to increase affordable housing opportunity and thought they should work in close partnership with the CHA wherever they possibly could to help them achieve their goals, which was the same as the City's goals. He felt the 106-foot right-of-way on Providence Road was an anachronism. There were numerous places that could not be accommodated. He hoped they would never build it that way as there was not any real reason to do so. He thought they should consider reducing the number of lanes on Providence Road in the long-term. To continually require a lot of hoops to be jumped through to satisfy something that really did not make logical sense was the wrong way to go. He noted he had been involved in the process to develop the street design standards, and at the time, they had been focused on ensuring there were bike and pedestrian facilities. They were not thinking about how the width had grown. He believed there were ways to provide all of those facilities, slow down the speed of traffic, and create a much more livable corridor without requiring this right-of-way. He stated he liked the idea of Mr. Pitzer with regard to reviewing the street design standards and building in situations whereby they could adjust the requirements or allow staff to interpret it with some flexibility. He noted he supported all of the requests. He explained he did not usually agree with sidewalk waiver requests because walkability was so important, but this was a very walkable area. He stated Switzler Street was a 34-foot street. He did not feel it had much traffic or speeding traffic since it was short, and thought they could create a tactical urbanism walkway/bikeway along there with nice attractive stone planters eight feet out from the curb. It would not cost much either as there would not be a need to do a lot of earth-moving or construct retaining walls. He felt that would be a nice demonstration project to help create livable communities and safe walking and biking in the neighborhoods. He understood they were all in agreement with regard to the lot line and street trees being reasonable requests.

Mr. Skala explained he had come into the meeting thinking he would not vote in favor of all of the design adjustments and still might not. He noted he had based some of that argument on the fact he did not like the process of making significant changes after presenting to the PZC. He respected the fact improvements had been made, and agreed that Mr. Pitzer had a good idea of establishing a policy with respect to the Providence Road corridor. He stated he also respected the CHA and the needs it had. On the other hand, he was open to the idea that the City could preserve some of its right-of-way for future improvements to include things they could not even anticipate. He understood the position of Mr. Thomas with regard to reducing the size of Providence Road, but noted he did not believe that would happen in his lifetime. Generally speaking, they tried to maintain sidewalks, and he stated he was surprised Mr. Thomas had chosen to make an exception in this situation. He explained he could likely be convinced as well. He commented that he did not have any issue with the lot line and understood the street tree issue had been resolved. He stated he was inclined to table this item in order to get a

slightly better product in terms of the right-of-way and resolve some of the other issues.

Mr. Ruffin commented that the CHA was in the First Ward and noted he was inclined to support the design adjustments as they had been presented. He did not see any issue with the right-of-way and did not feel this item should be tabled. He thought they all had significant respect for the integrity of the CHA and the work they did in preserving affordable housing. He pointed out the CHA had also become the primary area for immigrant populations to find housing. He thought they, as a Council, should do what they could to ensure this project continued to move forward in a timely manner so they could continue to address affordable housing and the full idea that Columbia was a welcoming city and one that could provide reasonable housing for those that were seeking a new life. He stated he planned to vote in favor of this so the CHA could move forward and continue its good work.

Mayor Treece commented that he agreed with everything Mr. Ruffin had said, but felt the CHA, as a public agency, needed to lead by example. He noted he did not like them exempting themselves from the same expectation they would have of private developers just to cut costs. While he appointed the CHA Board, he had not had any conversation about this or how they had even gotten to this point.

Ms. Peters wondered if reducing the right-of-way dedication to 47 or 46 feet would maintain the width of Providence Road as it was currently. She understood the width of Providence Road would not be reduced. Mr. Teddy stated that was correct, and pointed out this was additional right-of-way.

Mr. Thomas understood the width of Providence Road currently from sidewalk to sidewalk was probably 70 feet. Mr. Teddy pointed out they were talking about the half-width. Mr. Thomas understood the half-width was likely 35 feet now, and the standard required 53 feet, which was another 18 feet. He felt that seemed to be more than would ever be needed.

Ms. Peters agreed with Mr. Pitzer in that they should address what they really needed on Providence Road.

B36-20 was given third reading with the vote recorded as follows: VOTING YES: THOMAS, PITZER, PETERS, RUFFIN, TRAPP. VOTING NO: SKALA, TREECE. Bill declared enacted, reading as follows:

B37-20 Approving the Final Plat of "Providence Walkway Plat 1" located on the northwest corner of the intersection of Providence Road and Park Avenue; authorizing a performance contract (Case No. 12-2020).

The bill was given second reading by the Clerk.

B37-20 was given third reading with the vote recorded as follows: VOTING YES: THOMAS, PITZER, PETERS, RUFFIN, TRAPP. VOTING NO: SKALA, TREECE. Bill declared enacted, reading as follows:

B38-20 Rezoning property located on the northwest corner of the intersection of Providence Road and Third Avenue (1001 N. Providence Road) from District PD (Planned Development) to District M-N (Mixed-use Neighborhood) (Case No. 28-2020).

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Skala understood there had been discussion about the possibility of expanded uses to include alcohol and tobacco sales since it was more than 100 feet from Hickman High School. Mr. Teddy replied it was evidently a building to building measurement, and understood it was outside of that radius so there would be the potential for packaged sales. He did not believe that was the representation of the owner, but there would not be a zoning control against it. He thought the use specific standard in the M-N district

indicated it had to follow Chapter 4 requirements so any liquor by the drink had to be associated with food service. Mr. Skala understood the existing standards precluded those uses, but the new one, if granted, would not.

Mr. Pitzer understood Mr. Teddy had referred to the M-N designation as a transitional zoning designation and thought that was what this was as it transitioned from a major thoroughfare into a neighborhood. He asked why staff felt it was not appropriate. Mr. Teddy replied the lots, historically, were residential, and there was residential right next to it. In addition, it was basically on a residential block once they looked beyond the site. He noted Forest Avenue was the transition as the south side of Forest Avenue had some residential. He felt it was a matter of degree and believed Mr. Pitzer had a valid point as well.

George Smith indicated he had provided legal services to the Kardon family for the last 18 years and that he currently lived in Kansas City. He passed around photos of the area to the north of the subject site and noted the houses were in the M-N area. He commented that the property, as long as he had been associated with it, had been occupied exclusively by a beauty shop tenant. Since that tenant was leaving a new tenant needed to be located. He stated he felt the current zoning was too restrictive for the pool of potential tenants needed for it to remain leased and occupied, and did not believe the change to M-N would have negative consequences to the neighbors and neighborhood. He pointed out that staff had acknowledged the proposed zoning designation of M-N could reasonably fit within the context of the comprehensive land designation with the site, but had expressed concern about commercial creep. The subject property had been commercial for the last eleven years, and since that time, there had been the addition of a coffee shop to the north. There had not been any commercial creep. The property had not ushered in a wave of commercial development even though it could have via any of those M-N zoned properties. He did not feel anyone could effectively argue the rezoning of the property eleven years ago had affected property values, degraded the neighborhood, or had opened the floodgates to commercial development. He noted Mr. Kardon had constructed an attractive building on Providence Road and had maintained that building with 35 percent greenspace despite only being required to have 15 percent greenspace. It had been kept attractive, nice, and consistent with the use and the neighborhood. He felt Mr. Kardon had enhanced the quality of the neighborhood and the values of nearby properties. He commented that changing the zoning to allow Mr. Kardon to have additional uses would prevent commercial blight. The restrictions on the current uses were so restrictive that Mr. Kardon could not find suitable tenants. He pointed out Mr. Kardon did not have any interest in changing the hours of operations, leasing to a restaurant, or having a tenant that dealt with alcohol or tobacco. In fact, Mr. Kardon had indicated he would not lease to anyone that did that. He was not sure of what might be within the powers of the Council or the PZC to put restrictions on an M-N use, but noted Mr. Kardon was not opposed to that. He explained Mr. Kardon needed expanded uses and the M-N designation was the best approach. He pointed out there were at least fifteen M-N zoned properties just to the north of the coffee shop and adjacent to his property so this was an area that was already zoned for development, and his property would not change that. He thought it served the City and the surrounding properties for this property to continue its commercial purpose, and the best way to do that while also preventing commercial blight was to provide the expanded uses by granting the request for M-N designation.

Mel Zelenak, 213 N. Stadium Boulevard, Suite 203, commented that he had worked with Mr. Kardon since the inception of this development in 2009. One of the primary challenges to date had been the limitation of the uses allowed. He stated they had been limited to the beauty supply store and an auto supply store. They had been marketing the property for an extended period of time and a multitude of users had expressed interest, but none of those would be viable based on the existing uses that would be permissible within the building. He understood one of the goals of the UDC had been to

get rid of some of the planned districts and to have the ability to work within the zoning designations identified within the UDC. Ultimately, with this property being immediately adjacent to Providence Road, it was the definition of transition from a major thoroughfare to the neighborhood. He agreed there were some challenges in terms of what could potentially go there, but there were still limitations with regard to the uses based on the existing building and site plan. In terms of the spirit of the UDC, he felt it made perfect sense for this property to be zoned M-N.

Thomas Kardon, 1206 Coats Street, stated he was the owner of this building, and that when he had purchased the property, a house without any windows or doors had been located on it. He explained he had bought it at a public auction as it had been advertised as commercial land, and noted it had been his fault for not checking on the accuracy of that statement. He commented that the change in zoning would not change the property in terms of greenspace and the building as the building was not for sale. If the property would have had the appropriate zoning 20 years ago, it would have looked different as he had wanted to construct a building with ten columns in the front. He had been forced to construct it differently due to zoning rules. He noted the building and lot had cost about \$800,000, and he had 4.5 years left before he could pay off the building. He felt that if the property had been zoned M-N years ago, he would not have had the problems he had. He pointed out he had been to the City eighteen times with regard to zoning issues. The current tenant had been in the building for ten years and had paid the same rent the entire time, which helped him pay off the property, but they were leaving next month. He stated he could not afford for the building to sit empty. He knew he would be able to rent the building if he had the appropriate zoning because the building, the location, and the price were good. He understood seventeen houses were zoned M-N nearby, but his property, which was across the street from Hickman High School, was not M-N. He believed his property should be zoned M-N. The current zoning had put too much stress on him and his family. He commented that he worked hard even today to support the building, and when he retired, he did not plan on selling the building. He would give the building to one of his sons.

Catina Eth, 1009 N. Providence Road, stated she was present on behalf of Aroma Coffee and noted they did not see any harm in this rezoning. They hoped the Council would approve the rezoning so the building would continue to be utilized with some good clients and tenants.

Pat Kelley, 1007 Grand Avenue, explained she was representing the Ridgeway Neighborhood Association (RNA) and that she lived about a block away from this area. In 1998, there had been 25-30 people present to oppose the car parts store on Providence Road. After the Council had voted against that zoning, Mr. Kardon had reapplied, and they had all come back to oppose it again, but there had then been a third meeting, which they were unable to attend, and the rezoning had been approved by one vote. Afterwards, the RNA had worked with Mr. Kardon with regard to the zoning designation he had currently. She stated they had been at a disadvantage lately because the RNA President had passed away a week ago, and they wanted to ensure they had neighborhood input as to what happened with the property. She pointed out they had supported office zoning all along Providence Road when this had started years ago. They had also supported commercial for a medical pharmacy and for a coffee shop because they were things the residents would use. She understood some neighborhood associations only addressed zoning issues, but the RNA did much more. They held events in the park, had issues with crime and poverty, etc. The RNA had set a precedent that they were willing to work with Mr. Kardon so they had something they could use. She wondered at what point the decision of Council became final because she felt as though they were starting over again with an open zoning and everything they had done over the years would not matter because it was not convenient. At some point, she believed the Council needed to consider the fact the RNA had been there along and that there had been improvements to the neighborhood. She thought they should continue on

that path versus throwing out all of their work because it was not convenient for the developer.

Jessica Hahn, 5 E. Forrest Avenue, stated she had lived in the neighborhood for about fifteen years and noted her support for Mr. Kardon. She hoped the building would be rezoned.

Tom Kardon, 1206 Coats Street, commented that he was the owner of his dad's business as he had recently taken it over, and that he had been involved with this project since the beginning. He understood Ms. Kelley and the RNA were opposed, but noted her property was zoned M-N. There was nothing stopping her from building something in the middle of the neighborhood. He stated they were having problems making the payments on the property and needed to be able to expand the uses allowed. Their real estate agent had been working for about 1.5 years to find a tenant, but had been limited. They could not afford for the property to sit empty. He commented that they would not change or move the building. He pointed out progress could not be stopped, and referred to the downtown and the number of apartment buildings located there. He asked that the little guy working 12 hours a day, six days a week be allowed the same consideration as those developers. He noted the building would create jobs for whoever went in it, which was something he thought they all wanted.

Eugene Elkin, 3406 Range Line Street, understood Mr. Kardon was the owner of Tom's Imports, which was located just off of the Business Loop. He noted Mr. Kardon was a taxpaying citizen and asked the Council to consider the rezoning request as it would bring more revenue to Columbia.

Mr. Skala understood the M-N designation would allow a lot more uses and noted he was sensitive to the potential of a use involving alcohol and tobacco because the zoning ran forever with the land. He asked what would need to be done if Mr. Kardon wanted to expand the number of uses within the designation he already had. He wondered if he would have to submit a new plan with those requests. Mr. Teddy replied he would have to provide a revised statement of intent. It would go through the same steps as a rezoning to add the uses. The only time a plan would come into play was if they wanted to alter the site. Mr. Skala asked if there was any way to impose any restrictions if the Council decided to grant M-N zoning. Mr. Teddy replied the UDC was designed with use specific standards once a base zoning was applied. Those would be somewhat contextual. A large restaurant would likely run out of parking fairly fast at this site. The building could handle a range of retail and office uses. He noted the size of the site and the size of the existing building was limiting. They would likely have to acquire more property with the M-N zoning designation to do anything of a really large scale. He stated the Council could not do a conditional zoning with a base district. Mr. Skala understood the M-N designation would increase the uses, but there was another method to increase the number of uses on the property. Mr. Teddy stated that was correct.

Mr. Pitzer stated he planned to vote in favor of this request. He understood M-N was a transitional zoning district, and he viewed this as exactly that. It was a transition from Providence Road into the neighborhood. There were also businesses to the north and an office district to the south. He thought the mixed-use neighborhood designation was perfect for this type of area. In addition, the site had some self-limiting factors as had been mentioned by Mr. Teddy, such as its size, which would prevent some higher intensity uses. He stated he was supportive of moving away from individually negotiated planned districts wherever possible. He believed anyone looking at this with a fresh lens would say the mixed-use neighborhood designation had been created exactly for this type of property, and felt it would be placed on this site if they were starting all over. He commented that it was not the business of Council to help someone make payments for their property. In looking at this strictly in terms of land use, he felt this rezoning would provide for what the UDC had been designed to do.

Mr. Thomas asked if the car parts store that had been mentioned by Ms. Kelley would be allowed on M-N zoned property, and if he could describe the types of businesses that

would be allowed with M-N zoning. Mr. Teddy replied various professionals could occupy the building. It could be any type of retail, including auto parts. He pointed out automotive repair would not be permitted unless a conditional use permit was granted. A car wash could be allowed with a conditional use permit, but would likely require a different type of building. Fuel sales were also only allowed by conditional use permit. He noted pet stores were allowed, but the use specific standards might impact some operations. He stated a daycare would be allowed along with a number of community service uses.

Mr. Thomas asked how the minimum parking requirements played into those different uses. Mr. Teddy replied they had ratios for the different types of uses. Retail had a ratio of 3.3 for every 1,000 square feet.

Mr. Thomas asked what would happen if the M-N zoning was granted and a certain use did not satisfy the minimum parking requirements. Mr. Teddy replied they might be directed to the Board of Adjustment (BOA) because there really was not room to expand the site to incorporate more parking. He noted the site could accommodate retail. If they had retail along with a restaurant, more parking would be required which would probably put them over the limit. He stated Mr. Kardon had indicated in his testimony that he did not intend for a restaurant to utilize the site.

Mr. Thomas understood a lot of the property to the north and west of this lot was already zoned M-N, but was actually used as residential property. Mr. Teddy stated that had been indicated by Mr. Smith and the diagram he had displayed. He thought they had existing residences further north that were zoned commercial.

Mr. Trapp commented that coming into tonight he had planned to not support this request as they had gone through a process in 2009, but the zoning map changed his view. He noted Mr. Pitzer had made a strong argument, but he had been convinced after seeing all of the M-N zoned property with the exception of the coffee house, which was an M-N use. In addition, the school functioned as a large commercial use across Providence Road. He thought it made sense and was appropriate. It could be a neighborhood serving business or a job center. He felt they were too cautious about separating the different uses and was not sure it had resulted in good effects. He noted they had heard earlier from Ms. Brownlee-Duffeck regarding transit and the ability of people to access needed services. He believed zoning sometimes got in the way of the overall goals they were trying to accomplish. He reiterated he felt this made sense with the wide swath of M-N along with the more intensive zoning just north of that.

B38-20 was given third reading with the vote recorded as follows: VOTING YES:

SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. VOTING NO: NO

ONE. Bill declared enacted, reading as follows:

VII. CONSENT AGENDA

The following bills were given second reading and the resolutions were read by the Clerk.

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|--------|---|
| B39-20 | Amending Chapter 22 of the City Code relating to the calculation of monthly volume charges for residential sewer service. |
| B40-20 | Authorizing an amendment to the agreement with Tyler Technologies, Inc. relating to the Columbia Financial Enterprise Resource System (COFERS) project to replace Transparency software with the Socrata Open Finance module. |
| B41-20 | Authorizing an amendment to the master services agreement with N. Harris Computer Corporation for the implementation of the Software as a Service (SaaS) LINK Enterprise solution to create a citizen portal for management of utility billing accounts; amending the FY 2020 Annual Budget by appropriating funds. |

- B42-20 Authorizing a low income home energy assistance program supplier agreement with the Missouri Department of Social Services, on behalf of its Family Support Division.
- B43-20 Authorizing a program services contract with the Missouri Department of Health and Senior Services for Hepatitis A Outbreak response services.
- B44-20 Authorizing a subaward agreement with the National Environmental Health Association to support food safety program initiatives; amending the FY 2020 Annual Budget by appropriating funds.
- B45-20 Authorizing an amendment and consent to assignment with The Curators of the University of Missouri, on behalf of the School of Medicine Department of Family and Community Medicine, and Columbia Family Medical Services, Inc. for physician services.
- R32-20 Setting a public hearing: proposed construction of sanitary sewer and storm water improvements to the Cullimore Cottages project located on the west side of Eighth Street and north of Fairview Avenue.
- R33-20 Setting a public hearing: consider an amendment to the FY 2019 CDBG and HOME Annual Action Plan.
- R34-20 Authorizing an agreement for professional engineering services with Walker Consultants for a condition assessment report of the elevators in the Tenth and Cherry, Eighth and Walnut, Eighth and Cherry and Sixth and Cherry municipal parking facilities.
- R35-20 Authorizing the dissolution of the Source Water Protection Plan Task Force.

The bills were given third reading and the resolution was read with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

VIII. NEW BUSINESS

- R36-20 Authorizing Dan Summers and Sylvia Greer to pursue access to sanitary sewer services through an annexation agreement for contiguous property located at the terminus of Cherry Bark Court and south of Old Ridge Road (3805 Cherry Bark Court) (Case No. 50-2020).

The resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas asked why the property owners preferred to connect to the County water system versus the City water system. Mr. Teddy replied it was a matter of cost. He thought a few properties on Old Ridge Court were the only ones in the area served by a City water main. He believed there might be one on Vawter School Road as well. The rest were served by a 4-inch main. He understood it would be prohibitively expensive to bring a 6-inch City water main to this site. He noted the water main would go past a number of units that were already served by a 2-inch feed coming off of the 4-inch main. Mr. Thomas understood it was a weird situation of a very large area of large lots in the County in the middle of the City. Mr. Teddy stated that was correct, and explained the way they approached fire prevention and firefighting was a little different than the City. Mr. Thomas asked who would respond if there was a fire. Mr. Teddy replied this was a

Boone County Fire Protection District (BCFPD) response area. Mr. Thomas asked if that was the case even though there was a City fire station nearby. Mr. Pitzer pointed out that was a BCFPD station at the corner of Vawter School Road and Scott Boulevard. Ms. Thompson explained that if the property was annexed into the City, it would be a dual territory property so both the City and the BCFPD would have the capacity to respond. Mr. Pitzer understood the BCFPD would be in charge. Ms. Thompson stated that would not necessarily be the case. Currently, the first unit to arrive was the unit that was in charge.

Mr. Pitzer understood this agreement would promise access to the City sewer, but they could pull a permit in the County, and asked if they would have to annex in order to connect to the City sewer. Mr. Teddy replied they were offering an annexation agreement, which meant they would be able to annex after their house was built. Mr. Pitzer asked if they would annex or if they would go through the annexation process. Mr. Teddy replied they would annex. Mr. Pitzer understood the annexation was automatic. Ms. Thompson stated no. She explained they would have to go through the process. They would come back with a petition for annexation. Mr. Teddy agreed and noted they had committed to do that. He pointed out most of this subdivision had been built out before they had the annexation policy and only a few houses had been built in recent years. The policy had been applied since it had been in effect. The sewer had been provided to the majority of the lots prior to the annexation policy resolution being adopted.

Mr. Pitzer asked about the homes that had been built recently, and asked if they had participated in this same process and if they had conformed to the City's fire flow standards. Ms. Thompson pointed out they were not contiguous. She explained the difference was that this particular lot was contiguous to the city limits. She stated the policy itself provided that if the property was contiguous, it had to be annexed. If the property was not contiguous, an annexation agreement was required. Mr. Pitzer understood they did not have to conform to the City building standards if the property was not contiguous. Ms. Thompson stated that was correct. She noted they would conform to the County standards. This would allow this lot to build under the County building permit requirements as opposed to enforcing the requirement to annex and being under the City building permit requirements for fire flow. She pointed out this lot would be within the dual service area, and the two fire services combined could provide the fire flow needed in the event of any emergency. She commented that the BCFPD had tanker trucks, which the City did not, and that was how the BCFPD was able to compensate for the smaller water lines within the area. She noted that was really the difference between the County building code and the City building code. The City's fire code did not take into account the tanker trucks possessed by the BCFPD.

Mr. Pitzer understood all of the other City services would be provided if the property annexed. Mr. Teddy stated that was correct. Mr. Pitzer asked if a solid waste truck would go into the neighborhood for just that one house. Mr. Teddy replied yes.

Mr. Pitzer asked if the annexation of that property would trigger any other annexation agreements with any other neighboring properties. Mr. Teddy replied no.

Mayor Treece stated he was confused. He asked if this was a pre-annexation agreement or an annexation agreement. Mr. Teddy replied it was a pre-annexation agreement with a property that happened to be contiguous. Mayor Treece asked Mr. Teddy if it was his representation that they would annex their property or might annex their property. Mr. Teddy replied they were obligated to annex the property. Mayor Treece stated that was not what the agreement said. It indicated the City Manager "may" annex the property and they would not oppose it. It did not indicate they would be annexed upon obtaining a certificate of occupancy. Mr. Teddy agreed they would have to file a petition. Mayor Treece was not sure they did as the agreement said the owner would appoint the City Manager for the sole purpose of presenting a verified petition requesting annexation. It did not say they were required to annex at all. Mr. Teddy stated he understood the point Mayor Treece was making in that the City Manager would initiate it.

Mr. Skala asked if there was any circumstance by which the City Manager would decide not to pursue annexation. Mr. Glascock replied he thought all annexation agreements included that verbiage so the City Manager could pursue annexation if the property owner did not. Mr. Skala asked if he might not do that if some problem arose. He wondered if not pursuing annexation was a potential. Mr. Glascock replied he agreed it was not automatic.

Caleb Colbert, 827 E. Broadway, explained he was an attorney representing Dan Summers and Sylvia Greer, who owned the lot that was intended and zoned for single-family residential development. In addition, they wanted to build a single-family home on the lot. They were not developers, speculators, etc. It would be an owner-occupied property. The issue came down to the sewer. As mentioned by Mr. Teddy, they were eligible for a building permit in the County. They needed to provide either an assurance that they could connect to City sewer or an onsite wastewater treatment system. He displayed a diagram showing the existing sanitary sewer in comparison to the subject property, and the sewer was within 40 feet of the property line. The traditional process was to annex, build, and then connect to City sewer. If they did that, they would have to comply with all of the City fire code requirements, which would require upgrading water mains for more lots than just their lot. Their calculation indicated they would have to incur approximately \$110,000 to upgrade water mains that served other lots. The subdivision had been platted in 1977, and nearly 100 homes were already constructed and served by the existing water mains. Building permits had been issued by the City for homes in 2013 and 2018, and those homeowners had not been required to upgrade the water mains for the subdivision. He stated they had one of the last undeveloped lots. He stated they were asking to take the same steps, but only in a different order. They would agree to the annexation agreement and would be happy to annex, but they first wanted to be able to build in the County, connect to the sewer, and then annex. Typically, the annexation agreement was structured so the City Manager and the Council had discretion as to whether it was appropriate to annex. He commented that he did not believe his clients had any objection to annexation. The only issue was the fire flow requirement. He reiterated they were asking to take the same steps they would ordinarily take in a different order. He stated the County had indicated they were eligible for a building permit, and they would allow an onsite wastewater system. He understood the City did not want that, and it was the reason for the sanitary sewer located nearby. He noted the City had a preference for avoiding onsite wastewater systems, and connecting to the sanitary sewer made the most sense from the overall public health and safety perspective. He commented that he felt it was equitable as well since they would be treated like the other 99-100 homeowners.

Mr. Pitzer asked Mr. Colbert if he said the City had issued the permits for the homes in 2013 and 2018. Mr. Colbert replied those homes had been allowed to be constructed without an upgrade to the water main. Mr. Pitzer asked if they were County issued permits or City issued permits. Mr. Colbert replied they most likely would have been County permits. He noted he had misspoken.

Mayor Treece understood those homes did not have City water. Mr. Colbert stated that was correct. Mayor Treece asked if they were within the city limits now. Mr. Colbert replied he did not believe so.

Ms. Peters asked if the City would be required to upgrade the water flow to meet City fire codes if it was annexed. Mr. Teddy replied it would be considered a legally built house at that point. Mayor Treece asked if that was the case even though it did not meet City standards. Mr. Teddy replied yes. Ms. Peters asked if that was the case even though the water main did not meet City standards. Mr. Teddy replied yes. He stated it was an irregular situation. It was not the type of water system the City had. Ms. Peters asked if it was a private water system. Mr. Skala replied no. Mr. Glascock stated it was Consolidated Public Water Supply District No. 1 (CPWSD #1). Ms. Thompson explained the only requirement of CPWSD #1 was to provide a safe, reliable drinking system so

they had installed a drinking water system to serve the homes. The City installed a sufficient water system for both drinking water and fire suppression. It was the reason City mains were bigger than what was provided in the County. It was a totally different build out.

Mr. Skala commented that it seemed like it would be a torturous route for solid waste to get to this one property as the rest of the properties were not in the City and would not be served by the City. Mr. Glascock explained that would be a reason they might not want to annex the property. He wondered if they wanted to send one trash truck to that area for only \$15 per month. They would also have to provide police service, etc. for that one lot inside a subdivision that was not served by the City.

Mr. Pitzer asked if the entire subdivision ever came into the City if the City would be responsible for upgrading the water system. Mr. Glascock replied no. He stated the service would have to be traded out for that to happen. He explained CPWSD #1 served other areas within the City, and District #9 served Old Hawthorne.

Mayor Treece thought the City would be responsible and provided Blackberry Lane as an example. When it had been annexed it had inadequate water supply, and the City had just spent a lot of money to upgrade it with new fire hydrants, etc. He felt it was an either in or out situation. He did not think they could be both at the same time.

Mr. Pitzer stated he had come into the meeting thinking this was a reasonable request, but noted he was now confused. He was not sure whether it was better to allow it and not annex or to not allow it. He understood they were trying to connect to the City sewer like the rest of the neighborhood and as was typically done since they had a regional wastewater treatment plant based on the idea to do away with onsite wastewater treatment. He pointed out he supported that concept, but did not think it was reasonable to send a solid waste truck to the neighborhood for one home. He noted he was familiar with the neighborhood and subdivision, and felt it was an odd situation now that the City had grown all around it. There also did not appear to be anything to compel them to come into the City since they were all connected to the City sewer. He stated he was at a loss.

Mr. Glascock asked about the concern for doing this. Mayor Treece replied he was philosophically opposed to pre-annexation agreements because the ratepayers had paid for the development of the system, and he was not sure it should be extended to those outside of the city limits. If the property would not be annexed, he did not want to extend the sewer. Mr. Glascock stated that entire subdivision was connected to the sewer now. Mr. Pitzer asked if they would pay the same sewer connection fee. Mr. Glascock replied they would pay 1.5 times the fee for those within the City.

Mr. Thomas asked why the subdivision had not been required to annex. Mr. Glascock replied it had been built before the current policy. Mr. Thomas understood it was connected to the City sewer before the policy requiring annexation. Mr. Glascock stated that was correct.

Mr. Glascock pointed out the fire flow was the same as that for the houses that were already built. One more house would not affect how they fought a fire.

Ms. Peters commented that the sewer system might be that of the City, but she understood the idea was for a regional system to get rid of lagoon and miscellaneous local sewer treatment. She noted that would be a reason to connect. She agreed it was an odd situation, and stated she was not sure they should annex it if they were only sending services to the one house. She thought it was reasonable for them to connect to the sewer line, but felt it would be another conversation, if it was a whole new subdivision.

Mr. Teddy explained there were two lots within this subdivision that were within the City. He thought they were at the north end and abutted the MKT. There was very little activity otherwise. He understood there was at least one other noncontiguous lot.

Mr. Trapp commented that he thought their interest was not having an onsite sewer system. This was basically an infill lot. They might be able to construct onsite sewer, and in that situation, they would have a septic tank or something else that would not help

their overall issues with water quality. If this did not move forward as a result of the sewer, they missed the opportunity for infill development. He stated he trusted the City Manager to use his good discretion in terms of whether to proceed with annexation. He thought the City's policies made sense and that the \$3,600 sewer connection fee would cover the cost of the connection. He understood they would pay more if they were not annexed. If annexed, the City would gain property tax. There was an equation, which the City Manager could determine. He commented that it was like collecting easements for the future as they would likely try to bring all of the islands into the City at some point in the future. They would come along with some problems, but it would be nice to have compact and contiguous boundaries for the City to provide services. This was a chance to chip away at this island. He thought it was advantageous for the City, and felt they should support it.

Mr. Skala stated there were countless islands within the City and they did not have much leverage in terms of annexation for City services. He noted it was a peculiar problem, especially in terms of servicing one property if the property were to annex.

The vote on R36-20 was recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, RUFFIN, TRAPP. VOTING NO: TREECE. Resolution declared adopted, reading as follows:

R31-20

Setting a public hearing: proposed replacement of the pervious pavement in parking areas located in the alleyway north of the City Government Center.

The resolution was read by the Clerk.

Mr. Thomas commented that it seemed as though this had been an experiment with a particular type of pervious paving, and the City was now planning to take it out and put in a lattice work of concrete blocks with mud and grass growing in between. Mr. Nichols stated it would not be mud and grass. It would stay open so the water could still penetrate through. Mr. Thomas understood there would just be earth below it. Mr. Nichols explained there would be a layer of rock. He noted green pavement had been a pilot project, and it had worked for a while, but when the other parking lot disintegrated, the system would clog up. A project had been done at the Grissum Building with these integrated blocks. It had bigger openings so vacuuming them would be easier. Mr. Thomas understood the openings were several inches. Mr. Nichols stated that was correct. Mr. Thomas understood people could drive right over the blocks. Mr. Nichols stated that was correct.

Mr. Thomas asked if this was what the staff considered best practice for pervious paving. Mr. Nichols replied they found it to work well at the Grissum Building. Mr. Thomas thought it was likely less expensive than the green pavement. Mr. Nichols stated that was correct, and noted vacuuming it out was easier in terms of maintenance.

Mr. Nichols explained the public hearing was being scheduled because it was a new surface and they wanted the approval of Council.

Mr. Thomas wondered if they could consider making this a new standard for parking lots going forward.

Mayor Treece asked Mr. Thomas if he objected to holding a public hearing. Mr. Thomas replied no. Mayor Treece asked Mr. Thomas if they could continue to discuss this issue when the public hearing was held instead of now since this resolution only set the public hearing. Mr. Thomas understood the public hearing would be held in two weeks. Mr. Nichols stated that was correct. Mr. Thomas stated he could wait until the public hearing to discuss this further if that was preferred.

The vote on R31-20 was recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN, TRAPP. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

IX. INTRODUCTION AND FIRST READING

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.

- B46-20 Establishing an administrative delay in the enforcement of Chapter 29 regulations related to short-term rentals, Chapter 22 regulations related to the requirement to obtain a short-term rental un-hosted certificate of compliance, and Chapter 13 regulations related to the requirement to obtain a business license.
- B47-20 Approving the Final Plat of "Spencer's Crest, Plat 4-B1" located on the west side of Range Line Street and south of Rain Forest Parkway; authorizing a performance contract (Case No. 32-2020).
- B48-20 Amending Chapter 14 of the City Code to provide reserved parking for police vehicles along a portion of the south side of Walnut Street.
- B49-20 Authorizing Amendment No. 1 to the contract with Boone County, Missouri relating to ongoing maintenance responsibilities of roads along the geographic boundary of the Columbia city limits.
- B50-20 Amending the FY 2020 Annual Budget by appropriating funds for replacement of the pervious pavement in parking areas located in the alleyway north of the City Government Center.
- B51-20 Authorizing a contract for sale of real estate with BAMDA Properties LLC for the acquisition of property located at 1206 Bowling Street to be used by the City Utilities Department as part of the Municipal Power Plant and Electric and Water Distribution Complex campus of buildings.
- B52-20 Authorizing construction of the Runway 2-20 extension project at the Columbia Regional Airport; calling for bids through the Purchasing Division.
- B53-20 Amending the FY 2020 Annual Budget by appropriating a disbursement from the Conley Fund to the Department of Public Health and Human Services for utility assistance.
- B54-20 Amending the FY 2020 Annual Budget by appropriating funds to the Office of Sustainability for training expenses.
- B55-20 Amending Chapter 29 of the City Code relating to the installation of street trees in public rights-of-way (Case No. 105-2019).

X. REPORTS

- REP9-20 Subdivision of two-family dwellings (duplexes).

Mr. Trapp commented that he had reviewed the report and there were obviously some complications, but when they compared it to different avenues of creating affordable homeownership, they would all come with costs and complications. He asked if covenants existed for no lot line developments to cover the costs of shared roofs. Mr. Teddy replied a house that was considered single-family attached where there was a lot line through a common wall or party wall would have a party wall agreement and a higher standard in terms of fire resistance rating. Mr. Trapp asked if the only shared resource would be the roof. He felt the hindrance was the smoke wall versus fire wall and

understood why they had that for new construction, but what they were really talking about was an ownership agreement and not a habitation or lifestyle. Two renters living together had no greater or lesser risk than two owner-occupied people. He reiterated he understood why it was required for new construction, but did not feel it was a safety issue because people were already living with the smoke wall. It was sufficient in terms of time to evacuate both units. It was really more about a property arrangement.

Mr. Teddy stated they had understood the question as being whether an existing duplex, which was a single building owned by a single individual that housed two families, could be subdivided so they had owner occupancy on both sides. Mr. Trapp explained that was what he had asked and wondered if there was a legal framework that would allow it if there were covenants between property owners to govern the wall and utilities, such as water and sewer. Mr. Teddy replied there were common interest communities where buildings were not necessarily subdivided, but there was condominium ownership whereby individuals owned the interior space and an association owned the exterior. He thought that might be possible if they classified the shared space as limited common elements with an agreement on that. He explained staff had understood Mr. Trapp was talking about fee simple ownership where the two halves would be separately owned and treated like they were two single-family houses that just happened to join. They were not allowed piping in there by code, but could have electrical only under certain conditions. They also had to reinforce the wall so it had a two-hour fire resistance rating or sprinkler the building with a one-hour resistance rating. He noted it was a higher standard, and he believed financing and insurance drove those requirements. Ms. Thompson stated she would concur with that. The only way it could be done was through a condo-type association division that would have an umbrella structure to cover the shared spaces.

Mr. Teddy commented that he did not know much about co-housing in terms of affordable housing, but thought it was a form of association living that operated a little differently than traditional condo associations. He stated they could look into that, but there would not be a subdivision of land involved with it. He reiterated the building code went with the lot line. If a lot line was being placed through a structure, the code requirements came into play. He noted there were also utility concerns because duplexes typically had one water and sewer service.

Mr. Trapp asked if there was any legal framework that would allow a fee simple system without developing a condo situation. Mr. Teddy asked if he meant for existing duplexes. Mr. Trapp replied yes. He understood the ordinance did not allow it, and explained that as they looked at all of the codes, he was trying to evaluate whether it brought about what they wanted. There was an affordability crisis. He understood it was increasingly hard to bring across housing of less than \$200,000. He commented that they had acres of duplexes where there was not a lot of ownership. If they could cede ownership, they could stabilize and lift up those neighborhoods. They could also create an affordable housing product out of the existing building stock that people could afford. It seemed to him there could be simple arrangements of covenants between property owners that allowed for the management of shared roofs, but understood he might be incorrect. Ms. Thompson stated she thought they were saying the same thing, but it would be a condo on a much smaller scale. When they had a shared roof, they had a shared common area, and each person could own their own. She was not talking about having to turn the entire subdivision into a condo. She thought they could see if there was some kind of structure the City could assist in putting together and how complicated or simple it could be.

Mr. Trapp thought it would be great if they could do more research on that or find something that could accommodate the intent of what he wanted to do as he believed the intent had merit and solved a number of different problems. In his discussions with a civil engineer, title companies, and lenders, he did not believe there was a big property angle over whether it was a smoke wall or fire wall. It did not appear to be a deal killer for title or insurance purposes. He asked for it to be looked into further, and explained he was

not attached to how they got there, but hoped that was the end result they could move toward. Ms. Thompson commented that since the duplexes had not been constructed like single-family attached structures, a much more complicated structure would have to be devised between the property owners. They would truly have to be in partnership with each other to make it happen.

Mayor Treece stated his only concern was how to protect the consumer on the other side when roof, siding, etc. might need to be replaced and one party did not have the money to do it. He thought they wanted everyone's investment to be protected the same.

Mr. Trapp agreed there were complications, but anything that would create market rate affordable housing in the community would have complications and costs. He noted the status quo was not working so he thought they should look at everything through that lens. As policymakers, he thought they should consider changes to codes, ordinances, etc. to bring a greater focus on land use and zoning in terms of affordable housing. He stated they could have a really beautiful and maintained city that no one could afford to live in and noted he did not want to be a part of that.

REP12-20

Growth Impact Study.

Mr. Teddy provided as staff report.

Mr. Thomas commented that he thought staff had done a good job with this request for proposal (RFP) and had a few specific suggestions and questions. He referenced the introductory paragraph, which indicated the study would examine the recent pattern of growth in the built environment, population, visitors, etc., and felt the built environment implied private sector property and buildings and public roads and infrastructure. He thought they really wanted to study the public infrastructure and would appreciate that being called out specifically. He suggested growth in public infrastructure systems. Mr. Teddy believed it was the combination of private building activity and public infrastructure that exerted the impact. Mr. Thomas asked that both be listed then. He commented that the cost to the City was building out the public infrastructure systems and they wanted to know how much that was costing them because he felt current taxpayers and ratepayers were paying for it when it was serving new residents that were buying new homes when moving to Columbia.

Mr. Thomas referred to the section involving background information, which indicated the State of Missouri did not have impact fee enabling legislation and the City of Columbia did not have impact fees, and asked about the implication of the State of Missouri not having impact fee enabling legislation. Mr. Teddy replied the intent was to inform the consultant, and noted he thought they would do their own research. It was only to let them know Missouri was not one of the several dozen states that had it. He explained the legislation usually discussed how impact fees were set up. He commented that Columbia had development fees, which were different as they acted more like excise taxes. Mr. Thomas stated he thought the 50 cents per square fee for roads was an impact fee, and asked why it was not considered an impact fee. Mr. Teddy replied an impact fee normally prescribed a system of where the money would be spent. Columbia just said the 50 cents per square foot would be applied to arterial and collector roadways throughout the City. It did not identify access or a relationship between where the fee was being collected and the type of improvement being made. He explained he had been a part of impact fee systems, and there were fee sectors within which there was a whole program of needed traffic improvements and the money had to be spent on improvements within those sectors. Mr. Thomas understood the development fee Columbia had actually provided more flexibility. Mr. Teddy stated that was correct. He reiterated it acted more like a tax and had been voter approved. Mr. Thomas thought another question for the consultant might be the different approaches and which ones might require voter approval. He understood connection fees for utilities did not require the approval of voters. Mr. Teddy noted they had to be justified.

Mr. Thomas stated there was a typographical error which he would send to staff to correct. Mr. Teddy thought there might be a couple of typographical errors.

Mr. Thomas understood this discussed the utility connection fees and mentioned that there was not an electric connection fee, and asked if it was accurate that the City did not have an electric connection fee and that it actually purchased and provided to the developer all of the physical infrastructure for building the electric distribution system within a subdivision. Mr. Teddy replied he thought the material was provided by the electric utility. Mr. Glascock agreed, but noted there were appurtenance and other fees that paid for some of it. Mr. Thomas stated he thought that should be a part of the study as well. He explained he wanted to know how much the City spent to purchase equipment that was then installed in the new neighborhood in addition to not charging a fee for the expansion of the system as a whole.

Mr. Thomas commented that he liked the idea of a steering committee overseeing the work of the consultant as he thought that model had worked well in other situations in ensuring different stakeholders had access to and input in the process. Mr. Teddy stated staff would be involved as well to ensure the data needs were accommodated.

Mr. Skala noted this was a long awaited update to a great deal of the work that had been done by past infrastructure task forces. He explained the question as to whether growth paid for itself had been asked before and the answer had been that it depended on the type of growth being discussed as commercial growth typically paid for itself, but residential growth tended to be subsidized to some degree. He believed an update was needed to that answer along with a revisitation of how things worked.

Mayor Treece asked if staff anticipated the product of this RFP including a cost-benefit analysis on proposed annexations in terms of what it cost to serve a new subdivision with respect to fire protection, public safety, streets, storm sirens, fire hydrants, trash, etc. Mr. Teddy replied he thought that would be included in the analysis, but it would not be an exhaustive analysis that looked at annexation as the focus. It was a manifestation of growth that they would want to put before them. Mayor Treece commented that there would also be soft costs and asked if a dollar figure would be placed on those soft costs. He wondered if there would be scalable costs in a way they could use as a tool to really evaluate proposed annexations. Mr. Teddy stated he thought it would show the limits and when they might be pushing the envelope in terms of a strung out annexation that might add a lot of territory but was at a great distance from the city center. He felt there would be some comparisons to be made in terms of what was truly a compact and contiguous annexation versus one that might add excessive costs.

Mayor Treece pointed out State Law did not prohibit impact fees. Mr. Teddy stated he did not think they were prohibited. There was just not specific enabling legislation. Mayor Treece understood they were not pre-empted. Mr. Teddy stated that was correct based on his knowledge.

Mr. Skala agreed this study would have to include both soft and hard infrastructure costs.

Mr. Pitzer commented that he was not sure he would be supportive of creating another committee. Traditionally, committees were involved when there was a consultant was working on a project to come up with a policy recommendation at the end versus strictly hiring a consultant to compile and analyze data, which was essentially what they were doing here. He did not feel they needed more bureaucracy.

Mr. Pitzer asked if all of the other consultant studies that had already been purchased and had analyzed the cost of public infrastructure would be provided as background data. Mr. Teddy replied yes. He thought the rate studies, cost of service studies, etc. were close cousins of this type of literature. Mr. Pitzer understood it would include reviews of connections fees, etc. Mr. Teddy stated that was correct. Mr. Pitzer understood staff would provide all of that to the consultant. Mr. Teddy stated staff would provide background. He noted Mr. Skala had mentioned prior committees that had specifically resulted in reports, and those would be provided to the consultant as well.

Mr. Thomas commented that even though it was essentially a study that developed a formula and would come up with some numbers, there were huge policy implications to the methodology and the result. Accordingly, he believed it would be very helpful to have

a broad stakeholder committee of residents and members of the development industry. Mr. Pitzer stated he would rather look at the information and then have a public process to determine public policy.

REP13-20 Commission on Human Rights: Request to Add Veteran Status as a Protected Category.

Mr. Trapp commented that he was not against this, but noted he wanted to see some information on why it was necessary. He suggested a report discussing why they were recommending that change. He was not sure a letter without explanation was sufficient.

Mayor Treece stated he agreed with Mr. Trapp. The problem with adding too many protected classes was that they then weakened and undermined the protections of others. He explained he wanted Columbia to be friendly to veterans, but wanted to see some examples of how veterans had been discriminated against.

Mr. Trapp noted he did trainings on the Fair Housing Law and it was very complex to teach in Columbia as there were a lot of protected classes.

Mayor Treece suggested staff communicate to the Commission on Human Rights to provide more information, and asked if there was any objection. No one voiced objection, and Mr. Skala agreed.

REP14-20 2020 Pavement Management Report.

Mr. Nichols provided as staff report.

Mr. Skala stated he believed this was incredibly timely as he had recently received an email from someone with regard to the number of repairs his car needed due to the road conditions. He noted he had been able to lift information from this report to explain they were working on the situation. He understood it was becoming increasingly difficult to maintain the quality of road they had. He thought this year had been particularly tough. Mr. Nichols stated MoDOT and the City were both struggling to keep up. He explained this was a summary of the current rating and the level at which they tried to maintain the roadways. He pointed out it had dropped a little this year. He stated they would be implementing different techniques in an effort to try to stay as steady as possible, but without additional funding, the ratings would fall, especially as they were responsible for more roads.

Mr. Trapp understood there was a PASER action item in the future strategic plan and asked for the goal. Mr. Stone replied it was being discussed now. Mr. Trapp understood it had been identified as a metric, but had not included a goal. Mr. Stone stated he thought process was to reflect what had been reported in this report. If funding was added, they would be able to get it back up to a 7, but if funding was not added, it would decrease over time. Mr. Trapp felt that put it on the Council to find sources of funding. He pointed out roads were right there with crime, violence, and policing.

Mr. Thomas commented that he liked the fact this was a data-driven report along with the process for assessing the condition of the pavement surface, and asked if the \$6 million per year mentioned would make the process sustainable. Mr. Stone replied it would depend on when that occurred. If it happened soon, it would take a bit of time to get up to that point, and money would need to be added as streets were added. If it took five years to obtain that funding, the equation would change.

Mr. Thomas understood two sales taxes contributed to roads, the transportation sales tax and the capital improvement sales tax, and asked if all of the transportation sales tax went toward this maintenance program. Mr. Nichols replied the transportation sale tax was split between streets, transit, and airport. Mr. Thomas asked about the portion that went towards streets. Mr. Nichols replied it went toward operations. Mr. Thomas understood that included clearing streets of snow. Mr. Nichols stated that was correct. Mr. Thomas asked about the capital improvement sales tax. He understood some of it went toward new street construction or additional capacity. Mr. Nichols stated that was correct, and explained they had included some major maintenance projects in it as well.

As they looked forward to the next ballot issue in 2025, they might want to include more for maintenance. Mr. Thomas commented that if the growth impact study indicated the need to increase the development fee for roads, it could relieve some of the burden of building new roads and expanding the capacity of roads so more could then go toward maintenance.

Mr. Pitzer stated he understood the annual funding needs, and asked if one-time funding would help. He wondered if staff had the capacity to ramp up for one year to use that kind of money. Mr. Stone replied it would not hurt, but it would be somewhat difficult to plan and execute in the short time frame for construction. He noted they would not turn it away and would make the best use out of the money. Mr. Glascock commented that if it was included in the budget in September, they could prepare for it during the next year so it would help that next year.

REP15-20 Citizens Police Review Board 2019 Annual Report.

Mayor Treece noted this report had been provided for informational purposes, and it appeared as though the Citizens Police Review Board (CPRB) was very active.

REP16-20 Amendment to the FY 2020 Annual Budget - Intra-Departmental Transfer of Funds.

Mayor Treece stated this report was provided for informational purposes.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Eugene Elkin, 3406 Range Line Street, commented that coronavirus had impacted the stock market along with people, and suggested they slow down on the airport because people would likely not be traveling. He thought the City needed to save its money. He explained people were not necessarily protected by masks as infection could occur through the eyes. He understood doors were being welded shut in China, and those that were sick were unable to exit their home. He commented that he believed education could help the immune system. He thought self-quarantining might be required here in future, and reiterated education by any means was important.

Barbara Jefferson, 305 N. Fifth Street, stated she felt many issues discussed tonight had not been addressed and understood they might be addressed later. She pointed out a lady earlier had asked where the elderly would live. She knew the Council had been discussing housing, but there were issues in terms of the elderly and those making less than the average \$18,000. She commented that she had neighbors that had been impacted by rent increasing from \$500 to \$700 and they ended up having to leave their residences, and she did not know where they ended up living. She stated it was a problem.

Ms. Jefferson asked about the 2013 sewer bond. Mr. Glascock replied he thought most of it had been for maintenance related projects and that there had been two projects involving the extension of sewers. Ms. Jefferson asked how much had been included for Ward 1. Mr. Glascock replied the funding had been for all wards. It had not been broken out by wards. Ms. Jefferson asked if all of the projects had been completed. Mr. Glascock replied it was still going on. Ms. Jefferson stated she wanted to know why it was not showing up in her ward. Mr. Glascock noted some work had been done in that ward. Ms. Jefferson commented that she did not believe there had been much as she had not noticed it. She pointed out Ward 1 had many sewer problems. Mr. Glascock stated he understood and a lot of money had been spent in Ward 1. Ms. Jefferson noted it was not getting to the problem if people still had sewer in their basements.

Ms. Jefferson commented that it was going on three years since she called regarding the replacement of a light bulb on her street.

Ms. Jefferson asked what the City was doing to get a handle on crime.

Mr. Ruffin acknowledged Eric Williams, a young man who had served as the President of the Ridgeway Neighborhood Association for two years. He noted Mr. Williams had passed away on February 22 at the age of 37. He pointed out Mr. Williams represented the best of what they celebrated when they spoke of having an involved citizenry. He had moved into the Ridgeway Neighborhood at the age of 18 by finding a room he could rent. He then became an electrician and plumber, and eventually purchased a home. Over several years, he had purchased several other properties that he had restored and maintained as rental properties. He had committed himself to working with the Ridgeway Neighborhood on all of its recent initiatives including the alley refurbishing project, and his final vision had been to establish a community garden orchard on the corner of Sexton Avenue and Garth Avenue. Although they mourned his passing, they also celebrated his commitment to the City. He noted he had wanted to mention Mr. Williams publicly, especially for those that might not have known of the work he had done for their community.

Mr. Ruffin commented that at the previous council meeting, Shaunda Hamilton had addressed the Council. He noted Ms. Hamilton had embraced and seized the tragic death of her daughter due to gun violence as an opportunity to ensure the community benefited by her experience in terms of addressing the necessity of reducing violence in the community and caring for the victims of crime, trauma, and gun violence. He pointed out she had established the Boone County Community Against Violence (BCCAV), which was a grassroots organization with a vision of being an advocate for victims and their families. He stated they had all been impacted by the violence that had erupted in the community in the past year, either directly or indirectly, and this organization had the vision to make Columbia a place where all residents felt safe and protected. He felt it was important for the Council to publicly endorse the initiative of the BCCAV as something they supported because many of the things they espoused to do were already possible through existing services, resources, and policies. He believed it was important for the Council to say they were committed to walking the journey with the BCCAV to reduce violence and care for those that had been impacted. He noted Ms. Hamilton had also requested the City agree to Crime Prevention through Environmental Design (CPTED), which had been adopted by Springfield, St. Louis, and Kansas City. He asked that the Council support the BCCAV through a resolution that indicated they appreciated and valued the work they were doing, and that they were committed to doing what they could to support it going forward.

Mayor Treece asked if there was any objection, and no one objected.

Mr. Ruffin stated he wanted to see the resolution before his term on Council ended if possible. Mr. Glascock noted it would be on the next agenda.

Mr. Thomas thanked Mr. Glascock for proposing a major amendment to the CATSO Long Range Transportation Plan. They had long range master plans for highways and trails, but they did not have one for transit. There was a status quo amount that was put toward it every year for the next 30 years. The proposal involved a 1-2 year process to develop a major amendment that would be adopted into the Long Range Transportation Plan and a task force of transportation advocates would oversee the process. He commented that there were several problems with the existing Long Range Transportation Plan. There were many laudable goals and objectives, but there had not been any connection with the Plan itself. There were performance measures listed without any mechanisms to measure them. He believed those two structural issues should be corrected. He noted he also thought the other long range plans the City, County, and MoDOT had should be studied in the process of developing the major amendment, as that would highlight how the long range transit plan Mr. Glascock had requested should look when it was done.

Mr. Thomas asked Mr. Glascock to work with the Police Chief in developing a public

response to the scheduled public comments tonight with regard to the community policing plan that had been presented in December and the concerns of the return on investment in terms of police stops. He noted that was something they needed to understand so they could develop a police stops procedure or policy strategy that made sense.

XII. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 10:58 p.m.